Served on the Court at 2:00 PM by hand Billy on 8/25/16

BILLIG LOUGHLIN & BAER, LLP

Attorneys at Law

461 Broadway
P.O. Box 1447
Monticello, NY 12701
845.794.3833 (t)
845.794.3827 (f)

412 Cedar Lane
2nd Fl. West
Teaneck, NJ 07666
201.804.0600 (t)
201.842.3606 (f)

Jacob R. Billig
Joseph P. Loughlin
Suzanne Rhulen Loughlin, Of Counsel

Michael D. Baer
Member of NY & NJ Bar

AUG 25 2016

August 25, 2016

Via Hand Delivery

Town of Fallsburg
Town Clerk
P.O. 2019
19 Railroad Plaza
South Fallsburg, New York 12779

Re: Verified Petition In the Matter of VODAS, LLC
Application of a Hardship Variance from Residential Moratorium Local Law #3-2016

Dear Mrs. Akerley:

In regard to the above matter, please find enclosed the applicants Verified Petition together with all exhibits. Please file same with the Town. I respectfully request that the public hearing be scheduled no earlier than the month of October as I have many commitments during the month of September and will be out of state.

Respectfully,

Jacob R. Billig

CC: VODAS LLC

TOWN BOARD
TOWN OF FALLSBURG
SULLIVAN COUNTY NEW YORK

In the Matter of VODAS, LLC

Application of a Hardship Variance from
Residential Moratorium
Local Law #3-2016

VERIFIED PETITION FOR RELIEF

The Petitioners, Vodas LLC (hereinafter Vodas or Davos) by its attorney's Billig, Loughlin and Baer, hereby submit this Petition for a hardship variance from the Town's Local Law #3-2016 entitled "Establishing a Moratorium on Residential Development Approvals" Adopted at a Regular Legislative Meeting of the Town of Fallsburg Town Board on June 27, 2016 (hereinafter referred to as Moratorium Law) and in furtherance thereof, respectfully alleges as follows:

1. The Petitioners are the current owners of the property known as Davos. For the balance of this Petition the applicant will be referred to as Davos. Davos has had a long storied history of building a successful second home community in the Town of Fallsburg. The specific parcel of the overall property that is subject to the within application, is located in the Town of Fallsburg as Tax map SBL 57-1-13.2, 57-1-13.6 and 57-1-13.23. The property is comprised of 1020 ± acres and over the years was developed for the residential, commercial and recreational uses. The Petitioner incorporates by reference the entire Town of Fallsburg file as part of this Petition, this includes, but is not limited to, the records contained by the Town Clerk, Town Building Department, the Town Planning Board, The Town Zoning Board of Appeals, the Town Board and the Town Engineer.

History of Davos

2. The Davos development started as a hotel in the mid-1960s. The Big Vanilla ski area developed and was a recreational draw for not only the Town and County residents, but the New York City Metropolitan region. In 1967, the Town approved a 49 lot subdivision called Davos Village. The Town subsequently passed the Davos PUD. The PUD is an extensive piece of legislation (Planned Unit Development District #4 Article XXII Section 310 22.1-17). Among other things the PUD creates several sections for residential development. Sections I and II contain the original 49 lot subdivision. Section III located adjacent to the ski area has 406 lots. Section IV has 263 lots. In all 708 lots were recorded. Additional subdivision parcels of several hundred lots were anticipated for future

development. During the 1970s of the 49 lots in Sections I and II 45 were improved. In Section III 31 of the 406 lots were improved.

3. The historical infrastructure improvements were as follows. Davos Road was extended to connect to the Glen Wild road. A 60,000-gallon water tank was built atop Davos Hill. The Town of Fallsburg assumed ownership and maintains responsibilities for the roads and the water system. Sewage service is provided by the Davos Sewer District which is a privately held transportation corporation and is expandable for the entire development. The ski area was serviced by an open sand filter wastewater treatment system. The Town of Fallsburg replaced the 60,000-gallon water storage tank with a 350,000 gallon- water storage tank and booster station. The PUD zoning allows up to 2,000 housing units.

4. In 1987, SBC, Inc., who owned the Davos project began construction of 121 townhomes in Section III. Previously, there were plans to develop a Resort complex which would consist of administrative offices, restaurant, health club, motel, ski lodge, and a HOA facility. As Part of that development phase of the Davos property a DEIS and FEIS were compiled by the Town.

<u>Current Development Proposal</u>

5. The current developers have sought to fulfill the development plans of the Davos property as initially envisioned. They appeared before the Planning Board and Town Board to move forward with plans to continue to develop the project. The conceptual proposal at that time was for:

   a. a 200 ± room hotel,
   b. 18-hole golf course,
   c. organic vegetable and herb greenhouses,
   d. four season recreational facilities which would include skiing, hiking and horse trails, training facilities;
   e. 600 proposed condominium units;
   f. development of 510 individual lots;
   g. renovated greenhouse;
   h. High technology/medical campus;
   i. upgraded water, sewer and road infrastructure.

   (Petitioner references herein the Town's Planning Board file)

6. As part of this most recent chapter of development of Davos, the Petitioner has undergone several years of review by the Town Planning Board and the Town Board which included compliance with SEQRA and a significant amount of public input. On September 12, 2013, the Town Fallsburg Planning Board adopted a *Second Conditional Amended Site Plan Approval Resolution – Phase I.* This resolution provided conditional approval for a "101 ± room hotel and a 99 condominium units in 7 buildings distributed around the hotel core area, which

included greenhouses as accessory uses, solar panels and amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey, tennis courts, and swimming pool." The Resort Project was proposed on 27 acres. Tax map SBL 57-1-13.21, 57-1-13.6 and 57-1-13.23 (hereinafter referred to as the "Resort Project").

7. The Planning Board completed SEQRA and Site Plan review. The Board reviewed the Applicant's EAF Part I, II and III, conducted several public hearings and made a determination on September 12, 2013 that the Project would not have a significant impact on the environment and adopted a Negative Declaration.

8. The Planning Board next conditionally approved the site plan after reviewing all the information that was before it, which included the historical file and more recently for the current Project the plans for Davos Resort U.S.A., VODAS LLC prepared by Golden and Moran Engineering consisting of 10 sheets dated revised September 11, 2013 as well as the comments and correspondence received from the Town Staff and consultants. A variety of conditions were placed on the approval and made part of the resolution.

9. A map of the approved Resort Project for the resort is attached hereto (Exhibit A)

10. As part of this application, the relevant portions of the Resort Project's administrative record which comprised the Planning Board review have been attached hereto. Additionally, the Petitioner incorporates by reference the Town's file which includes the Planning Board file, Building Department file and Town Board file for the history of the Davos Project. This complies with the requirements of the Local Law #3 section 4 (1) and (2). (Exhibit B)

11. There are no violations involving the Project and the Project has not submitted to any other permitting agencies at this time. This complies with Local Law #3 Section 4 (3) and (4).

12. The Petitioner seeks to obtain a waiver from the Town Board to allow Petitioner to apply to the Planning Board for an amendment to its site plan which will allow it to modify its current approvals as follows:

a. Modify the current approval to develop a hotel on the property with approximately 250 ± rooms. The theme of the hotel will be a high end health spa with medical treatment options for its guests. Renderings of the hotel are attached as Exhibit C.

b. Modify the 99 approved condo units to hotel resort suites to be used by guests who would elect to have longer term stays at the hotel.

c. Develop a traditional Chinese medicine campus integrated into the hotel and condo units which will promote eastern health and wellness practices as well as

incorporating eastern medical treatment while also integrating western health care. This will include eastern treatments such as acupuncture, herbal remedies, Qi Gong, and meditation.

d. Develop a convention and learning retreat center for individuals in the areas of medicine, arts, music and technology, and

e. Amend the site plan for parking and infrastructure as needed to support the 27-acre resort hotel wellness and health campus.

13. The Developer of the Davos property seeks to market the property to not only the Asian community in the Tri-State area but on a world wide scale. The developer has a marketing plan that will allow it to attract cliental from all over the world. It also believes that while its core marketing will be to the Asian community it will attract westerners interested in health and wellness and the arts. The proposal to develop the resort hotel campus will be integrated with the development of the approved and grandfathered subdivided lots of the Davos development.

14. As set forth below, the Developer will experience a financial hardship if it is not given a waiver to enlarge the hotel, modify the approved townhouse/condo units to hotel suites and develop the approved resort hotel campus to a health spa, health and wellness center.

Financial Hardship

15. The Petitioner will sustain a financial hardship from the Moratorium by not being able to develop the property and modify the site plan as outlined above. The Petitioner has performed a market study which demonstrates that additional capital investment in the property to develop the approved hotel with more rooms will lead to a greater return on investment and likelihood of success for not only the Project but the Town of Fallsburg. Portions of the Market study are annexed hereto as Exhibit D.

16. The Petitioner, including prior owner, have invested approximately 12 million dollars to date in the Davos property. It seeks with the proposed changes to the site plan to invest an additional 40 million dollars in the development of the resort hotel campus. Without being able to modify the site plan, Petitioner will sustain an economic hardship by not being able to develop the property and receive a return on the money invested to date.

17. The Petitioner has vested rights to develop 350 approved home sites in the Davos development. Its plan is to market these home sites to individuals who will also want the amenities that are connected with developing the resort hotel campus. The Petitioner will suffer an economic hardship by not being able to develop the resort hotel campus which will assist it in marketing and selling the home sites.

18. In 2014, the Montriegn Project was awarded a casino license in the Town of Thompson. This was part of an almost a 40-year sojourn by Sullivan County for casino gaming to rebuild the area's tourism business. The Montreign Adelar Project is a 1.4 billion capital investment which could have significant socio-economic benefit to the Town of Fallsburg.

19. The Petitioner sees a variety of synergies with the Montreign Adelar project in Thompson and if it cannot modify its site plan it will also experience an economic hardship. The Petitioner's development concept will position it to better match and integrate the Davis development with the Montreign Adelar development. This will better insure success to the Petitioner's development plans and result in a variety of socio-economic benefits to the Town of Fallsburg.

20. The ability of the Petitioner to modify its approved site plan will have significant economic benefits to the Town of Fallsburg. The Petitioner's proposal will enhance the ability of Fallsburg to participate in the economic development that will spring forth from the Montriegn Adelar complex. Fallsburg is well positioned for this and the Davos project can be at the forefront of development in the Town.

21. The Davos project has a variety of features which support the within application. The Town has supported the Davos project for several decades. The Town amended the Town's zoning code to pass a Planned Unit Development which created a customized zoning for the Davos property. The PUD supports the development of a resort on the Davos property with integrated amenities.

22. Additionally, the Davos development has gone through various stages of environmental review over the years. It has completed the SEQRA process by the Town Planning Board by preparing an environmental impact statement (EIS) which included extensive environmental review and public input.

23. Davos possesses many unique features which not only enhance its development but also allows the within application to be consistent with the Town's current approach as embodied in the Moratorium. The Town passed the within Moratorium in response to the increased residential development pressure in the area of the Town in and around New York State Routes 52 and 42, as well as the increased pressure on the Towns infrastructure including its roads, water and sewer.

24. The Davos development is unique in that it is located in an area of the Town that has not experienced the development pressures which lead the Town Board to take action. It is located off of the Glen Wild road, near the Village of Woodridge, which have experienced increased traffic but not to the volumes experienced by the other roadways in the Town.

25. With respect to impacts on water and sewer, Davos has its own sewer plant and the development of the Project with the proposed modification will not impact on the Town's sewer capacity. Additionally, the Petitioner/Developer will be upgrading the water capacity as needed as part of its development of the Project.

26. Most importantly, the within application, is for a modification of the current approvals to the resort hotel campus which are not significant and which will again be reviewed by the Town Planning Board. The Town Planning Board has a long history with the Project. The Petitioner is seeking an increase in the number of hotel rooms, but this will not result in a significant impact. The conversion of the Townhouses/Condominiums to hotel suites will also not result in a greater impact as the conversion does not alter the use of the property as it was approved.

WHERETOFORE, it is respectfully requested that the Town of Fallsburg grant the Petitioners relief from the stay of development provided for by the Town of Fallsburg residential zoning Moratorium Law and that this project be allowed to proceed through the approval process of the Town of Fallsburg Planning Board and any other Town Board which may require approval for this project, including the Architectural Review Board and the Building Department.

Dated: August 24, 2016
Monticello, New York

Billig Loughlin & Baer, LLP

_____

Jacob R. Billig, Esq.
Attorney for the Petitioner
P.O. Box 1447-461 Broadway
Monticello, New York 12701

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF SULLIVAN)

I, Bob Xiao Bo Zhang, being duly sworn depose and say that: I am a member shareholder of the LLC who is owner of the subject property in the within Petition, and an authorized representative of the sherholder, one of the Petitioners named above; I have read the foregoing Petition; and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

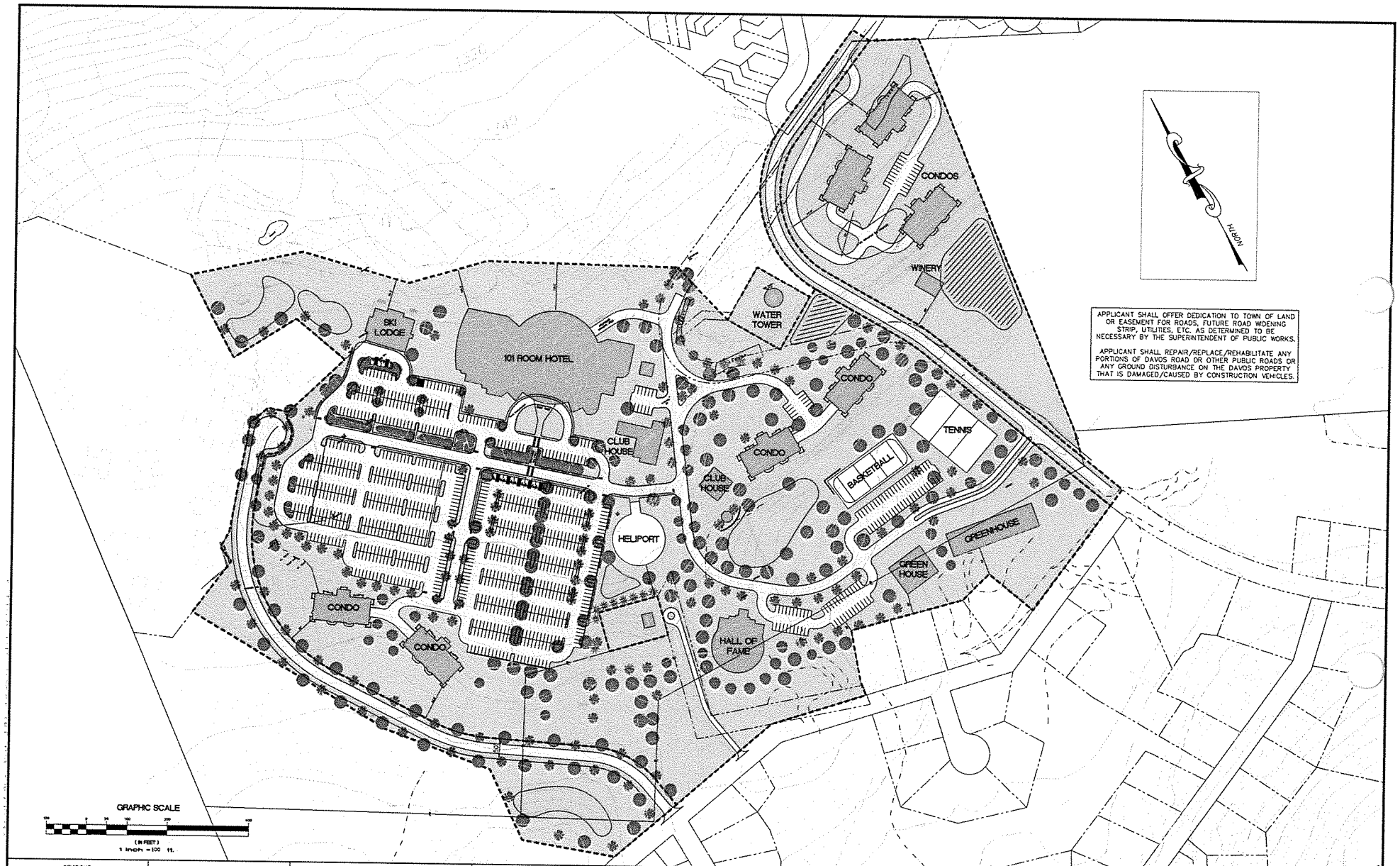
Byarch USA LLC
Bob Xiao Bo Zhange

VODAS, LLC
Bob Xiao Bo Zhange

Sworn to before me on this
25 Day of August, 2016

Notary Public

JACOB R. BILLIG
Attorney & Counsellor At Law
NYS - Sullivan County Clerk's #1937
Commission Expires 4.20.19



APPLICANT SHALL OFFER DEDICATION TO TOWN OF LAND OR EASEMENT FOR ROADS, FUTURE ROAD WIDENING STRIP, UTILITIES, ETC. AS DETERMINED TO BE NECESSARY BY THE SUPERINTENDENT OF PUBLIC WORKS.

APPLICANT SHALL REPAIR/REPLACE/REHABILITATE ANY PORTIONS OF DAVOS ROAD OR OTHER PUBLIC ROADS OR ANY GROUND DISTURBANCE ON THE DAVOS PROPERTY THAT IS DAMAGED/CAUSED BY CONSTRUCTION VEHICLES.

REVISIONS				REVISIONS			
				DATE	BY	CHECK	DESCRIPTION

PREPARED FOR:
THOMAS TING
ENTER EQUITY INC. & ASSOCIATES

PROJECT PLANNER:
ROBERT J. TESSIER, AICP, LEED AP
HERITAGE CONSULTING SERVICE

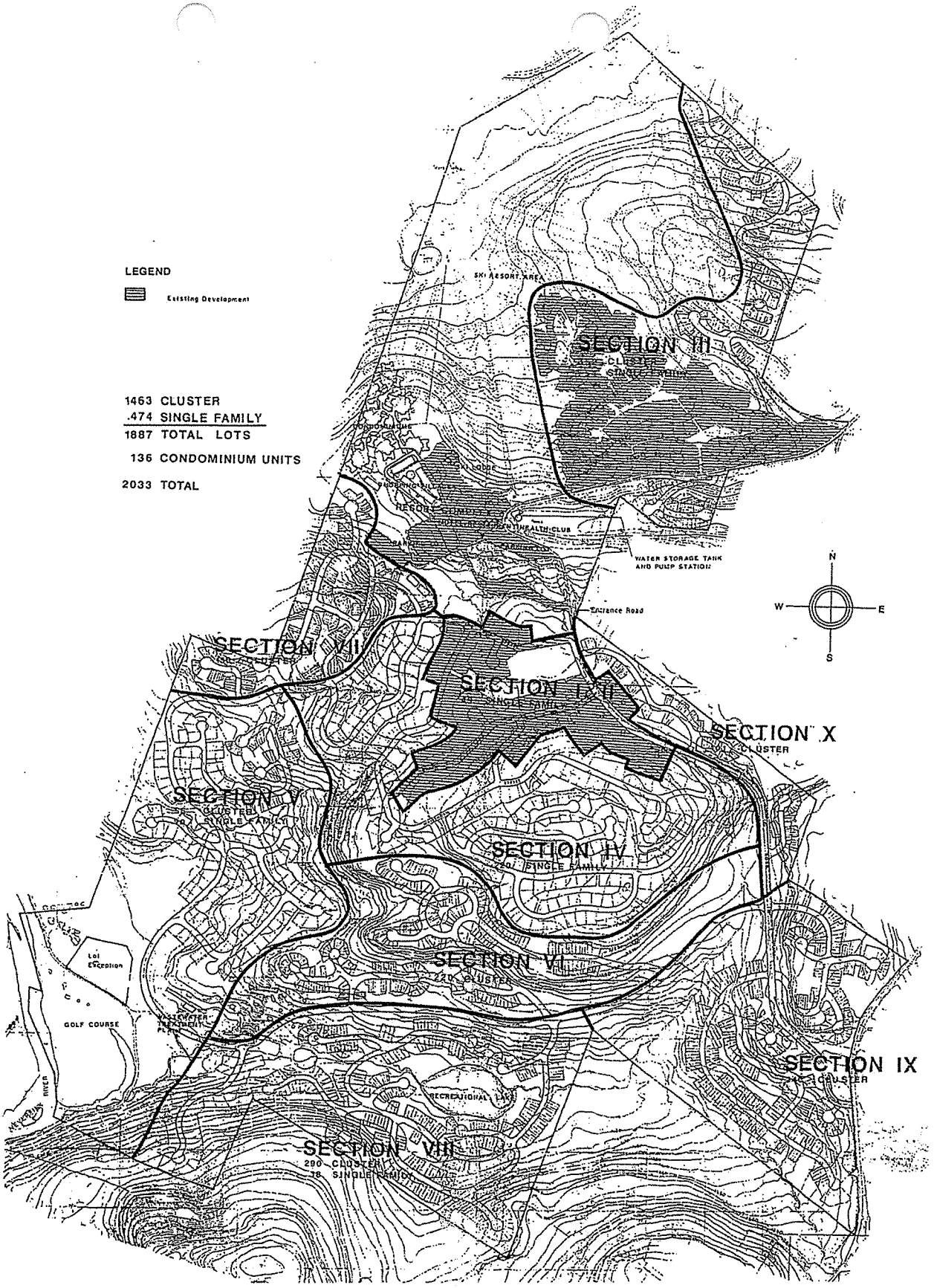
PROJECT ENGINEER:
GOLDEN & MORAN ENGINEERING, LLC
PLANNING AND DESIGN
21 MAIN STREET
NEWTON, NJ 07860
PH. (973) 300-0888
FX. (973) 300-0881

JOSEPH R. GOLDEN, P.E.
PROFESSIONAL ENGINEER, NY LICENSE No. 090776-1

OWNER:
VODAS, LLC
MISA CHANG, CEO

EXHIBIT
DAVOS RESORT U.S.A.
FA57-1-13.21
TOWN OF FALLSBURG
SULLIVAN COUNTY NEW YORK

SCALE: 1" = 100' DATE: 9/4/13 SHEET 1 OF 1



TOPOGRAPHIC SURVEY PREPARED BY ALVIN ADLER P.E.

MASTER PLAN

SBC ENTERPRISES
owner & developer

DAVOS THE WOODS

CDM
CAMP DRESSER & MCKEE

environmental engineers, scientists, planners, & management consultants

July 1986

cc Dave file

TOWN OF FALLSBURG SEQR
RECEIVED
OCT 20 1989
SUPERVISOR

617.21
Appendix I
State Environmental Quality Review
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act—SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the N.Y.S. Dept. of Environmental Conservation as ~~XXXXXX~~ involved agency, makes the following findings.

Name of Action: Davos Development-Phase 1; which is comprised of 606 existing and proposed residential units and the "Davos in the Woods" recreation area complex consisting of Motel, Restaurant, Ski Lodge, Sales office, Homeowner Recreational Building and Retail stores.

Description of Action: Construct the necessary expansions/modifications to sewage and water supply facilities to service the full Phase 1 development.

Location: (Include street address and the name of the municipality and county.)
Town of Fallsburg, Sullivan County, east side of Avon Lodge Rd., south of Village of Woodridge.

Agency Jurisdiction(s): Article 17 - State Pollutant Discharge Elimination System
Article 15 - Water Supply
Article 15 - Stream Disturbance
Article 24 - Freshwater Wetlands

Date Final EIS Filed: August 15, 1988

COPY

Facts and Conclusions in the EIS Relied Upon to Support the Decision:
(Attach additional sheets, as necessary)

1) The Town of Fallsburg has demonstrated that adequate water supply can be developed to serve the same level of development (Phase 1) as is represented by the discharge of 250,000 gallons per day of treated sewage effluent.

2) The waste assimilative capacity analysis study of the Neversink River indicates the discharge will not degrade the water quality standards of the receiving waters.

3) Disturbances to FW WO-12 and tributary 44 will be temporary in nature and fully restored upon completion of the water line crossing.

4) Proper environmental controls are incorporated into the project plans to minimize impacts of disturbance activities.

5) No significant archaeological finds will be impacted by this phase of development.

Robert Geneslaw Co.

PLANNING AND DEVELOPMENT CONSULTANTS

Robert Geneslaw, AICP

555 White Plains Road
Tarrytown, New York 10591
914-631-9003

RG

MEMORANDUM

TO: Fallsburg Planning Board

FROM: Robert Geneslaw

SUBJECT: Davos Development:
FEIS; Draft Findings Statement

DATE: September 7, 1988

On the basis of the discussion at the August meeting, we have prepared a draft findings statement for review by the Planning Board. Please note that this draft was prepared prior to the end of the 10 day period, and additional responses may have been made. Please also note that Board members may have additional comments. The Board must adopt a Findings Statement before granting final site or subdivision plan approval to any part of the Davos Development.

RG

cc: Rich Kerbel
Steve Proyect
Alan Frishman
Robert Gaiman

DRAFT

WHEREAS, SBC Enterprises (the applicant) wishes to further develop the Davos property, and

WHEREAS, the additional development is proposed to include 1100-1300 housing units, a condominium hotel of 120-180 units, about 36,000 square feet of retail space, a wastewater treatment plant, a 350,000 gallon water standpipe, and associated improvements, and

WHEREAS, the size of the potential impact is such that a Draft Environmental Impact Statement (DEIS) was required, and,

WHEREAS, a DEIS was submitted by the applicant on , and transmitted to various agencies, and

WHEREAS, a public hearing was held on the DEIS on , and

WHEREAS, a Final EIS was prepared and circulated to various agencies, and

WHEREAS, a series of issues were raised concerning potential environmental impacts and are included in the environmental record, and

WHEREAS, a series of mitigating factors can be adopted that will reduce potential environmental impacts,

NOW, therefore, the Planning Board of the Town of Fallsburg finds that the following mitigating factors will reduce potential

environmental impacts;

1. that the provisions of the letter from Town Supervisor Darryl Kaplan, to Robert Berman dated August 10, 1988 be met;

2. that a permit is obtained from the Delaware River Basin Commission; + SPDES permit from NYSDEC + any other applicable permits,

3. that a traffic analysis will be made by SBC upon the issuance of C.O.'s at 300 unit intervals and that traffic control devices and/or improvements shall be undertaken by SBC for traffic generated or induced by Davos Development;

4. that SBC will repair damage to Town roads caused by deliveries of materials and equipment to Davos;

5. that elements of the overall plan that are conceptual in nature will be submitted for the appropriate level of environmental review, in particular, but not limited to, the proposed golf course;

6. that appropriate measures will be taken to protect the Davos Road Homestead, and that the proposed measures will be subject to review by the Planning Board;

7. that an analysis will be made of the number of attending public school children living at Davos upon the issuance of C.O.'s at 300 unit intervals. Should enrollment exceed that figure projected in the FEIS by more than 20% at the time of any such analysis, the applicant will provide an impact fee in an amount to be agreed upon, and the Planning Board of the Town of Fallsburg finds that, consistent with

8. Drainage plan in DEIS2 - to be implemented + updated as project proceeds

social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating the mitigating measures identified above.

Application Number 3-4824-118 & 3-4824-123

of Action Davos Development - Phase 1

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

New York State Department of Environmental Conservation
Name of Agency

David J. Reid
Signature of Responsible Official

David J. Reid
Name of Responsible Official

Sr. Environmental Analyst
Title of Responsible Official

September 26, 1989
Date

21 South Putt Corners Road, New Paltz N.Y. 12561
Address of Agency

OR

CERTIFICATION OF FINDINGS TO DENY

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have not been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action denied is one which fails to adequately minimize or avoid adverse environmental effects to the maximum extent practicable; and/or
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process cannot be adequately minimized or avoided by the mitigation measures identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will not adequately achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Name of Agency

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

Date

Address of Agency

Mollie DAVOS

From: rgeneslaw <rgeneslaw@aol.com>
Sent: Friday, January 13, 2012 2:24 PM
To: mmessenger@fallsburgny.com; Denise Monforte; will illing
Subject: Re: Davos
Attachments: Davos 1989 Findings Statements and memos0001.pdf

Mollie, Will and Denise, Attached are three documents referenced in our recent report.
- RGC memo and draft Findings Statement based on the August 1989 PB Meeting for the entire Davos in the Woods proposal. We have not found the adopted version. Given the date of the memo and draft date, a good place to look would be if you have the Sept 1989 PB Minutes to see if it was adopted and if there were any addl public comments as referenced in our memo
-NYS DEC Findings Statement, without the two attachments(the PUD No. 4 zoning requirements and the property boundary description). Will has this item in his file.
-Copy of a letter from former Supervisor Darryl Kaplan to Robert Berman, executed by both. We should consider whether these items are still relevant.

Bob

Robert Geneslaw Co.
Planning and Development Consultants

Robert Geneslaw, AICP
368 New Hempstead Rd #320
New City, NY 10956
Office (845) 368-1785
Fax (845) 368-1787
RGeneslaw@aol.com
The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is privileged. If you are not the intended recipient, you are hereby notified that
any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or Robert Geneslaw Co.(Tel: 845 368-1785)
Email: RGeneslaw@aol.com) immediately and delete this message, along with any attachments, from your computer. Thank you.

In a message dated 01/13/12 12:40:03 Eastern Standard Time, mmessenger@fallsburgny.com writes:

> Good afternoon Bob,
> I was down in the clerks office today looking for resolutions or documents that would help with Davos. I also checked to see if the Supervisor back then was given a copy of the final FEIS. I have unfortunatly come up empty handed. I did see in the 1973 town board minutes that Al Adler was going to submit the davos project to the Planning Board. Has anyone contacted Mr. Adler to see if he has the final FEIS?
> I will ask Denise to look in our records again to see what she can find while I am away next week.
> Please can you let Denise know what exactly we are looking for. Hopefully she will get lucky.
> Have a good weekend let me know what else you need.
> Thank you
> Mollie
> Sent from my Verizon Wireless BlackBerry

Mollie

From: Will Illing <willing@fallsburgny.com>
Sent: Friday, January 27, 2012 3:16 PM
To: rgeneslaw@tgiplanning.com
Cc: Mollie Messenger
Subject: DAVOS

Hi Bob

Please take a look at this e-mail from Mr. Golden, he is working on the Davos site plan for the Chen group. We should respond to him to help clear up our understanding, also that the Planning Board has final say on this, although they will look to you for best direction, but no guarantees. I'll call you.

Will

----- Original Message -----
From: Joe Golden
To: 'Peggy Torres'
Cc: willing@fallsburgny.com ; Bob Tessier
Sent: Wednesday, January 25, 2012 2:29 PM
Subject: RE: DAVOS

Thanks Will (Peggy) for your prompt response.

I reviewed Mr. Geneslaw's report and respectfully request verification of my understanding;

1. The area of the proposed hotel and greenhouses ("Concept") was previously approved (partially constructed). The application to the PB is actually an amended site plan.
2. The current Concept is a portion of the original Phase I development. Since a portion of the site is constructed (and approved), no SEQR approval is required. Later Phases may require additional reports or approvals. The hotel and greenhouses are proposed in previously disturbed areas, therefore a full EIS is not necessary. A site specific EIS may be requested for areas not previously disturbed (if any).
3. I observed existing access roads, lighting for un-paved parking areas, tennis courts, pool, ski lodge, (formally hotel), ski lifts, etc. Mr. Geneslaw states existing stormwater features, swales, culverts, etc. require "remedial maintenance". The amended site plan should consider existing features in addition to water quantity and quality for additional impervious areas.
4. Revised parking layout will include current parking standards, islands and landscaping.
5. The current Concept will not include any detailed golf design.
6. The current Concept falls well within the limits previously established (approved) for the Davos Planned Unit Development District.

Based on the above-referenced assumptions, I intend to prepare an amended site plan based on the Concept in hand. The revised plan will consider current design standards and some additional stormwater features. That plan will be presented for conceptual approval.

Please review this memo and advise if we are approaching this application properly. Any recommendations, or comments are appreciated.

Sincerely,
Joe Golden, PE, PP
Golden & Moran Eng.
(973) 300-0888 Office
(973) 300-0881 Fax
(973) 714-2131 Cell

From: Peggy Torres [mailto:ptorres@fallsburgny.com]
Sent: Wednesday, January 25, 2012 8:56 AM
To: jgolden@earthlink.net
Cc: willing@fallsburgny.com
Subject: DAVOS

Attached you will find a draft Narrative prepared by Robert Geneslaw.

Mollie

From: rgeneslaw <rgeneslaw@aol.com>
Sent: Friday, January 27, 2012 5:15 PM
To: will illing; mmessenger@fallsburgny.com
Subject: DAVOS - Response to Mr. Golden

Attached are my responses to Mr. Goldens comments (which are numbered 1-6 as in his E-Mail). Pls review, call if you would like to discuss. Feel free to provide to Mr. Golden. Thanks. Bob

1. The area of the proposed hotel and greenhouses ("Concept") was previously approved (partially constructed). The application to the PB is actually an amended site plan.

RG Response: Agreed. If there are substantial (to be determined) changes in area of disturbance, mix of uses, intensity of development (number of hotel rooms, amenities, parking, etc) some level of environmental review may be appropriate to reflect changes.

2. The current Concept is a portion of the original Phase I development. Since a portion of the site is constructed (and approved), no SEQR approval is required. Later Phases may require additional reports or approvals. The hotel and greenhouses are proposed in previously disturbed areas, therefore a full EIS is not necessary. A site specific EIS may be requested for areas not previously disturbed (if any).

RG Response: Same general approach as No 1 above. As an Expanded EAF Part 3 may be sufficient

3. I observed existing access roads, lighting for un-paved parking areas, tennis courts, pool, ski lodge, (formally hotel), ski lifts, etc. Mr. Geneslaw states existing stormwater features, swales, culverts, etc. require "remedial maintenance". The amended site plan should consider existing features in addition to water quantity and quality for additional impervious areas.

RG Response: Agreed

4. Revised parking layout will include current parking standards, islands and landscaping.

RG Response : OK

5. The current Concept will not include any detailed golf design.

RG Response: OK - Prior to or as part of detailed golf course design there should be a general or specific environmental review, which would also include water features or ponds, future development areas, etc. Then as each area design comes on line, if more detailed environmental review is necessary it can be done at that time.

6. The current Concept falls well within the limits previously established (approved) for the Davos Planned Unit Development District.

RG Response: In general, I agree, but some features are moving around the site. To the extent these have environmental implications they will need to be evaluated.

I think an amended site plan for the resort portions is a good start. It would be helpful if the package included a copy of the existing approved plan, or an as built including items started and not finished or removed since the original site plan approval, accompanied by a narrative. This would help all parties focus on the changes to the original site plan.

Thinking about the larger picture, the process needs to avoid a claim of segmentation re: SEQR and I think that having a graphic and written record of each phase will help. We will also have to think about the elements to be included in the environmental review - stormwater (particularly with changes in DEC requirements), traffic, fiscal, infrastructure, etc.

Also, the report I prepared is based largely on information found in my file. As the process proceeds I am sure additional information will become available.

Finally, the Planning Board will be brought into the process and will ultimately decide how to proceed, but I'm reasonably optimistic the Board will generally concur with our approach. Bob

Robert Geneslaw Co.

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Robert Geneslaw Co.

PLANNING AND DEVELOPMENT CONSULTANTS

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MEMORANDUM

TO: MOLLIE MESSENGER, CODE ENFORCEMENT OFFICER
TOWN OF FALLSBURG

FROM: ROBERT GENESLAW, AICP

SUBJECT: DAVOS REVITALIZATION – HOTEL BUILDING HEIGHT

DATE: FEBRUARY 6, 2012

In response to your questions re: hotel building height:

A. Section 310-2.2 Definitions

"HOTEL", "HOTEL, RESORT" and "DWELLING, MULTIFAIMILY"

From the information provided to date, HOTEL seems to be the appropriate category.

B. Uses Permitted – from Davos PUD – Section 310-22.4 allows among other uses, multifamily dwellings, hotels and motels.

C. Height Requirement – From Davos PUD

i. For multi-family dwellings (310-22.7 "shall not exceed 12 stories in height above final grade".

ii. For hotels, there is no specific dimension of height limitation, it appears that height would be related to side and rear yards.

(310-22.9) has three relevant requirements:

"(1) Area and coverage. No hotel, motel or recreation building or structure shall cover more than 25% of the land area upon which it is constructed." Since the various facilities may be separately financed it is likely to require

Based on the review of documents to date it appears that all the conditions enumerated in the two Findings Statement remain in force, except to the extent that subsequent plan changes and development may require modification, which would be under the purview of the Fallsburg Planning Board.

Earlier in this report there was reference to the status of projects that were approved prior to the effective date of SEQR, or, to put it in the vernacular, were "grandfathered": In SEQR language this refers to the "development of individual lots in a subdivision where all approvals had been obtained before SEQR was enacted". This provision would seemingly apply to site plan approval as well. Based on this language, individual lots in the earlier approved sections would not need an environmental review.

The SEQR Handbook, published by the NYSDEC provides the following guidance: "If an action was undertaken, funded or approved, or if substantial time, effort or money was expended prior to SEQR effective date, it may be a Type II."; that is, exempt from SEQR review

But, the Handbook also indicates that:

"A grandfathered action may be ungrandfathered, if it is still practicable either to modify the action to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative." The DEC Commissioner may require preparation of an EIS on his or her own, or at a request of any person."

One other aspect of SEQR that must be kept in mind is the concept of "segmentation", which is defined in the SEQR regulations as "the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance."

Court decisions regarding segmentation have interpreted segmentation fairly broadly, and if a court holds that segmentation applies in a particular situation a project sponsor could be required to repeat the environmental review.

<u>Planning Board approvals</u>

The Planning Board granted site plan approvals for various elements of the original plan, some of which may have been

IX. NEXT STEPS

On the basis of the review to date, and subject to revision as additional file information is reviewed, the following is suggested.

- For the portions of the site that have received approvals and dwellings have been built, owners of individual lots may continue to make improvements to their property and homes, or construct additions or new dwellings subject only to building permits and any other existing requirements. This would include Sections I, II, and the developed portion of Section III.
- For the Resort Complex, a new or revised overall site plan can be prepared for review by the Fallsburg Planning Board. An environmental review would only be necessary to examine any increase in impacts based on the changes between the approved (and partially constructed) original site plan and the current proposal as it evolves.
- The review of Building Department, Department of Public Works and Town Clerk file should be completed to determine whether there is additional relevant information. This would help establish whether site plan review was completed by the Planning Board for some of the residential sections.
- An informal presentation should be made by the project sponsor to the Fallsburg Town Board and Planning Board to begin to acquaint them with the proposal and to assist in identifying open issues. At the meeting with the Planning Board the discussion should also include the way in which the environmental review will be carried out, in particular whether the Planning Board or Town Board (should there be a need for a zoning amendment),.be lead agency.
- The project sponsor should begin preparing a draft scoping document for a Supplemental Draft Environmental Impact Statement (SDEIS). The scoping document will outline the subjects to be included in the SDEIS and the extent to which each subject will be examined. A supplemental EIS is appropriate when changes are proposed for the project or there is a change in circumstances related to the project (in this case the passage of 20+/- years and modifications to the prior plan)
- Staff meetings as necessary to establish the parameters of the environmental review.

- Phase 3 – 755 residential units to complete development of 600 unplanned acres

Regulatory Requirements and Permits

- Have obtained site plan approval for resort complex and subdivsion approval for Sections I, II, III, IV. Building permits obtained for "1988" phase of resort completed and Section III. Balance will require permits and approval (p. 1-16)
  - NYSDEC – SPDES and Stream Disturbance
  - Delaware River Basin Commission (DRBC)
  - NYSDOH – Sewage and Septic Permits
    Restaurant License
- Town – SEQR; Subdivision Sections I-IV; Building Permits as required

A summary of the proposal by section prepared for the 1988 DEIS is shown below:

DAVOS RESIDENTIAL DEVELOPMENT

			Dwelling Units		Coverage* (acres)		
	Acreage	Lots	1987	2000	1987	2000	Percent of Section
Sec. I & II	50	49	45	49	7	7.1	14
Sec. III	100	406	31	406	2.5**	22	22
Sec. IV	100	263	0	263	0	20	20
Unplanned Acreage	600	1200	0	1200	0	124	10

*Total ground surface area covered by buildings, roads, driveways, and other pavement.
**Does not include roads and 121 townhouse units under construction in 1987.

IV. STATUS OF APPROVALS

The following information is based on the DEIS, FEIS and Findings Statements, the consultant files and items identified in the "References" section at the end of this report. It is expected that as Town files and other agency sources are reviewed that additional information will be found which supplement and update the information in this section.

At this point, certain assumptions are made:

additional information which will be incorporated in the overall review process.

III. BACKGROUND AND HISTORY

The following is a summary of activities, more fully described in the environmental documents prepared in 1988 and 1989. At that time an application was made to NYSDEC for construction of a sewage treatment plant to serve additional proposed development. DEC required the preparation of an Environmental Impact Statement (DEIS, FEIS and Findings Statement) to evaluate the potential adverse impacts from the additional development that would be possible if the sewage treatment plant was built. See Attachment "Master Plan, Davos in the Woods", July, 1988, prepared by Camp Dresser and McKee for SBC Enterprises, for location of various sections of the project at that time.

The following summarizes the DEIS narrative related to an area of 1,020 acres:

- Until mid 1960's – summer hotel
- Then Big Vanilla ski area – hotel converted to ski lodge
- 1967 approvals for a 49 lot subdivision – Davos Village
- Early 1970's, ODI built new ski trails & motel and restaurant in the former hotel. PUD established.
- Mid 1970's, w/ Davos PUD, approval for subdivision combining townhouses and single family detached lots.
- By 1975, four subdivision parcels had been recorded with the Town of Fallsburg – Sections I, II, III, IV. Original 49 lot subdivision is I and II. Section III, located adjacent to ski area, has 406 lots. Section IV was laid out adjacent to the original Davos Village (Sections I, II, & has 263 lots)
- In all, 718 house lots were recorded. Additional subdivision parcels of several hundred lots were anticipated in the future.
- 49 lots in Sec. I and II sold individually, 45 improved over the several year period by first two owners. In Sec. III, 31 of 406 lots sold by developer and improved by individual purchases in the 1970's.
- Davos Rd. extended and connected to Glen Wild Rd.
- 60,000 gallon water tank built at top of Davos Hill, water pumped from wells at the foot of the hil.
- Town of Fallsburg assumed ownership and maintains responsibilities for streets (including Davos Rd) and water supply. System. (To be verified.)
- Sewage service by proposed Davos Sewer District connected to Woodridge sewage treatment plant. System partially completed in

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(SEQR, PB, DEC, HEALTH, DRBC, TB)

V. STATUS OF INFRASTRUCTURE..... Page 8

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XI. ATTACHMENTS

- MASTER PLAN MAP - 1988
- NYS DEC FINDINGS STATEMENT
- ROBERT GENESLAW CO. MEMO AND DRAFT TOWN OF FALLSBURG FINDINGS STATEMENT
- FALLSBURG AGREEMENT BETWEEN SUPERVISOR KAPLAN AND SBC ENTERPRISES (R. BERMAN)

We hope the above will assist you as you further develop the plans. It was the Developers intent to have the revised plans delivered to our office for review the week of May 28th. If we can be of any further assistance to help you meet this date, please contact us.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Keystone Associates, LLC

Kenneth D. Ellsworth

Kenneth D. Ellsworth, P.E.
Managing Member

KDE:mlw

CC: Will Illing
Mollie Messenger
Bob Geneslaw
Julie Chen

a future time. That time would appear to be now, although it is more than twenty years later.

The SEQR process concludes with the adoption by the lead agency of a Findings Statement, which is defined in the SEQR regulations a "a written statement prepared by each involved agency...that considers the relevant environmental impacts presented in an EIS, weighs and balances them with social, economic and other essential considerations, provides a rationale for the agency's decision and certifies that the SEQR requirements have been met."

The 1988 environmental review process file has two Findings Statements. One, prepared by NYSDEC and dated September 26, 1989 describes the DEC approval action as "Construct the necessary expansions / modifications to sewage and water supply facilities to service the full Phase I development", which was described as comprising 606 existing and proposed residential units and the "Davos in the Woods" recreation area complex consisting of Motel, Restaurant, Ski Lodge, Sales office, Homeowners Recreational Building and Retail Stores." This would be the limit of development as understood by NYSDEC at that time. See Attachment.

The second was prepared by this office as a draft dated September 7, 1988 for review, potential modification, and adoption by the Fallsburg Planning Board. The FEIS was adopted by the Planning Board September 8, 1988 subject to a 30 day comment period. The conditions included receipt of all permits, traffic studies at 300 unit intervals, provision of traffic control devices and/or improvements, repair of any damage to Town roads by development activities, that elements of the plan that are conceptual in nature receive environmental review, that the Davos Road homestead be protected, that if school enrollment figures exceeded projections by more than 20% at intervals of 300 unit certificates of occupancy a per child impact fee would be paid, that the drainage plan in the DEIS would be implemented and updated as the project progresses, and that the provisions of a letter from Town Supervisor Darryl Kaplan to Robert Berman of SBC Enterprises of August 10, 1988 be met. The letter refers to the responsibility for and financing of various matters relating to water supply and sewage disposal, with specific conditions agreed to by both parties. See Attachment

The current conceptual plan includes the following elements:

1. 200+/- room hotel – Phase One – Davos Resort USA
2. 18 hole championship golf course Phase One
3. Organic vegetable and herb greenhouses
4. 4 Season Recreation Area; skiing, 23 hiking/horse trails, stable and indoor riding arena (Phase One and Two)
5. 600 proposed condominium units and water tower (Phase Two & Three)
6. 12 story – 700 unit condominium residential, with basement, first and second floor commercial (Phase Two or Three)
7. 510 Individually owned properties, many of which are developed – existing.
8. Winery with wine tasting room and boutique
9. Wind farm power center
10. Solar energy production area
11. Renovated (green) club house
12. Proposed lake or water features
13. Additional water supply facilities
14. Additional sewage treatment facilities
15. Potential high tech campus

It is important to note that the plan described above is conceptual and that modifications will be made – and that some of the elements are in the original 1988 plan.

VII. APPROACH TO MOVING FORWARD

The project sponsors for the current conceptual plan seek to establish a path for review and the approval of the proposed conceptual plan, with any modification that may be made along the way. Based on the information reviewed to date, at least the following approvals/permits will be necessary:

- SEQR, by the Fallsburg Planning Board.
- Possible zoning code amendments by the Fallsburg Town Board, after referral to the Fallsburg Planning Board and the Sullivan County Department of Planning and Environmental Management (GML Section 239 review). See below for further discussion.
- Site plan amendments for any features already approved for which changes are proposed (general locations, building footprint, mix of uses, parking, landscaping, etc. (by the Fallsburg Planning Board).

economic conditions, etc.. One such proposed amendment was requested in mid 1990 to the area identified as Davos Pointe II condominiums. The proposal was to relocate 260 dwelling units from Section VIII where there had been no physical disturbance to an area north of the resort complex which had already been disturbed as part of the construction of the resort complex, and to increase the size of the proposed lake in Section VIII from 6.5 acres to 40 acres. The proposal was reviewed by the Planning Board, but our files do not indicate whether the proposal was acted upon.

V. STATUS OF INFRASTRUCTURE (NOTE: Will – to review in detail)

The infrastructure elements of the Davos property include roads, water supply, sewer, and stormwater management facilities. Over the course of the development period starting in the mid 1960's various improvements, advances, changes in responsibility have occurred. The purpose of this section is to note those factors in outline form to serve as a basis for determining steps needed to advance the concept plan.

Roads

According to the 1988 DEIS, the Town of Fallsburg assumed ownership and maintenance responsibility for the roads, (It is not clear from the documents reviewed to date whether this includes all roads, cul du sacs, lanes, etc. or only the major access and circulation roads, particularly since some of the internal roads exceed the Town maximum grades. The responsibility for maintaining these roads is a significant responsibility and should be clarified. Such records as Town Board resolutions, Highway Superintendent sign off on dedication, Town road maintenance records, snowplowing practices should shed some light on this issue. It is also likely that construction and dimensional standards for roads have changed since the original construction of the internal roads, and any changes may need to be harmonized.

Water Supply

The first large scale effort at providing potable water was the construction of a 60,000 gallon water storage tank built at the top of Davos Hill supplied by water from wells at the bottom of the hill, apparently prior to 1988, undertaken by the then developer. In about 19__the Town replaced the existing 60,000 gallon storage tank with a 350,000 gallon tank and booster station , and began investigating the need for additional wells. It appears that the town water supply will be adequate to serve the approved housing units and a portion of the resort complex, with 100,000 gallons per day approved for Davos.

We hope the above will assist you as you further develop the plans. It was the Developers intent to have the revised plans delivered to our office for review the week of May 28th. If we can be of any further assistance to help you meet this date, please contact us.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Keystone Associates, LLC

Kenneth D. Ellsworth

Kenneth D. Ellsworth, P.E.
Managing Member

KDE:mlw

CC: Will Illing
Mollie Messenger
Bob Geneslaw
Julie Chen

Robert Geneslaw Co.

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MEMORANDUM

TO: WILL ILLING, P.E., TOWN ENGINEER
MOLLIE MESSENGER, CODE ENFORCEMENT OFFICER
TOWN OF FALLSBURG

FROM: ROBERT GENESLAW, AICP

SUBJECT: VODAS, LLC - DAVOS DEVELOPMENT PROPOSAL – NEXT STEPS

DATE: MAY 28, 2012

Following is an abbreviated list of early items to be covered for Phase 1 (see our April 17, 2012 memo to the Planning Board for more details, copy attached for your convenience).

1. Applicant provides application, plan set, Full EAF Part 1 for staff and then PB review. It should include a tracking document that describes the approval and development status for the original Phase 1.
2. Planning Board indicates its intent to be Lead Agency, authorizes circulation of Notice of Intent (NOI) to be Lead Agency, and tentatively classifies action as Type 1 or Unlisted, depending on degree of change in elements and intensity of use from previously approved site plan
3. Planning Board will most likely be lead agency, but before that decision can be made, all other permit agencies must be identified and they must be given an opportunity to request lead agency status. You have indicated that no non-Town agency permits are needed for sewer or water systems or treatment facilities. What about DEC for SWPPP, wetlands disturbance, or other approval; USACOE for wetlands, etc. Since the primary access is from Glen Wild Road, a county road, consideration should be given to send County DPW a copy of NOI.
4. A public hearing on the proposed amended site plan may be scheduled for the next available meeting.
5. The Board generally prefers not to review and adopt the EAF Part 2 until after the public hearing so that any public comment can be considered as part of the environmental review.

If you have any questions on any of the aforementioned issues I will be available by telephone prior to my 9:30am meeting on Tuesday, May 29th. I will call you after my morning meeting ends.

Robert Geneslaw Co.

PLANNING AND DEVELOPMENT CONSULTANTS

Robert Geneslaw, AICP

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MEMORANDUM

TO: PLANNING BOARD
TOWN OF FALLSBURG

FROM: ROBERT GENESLAW, AICP

SUBJECT: VODAS, LLC - DAVOS AMENDED SITE PLAN REVIEW

DATE: JUNE 11, 2012

C: WILL ILLING, P.E., TOWN ENGINEER
MOLLIE MESSENGER, CODE ENFORCEMENT OFFICER
RON HIATT, ESQ., PLANNING BOARD ATTORNEY
KEN ELLSWORTH, P.E., TOWN CONSULTING ENGINEER
DAVOS PROJECT SPONSORS – C/O JAY ZEIGER, ESQ.

A staff meeting was held on June 7, 2012 to review the materials submitted for the June 14, 2012 Planning Board meeting and to identify any open items. Because of the unique history of the Davos project a number of issues that would normally be routine need additional evaluation. Following is a list of those items:

A. GML 239 review – as relating to Davos

Where a proposed project, in this case the amended site plan, is within 500 feet of a county highway (Glen Wild Road) the site plan must be referred to the Sullivan County Department of Planning and Environmental Management (SCDPEM) for a review to consider any inter-community or county-wide considerations. The application before the Planning Board is for amended site plan approval for Phase 1 of the Davos proposal, an area of 27 acres within a total property of 701 acres. Phase I is not within 500 feet of Glen Wild Road, but the contiguous acreage of the total property extends to Glen Wild Road, and the primary access point to the project, which already exists, is the intersection of Davos Road with Glen Wild Road. GML 239 does not specify a particular method of measurement for the 500 foot requirement, possibly because of the wide variety of potential circumstances, so as long as the Board's determination is not arbitrary or unreasonable, and has a rational basis, it would likely be upheld if challenged. It is noted that the Draft Environmental Impact Statement

(DEIS) for the balance of the property will be referred to the SCDPEM. The Board may decide whether or not to refer the amended site plan application to the SCDPEM, or the applicant may decide to request the referral. If the application is subject to GML 239 review, the Planning Board may not act on the application until the 30 day review period has run, or the SCDPEM has responded.

B. Public Hearing

The NYS Town Law Sec. 274-a authorizes towns to review and act on site plans, allows towns to determine whether public hearings are to be required, and when a public hearing is required prescribes minimum notice and review requirements. The Fallsburg Zoning Code, Sec. 310-7.3.G provides that "The Planning Bard may conduct a public hearing on the site plan if considered desirable by a majority of its members", and also that if a public hearing is to be held, "It shall be the responsibility of the applicant to notify neighbors within 300 feet of their property by certified mail at least five days before the public hearing." If the Board decides to hold a public hearing it will have to decide whether the 300 foot requirement applies to Phase 1 or the entire property, both with respect to the outside property perimeter and several internal islands of already developed condominiums within the Davos site. The Board should also consider that the original plan contemplated commercial development of the Phase 1 area in a generally similar way as now proposed, that property purchasers were aware of that feature, and that the proposal before the Board is for an amended site plan. The Board should also consider that the original site plan approval dates back to 1988-1990 and properties surrounding the proposed site may have changed ownership during that time, so owners may not be aware of the prior approved site plan.

C. State Environmental Quality Review (SEQR)

The Planning Board, at a recent meeting, determined that a Full Environmental Assessment Form (EAF) should be completed by the applicant to meet SEQR requirements and to assist the Board in analyzing environmental impacts. The EAF Part 1 distributed to the Board for preparation for the June 14th meeting is incomplete and should not be relied upon by the Board members. At the June 7th staff meeting a detailed review of the EAF Part 1 was undertaken and direction was provided to applicant representatives to revise the form. A revised EAF Part 1 is being prepared by the applicant representatives and is to be transmitted to the Board and staff members prior to the June 14th PB meeting. The EAF Part 2 prepared by applicant representatives is incorrectly completed and should not be relied upon. A draft EAF Part 2 has been prepared by this office for review by Board members in accordance with the usual practice of the Board. It should not

be adopted until the EAF Part 1 has been properly completed by the applicant's representatives and reviewed by staff and the Board.

D. Plan review, plans dated May 28, 2012

1. A number of technical items were discussed at the June 7th staff meeting and will not be repeated in this memo

2. Title Sheet, Sheet 1 of 9
   a. On the plan and sheetindex Phase 1 should be clearly identified as Phase 1.
   b. The condominiums and any other out parcels should be clearly identified as not being part of the application.
   c. Unless the applicant is clear about the plan for the portion of the property beyond Phase 1, submission/Phase limit lines should not be shown beyond Phase 1.
   d. The Building setback calculation is intended to show the maximum height building permitted. It would be clearer if it showed a calculation for he proposed height. The calculation shows a 17 story maximum while the EAF Part 1 shows a maximum building height of 105 feet. (EAF, Section B.i.j). The maximum building width and length indicated on the EAF Part 1 are not consistent with the scaled width on the plans.

3. Existing Conditions Map, Sheet 2 of 9
   a. Same as 2.a. above.

4. Hotel Site Layout Plan, sheet 3 of 9
   a. Same as 2.d. above
   b. A determination will have to be made as to whether the greenhouses are accessory to the hotel and conference center and, if so, appropriate conditions will be necessary (no retail sales, etc.)
   c. The front, side, and rear yard requirements of the PUD do not seem to have been met. There should be a potential subdivision or lease line shown that conforms to the code so that if the property needs to be subdivided in the future variances will not be necessary.
   d. Offsets should be shown on the drawings showing required and provided yard dimensions for all buildings and parking meeting code requirements.
   e. The plan shows a single bay loading area for a 200 room hotel and 800 seat convention space. Is this sufficient?

5. Site Layout Plan - Sheet "A & B", sheet 4 & 5 of 9
   a. Same as 2.d.
   b. A determination will have to be made as to whether the aviary is accessory to the hotel and, if so, appropriate conditions will be necessary (retail sales, etc.)

c. Same as 4.c.

6. Lighting and Landscaping Plan – Sheets A & B, sheets 8 & 9 of 9.
   a. There is a note on the plans of a proposed solar structure with site lighting, this is a desirable feature, but details need to be shown. Will this be considered accessory to the hotel and, if so, appropriate conditions will be necessary, (is there an intent to sell energy produced or will it be solely used for the hotel and resort complex).
   b. The plan proposes 25' high pole mounted light fixtures. Because the site is at a relatively high elevation and fairly close to the Neversink River, an important natural feature and bird fly way, a non-standard approach to lighting should be devised to avoid lighting the night sky and cause birds to lose their bearings..

While the current plans advance the proposal beyond the earlier plan that the Board has seen, they are not advanced to the level that the Board has seen in recent years on other proposals. Any approval that the Board may grant after completion of the SEQR process would necessarily have conditions, particularly subject to further staff/consultant review and determination of zoning conformity.

A preliminary stormwater report dated July 21, 2011 has been review by Keystone as a conceptual approach and has been found acceptable. The detailed stormwater management report will have to be completed and found acceptable by Keystone and Will Illing.

We will continue the review as plans are advanced.

PB Review
6/14/12

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

DAVOS RESORT, USA, PHASE I HOTEL
Name of Action

FALLSBURG PLANNING BOARD
Name of Lead Agency

ARTHUR ROSENSHEIN
Print or Type Name of Responsible Officer in Lead Agency

PLANNING BOARD CHAIRMAN
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

JUNE 12, 2012
Date

website

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action DAVOS RESORT, U.S.A., PHASE I HOTEL

Location of Action (include Street Address, Municipality and County)

THE EXISTING RESORT AREA, DAVOS ROAD, DAVOS DISTRICT, TOWN OF FALLSBURG, COUNTY OF SULLIVAN

Name of Applicant/Sponsor VODAS, LLC

Address c/o ENTER EQUITY, INC., 426 BROADWAY

City / PO P.O. BOX 1386, MONTICELLO State NY Zip Code 12701

Business Telephone 908-239-0108

Name of Owner (if different)

Address

City / PO State Zip Code

Business Telephone

Description of Action:

200 ROOM RESORT HOTEL WITH CONFERENCE HALL, RESTAURANTS AND SHOP
HEALTH CLUB AND SPA WITH SHOP
GREEN HOUSE ABOUT 3 ACRES
DEMOLITION OF EXISTING CLUB HOUSE
PARKING LOT EXPANSION
STORM WATER MANAGEMENT EXPANSION

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm) ☐ Forest ☐ Agriculture ☒ Other PUD, RESORT AREA

2. Total acreage of project area: 27 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	____ acres	____ acres
Forested	____ acres	____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	____ acres	____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	____ acres	____ acres
Water Surface Area	____ acres	____ acres
Unvegetated (Rock, earth or fill)	____ acres	____ acres
Roads, buildings and other paved surfaces	____ acres	16.0 acres
Other (Indicate type) EXISTING RESORT AREA WITH PREVIOUSLY APPROVED/EXISTING RESORT USES.	4.3 acres	____ acres

3. What is predominant soil type(s) on project site? ARNOT-OQUAGA COMPLEX, WELLSBORO GRAVELLY LOAM

   a. Soil drainage: (ACCORDING TO SOIL SURVEY) ☐ Well drained 40 % of site ☐ Moderately well drained 55 % of site. ☐ Poorly drained 5 % of site

   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No

   a. What is depth to bedrock 2'->5' (in feet) (ACCORDING TO SOIL SURVEY)

5. Approximate percentage of proposed project site with slopes:

   ☒ 0-10% 83 % ☐ 10- 15% 8 % ☐ 15% or greater 9 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? 2'->7' (in feet) (ACCORDING TO SOIL SURVEY)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

CURRENT SITE INSPECTION. EXISTING DEVELOPED SITE. FINAL EIS CAMP DRESSER AND McKEE JULY 1988

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?

☐ Yes ☒ No

Describe:

FINAL EIS CAMP DRESSER AND McKEE JULY 1988

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

NONE

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

NONE

b. Size (in acres):

17. Is the site served by existing public utilities? ☒ Yes ☐ No

a. If YES, does sufficient capacity exist to allow connection? ☒ Yes ☐ No

b. If YES, will improvements be necessary to allow connection? ☒ Yes ☐ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 701 ± acres.

b. Project acreage to be developed: 27 acres initially; 27 acres ultimately.

c. Project acreage to remain undeveloped: 674 ± acres.

d. Length of project, in miles: N/A (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. N/A %

f. Number of off-street parking spaces existing 0 ; proposed 799

g. Maximum vehicular trips generated per hour: 780 (upon completion of project)? (FEIS PAGE 2-25) BASE 345 – INCREASE PEAK HOUR TO 780

h. If residential: Number and type of housing units: (200 HOTEL ROOMS)

	One Family	Two Family	Multiple Family	Condominium
Initially				
Ultimately				

i. Dimensions (in feet) of largest proposed structure: 105 ± height; 450 width; 364 length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 1760 ft. (DISTANCE ALONG DAVOS ROAD)

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.

3. Will disturbed areas be reclaimed ☒ Yes ☐ No ☐ N/A

a. If yes, for what intended purpose is the site being reclaimed?

BUILDINGS, ROADS, PARKING, LANDSCAPING AND LAWNS.

b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? NONE acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 18 months, (including demolition)

7. If multi-phased:

   a. Total number of phases anticipated _____ (number)

   b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

   c. Approximate completion date of final phase: _____ month _____ year.

   d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 75; after project is complete 150

10. Number of jobs eliminated by this project None.

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

    If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

    a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

    b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

    If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☒ Yes ☐ No

    a. If yes, what is the amount per month? 40 tons (½ is Recyclable)

    b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No

    c. If yes, give name Monticello Transfer Station : location 91 Landfill Drive, Monticello, NY 12701

    d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

ELECTRIC
GAS/OIL

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 36,600 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain: INCENTIVES / ENTITLEMENT - YES

(INCENTIVES / ENTITLEMENT) TO BE DETERMINED

25. **Approvals Required:**

			Type	Submittal Date
City, Town, Village Board	☒ Yes	☐ No		
City, Town, Village Planning Board	☒ Yes	☐ No	AMENDED SITE PLAN SEQR	MAY 30, 2012 JUNE 14, 2012
City, Town Zoning Board	☐ Yes	☒ No		
City, County Health Department	☐ Yes	☒ No		
Other Local Agencies	☐ Yes	☒ No		
Other Regional Agencies	☐ Yes	☒ No		
State Agencies	☐ Yes	☒ No		
Federal Agencies	☐ Yes	☒ No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ Zoning amendment
☒ AMENDED Site plan
☐ Zoning variance
☐ Special use permit
☐ New/revision of master plan
☐ Resource management plan
☐ Subdivision
☐ Other

2. What is the zoning classification(s) of the site?

PUDD #4 OF THE TOWN OF FALLSBURG, NY
EXISTING RESORT AREA.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

PLEASE REFER TO APPROVED FEIS AND MASTER PLAN

4. What is the proposed zoning of the site?

(EXISTING PUDD AND EXISTING RESORT AREA)

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? [X] Yes [ ] No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

PUDD #4 OF THE TOWN OF FALLSBURG, NY
RESIDENTIAL
FOREST

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? [X] Yes [ ] No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

   a. What is the minimum lot size proposed?

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☒ Yes ☐ No

FORMATION OF SEWER DISTRICT TO ESTABLISH SERVICE AREA OF THE SEWAGE WORKS CORP.

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?

☒ Yes ☐ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☒ Yes ☐ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☒ Yes ☐ No

D. **Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. **Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name JOSEPH R. GOLDEN, P.E. Date JUNE 14, 2012

Signature

Title Professional Engineer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PB

REVISED Draft June 14, 2012

Part II - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
b. **Maybe** answers should be considered as **Yes** answers.
c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
1. Will the proposed action result in a physical change to the project site? ☐ NO ☒ YES			
Examples that would apply to column 2:			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☒	☐	☐Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☒	☐	☐Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☒	☐	☐Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☒	☐	☐Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐Yes ☐ No
• Construction or expansion of a sanitary landfill.	☐	☐	☐Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) ☒NO ☐YES			
Specific land forms:			

IMPACT ON WATER

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated By Project Change
3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) ☒ NO ☐ YES			
Examples that would apply to column 2:			
• Developable area of site contains a protected water body.	☐	☐	☐Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
4. Will proposed action affect any non-protected existing or new body of water? ☒ NO ☐ YES			
Examples that would apply to column 2			
• A 10% increase or decrease in the surface area of any body of water or more than a 10-acre increase or decrease.	☐	☐	☐Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
5. Will Proposed Action affect surface or groundwater quality or quantity? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action will require a discharge permit.	☐	☒	☒ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities, which presently do not exist or have inadequate capacity.	☐	☐	☐Yes ☐ No
• Proposed Action would change flood water flows	☐	☐	☐Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☐	☐Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action may cause substantial erosion.	☐	☒	☒Yes ☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐Yes ☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AIR			
7. Will proposed action affect air quality? ☒NO ☐YES			
Examples that would apply to column 2:			
• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐Yes ☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐Yes ☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐Yes ☐ No
• Proposed action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐Yes ☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PLANTS AND ANIMALS			
8. Will Proposed Action affect any threatened or endangered species? ☒ NO ☐YES			
Examples that would apply to column 2			
• Reduction of one or more species listed on the New York or Federal list, using the site, over or near site, or found on the site.	☐	☐	☐Yes ☐ No
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐Yes ☐ No
Other impacts: _____	☐	☐	☐Yes ☐ No
9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☐ NO ☒YES			
Examples that would apply to column 2			
• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☒	☐	☐Yes ☐ No
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐Yes ☐ No
IMPACT ON AGRICULTURAL LAND RESOURCES			
10. Will the Proposed Action affect agricultural land resources? ☒NO ☐YES			
Examples that would apply to column 2			
• The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AESTHETIC RESOURCES			
11. Will proposed action affect aesthetic resources? ☐NO ☒YES (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)			
Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☒	☐	☐Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources, which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐Yes ☐ No
• Project components that will result in the elimination, or significant screening, of scenic views known to be important to the area.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES			
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? ☒NO ☐YES			
Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON OPEN SPACE AND RECREATION			
13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? ☒NO ☐YES			
Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
IMPACT ON CRITICAL ENVIRONMENTAL AREAS			
14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? ☒NO ☐YES			
List the environmental characteristics that caused the designation of the CEA.			
1.	☐	☐	☐Yes ☐ No
2.	☐	☐	☐Yes ☐ No
3.	☐	☐	☐Yes ☐ No
4.	☐	☐	☐Yes ☐ No
5.	☐	☐	☐Yes ☐ No
Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON TRANSPORTATION			
15. Will there be an effect to existing transportation systems? ☐NO ☒YES			
Examples that would apply to column 2			
• Alteration of present patterns of movement of people and/or goods	☒	☐	☐Yes ☐ No
• Proposed Action will result in major traffic problems.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON ENERGY			
16. Will proposed action affect the community's sources of fuel or energy supply? ☒NO ☐YES			
Examples that would apply to column 2			
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	☐	☐	☐Yes ☐ No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
NOISE AND ODOR IMPACTS			
17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☒NO ☐YES			
Examples that would apply to column 2			
• Blasting within 1,500 feet of a hospital, school or other sensitive facility.	☐	☐	☐Yes ☐ No
• Odors will occur routinely (more than one hour per day).	☐	☐	☐Yes ☐ No

	1 Small To Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	☐	☐	☐Yes ☐ No
• Proposed Action will remove natural barriers that would act as a noise screen.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PUBLIC HEALTH			
18. Will Proposed Action affect public health and safety? ☒ **NO** ☐**YES**			
Examples that would apply to column 2			
• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐Yes ☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).	☐	☐	☐Yes ☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐Yes ☐ No
• Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐Yes ☐ No
• Other Impacts:	☐	☐	☐Yes ☐ No
IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD			
19. Will proposed action affect the character of the existing community? ☐**NO** ☒ **YES**			
Examples that would apply to column 2			
• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐Yes ☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐Yes ☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐Yes ☐ No
• Proposed Action will cause a change in the density of land use.	☒	☐	☐Yes ☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐Yes ☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.).	☒	☐	☐Yes ☐ No
• Proposed Action will set an important precedent for future projects.	☐	☐	☐Yes ☐ No
• Proposed Action will create or eliminate employment.	☒	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? ☒NO ☐YES			

If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3

Mollie

From: thomas ting <enterequitytt@gmail.com>
Sent: Thursday, June 14, 2012 10:28 AM
To: Kalter, Kaplan, Zeiger & Forman
Cc: Joe Golden; kellsworth@keyscomp.com; Will Illing; rgeneslaw@aol.com; Mollie Messenger; allenpchiu@hotmail.com; chang275@aol.com; changwu275@hotmail.com; jcsybar@gmail.com; ketchups@gmail.com; Robert Tessier
Subject: Re: Davos

Joe :

As discussed on the phone with you during and after the staff meeting yesterday afternoon.

(1) Please email us the revised plan according to consultant Geneslaw written comments 06/11/12. Our attorney Jay Zeiger emailed the same to us 06/13/12.

(2) As attorney Jay Zeiger pointed out the proposed approval will not happen tonight, but most likely will happen in July, there will be no need for your travel to Fallsburg tonight.

(3) Please complete the grading and other engineering matters of this project at your earliest convenience. What we should pursuit is really the final approval.

Thank you for your continuous & active working with us this project.

Thomas

On 6/13/12, Kalter, Kaplan, Zeiger & Forman <kkz@hvc.rr.com> wrote:
>
> Attached is Bob Geneslaw's submission of June 11, 2012.
>
>
> Jay L. Zeiger, Esq.
> Kalter, Kaplan, Zeiger & Forman
> 6166 State Route 42, PO Box 30
> Woodbourne, NY 12788
> 845-434-4777 (o)
> 845-436-8156 (f)
> kkz@hvc.rr.com
> JayZeiger-KKZ@hvc.rr.com
>

SULLIVAN COUNTY PLANNING & COMMUNITY DEVELOPMENT
GML – 239 REFERRAL FORM

Municipality: ☒ Town of Fallsburg ☐ Village of _____

Referring Agency: ☐ Town/Village Board ☒ Planning Board ☐ Zoning Board of Appeals

Jurisdictional Determinant: Project is located within 500 feet of the following (existing or proposed):

- ☐ Municipal Boundary
- ☒ State or County Road
- ☐ State or County Park
- ☐ Agricultural District
- ☐ State or County Facility
- ☐ County-owned stream or drainage channel
- ☐ Other _____

Type of Action:

- ☒ Site Plan Review
- ☐ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☐ Subdivision Review
- ☐ Adoption/Amendment of Zoning Ordinance/Map or Local Law
- ☐ Adoption/Amendment of Comprehensive Plan
- ☐ Other _____

Project Name: DAVOS RESORT USA, Phase I Hotel

Applicant: VODAS, LLC

Project Location: Glen Wild RD, Glen Wild

County Tax Parcel Number: 57-1-13.6

Parcel Size: 200 A. Current Zoning: PUD

Project Description: (attach additional pages if necessary) 200 Room resort hotel w/ conference hall, restaurants, & shops, health club and spa. Demolition of existing club house, parking lot expansion

State Environmental Quality Review (SEQR) Status: ☐ Type I ☐ Unlisted Action ☐ Type II

Determination of Significance: ☐ Positive Declaration ☐ Negative Declaration ☐ Not issued

Public Hearing: ☒ Yes ☐ No Hearing Date: 6/28/12

Date Response Requested (if less than 30 days): _____

Supporting Documentation Included With This Referral:

- ☒ Location Map
- ☐ Municipal Application Form
- ☐ Project Narrative
- ☒ Site Plan
- ☐ Subdivision Plat
- ☒ Environmental Assessment Form Parts: ✓ I ___ II ___ III
- ☐ Environmental Impact Statement
- ☐ Other _____

I hereby certify that this application & supporting documentation provides a complete description of the proposed local action and constitutes a 'full statement' pursuant to NYS General Municipal Law, Article 12-B, Section 239-M, part c.

Signature: Mellie Musinger Date: 6/15/12

Received Stamp (Internal Use Only)

SUBMIT 'FULL STATEMENT' TO:
Sullivan County Division of Planning & Community Development
100 North Street
Monticello, New York 12701

LUIZ C. ARAGON
COMMISSIONER

Sullivan
COUNTY CATSKILLS
Mountains of Opportunities

TELEPHONE: (845) 807-0527
FACSIMILE: (845) 807-0546
INTERNET ADDRESS: http://co.sullivan.ny.us

SULLIVAN COUNTY
DIVISION OF PLANNING AND ENVIRONMENTAL MANAGEMENT
SULLIVAN COUNTY GOVERNMENT CENTER
100 NORTH STREET
PO BOX 5012
MONTICELLO, NEW YORK 12701

June 26, 2012

Mr. Arthur Rosenshein, Chairman
Town of Fallsburg Planning Board
5250 Main Street
South Fallsburg, NY 12779

RE: **FAL12-08: Site Plan Review – Davos Resort USA, Phase I**
GML-239 County Review

Dear Mr. Rosenshein:

In accordance with Sections 239-l, -m & -n of the General Municipal Law, the Division of Planning and Environmental Management (DPEM) has reviewed the materials submitted regarding the proposed project located on Glen Wild Road in the Town of Fallsburg (SBL#57.-1-13.6).

Based on our review of the materials provided, DPEM feels that the proposed action may have **some adverse inter-community impacts.** Therefore, we recommend **disapproval.**

This site plan includes some very inspiring elements that are in agreement with many of Sullivan County's goals, and as a concept plan, DPEM is in favor of it. However, the site plan lacks a level of detail necessary to evaluate a plan of this size, and DPEM feels it is premature to issue a site plan approval.

Additionally, the reliance on an environmental impact statement completed in 1988 is too great. Without locating the original plans, we cannot determine the differences between the project for which the FEIS was generated and the current proposal. Also, the plan attached to the EAF is different than those submitted for review. The FEIS is a study of a specific development and any changes in those plans can also nullify the analysis of potential impacts. At the very least, we encourage the planning board to request a new traffic generation analysis for the full build out as well as acquire more recent data for the base traffic levels at the potentially affected intersections.

The Town's Zoning code includes a section on what the Planning Board may require to see on a site plan when appropriate to the project. For a project this size it is common to see all of the listed information, but we recommend the planning board and applicant review the list (§310-7.4 Site plan elements.) and work together to identify the elements they feel are useful.

DPEM encourages the Town to consider the following when reviewing what elements to require:

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CODE ENFORCEMENT

- The grading and storm[illegible]ter prevention (The bio retention and [illegible] gardens are to be commended, but the actual analysis of how these systems will work is missing from parts of Phase I, such as in the area around the greenhouses.)
- Will the greenhouses have loading docks to transport the produce, or will it be transported on smaller vehicles? Will there be full time employees who will want to park closer than the nearest parking lot shown? There are no sidewalks or access roads or access of any kind shown for the greenhouses.
- What will the landscaping look like? The small plan attached to the EAF shows some, but the plans submitted for review do not.
- There is a road leading out of the parking lot to the northwest that doesn't connect to any other roads, but leads to what appear to be scattered buildings. It is unclear if this will be a future phase of this project, if these are currently built, or planned by another developer.
- Are there any existing natural features such as streams, wetlands? This is also missing from the EAF.
- How will water be provided? In the EAF, the sewage treatment will be an extension of the Sewage Works Corp.. What sort of water use and disposal is contemplated for the greenhouses? (Will there be stormwater collection from the roof for use as irrigation?
- If any subdivision of land is anticipated (as shown in the small EAF plan), will all the proposed buildings meet the setback requirements?

We have forwarded the application to the County Division of Public Works to review the existing accesses to the county road.

Please be advised that the Planning Board is required by Section 239-m of the General Municipal Law to provide a report of its final action within thirty days of such action to the Sullivan County Division of Planning and Environmental Management with regard to this application. To facilitate this process, I have enclosed a form to report such action.

If you have any questions or concerns, please do not hesitate to contact me at 845-807-0527.

Sincerely,

Luiz C. Aragon
Commissioner

cc: Gene Benson, Legislator
Marcia Fink, DPW
GML-239 Referral File
Enclosure

Y:\PLANNING\PLANNING\GML-239\Fallsburg\2012\FAL12-07.docx

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CODE ENFORCEMENT

FAL12-07

SULLIVAN COUNTY
DIVISION OF PLANNING AND ENVIRONMENTAL MANAGEMENT
GENERAL MUNICIPAL LAW REFERRAL
REPORT OF FINAL LOCAL ACTION

Section 239-m of the General Municipal Law of the State of New York requires that, within thirty days of final municipal action on a zoning matter which has been reviewed by the Sullivan County Division of Planning and Environmental Management, the municipal body having jurisdiction must file a report of the final action it has taken with the Division. This form can serve as that report.

NAME OF MUNICIPALITY: _____

NAME OF MUNICIPAL AGENCY: _____

NAME OF APPLICANT: _____

TYPE OF REFERRAL:

- o Amendment of Zoning Ordinance or Map
- o Rezoning
- o Special Use Permit
- o Use Variance
- o Site Plan
- o Area Variance
- o Subdivision

FINAL MUNICIPAL ACTION:

- o Approved
- o Denied
- o Approved subject to the following conditions:

_____
_____
_____
_____
_____
_____

If the municipal body having jurisdiction has acted contrary to the recommendation of the Sullivan County Division of Planning and Environmental Management, please attach a resolution setting forth the reasons for such contrary action. Please note that Section 239-m of the General Municipal Law also requires that such contrary action must be adopted by a vote of a majority plus one of all the members of the municipal body.

Please mail this form to the Sullivan County Division of Planning and Environmental Management, 100 North Street, Monticello, NY 12701. Thank you for your cooperation.

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CODE ENFORCEMENT

PLANNING BOARD
TOWN OF FALLSBURG
VODAS, LLC
CONDITIONAL AMENDED SITE PLAN APPROVAL RESOLUTION – PHASE 1
DRAFT JULY 7, 2012

WHEREAS, the Town of Fallsburg Planning Board has a proposal for site plan approval for a 200 +/- room hotel, greenhouses as accessory uses, solar panels and amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey, tennis courts and swimming pool, (hereinafter referred to as the Project) on a property of 27 acres. Tax Map SBL: 57-1-13.21. The zoning is PUD-4.

WHEREAS, the Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR 617.6 and was designated lead agency, conducted an uncoordinated review and classified the action as unlisted. Applicant completed Part I EAF and Board completed Part II EAF, held a public hearing, and after a series of public meetings determined that the Project will not have a significant impact on the environment and adopted a Negative Declaration at the July___, 2012 meeting; and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including plans for Davos Resort U.S.A., VODAS, LLC, prepared by Golden and Moran Engineering, LLC, Plan set of 9 sheets, dated 5/28/2012, and a drawing entitled Hotel Site Plan Exhibit, also prepared by Golden & Moran, dated 6/13/12, as well as comments and correspondence received from staff, consultants, interested agencies and the public, and made certain modifications to the Project. A last review of plans and supporting material will be made by staff to confirm that all requested changes have been made and conditions have been met, including:

1. Changes requested by Planning Board members prior to the approval vote
2. Comments from Code Enforcement Officer during the approval process
3. Comments from Superintendent of Public Works during the approval process
4. Comments from Planning Board attorney during the approval process with the exception of review of legal documents
5. Changes to the plans necessitated by permit agency requirements
6. Payment of all fees in accordance with Town fee schedule
7. Payment of any outstanding consultant escrow fees
8. Offer of dedication to Town of land or easements for roads, future road widening strip, utilities, etc., that may be shown on the plan or determined to be necessary by the Superintendent of Public Works

LONGER THAN 6 MONTHS. PERF. BOND.

9. Meeting all requirements of the Town's consulting engineer, Keystone Associates, except as may be modified by the Town Engineer.

10. Escrow for soil erosion control during construction.

11. Approval by the Architectural Review Board.

12. Establishment of an escrow account, letter of credit or similar financial security to cover future maintenance/repair costs of infrastructure, including water supply, on site sewers, stormwater management, roads, as determined by the Town Engineer.

13. Responding to all comments from the Town Planning Consultant, Robert Geneslaw Co., except as may be modified by the Planning Board.

14. Subject to Planning Board review and approval of building elevation/renderings, with graphic material to be furnished for Planning Board files prior to stamping of site plan.

15. Subject to completion of all off site improvements, whether public or private, prior to issuance of the first building permit, or as determined by the Town Engineer.

16. Provision for an escrow account for site inspection by the Town Engineer, his designee, or a consulting engineer of his choice.

17. Receipt of all Town and other agency permits before land disturbance except as may be specifically authorized by the Planning Board in this resolution.

18. Applicant to provide information regarding construction sequencing to be approved by the Town Engineer. There shall be no site disturbance prior to the required pre-construction meeting with the Town Engineer.

19. A master water meter shall be provided at the entrance to the development and individual meters shall be provided at each ~~dwelling unit~~ BLDG to the satisfaction of the Town Engineer.

NOTE ON PLAN

20. A grinder shall be provided on the sanitary sewer line as it leaves the property, to the satisfaction of the Town Engineer.

21. Amendment of plans either graphically or by note to include:

    a. Location at which fencing, if any, will be permitted; detail of fencing; note indicating that only fencing shown on the plan or in notes may be constructed.

    b. Speed humps are not permitted on this site.

    c. Building permits shall not be issued until all site plan approval conditions have been met, all fees paid and all permits obtained.

Additional Conditions:

22. The site plan set and supporting documents shall meet all the requirements of Section 310-7.4 (Site Plan Elements) of the Fallsburg Zoning Code, except or as may be individually modified by the Planning Board upon request of the applicant.

23. The site plan set, and supporting documents shall meet the requirement of Article XXII (Davos Planned Unit Development District No. 4) of the Fallsburg Zoning Code.

24. The site plan set and supporting documents shall meet the requirements of Article IV (Planned Unit Development Districts) of the Fallsburg Zoning Code.

25. Compliance with all applicable ~~other~~ sections of the Fallsburg Zoning Code.

26. Compliance and approval of a Stormwater Pollution Prevention Plan (SWPPP) by all relevant agencies.

NOTE ON PLANS

27. Meet the requirements of the Superintendent of Public Works for the repair/replacement/upgrade of any elements of the water and sanitary sewer system necessary to provided adequate and safe water and sanitary sewer service.

28. Repair/replace/rehabilitate any portions of Davos Road or other public roads on the Davos property that are damaged by construction vehicles, ground disturbance

29. Emergency Services Approvals

30. TRANSP. CORP. AGREEMENT executed.

NOW, THEREFORE, BE IT RESOLVED, the Town of Fallsburg Planning Board, based on the record before it, including the general, specific and detailed knowledge of the Board of the Project and of the community, hereby determines that the Project should receive Conditional Amended Site Plan Approval for Phase 1 with certain conditions as enumerated above; and

BE IT FURTHER RESOLVED, that the Planning Board overrides the recommended disapproval from the Sullivan County Department of Planning and Environmental Management dated June 26, 2012 for the reasons included in a letter to SCDPEM; and

BE IT FURTHER RESOLVED, that this Conditional Amended Site Plan Approval for Phase 1 shall expire six months after approval unless all requested information has been provided. The Planning Board may extend this time period for additional six months periods if the applicant can demonstrate that conditions beyond the applicants control are responsible for any delay; and.

BE IT FURTHER RESOLVED, that the Planning Board grants Conditional Amended Site Plan Approval for Phase1 -with the understanding that the site plan map will not be stamped by the ~~Chairman until all permits have been received~~; and that no site disturbance or construction will take place except for any specific exceptions identified in this resolution until the site plan map

Completeness Reviewed by the Board

has been stamped by the Chairman or his designee; and that all proposed demolition will take place and debris will be removed before any building permits are issued; and that no building permits will be issued until all conditions are met, unless specific conditions in this resolution have other requirements for implementation.

Dated: _____, 2012

_____
Arthur Rosenshein
Chairman of the Planning Board

Vote as follows: _____ For

_____ Against

_____ Absent

The Planning Board Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Conditional Amended Site Plan Approval for Phase 1 record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: _____ date of _____, 2012

_____
Denise Monforte – Planning Board Clerk

The Town Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Conditional Amended Site Plan Approval for Phase 1 record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: _____ date of _____, 2012

_____
Donna Akerley – Town Clerk

PLANNING BOARD
TOWN OF FALLSBURG
VODAS, LLC
CONDITIONAL AMENDED SITE PLAN APPROVAL RESOLUTION – PHASE 1
ADOPTED JULY 12, 2012

WHEREAS, the Town of Fallsburg Planning Board has a proposal for site plan approval for a 200 +/- room hotel, greenhouses as accessory uses, solar panels and amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey, tennis courts and swimming pool, (hereinafter referred to as the Project) on a property of 27 acres. Tax Map SBL: 57-1-13.21. The zoning is PUD-4.

WHEREAS, the Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR 617.6 and was designated lead agency, conducted an uncoordinated review and classified the action as unlisted. Applicant completed Part I EAF, the Board completed an EAF Part II and an EAF Part III, held a public hearing, and after a series of public meetings determined that the Project will not have a significant impact on the environment and adopted a Negative Declaration at the July 12, 2012 meeting; and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including plans for Davos Resort U.S.A., VODAS, LLC, prepared by Golden and Moran Engineering, LLC, Plan set of 9 sheets, dated 5/28/2012, and a drawing entitled Hotel Site Plan Exhibit, also prepared by Golden & Moran, dated 6/13/12, as well as comments and correspondence received from staff, consultants, interested agencies and the public, and made certain modifications to the Project. A last review of plans and supporting material will be made by staff to confirm that all requested changes have been made and conditions have been met, including:

1. Changes requested by Planning Board members prior to the approval vote
2. Comments from Code Enforcement Officer during the approval process
3. Comments from Superintendent of Public Works during the approval process
4. Comments from Planning Board attorney during the approval process with the exception of review of legal documents
5. Changes to the plans necessitated by permit agency requirements
6. Payment of all fees in accordance with Town fee schedule
7. Payment of any outstanding consultant escrow fees
8. Offer of dedication to Town of land or easements for roads, future road widening strip, utilities, etc., that may be shown on the plan or determined to be necessary by the Superintendent of Public Works

9. Meeting all requirements of the Town's consulting engineer, Keystone Associates, except as may be modified by the Town Engineer.

10. Escrow for soil erosion control during construction.

11. Approval by the Architectural Review Board.

12. Establishment of an escrow account, letter of credit or similar financial security to cover future maintenance/repair costs of infrastructure, including water supply, on site sewers, stormwater management, roads, as determined by the Town Engineer.

13. Responding to all comments from the Town Planning Consultant, Robert Geneslaw Co., except as may be modified by the Planning Board.

14. Subject to Planning Board review and approval of building elevation/renderings, with graphic material to be furnished for Planning Board files prior to stamping of site plan.

15. Subject to completion of all off site improvements, whether public or private, prior to issuance of the first building permit, or as determined by the Town Engineer.

16. Provision for an escrow account for site inspection by the Town Engineer, his designee, or a consulting engineer of his choice.

17. Receipt of all Town and other agency permits before land disturbance except as may be specifically authorized by the Planning Board in this resolution. Building permits shall not be issued until all other required permits have been received and the plans have been stamped.

18. Applicant to provide information regarding construction sequencing to be approved by the Town Engineer. There shall be no site disturbance prior to the required pre-construction meeting with the Town Engineer.

19. A master water meter shall be provided at the entrance to the development and individual meters shall be provided at each building or water using feature to the satisfaction of the Town Engineer.

20. A grinder shall be provided on the sanitary sewer line as it leaves the property, to the satisfaction of the Town Engineer.

21. Amendment of plans either graphically or by note to include:

    a. Location at which fencing, if any, will be permitted; detail of fencing; note indicating that only fencing shown on the plan or in notes may be constructed.

    b. Speed humps are not permitted on this site.

    c. Building permits shall not be issued until all site plan approval conditions have been met, all fees paid and all permits obtained.

22. All proposed demolition will take place and debris will be removed before any building permits are issued.

23. No site disturbance or construction will take place except for any specific exceptions identified in this resolution before any building permits are issued.

24. The site plan set and supporting documents shall meet all the requirements of Section 310-7.4 (Site Plan Elements) of the Fallsburg Zoning Code, except or as may be individually modified by the Planning Board upon request of the applicant.

25. The site plan set and supporting documents shall meet the requirement of Article XXII (Davos Planned Unit Development District No. 4) of the Fallsburg Zoning Code.

26. The plan set and satisfaction of conditions are acceptable to the Planning Board

27. The site plan set and supporting documents shall meet the requirements of Article IV (Planned Unit Development Districts) of the Fallsburg Zoning Code.

28. Compliance with all applicable sections of the Fallsburg Zoning Code.

29. Approval of a Stormwater Pollution Prevention Plan (SWPPP) by all relevant agencies, the Superintendent of Public Works and Keystone Associates.

30. Meet the requirements of the Superintendent of Public Works for the repair/replacement/upgrade of any elements of the water and sanitary sewer system necessary to provided adequate and safe water and sanitary sewer service.

31. Repair/replace/rehabilitate any portions of Davos Road or other public roads on the Davos property that are damaged by construction vehicles or ground disturbance.

32. Review by emergency services – Fire, Ambulance and Police.

33. Execution of an amended Transportation Corporation Agreement between the Town of Fallsburg and Davos Sewer Corporation to the satisfaction of Robert McEwen Esq..

NOW, THEREFORE, BE IT RESOLVED, the Town of Fallsburg Planning Board, based on the record before it, including the general, specific and detailed knowledge of the Board of the Project and of the community, hereby determines that the Project should receive Conditional Amended Site Plan Approval for Phase 1 with certain conditions as enumerated above; and

BE IT FURTHER RESOLVED, that the Planning Board overrides the recommended disapproval from the Sullivan County Department of Planning and Environmental Management dated June 26, 2012 for the reasons included in a letter to SCDPEM; and

BE IT FURTHER RESOLVED, that this Conditional Amended Site Plan Approval for Phase 1 shall expire six months after approval unless all requested information has been provided. The Planning Board may extend this time period for additional six months periods if the applicant

can demonstrate that conditions beyond the applicants control are responsible for any delay; and

BE IT FURTHER RESOLVED, that the Planning Board grants Conditional Amended Site Plan Approval for Phase1 with the understanding that the site plan map will not be stamped by the Chairman or his designee until all conditions 1-33 have been met and found to be acceptable by the Planning Board.

Dated: July 12, 2012

Arthur Rosenshein
Chairman of the Planning Board

Vote as follows: 7 For

0 Against

3 Absent

The Planning Board Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Conditional Amended Site Plan Approval for Phase 1 record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: 2nd date of August, 2012

Denise Monforte – Planning Board Clerk

The Town Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Conditional Amended Site Plan Approval for Phase 1 record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: 3rd date of August, 2012

Donna Akerley – Town Clerk

State Environmental Quality Review
NEGATIVE DECLARATION
VODAS, LLC
For Conditional Amended Site Plan Approval – Phase 1
Notice of Determination of Non-Significance

Project Number:

Adopted Date July 12, 2012

Tax ID Number: Section 57 Block 1 Lot 13.21

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law.

The Town of Fallsburg Planning Board as the lead agency has determined that the proposed action described below will not have a significant environmental impact, and a Draft Environmental Impact Statement will not be prepared.

Name of Action: VODAS LLC – Davos Conditional Amended Site Plan Approval – Phase 1

SEQRA Status: Unlisted Action

Description of Action: This "Proposed Action" is for a Conditional Amended Site Plan Approval - Phase 1, for a 200+/- room Hotel and amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey and tennis courts. Greenhouses will provide food for hotel guest. Solar panels are proposed for heating. The developer proposes private internal roads connected to existing Davos Road, a Town road with access to Glen Wild Road. All will be serviced by existing municipal water and sanitary sewer.

Location: North side of Glen Wild Road, hamlet of Glen Wild.

Reasons Supporting this Determination:

1. The Planning Board has determined that this proposed action is an Unlisted Action, and that approvals from other agencies are not needed. The Board has designated itself as lead agency.

2. The Planning Board has reviewed a Full Environmental Assessment Form (EAF), Parts I and II and a Site Plan Drawing set of 9 sheets entitled Davos Resort U.S.A., prepared by Golden & Moran Engineering, LLC, dated 5/28/2012; and a drawing entitled Hotel Site Plan Exhibit, also prepared by Golden & Moran, dated 6/13/12.

3. A "Preliminary Stormwater Management Report" prepared by Golden & Moran Engineering, LLC, dated July 21, 2011, and has been reviewed and found acceptable in concept by the Town Engineer and the Town's Consulting Engineer, Keystone Associates. Soil Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP) is in preparation. It has been determined by the site engineer that there are no Federal or State regulated wetlands on the property, nor are there any watercourses.

4. The site was substantially disturbed several decades ago to construct improvements included in earlier site plan approval.

5. Notice of a Site Plan Public Hearing was sent to all surrounding landowners and the Planning Board held a Public Hearing on June 28, 2012.

6. The Town of Fallsburg Planning Board has reviewed all supporting documentation, including but not limited to the referenced documents. The Planning Board has carefully reviewed Parts I and II of the Full EAF, and has determined that there are two (2) two potentially large impacts, the need for a discharge permit and the proposed action may cause substantial erosion.

7. The Planning Board has carefully reviewed potential environmental impacts, and has determined the following:

   a. The proposed development is consistent with the permitted uses in the zoning code in effect at the time of initial application, and with the uses as approved in the original site plan approval.

   b. The proposed project will utilize municipal water and sewer systems, both of which have adequate capacity for Phase 1.

   c. The proposed action will not have any impact on rare, threatened, endangered species or species of statewide concern according to the project sponsor, as none have been report on this previously disturbed site.

   d. The proposed project, although not consistent visually with existing land uses, the proposed project is allowed in the Planned Unit Development – Davos Resort. The hotel building is proposed as a 7 story unique circular design. The design elements of the hotel will be reviewed during site plan review with the Planning Board and by the Architectural Review Board.

   e. The Phase 1 project is not anticipated to have a significant adverse impact on local road conditions. The proposed project is anticipated to generate approximately 120 trips in peak Friday afternoons in the summer traffic periods, and 135 on Sunday afternoons during the summer

f. The potential large impact of the need for a discharge permit and soil erosion control will be mitigated by the proper implementation of the SWPPP.

g. In consideration of the foregoing, the Town of Fallsburg Planning Board has determined that the project is not likely to create any significant adverse impacts.

For Further Information:
Contact Person: Arthur Rosenshein – Chairman Town of Fallsburg Planning Board
Address: Fallsburg Town Hall, 5250 Main Street, South Fallsburg, NY 12779
Telephone number: (845) 434-8811

A Copy of This Notice is Sent to:
Chief Executive Officer, Town Supervisor, Town of Fallsburg

Other involved Agencies: Sullivan County Division of Planning and Environmental Management.

Applicant: VODAS, LLC

Part II - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
b. **Maybe** answers should be considered as **Yes** answers.
c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
1. Will the proposed action result in a physical change to the project site? ☐ NO ☒ YES			
Examples that would apply to column 2:			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☒	☐	☐Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☒	☐	☐Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☒	☐	☐Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☒	☐	☐Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐Yes ☐ No
• Construction or expansion of a sanitary landfill.	☐	☐	☐Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) ☒NO ☐YES			
Specific land forms:	☐	☐	☐Yes ☐ No

IMPACT ON WATER

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated By Project Change
3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) ☒ NO ☐ YES			
Examples that would apply to column 2:			
• Developable area of site contains a protected water body.	☐	☐	☐Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
4. Will proposed action affect any non-protected existing or new body of water? ☒ NO ☐ YES			
Examples that would apply to column 2			
• A 10% increase or decrease in the surface area of any body of water or more than a 10-acre increase or decrease.	☐	☐	☐Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
5. Will Proposed Action affect surface or groundwater quality or quantity? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action will require a discharge permit.	☐	☒	☒ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities, which presently do not exist or have inadequate capacity.	☐	☐	☐Yes ☐ No
• Proposed Action would change flood water flows	☐	☐	☐Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☐	☐Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action may cause substantial erosion.	☐	☒	☒Yes ☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐Yes ☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AIR			
7. Will proposed action affect air quality? ☒NO ☐YES			
Examples that would apply to column 2:			
• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐Yes ☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐Yes ☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐Yes ☐ No
• Proposed action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐Yes ☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PLANTS AND ANIMALS			
8. Will Proposed Action affect any threatened or endangered species? ☒ NO ☐YES			
Examples that would apply to column 2			
• Reduction of one or more species listed on the New York or Federal list, using the site, over or near site, or found on the site.	☐	☐	☐Yes ☐ No
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐Yes ☐ No
Other impacts: _____	☐	☐	☐Yes ☐ No
9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☐ NO ☒YES			
Examples that would apply to column 2			
• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☒	☐	☐Yes ☐ No
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐Yes ☐ No
IMPACT ON AGRICULTURAL LAND RESOURCES			
10. Will the Proposed Action affect agricultural land resources? ☒NO ☐YES			
Examples that would apply to column 2			
• The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AESTHETIC RESOURCES			
11. Will proposed action affect aesthetic resources? ☐NO ☒YES (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)			
Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☒	☐	☐Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources, which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐Yes ☐ No
• Project components that will result in the elimination, or significant screening, of scenic views known to be important to the area.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES			
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? ☒NO ☐YES			
Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON OPEN SPACE AND RECREATION			
13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? ☒NO ☐YES			
Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐Yes ☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14.Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? ☒NO ☐YES

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
List the environmental characteristics that caused the designation of the CEA.			
1.	☐	☐	☐Yes ☐ No
2.	☐	☐	☐Yes ☐ No
3.	☐	☐	☐Yes ☐ No
4.	☐	☐	☐Yes ☐ No
5.	☐	☐	☐Yes ☐ No
Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems? ☐NO ☒YES

Examples that would apply to column 2			
• Alteration of present patterns of movement of people and/or goods	☒	☐	☐Yes ☐ No
• Proposed Action will result in major traffic problems.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

IMPACT ON ENERGY

16. Will proposed action affect the community's sources of fuel or energy supply? ☒NO ☐YES

Examples that would apply to column 2			
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	☐	☐	☐Yes ☐ No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☒NO ☐YES

Examples that would apply to column 2			
• Blasting within 1,500 feet of a hospital, school or other sensitive facility.	☐	☐	☐Yes ☐ No
• Odors will occur routinely (more than one hour per day).	☐	☐	☐Yes ☐ No

	1 Small To Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	☐	☐	☐Yes ☐ No
• Proposed Action will remove natural barriers that would act as a noise screen.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PUBLIC HEALTH			
18. Will Proposed Action affect public health and safety? ☒ NO ☐YES			
Examples that would apply to column 2			
• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐Yes ☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).	☐	☐	☐Yes ☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐Yes ☐ No
• Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐Yes ☐ No
• Other Impacts:	☐	☐	☐Yes ☐ No
IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD			
19. Will proposed action affect the character of the existing community? ☐NO ☒ YES			
Examples that would apply to column 2			
• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐Yes ☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐Yes ☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐Yes ☐ No
• Proposed Action will cause a change in the density of land use.	☒	☐	☐Yes ☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐Yes ☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.).	☒	☐	☐Yes ☐ No
• Proposed Action will set an important precedent for future projects.	☐	☐	☐Yes ☐ No
• Proposed Action will create or eliminate employment.	☒	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? ☒NO ☐YES

If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3

look @ 6/14 →

Part II - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

TO BE COMPLETED WHEN REVISED EAF PART 1 PROVIDED

General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
b. **Maybe** answers should be considered as **Yes** answers.
c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
1. Will the proposed action result in a physical change to the project site? ☐ NO ☐ YES			
Examples that would apply to column 2:			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☐	☐	☐Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☐	☐	☐Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☐	☐	☐Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☒	☐	☐Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐Yes ☐ No
• Construction or expansion of a sanitary landfill.	☐	☐	☐Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) ☒NO ☐YES			
Specific land forms:	☐	☐	☐Yes ☐ No

IMPACT ON WATER

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated By Project Change
3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) ☒ NO ☐ YES			
Examples that would apply to column 2:			
• Developable area of site contains a protected water body.	☐	☐	☐Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
4. Will proposed action affect any non-protected existing or new body of water? ☒ NO ☐ YES			
Examples that would apply to column 2			
• A 10% increase or decrease in the surface area of any body of water or more than a 10-acre increase or decrease.	☐	☐	☐Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
5. Will Proposed Action affect surface or groundwater quality or quantity? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action will require a discharge permit.	☐	☒	☒ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities, which presently do not exist or have inadequate capacity.	☐	☐	☐Yes ☐ No
• Proposed Action would change flood water flows	☐	☐	☐Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☐	☐Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action may cause substantial erosion.	☐	☒	☒Yes ☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐Yes ☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AIR			
7. Will proposed action affect air quality? ☒NO ☐YES			
Examples that would apply to column 2:			
• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐Yes ☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐Yes ☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐Yes ☐ No
• Proposed action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐Yes ☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PLANTS AND ANIMALS			
8. Will Proposed Action affect any threatened or endangered species? ☐ NO ☐YES			
Examples that would apply to column 2			
• Reduction of one or more species listed on the New York or Federal list, using the site, over or near site, or found on the site.	☐	☐	☐Yes ☐ No
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐Yes ☐ No
Other impacts: _____	☐	☐	☐Yes ☐ No
9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☐ NO ☐YES			
Examples that would apply to column 2			
• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☐	☐	☐Yes ☐ No
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐Yes ☐ No
IMPACT ON AGRICULTURAL LAND RESOURCES			
10. Will the Proposed Action affect agricultural land resources? ☒NO ☐YES			
Examples that would apply to column 2			
• The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AESTHETIC RESOURCES			
11. Will proposed action affect aesthetic resources? ☐NO ☐YES (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)			
Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☐	☐	☐Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources, which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐Yes ☐ No
• Project components that will result in the elimination, or significant screening, of scenic views known to be important to the area.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES			
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? ☒NO ☐YES			
Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON OPEN SPACE AND RECREATION			
13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? ☒NO ☐YES			
Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
IMPACT ON CRITICAL ENVIRONMENTAL AREAS			
14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? ☒NO ☐YES			
List the environmental characteristics that caused the designation of the CEA.			
1.	☐	☐	☐Yes ☐ No
2.	☐	☐	☐Yes ☐ No
3.	☐	☐	☐Yes ☐ No
4.	☐	☐	☐Yes ☐ No
5.	☐	☐	☐Yes ☐ No
Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON TRANSPORTATION			
15. Will there be an effect to existing transportation systems? ☐NO ☒YES			
Examples that would apply to column 2			
• Alteration of present patterns of movement of people and/or goods	☒	☐	☐Yes ☐ No
• Proposed Action will result in major traffic problems.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON ENERGY			
16. Will proposed action affect the community's sources of fuel or energy supply? ☐NO ☐YES			
Examples that would apply to column 2			
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	☐	☐	☐Yes ☐ No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
NOISE AND ODOR IMPACTS			
17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☒NO ☐YES			
Examples that would apply to column 2			
• Blasting within 1,500 feet of a hospital, school or other sensitive facility.	☐	☐	☐Yes ☐ No
• Odors will occur routinely (more than one hour per day).	☐	☐	☐Yes ☐ No

	1 Small To Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	☐	☐	☐Yes ☐ No
• Proposed Action will remove natural barriers that would act as a noise screen.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PUBLIC HEALTH			
18. Will Proposed Action affect public health and safety? ☒ **NO** ☐**YES**			
Examples that would apply to column 2			
• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐Yes ☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).	☐	☐	☐Yes ☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐Yes ☐ No
• Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐Yes ☐ No
• Other Impacts:	☐	☐	☐Yes ☐ No
IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD			
19. Will proposed action affect the character of the existing community? ☐**NO** ☒ **YES**			
Examples that would apply to column 2			
• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐Yes ☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐Yes ☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐Yes ☐ No
• Proposed Action will cause a change in the density of land use.	☒	☐	☐Yes ☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐Yes ☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.).	☒	☐	☐Yes ☐ No
• Proposed Action will set an important precedent for future projects.	☐	☐	☐Yes ☐ No
• Proposed Action will create or eliminate employment.	☒	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? ☒**NO** ☐**YES**			

If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3

ENVIRONMENTAL ASSESSMENT FORM – PART 3

VODAS, LLC

Conditional Amended Site Plan Approval – Phase 1, for a 200+/- room Hotel and amenities. in the hamlet of
Glen Wild
Town of Fallsburg
Sullivan County

Prepared for the Fallsburg Planning Board
5250 Main Street
Fallsburg, New York 12779

Prepared by
Robert Geneslaw Co.
Robert Geneslaw, AICP
368 New Hempstead Road # 320
New City, New York 10956
Planning Consultant to the Town of Fallsburg

July 12, 2012

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Appendix A. Preliminary Stormwater Management Report

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Appendix A. Preliminary Stormwater Management Report

A. Introduction and SEQRA Process

The applicant proposes a 200+/- room Hotel and amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey and tennis courts. Greenhouses will provide food for hotel guests. Solar panels are proposed for heating. The developer proposes private internal roads connected to existing Davos Road, a Town road with access to Glen Wild Road. All will be serviced by existing municipal water and sanitary sewer.

Among other permits and approvals, the applicant is seeking conditional amended site plan approval from the Town of Fallsburg Planning Board. The application is also subject to the regulations implementing the New York State Environmental Quality Review Act (SEQRA).

SEQRA requires that no agency involved in any action undertake, fund, or approve the action until it has complied with the provisions of SEQRA. The Planning Board, as Lead Agency for this action, has determined that the action is an Unlisted action. All involved and interested agencies were notified, and the Board has received a Full Environmental Assessment Form, Part I. A Part II was prepared by the Town's Planning Consultant and reviewed by the Planning Board. This Part III is being provided in response to the Part II to assist the Board in making its determination of significance and to evaluate project impacts and identify appropriate mitigation measures.

B. Project Description

The proposed development is located on the north side of Glen Wild Road, hamlet of Glen Wild. The tax map reference is SBL 57-1-13.21. The applicant and property owner for this project is VODAS, LLC.

The site is approximately 27+/- acres in the Davos PUD – 4 zoning district, which permits hotels and amenities as proposed.

The development would be served by existing water supply and sanitary sewer service. The applicant is proposing the hotel and amenities as Phase 1.

Vehicular access will be from Glen Wild Road to Davos Road a public road.

Environmental Assessment Forms Parts I, II and III

Parts I and II were submitted previously and reviewed by the Planning Board. The following narrative addresses only the potential large impact identified in the Part II adopted by the Planning Board. As explained in the first page of the Part II, "If the impact threshold equals or exceeds any example provided," Column 2, "Potential Large Impact," is checked. Identifying that an impact will be potentially large does not mean that it is necessarily significant, but that it be further evaluated in Part III.

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I. Introduction

The site is located in the Town of Fallsburg in an area zoned as the Davos Planned Unit Development District. The property is designated as tax lot FA 57-1-13.21, formally known as the lands of Sullivan Land Development Corp; thence Watertone Holdings LP, having received Final Site Plan Approval for development as Davos Condominium II/Vacation Resorts. The parcel contains approximately 195 acres of land previously developed as a ski resort, lodge, restaurant and multiple recreation facilities. The total area of the amended site plan encompasses less than 27-acres.

II. Purpose and Methodology

Golden & Moran Engineering, hereinafter referred to as GME, intends to analyze site conditions as they relate to the amended site plan. The previous project(s) obtained approval of its SWPPP. The purpose of this report is to analyze what effect the requested amended site plan will have on the previous approval and installed stormwater facilities. The Green Infrastructure approach to stormwater management is utilized to reduce the sites impact on the aquatic ecosystem through the use of site planning techniques, runoff reduction and certain SMP's. This approach intends to replicate current hydrology by maintaining existing infiltration, peak runoff and discharge volume.

For the purposes of stormwater management, this project is considered a redevelopment project in that it involves the reconstruction or modification of previously developed lands. The amended site plan includes an area that was not developed as part of the initial phase of construction. While this is an amended site plan, the stormwater calculations address this area as new development. Stormwater features will generally address 100% of the new impervious and 25% of the existing impervious areas.

III. Site Planning

The purpose of "site planning" is to protect natural resources by minimizing site grading and impervious coverage, and considering non-structural SMP's. The amended site plan achieves these goals, to the greatest extent practicable, under the following design considerations:

1. The majority of the site is planned in previously disturbed areas. The existing Davos Pointe access road will remain as constructed through the Davos Condominium II portion of the site.
2. The amended plan reduces the impervious area proposed for the Davos Condominium II section. Natural stormwater features will be considered including the implementation of a Pocket Pond (P-5).
3. The existing grades are generally maintained throughout. There will be minimal cut and/or fill required.
4. The western parking area consisting of 255 parking spaces contains no structural drainage conveyance measures. Stormwater will sheetflow southerly across the lot into a 400' Rain Garden. Stormwater from the Rain Garden will flow into a detention pond (if required) via a vegetated open Swale.
5. Water from the northern portion of the eastern parking lot containing 300 spaces is conveyed to a pre-treatment basin (forebay). The stormwater discharges easterly to a Pocket Pond or Wet Extended Detention Pond (P-3) and ultimately to a natural discharge point. Stormwater will be routed naturally to the southern basins if additional retention is required.
6. Water from the southern portion of the eastern parking lot containing 300 spaces sheetflows southerly into a Rain Garden. Stormwater from the Rain Garden will flow into a detention pond (if required) via a vegetated open Swale.
7. Clean roof runoff will be captured and stored in a rain tank or cistern to be used for irrigation systems or water sources for the green houses.
8. In the event the redevelopment limits space necessary for adequate retention, porous pavement with under pavement storage and infiltration will be considered.

IV. Hydrologic Soil Groups

The site contains three (3) major soils groups, Arnot-Oquaga complex (AoC), Wellsboro gravelly loam (WeB) and Wellsboro and Wurtsboro soils (WlC). All of these soil groups are classified as Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water

transmission. Subsequently, the Specific Reduction Factor (s) of 0.20 shall be used whenever applicable.

V. Water Quality Treatment Volume

The plan intends to treat 25% of the existing impervious and 100% of the new impervious areas. Based on the preliminary layout, approximately 19 acres of impervious area is proposed, with 5.75 acres currently existing. Therefore, 25% of 5.75 = 1.44 acres; and 100% of the remainder (19.00 – 5.75 = 13.25 acres) totaling 14.7 acres to be treated. Detailed calculations will be presented in the final report.

VI. Remaining Stormwater Management Practices

Water quality, volume and peak rate control parameters shall be met using standard stormwater management practices. Section III above provides the general methodology to include the forebay and bioretention/rain garden areas for pre-treatment; as well as additional wet or dry retention areas for water quantity. These features will be sized according to the redevelopment and new development standards as determined appropriate for this project. The proposed location of these features is shown on the drainage plan.

VII. Summary

This preliminary report identifies specific design criteria and an overall methodology applied to the amended site plan. The final stormwater management plan will include sizing and flow calculations necessary to illustrate the stormwater management plan meets the intent and purpose of the New York State Stormwater Management Design Manual. Preliminary calculations indicate there is adequate space for controlling stormwater runoff with standard practices and principles.

Based on the information presented on the drainage plan and contained herein, it is our professional opinion the modified stormwater management plan maintains the intent and purpose of the original SWPPP. Furthermore, the modified plan improves the quality of green infrastructure and SMP's to the benefit of the environment and the residents of the State of New York.

1. Impact on Water

- Proposed Action will require a discharge permit, and
- Proposed action may cause substantial erosion

A "Preliminary Stormwater Management Report dated, July 21, 2011 has been prepared by Golden and Moran Engineering; and addresses these issues in a conceptual framework for the preparation of the Stormwater Pollution Prevention Plan (SWPPP). The proposed approach has been found to be acceptable by Keystone Associates, the Town's consulting engineer. A copy of the report is attached.

A complete SWPPP including provision for erosion control is in preparation and its approval will be a condition of any Planning Board approval.

D. Conclusion

The Planning Board therefore concludes that further mitigating measures beyond those in the SWPPP by the applicant are not required.

The Environmental Assessment Form (EAF) Part 2 listed the impacts on water, specifically that the proposed action will require a discharge permit, and proposed action may cause substantial erosion as being potentially large. This Part 3 discusses this element in some detail, based on the "Preliminary Stormwater Management Report, dated July 21, 2011

prepared for this the proposal. The Part 3 and supporting conceptual framework are intended to thoroughly evaluate the impacts and potential mitigation for purposes of the environmental review.

Robert Geneslaw Co.

PLANNING AND DEVELOPMENT CONSULTANTS

Robert Geneslaw, AICP

368 New Hempstead Rd. #320
New City, NY 10956
Office 845/368-1785
Fax 845/368-1787

MEMORANDUM

TO: PLANNING BOARD
TOWN OF FALLSBURG

FROM: ROBERT GENESLAW, AICP

SUBJECT: VODAS, LLC - DAVOS AMENDED SITE PLAN REVIEW, PHASE 1
SBL 57-1-13.21, FINAL DOCUMENTS, ADOPTED 7/12/12.

DATE: JULY 27, 2012

C: MOLLIE MESSENGER, CODE ENFORCEMENT OFFICER
WILL ILLING, P.E., TOWN ENGINEER
RON HIATT, ESQ., PLANNING BOARD ATTORNEY
KEN ELLSWORTH, P.E., TOWN CONSULTING ENGINEER
DENISE MONFORTE, PLANNING BOARD SECRETARY
JAY ZEIGER, ESQ. (FOR PROJECT SPONSOR)
TOMMY TING, (FOR PROJECT SPONSOR)
ROBERT TESSIER, AICP, (FOR PROJECT SPONSOR)
JOE GOLDEN, P.E., (FOR PROJECT SPONSOR)

As a follow-up to the Planning Board meeting of July 12, we have revised the approval documents and include:

- EAF Part 2 – date change only
- EAF Part 3 with attachment "Preliminary Stormwater Management Plan"
- Negative Declaration – date change only
- Conditional Amended Ste Plan Resolution - including Board changes from 7/12 meeting

TOWN OF FALLSBURG
CODE ENFORCEMENT OFFICE

Member: New York State Building Officials Conference, Inc.

SENT TO COUNTY

5250 Main Street
South Fallsburg, NY 12779
(845) 434-8811
Fax: (845) 434-5883

MOLLIE MESSENGER
Code Enforcement Officer

August 1, 2012

Mr. Luiz C. Aragon, Commissioner
Sullivan County Division of Planning and Environmental Management
100 North Street
P.O. Box 5012
Monticello, NY 12701

Re: Fal12-08: Site Plan Review – Davos Resort USA,
Phase 1 – GML-239 County Review

Dear Commissioner Aragon,

This letter is in response to your GML review letter dated June 26, 2012. We agree that "The site plan includes some very inspiring elements that are in agreement with many of Sullivan County's goals...." to use your words. As you know, the original Davos plan was the subject of a DEIS/FEIS review in the late 1980's, and although many of the proposed uses are similar, they will be distributed differently around the 700+/-acre property. As you may know, the 1988 DEIS/FEIS effort was conceptual in nature and, because of the passage of time and changing conditions, the plan needs to be re-examined. The Planning Board has advised the applicant that subsequent development beyond Phase 1 will require the preparation of an Environmental Impact Statement and a full traffic study is likely to be an element. As the DEIS process proceeds , your office will be included as an interested agency, and environmental documentation will be made available.

Several elements of the 1988 plan received site plan approval and have been built, including several of the residential condominium developments. Site plan approval was also previously granted for the ski lodge, restaurant, parking and other amenities, and much of that approved plan was carried out. The present Phase 1 plan is within the same defined area as the earlier approved site plan and is being treated as an amended site plan. This commercial core of the development is the critical first step to a revitalized Davos Resort, and the hotel and related amenities will lead the way for future development.

The Board recognizes that the plan submitted to your department for the 239 review is incomplete and cannot be approved in that form. But the Board was interested in your early

Email: mmessenger@fallsburgny.com • tod.burns@fallsburgny.com • george.sarvis@fallsburgny.com • denise.ceoclerk@fallsburgny.com

response, and that of the public, so a public hearing was held on June 28, 2012 at a special Planning Board meeting. The comments from Davos residents were generally favorable. Any approval by the Board would include a requirement that the plans meet the provisions of Sec. 310-7.4 of the Town of Fallsburg Zoning Code, Site Plan Elements, as a condition of any approval

In response to your bullet points:

- Grading and Stormwater Protection – a full analysis of stormwater elements are part of the Phase 1 plan, and a separate analysis will be provided for future phases.
- Greenhouses – are intended to supply only the hotel and other on site facilities, and the details you identify will be shown on the site plan.
- Landscaping – will be shown on the plan as it is detailed. The Board will encourage the use of native plant materials wherever possible.
- Road leading out of parking lot – this is an access road to an already developed residential portion of the property
- Stream, wetlands – all natural features are to be added to the plans as they are detailed.
- Water – is now supplied to the existing residents by the Town of Fallsburg, and adequate capacity is available to serve Phase 1. As later phases are proposed, an analysis of water needs will be made and a source of water identified.
- Wastewater will be treated at the existing Sewage Treatment Plant, which has adequate capacity for Phase 1 and is owned or controlled by the applicant. The onsite use of stormwater for greenhouses or irrigation is being evaluated for Phase 1 and future phases.
- Subdivision – it is likely that subdivision of lots will be necessary, even if only for financing purposes. The potential subdivision lines for Phase 1` are being established to meeting zoning requirements.

The Planning Board appreciates your interest and comments. The Board strongly believes that the renewal of the Davos Resort will be the first step in revitalizing the area.

The Board adopted a Conditional Amended Site Plan Approval by Resolution at it's July 12, 2012 meeting. This resolution includes many conditions, among them are the points identified in your GML 239 review. We have attached the adopted resolution.

Sincerely

Arthur Rosenshein, Chairman
Fallsburg Planning Board

C: File-VODAS, LLC

Municipal/Civil Engineering
Land Surveying
Site Plan Development
Septic System Design
Environmental Services

Golden & Moran Engineering
Office: (973) 300-0888
Fax: (973) 300-0881
21 Main Street
Newton, NJ 07860

September 22, 2012

Kenneth D. Ellsworth, P.E.
Keystone Associates
58 Exchange Street
Binghamton, NY 13901

RECEIVED
OCT 04 2012
TOWN OF FALLSBURG
CODE ENFORCEMENT

Re: Davos Resort U.S.A.
FA57-113.21

Dear Mr. Ellsworth,

Attached please find the following items submitted in support of the referenced application:

- Davos Resort U.S.A. Site Plan, dated 5/28/12, last revised on 9/7/12
- Stormwater Management Report, dated September 14, 2012.

These items are being submitted at this time to show the stormwater management design and supporting calculations, in addition to addressing items found in the Conditional Amended Site Plan Approval Resolution – Phase I. Specifically, the plans have been revised as follows:

Condition #8 – A note has been added regarding the dedication of land or easements to the Town if determined necessary by the Superintendent of Public Works.

Condition #19 – A note has been added the Utility Plan regarding installation of a master water meter at the entrance to the development.

Condition #20 - A note has been added the Utility Plan regarding installation of a grinder on the sanitary sewer line.

Condition #27 - A note has been added the Utility Plan regarding the applicant's responsibility to repair/replace/upgrade any elements of the water or sanitary sewer systems if required by the Superintendent of Public Works.

Condition #28 – A note has been added to the Hotel Site Layout Plan indicating that the applicant will be responsible to repair/replace/rehabilitate any road or property damaged by the construction vehicles.

Additional revisions to the site plan include:

- Incorporating a drainage design and appropriate detention / bioretention structures and features.
- The southernmost parking area has been revised to be constructed in conjunction with the Phase I golf course.

- Additional grading (contours and spot shots) has been added to the plan to define drainage patterns and slopes.
- The accessible parking areas have been revised to show a 2% slope.
- A driveway connection has been added to provide access to the existing dwellings adjacent to the project property.
- Additional landscaping has been added to the entire site to enhance the visual appeal and provide associated stormwater management benefits.
- A planting schedule has been added to the plans to note the quantity, size, and type of the proposed landscaping.
- A Drainage Area Map is now included in the plan set and should be reviewed with the revised Stormwater Management Report.

Please review these materials and feel free to contact this office with any questions or if you need additional information.

Sincerely yours,

Joseph R. Golden, PE

CC: Applicant - Thomas Ting
Project Planner - Robert Tessier, AICP

Mollie

From: Will Illing <willing@fallsburgny.com>
Sent: Wednesday, October 17, 2012 9:49 AM
To: Kenneth Ellsworth
Cc: Mollie Messenger; RGeneslaw
Subject: Davos

Ken:

I had a lengthy telephone conversation with Joe Golden. I advised Joe to call your office to discuss with you directly the latest set of plans including stormwater report. We discussed Planning Board final approval conditions with regard to engineering and level of detail required for same. It is suggested that the final site plan could be stamped for approval with certain notes placed on the site plan that would require specific design details and further review/approval by Keystone prior to any land disturbance or obtaining building permits. For example, an Engineers Report for water and sewer that demonstrates adequate flow capacity, pressure, elevation for gravity sewer flows, etc. would be required to obtain the site plan approval. However, engineering details concerning tapping locations, piping sizes, layout and construction/installation would be submitted after siteplan approval but prior to site disturbance or building permits. It would be noted on the site plan that all water and sewer line installations would receive plan review and approval by the Town Engineer (Keystone) prior to obtaining water and sewer permits for installation or building permits for that matter.

In this regard, when Keystone staff reviews the site plan, please have them make a list of specific items that could be submitted subsequent to receiving final site plan approval from the Planning Board. I would anticipate grading plans, stormwater plans, site plan layout all be in sufficient detail to demonstate compliance with zoning regs and good engineering practices prior to Keystone or PB Chairman signing for siteplan approval. The plans would not necessarily have sufficient detail for constuction purposes; those details and construction planning would be ironed out in conjunction with preconstruction meetings, plan submittals and reviews, approvals, local permitting etc.

I would like Joe Golden, you and I to discuss this matter further to better understand the pros and cons.

Once Keystone staff completes the initial review, let's discuss how to respond with comments.

Thank you

Will

Please consider the environment before printing this email.

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Robert Geneslaw Co.

PLANNING AND DEVELOPMENT CONSULTANTS

Robert Geneslaw, AICP

368 New Hempstead Rd. #320
New City, NY 10956
Office 845/368-1785
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MEMORANDUM

TO: MOLLIE MESSENGER, CODE ENFORCEMENT OFFICER
WILL ILLING, P.E., TOWN ENGINEER
RON HIATT, ESQ., PLANNING BOARD ATTORNEY
KEN ELLSWORTH, P.E., TOWN CONSULTING ENGINEER
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TOMMY TING, (FOR PROJECT SPONSOR)
ROBERT TESSIER, AICP, (FOR PROJECT SPONSOR)
JOE GOLDEN, P.E., (FOR PROJECT SPONSOR)

FROM: ROBERT GENESLAW, AICP

SUBJECT: VODAS, LLC - DAVOS AMENDED SITE PLAN REVIEW, PHASE 1
SBL 57-1-13.21, FINAL DOCUMENT, ADOPTED 7/12/12.

DATE: NOVEMBER 4, 2012

This memorandum is intended for a review of the status of revised and new material for the scheduled November 5, 2012 staff meeting. This memorandum is in two parts "A", a review to determine whether the conditions of the Conditional Amended Site Plan Approval Resolution – Phase 1 dated July 12, 2012 have been met; and "B' comments relating to the revised site plan set of drawings.

This review is based on the following recently received materials:

- Cover letter from Joseph Golden, P.E., of Golden and Moran Engineering, LLC to Ken Ellsworth dated September 22, 2012.
- Stormwater Management Report prepared by Golden & Moran dated September 14, 2012 and submitted to Keystone Associates.
- Plan set for Davos Resort U.S. A. prepared by Golden & Moran consisting of 14 sheets, dated revised September 7, 2012

Our Comments:

A. Conditional Amended Site Plan Approval Resolution – Phase 1, Adopted July 12, 2012

For ease of review we are including only those of the 33 conditions which are relevant to our review and our comments are in red:

8. Offer of dedication to Town of land or easements for roads, future road widening strip, utilities, etc., that may be shown on the plan or determined to be necessary by the Superintendent of Public Works. Note shown on plan

13. Responding to all comments from the Town Planning Consultant, Robert Geneslaw Co., except as may be modified by the Planning Board. See RGC memo of November 4, 2012 which provides a list of items which were not completed from our prior memos.

19. A master water meter shall be provided at the entrance to the development and individual meters shall be provided at each building or water using feature to the satisfaction of the Town Engineer. Note shown on plan. CHANGE NOTE TO THIS ON PLAN

20. A grinder shall be provided on the sanitary sewer line as it leaves the property, to the satisfaction of the Town Engineer. Note shown on plan. → NOT needed per will - Dev. can do what they want.

21. Amendment of plans either graphically or by note to include:
    b. Speed humps are not permitted on this site. See RGC November 4, 2012 memo which addresses this issue.

30. Meet the requirements of the Superintendent of Public Works for the repair/replacement/upgrade of any elements of the water and sanitary sewer system necessary to provided adequate and safe water and sanitary sewer service. Note shown on plan.

31. Repair/replace/rehabilitate any portions of Davos Road or other public roads on the Davos property that are damaged by construction vehicles or ground disturbance. Note shown on plan.

B. Review of site plan drawings dated revised July 12, 2012

Items are noted on the first plan sheet on which they appear but some are found on several sheets.

1. Sheet 1- - 7 STORIES - Need exact Height. - Revise NOTE

   a. Proposed building heights and number of stories should be shown. This was requested in our memo of June 11, 2012.
   b. At a staff meeting prior to Planning Board adoption of the approval resolution the applicant indicated that prior topographic mapping would be reviewed and confirmed or revised. This sheet only reverences the prior topographic mapping.

9/7/12 ok

2. Sheet 2

- Should the Existing Conditions Map have a revision date of 9/17/12 for "additional grading and drainage per preliminary approval"?

3. Sheet 3

BIDY Dept.

a. For ease of reference street names should be shown -- ROAD Dedication names
b. For a hotel and conference hall, is a single loading area adequate? If the loading are is to be covered it should be shown on the plan.
c. A speed hump is proposed at the hotel entrance. See note 21.b of the approval resolution. The Planning Board would have to revise the approval resolution, and if it is revised a detail should be added to the plans. MAYbe Speed table
d. If a right of way or access easement through the Phase 1 property to the condominium development to the north has not previously been provided, it should be prior to stamping of the plan. It must include legal and physical access during construction. → Ken calling Joe TOMORROW

4. Sheet 4 → POSTED speed 15 mph.

- Turning radii should be shown all intersections.

5. Sheet 5

- The plan shows a proposed pool in an area typically a front or side yard. The pool is proposed at an elevation of 1,367 feet, while the first floor of the hotel nearby is proposed at 1,362 feet, and an adjoining "existing building to remain" has a first floor elevation of 1,367 feet. This matter should be discussed with the Planning Board.

6. Sheets 6,7,8 & 9 – No comments.

7. Sheet 10,11

ARB SOLAR? photos

a. Plan indicates "proposed site lighting under solar structure to be canopy mounted." Details should be provided showing structure, lighting detail, and section to illustrate visual impacts to the Planning Board. Lighting levels should be kept to a minimum. See RGC memo of June 11, 2012.
b. Plan proposes 25 foot high pole mounted light fixtures. See RGC memo of June 11, 2012. The applicant should be guided by Section 310-5.11 Lighting of Nonresidential Properties..
c. The Lighting and Landscaping Plan may need to be revisited. The applicant should be guided by Section 310-8.5 Landscaping of Parking Areas and provide a conforming plan or discuss with the Planning Board any alternative proposals that may be based on the uniqueness of the site.

The applicant should also be guided by Section 310-5.10 Landscaping and Buffering.

8. Sheet 12 – No comment.

9. Sheet 13

   a. Detail shows maximum luminescence of 5.1 foot candles. This appears to be considerably in excess of code limits – see Section 310.5.11 Lighting of Nonresidential Properties.

10. Sheet 14

   a. Confirm that the discharge space for handicapped parking may be either 5'-0" or 8'-0" – VAN

Vehicle →

   b. The Handicap Parking Sign shows penalties for use by unauthorized individuals. How will this provision be enforced?

PD RIGHT TO ENFORCE ON PRIVATE PROPERTY?

KEYSTONE ASSOCIATES
ARCHITECTS, ENGINEERS AND SURVEYORS, LLC

Also Doing Business As (DBA):

HAWK ENGINEERING

Kenneth D. Ellsworth, P.E.
Managing Member

Paul L. Bedford, AIA
Architect

Rodney L. Carey, L.S.
Land Surveyor

Kordian W. Wichtowski, R.A.
Architect

November 5, 2012

Mr. Joseph R. Golden, P.E.
Golden & Moran, LLC
Planning and Design
21 Main Street
Newton, NJ 07860

RE: Davos Resort U.S.A
SBL No. FA57-1-13.21

Dear Mr. Golden:

We have reviewed the Drawings dated May 5, 2012 and the Stormwater Management Report dated September 14, 2012 for the above referenced project. Based on our review we offer the following comments:

Title Sheet

1. Determine actual building setback from proposed subdivision line.
2. Add to notes for additional topography.
3. Initial EAF indicated 150 employees, has it been revised? - PLANS SAY 100. Need to be the same
4. Address and contact number for Owner and Planner.

only 150 employees at one time

Existing Conditions Map

1. How was the Existing Conditions Map prepared? Does it actually reflect current existing conditions?
2. Provide surveyors stamp.
3. Label existing road names.
4. Provide adjacent Owners.
5. Provide bench mark.

Layout Plan

1. Provide actual sight distances.
2. As noted on the plan, road R.O.W to be adjusted. Will need survey maps and descriptions.
3. Suggest changing text, hard to read.
4. Provide horizontal road alignment (horiz. curves, radii, etc.)
5. Provide road names.
6. 679 parking spaces are shown, title sheets says 799 provided. - EXTRA SPOTS needed for golf courses
7. Indicate posted speed signs.

Main Office
58 Exchange Street
Binghamton, New York 13901

Branch Offices
14 Park Avenue
Monticello, New York 12701

6223 Hancock Highway
Starlight, Pennsylvania 18461

Site Layout Plan – Sheet A

1. Hydrant shown in the middle of access drive.
2. Cross hatched pedestrian access across roads.
3. Are islands raised or painted?
4. See above comments.
5. Remove contours.

Site Layout Plan – Sheet B

1. Remove contours.
2. Setbacks should be from pool.

Grading Plan – Sheet A

1. Access road profile required.
2. Please label the proposed contours and additional labels for the existing contours.
3. Show all entrances to the building with finished floor elevations to verify handicap accessible routes and grading.
4. The parking lot slope in the areas of the proposed handicap parking stalls is excessive and should be limited to a maximum 2% slope.
5. Please label all stormwater management facilities (catch basins, storm pipes, ponds/rain gardens, outlet structures and etc.) on the grading plan with their corresponding designations as shown in the Stormwater Management Report (i.e. Pond No. 1 – DA 1 Rain Garden).
6. Existing contours are missing around some of the proposed pond areas, please provide the contours and show the corresponding tie-outs for the proposed grading.
7. Provide outlet invert for F.E.S. # 306 and corresponding slope for pipe. The plan currently indicates a pipe slope of 0.50% however as shown on plan the slope would be in excess of 1% which may have some impact on the pond elevations.
8. Pipe slope from "B" Inlet #206 to F.E.S. #206 should be 2.19%.
9. Pipe slope from "B" Inlet #208 to "B" Inlet #209 should be 3.64%.
10. Pipe slope from "B" Inlet #101 to "B" Inlet #102 should be 0.62%.
11. Plans should show a "limit of disturbance" line.
12. Top of dam (berm) width for the proposed ponds should be a minimum of 8 feet in width. Town wants 8' But it probably need can be shorter
13. Show computations that a vegetated swale is sufficient for the 4% grade. A note states that additional protection to be provided where slope exceeds 4%, what type of protection will be provided and show the computations.
14. No emergency spillways are shown for the proposed ponds.

Stormwater Management Report

1. The report states that the previous project had an approved SWPPP however because there is new impervious areas and new areas of disturbance in excess of 1 acre that were not covered in the original SWPPP a revised SWPPP and completed Notice Of Intent (NOI) are required for the project. The revised SWPPP and NOI should be in conformance with NYSDEC General Permit (Permit No. GP-0-10-001, effective January 29, 2010). JOE going to look into
2. The NYSDEC Standard Specifications for Erosion and Sediment Control should be provided as an Appendices to the revised SWPPP.
3. Provide emergency spillway outlets for all proposed ponds.
4. Provide orifice details for all outlet structures on the plans.
5. Will the proposed permanent ponds be used for temporary sediment basins? If so please provide notes and corresponding details.
6. A fixed vertical sediment depth marker should be installed in the forebay of each proposed pond to measure sediment depth.
7. Landscaping for detention pond should be in general conformance with the NYSDEC Stormwater Management Design Manual.
8. A phasing plan is required for disturbances exceeding 5 acres at any one time and bi-weekly stormwater inspections will be required for disturbances of more than 10 acres at any one time.
9. Provide outlet protection at each culvert discharge point and the corresponding design computations.
10. Indicate pond maintenance access point and easement areas to the Town.
11. A pre and post development drainage area map should be provided that clearly shows the Tc paths.
12. Provide typical sections for all proposed ponds which should include but not limited to all dimensions, safety bench, aquatic bench, static pool depth, slopes, and maximum water elevations for water quality volume, 10 yr, 100 Yr and emergency spillway.

Utility Plan – Sheet A and Sheet B

1. Provide Engineering Report for the sewer and water facilities.

Lighting & Landscaping Plan – Sheet A

1. Provide drawings of solar structure.
2. Discuss intent of lighting plan. Some areas in the parking areas have very little light.

Construction Notes and Details – Sheet A and Sheet B

1. The asphalt mixes and aggregate base noted in the Roadway Pavement Section and Driveway Section Detail should reflect standard NYSDOT asphalt mix designations. What is the parking lot section? The minimum aggregate base should be eight (8) inches.
2. Under Typical Trench, the water line must be embedded in sand and the sanitary sewer embedded in ¾ inch crushed stone or pea stone. The entire trench backfill must be compacted to 95% maximum density as determined by modified proctor (ASTM D-1557).

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Keystone Associates
Architects, Engineers and Surveyors, LLC

Kenneth D. Ellsworth

Kenneth D. Ellsworth, P.E.
Managing Member

KDE:mlw

CC: Will Illing
Mollie Messenger
Bob Geneslaw

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Robert Geneslaw Co.

PLANNING AND DEVELOPMENT CONSULTANTS

Robert Geneslaw, AICP

973-300-0888

Joe

MEMORANDUM

TO: PLANNING BOARD
TOWN OF FALLSBURG

FROM: ROBERT GENESLAW, AICP

SUBJECT: VODAS, LLC - DAVOS REQUEST FOR ONE YEAR EXTENSION, SBL 57-1-13.21, FINAL DOCUMENTS, ADOPTED 7/12/12

DATE: DECEMBER 10, 2012

C: MOLLIE MESSENGER, CODE ENFORCEMENT OFFICER
WILL ILLING, P.E., TOWN ENGINEER
RON HIATT, ESQ., PLANNING BOARD ATTORNEY
KEN ELLSWORTH, P.E., TOWN CONSULTING ENGINEER
DENISE MONFORTE, PLANNING BOARD SECRETARY
JAY ZEIGER, ESQ. (FOR PROJECT SPONSOR)
TOMMY TING, (FOR PROJECT SPONSOR)
ROBERT TESSIER, AICP, (FOR PROJECT SPONSOR)
JOE GOLDEN, P.E., (FOR PROJECT SPONSOR)

The Project Sponsor has requested a one year extension. The site plan regulations allow a single one year extension if requested before the expiration of the original approval. (Sec. 310-7.11).

The conditional amended site plan resolution adopted July 12, 2012 provides that the approval shall expire six months after approval and that the Planning Board may extend for additional six month periods if the applicant can demonstrate that conditions beyond the applicants control are responsible for any delay. We have no objection to the extension, but note that significant changes to the plan may necessitate reopening the environmental review process and procedural requirements.

PLANNING BOARD
TOWN OF FALLSBURG
VODAS, LLC
SECOND CONDITIONAL AMENDED SITE PLAN APPROVAL RESOLUTION – PHASE 1
ADOPTED SEPTEMBER 12, 2013

WHEREAS, the Town of Fallsburg Planning Board has a proposal for site plan approval for a 101 +/- room hotel, and 99 condominium units in 7 buildings distributed around the hotel core area, greenhouses as accessory uses, solar panels and amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey, tennis courts and swimming pool, (hereinafter referred to as the Project) on a property of 27 acres. Tax Map SBL: 57-1-13.21. The zoning is PUD-4; and

WHEREAS, the Planning Board reviewed and approved a similar proposal for Phase 1 after completing the SEQR process and Site Plan review; and

WHEREAS, the Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR 617.6 and was designated lead agency, conducted an uncoordinated review and classified the action as unlisted. Applicant completed Part I EAF, the Board completed an EAF Part II and an EAF Part III, and after a series of public meetings determined that the Project will not have a significant impact on the environment and adopted a Negative Declaration at the September 12, 2013 meeting; and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including plans for Davos Resort U.S.A., VODAS, LLC, prepared by Golden and Moran Engineering, LLC, Plan set of 10 sheets, dated revised 9/11/13, as well as comments and correspondence received from staff and consultants, and made certain modifications to the Project. A last review of plans and supporting material will be made by staff to confirm that all requested changes have been made and conditions have been met, including:

A. Standard Conditions

1. Changes requested by Planning Board members prior to the approval vote

2. Comments from Code Enforcement Officer during the approval process

3. Comments from Superintendent of Public Works during the approval process

4. Comments from Planning Board attorney during the approval process with the exception of review of legal documents

5. Changes to the plans necessitated by permit agency requirements

6. Payment of all fees in accordance with Town fee schedule

7. Payment of any outstanding consultant escrow fees

8. Offer of dedication to Town of land or easements for roads, future road widening strip, utilities, etc., that may be shown on the plan or determined to be necessary by the Superintendent of Public Works

9. Meeting all requirements of the Town's consulting engineer, Keystone Associates, except as may be modified by the Town Engineer.

10. Escrow for soil erosion control during construction.

11. Approval by the Architectural Review Board, as may be modified by the Planning Board.

12. Establishment of an escrow account, letter of credit or similar financial security to cover future maintenance/repair costs of infrastructure, including water supply, on site sewers, stormwater management, roads, as determined by the Town Engineer.

13. Responding to all comments from the Town Planning Consultant, Robert Geneslaw Co., except as may be modified by the Planning Board.

14. Subject to Planning Board review and approval of building elevation/renderings, with graphic material to be furnished for Planning Board files prior to stamping of site plan.

15. Subject to completion of all off site improvements, whether public or private, prior to issuance of the first building permit, or as determined by the Town Engineer.

16. Provision for an escrow account for site inspection by the Town Engineer, his designee, or a consulting engineer of his choice.

17. Receipt of all Town and other agency permits before land disturbance except as may be specifically authorized by the Planning Board in this resolution. Building permits shall not be issued until all other required permits have been received and the plans have been stamped.

18. Applicant to provide information regarding construction sequencing to be approved by the Town Engineer. There shall be no site disturbance prior to the required pre-construction meeting with the Town Engineer.

19. A master water meter shall be provided at the entrance to the development and individual meters shall be provided at each building or water using feature to the satisfaction of the Town Engineer.

20. A grinder shall be provided on the sanitary sewer line as it leaves the property, to the satisfaction of the Town Engineer.

21. Amendment of plans either graphically or by note to include:

    a. Location at which fencing, if any, will be permitted; detail of fencing; note indicating that only fencing shown on the plan or in notes may be constructed.

b. Speed humps are not permitted on this site.

c. Building permits shall not be issued until all site plan approval conditions have been met, all fees paid and all permits obtained.

22. All proposed demolition including foundations, utilities etc. will take place and debris will be removed before any building permits are issued.

23. No site disturbance or construction will take place except for any specific exceptions identified in this resolution before any building permits are issued.

24. The site plan set and supporting documents shall meet all the requirements of Section 310-7.4 (Site Plan Elements) of the Fallsburg Zoning Code, except or as may be individually modified by the Planning Board upon request of the applicant.

25. The plan set and satisfaction of conditions are acceptable to the Planning Board

26. Compliance with all applicable sections of the Fallsburg Zoning Code.

27. Approval of a Stormwater Pollution Prevention Plan (SWPPP) by all relevant agencies, the Superintendent of Public Works and Keystone Associates.

28. Meet the requirements of the Superintendent of Public Works for the repair/replacement/upgrade of any elements of the water and sanitary sewer system necessary to provided adequate and safe water and sanitary sewer service.

29. Review by emergency services – Fire, Ambulance and Police.

B. Special Conditions

1. The site plan set and supporting documents shall meet the requirement of Article XXII (Davos Planned Unit Development District No. 4) of the Fallsburg Zoning Code.

2. The site plan set and supporting documents shall meet the requirements of Article IV (Planned Unit Development Districts) of the Fallsburg Zoning Code.

3. Repair/replace/rehabilitate any portions of Davos Road or other public roads on the Davos property that are damaged by construction vehicles or ground disturbance.

4. Execution of an amended Transportation Corporation Agreement between the Town of Fallsburg and Davos Sewer Corporation to the satisfaction of Robert McEwen Esq..

5. Approval by the Planning Board of a subdivision plat or similar measure that will create a tax lot for Phase 1.

6. Provide access road to water tank meeting the requirements of the Superintendent of Public Works.

7. Provide plan for portions of Davos Road near water tank meeting the requirements of the Superintendent Public Works for horizontal and vertical alignment and identified safety measures such as guiderails, pavement material and treatment, advisory and required signage, etc.

8. Provide a drawing illustrating traffic management and safety features meeting the requirements of the Superintendent of Public Works, such as guide rails, advisory and required speed limit signage, directional signs, striping, stop signs and stop bars.

9. Provide pedestrian access from condominiums on east side of Davos Road to hotel and amenities as west side of Davos Road.

10. Execute agreement with Town Board regarding maintenance repair reconstruction of Town roads within VODAS property prior to any land disturbances.

11. Complete construction of Davos Road and road from Pine Top Road to cul de sac including top course prior to issuance of a certificate of occupancy for the hotel. Superintendent of Public Works may require repairs or rehabilitation of roadway and associated improvements prior to dedication to Town, prior to issuance of the last 25 certificates of occupancy for condominium units, and at any intermediate time, based on duration of construction time and roadway condition. The same requirements shall apply to internal roadways not to be dedicated to the Town if said roadways are open for use.

12. Revise notation on greenhouses to delete all references to public sales.

13. Revise map note regarding repair/replacement/rehabilitation of Davos Road and other public roads to add at the end of the note "to the satisfaction of the Superintendent of Department of Public Works".

14. All retaining walls in excess of four feet of exposure are to be designed and sealed by professional engineer who shall observe/supervise construction and certify that the respective wall has been constructed in accordance with the approved plans.

NOW, THEREFORE, BE IT RESOLVED, the Town of Fallsburg Planning Board, based on the record before it, including the general, specific and detailed knowledge of the Board of the Project and of the community, hereby determines that the Project should receive Second Conditional Amended Site Plan Approval for Phase 1 with certain conditions as enumerated above; and

BE IT FURTHER RESOLVED, that this Second Conditional Amended Site Plan Approval for Phase 1 shall expire six months after approval unless all requested information has been provided. The Planning Board may extend this time period for additional six months periods if

the applicant can demonstrate that conditions beyond the applicants control are responsible for any delay; and

BE IT FURTHER RESOLVED, that the Planning Board grants Second Conditional Amended Site Plan Approval for Phase1 with the understanding that the site plan map will not be stamped by the Chairman or his designee until all Standard Conditions 1-29 and Special Conditions 1-14 have been met and found to be acceptable by the Planning Board.

Dated: September __, 2013

Arthur Rosenshein
Chairman of the Planning Board

Vote as follows: 7 For
0 Against
1 Absent

The Planning Board Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Second Conditional Amended Site Plan Approval for Phase 1 record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: 17th date of October, 2013

Denise Monforte – Planning Board Clerk

The Town Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Second Conditional Amended Site Plan Approval for Phase 1 record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: 22nd date of October, 2013

Donna Akerley – Town Clerk

Part II - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
b. **Maybe** answers should be considered as **Yes** answers.
c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
1. Will the proposed action result in a physical change to the project site? ☐ NO ☒YES			
Examples that would apply to column 2:			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☒	☐	☐Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☒	☐	☐Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☒	☐	☐Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☒	☐	☐Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐Yes ☐ No
• Construction or expansion of a sanitary landfill.	☐	☐	☐Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) ☒NO ☐YES Specific land forms:	☐	☐	☐Yes ☐ No

IMPACT ON WATER

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated By Project Change
3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) ☒ NO ☐ YES			
Examples that would apply to column 2:			
• Developable area of site contains a protected water body.	☐	☐	☐Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
4. Will proposed action affect any non-protected existing or new body of water? ☒ NO ☐ YES			
Examples that would apply to column 2			
• A 10% increase or decrease in the surface area of any body of water or more than a 10-acre increase or decrease.	☐	☐	☐Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
5. Will Proposed Action affect surface or groundwater quality or quantity? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action will require a discharge permit.	☐	☒	☒ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities, which presently do not exist or have inadequate capacity.	☐	☐	☐Yes ☐ No
• Proposed Action would change flood water flows	☐	☐	☐Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☒	☐	☐Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☐NO ☒ YES			
Examples that would apply to column 2			
• Proposed Action may cause substantial erosion.	☐	☒	☒Yes ☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐Yes ☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AIR			
7. Will proposed action affect air quality? ☒NO ☐YES			
Examples that would apply to column 2:			
• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐Yes ☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐Yes ☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐Yes ☐ No
• Proposed action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐Yes ☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PLANTS AND ANIMALS			
8. Will Proposed Action affect any threatened or endangered species? ☒ NO ☐YES			
Examples that would apply to column 2			
• Reduction of one or more species listed on the New York or Federal list, using the site, over or near site, or found on the site.	☐	☐	☐Yes ☐ No
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐Yes ☐ No
Other impacts: _____	☐	☐	☐Yes ☐ No
9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☐ NO ☒YES			
Examples that would apply to column 2			
• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☒	☐	☐Yes ☐ No
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐Yes ☐ No
IMPACT ON AGRICULTURAL LAND RESOURCES			
10. Will the Proposed Action affect agricultural land resources? ☒NO ☐YES			
Examples that would apply to column 2			
• The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐Yes ☐ No
• The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON AESTHETIC RESOURCES			
11. Will proposed action affect aesthetic resources? ☐NO ☒YES (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)			
Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☒	☐	☐Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources, which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐Yes ☐ No
• Project components that will result in the elimination, or significant screening, of scenic views known to be important to the area.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES			
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? ☒NO ☐YES			
Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON OPEN SPACE AND RECREATION			
13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? ☒NO ☐YES			
Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
IMPACT ON CRITICAL ENVIRONMENTAL AREAS			
14.Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? ☒NO ☐YES			
List the environmental characteristics that caused the designation of the CEA.			
1.	☐	☐	☐Yes ☐ No
2.	☐	☐	☐Yes ☐ No
3.	☐	☐	☐Yes ☐ No
4.	☐	☐	☐Yes ☐ No
5.	☐	☐	☐Yes ☐ No
Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON TRANSPORTATION			
15. Will there be an effect to existing transportation systems? ☐NO ☒YES			
Examples that would apply to column 2			
• Alteration of present patterns of movement of people and/or goods	☒	☐	☐Yes ☐ No
• Proposed Action will result in major traffic problems.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON ENERGY			
16. Will proposed action affect the community's sources of fuel or energy supply? ☒NO ☐YES			
Examples that would apply to column 2			
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	☐	☐	☐Yes ☐ No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	☐	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No
NOISE AND ODOR IMPACTS			
17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☒NO ☐YES			
Examples that would apply to column 2			
• Blasting within 1,500 feet of a hospital, school or other sensitive facility.	☐	☐	☐Yes ☐ No
• Odors will occur routinely (more than one hour per day).	☐	☐	☐Yes ☐ No

	1 Small To Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	☐	☐	☐Yes ☐ No
• Proposed Action will remove natural barriers that would act as a noise screen.	☐	☐	☐Yes ☐ No
Other impacts:	☐	☐	☐Yes ☐ No
IMPACT ON PUBLIC HEALTH			
18. Will Proposed Action affect public health and safety? ☒ NO ☐YES			
Examples that would apply to column 2			
• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐Yes ☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).	☐	☐	☐Yes ☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐Yes ☐ No
• Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐Yes ☐ No
• Other Impacts:	☐	☐	☐Yes ☐ No
IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD			
19. Will proposed action affect the character of the existing community? ☐NO ☒ YES			
Examples that would apply to column 2			
• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐Yes ☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐Yes ☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐Yes ☐ No
• Proposed Action will cause a change in the density of land use.	☒	☐	☐Yes ☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐Yes ☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.).	☒	☐	☐Yes ☐ No
• Proposed Action will set an important precedent for future projects.	☐	☐	☐Yes ☐ No
• Proposed Action will create or eliminate employment.	☒	☐	☐Yes ☐ No
• Other impacts:	☐	☐	☐Yes ☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? ☒NO ☐YES

If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3

ENVIRONMENTAL ASSESSMENT FORM – PART 3

VODAS, LLC

Second Conditional Amended Site Plan Approval – Phase 1, for a 101+/- room Hotel, 99 Condominiums in 7 Buildings and amenities in the hamlet of

Glen Wild
Town of Fallsburg
Sullivan County

Prepared for the Fallsburg Planning Board
5250 Main Street
Fallsburg, New York 12779

Prepared by
Robert Geneslaw Co.
Robert Geneslaw, AICP
368 New Hempstead Road # 320
New City, New York 10956
Planning Consultant to the Town of Fallsburg

Adopted September 12, 2013

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Appendix A. **Preliminary Stormwater Management Report**
Available at the Fallsburg Department of Public Works

A. Introduction and SEQRA Process

The applicant proposes a 101+/- room Hotel and 99 Condominium units in 7 Buildings and amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey and tennis courts. Greenhouses will provide food for hotel guests. Solar panels are proposed in the parking area. The developer proposes private internal roads connected to existing Davos Road, a Town road with access to Glen Wild Road. All will be serviced by existing municipal water and sanitary sewer.

Among other permits and approvals, the applicant is seeking second conditional amended site plan approval from the Town of Fallsburg Planning Board. The application is also subject to the regulations implementing the New York State Environmental Quality Review Act (SEQRA).

SEQRA requires that no agency involved in any action undertake, fund, or approve the action until it has complied with the provisions of SEQRA. The Planning Board, as Lead Agency for this action, has determined that the action is an Unlisted action. The Board has received a Full Environmental Assessment Form, Part I. A Part II was prepared by the Town's Planning Consultant and reviewed by the Planning Board. This Part III is being provided in response to the Part II to assist the Board in making its determination of significance and to evaluate project impacts and identify appropriate mitigation measures.

B. Project Description

The proposed development is located on the north side of Glen Wild Road, hamlet of Glen Wild. The tax map reference is SBL 57-1-13.21. The applicant and property owner for this project is VODAS, LLC.

The site is approximately 27+/- acres in the Davos PUD – 4 zoning district, which permits hotels and amenities as proposed.

The development would be served by existing water supply and sanitary sewer service. The applicant is proposing the hotel and amenities as Phase 1.

Vehicular access will be from Glen Wild Road to Davos Road a public road.

Environmental Assessment Forms Parts I, II and III

Parts I and II have been submitted and reviewed by the Planning Board. The following narrative addresses only the potential large impact identified in the Part II adopted by the Planning Board. As explained in the first page of the Part II, "If the impact threshold equals or exceeds any example provided," Column 2, "Potential Large Impact," is checked. Identifying that an impact will be potentially large does not mean that it is necessarily significant, but that it be further evaluated in Part III.

1. **Impact on Water**

- Proposed Action will require a discharge permit, and
- Proposed action may cause substantial erosion

A "Preliminary Stormwater Management Report dated, July 21, 2011 has been prepared by Golden and Moran Engineering; and addresses these issues in a conceptual framework for the preparation of the Stormwater Pollution Prevention Plan (SWPPP). The proposed approach has been found to be acceptable by Keystone Associates, the Town's consulting engineer.

A complete SWPPP including provision for erosion control is in preparation and its approval will be a condition of any Planning Board approval.

D. Conclusion

The Planning Board therefore concludes that further mitigating measures beyond those in the SWPPP by the applicant are not required.

The Environmental Assessment Form (EAF) Part 2 listed the impacts on water, specifically that the proposed action will require a discharge permit, and proposed action may cause substantial erosion as being potentially large. This Part 3 discusses this element in some detail, based on the "Preliminary Stormwater Management Report, dated July 21, 2011

prepared for this the proposal. The Part 3 and supporting conceptual framework are intended to thoroughly evaluate the impacts and potential mitigation for purposes of the environmental review.

State Environmental Quality Review
NEGATIVE DECLARATION
VODAS, LLC
For Second Conditional Amended Site Plan Approval – Phase 1
Notice of Determination of Non-Significance

Project Number: Adopted September 12, 2013

Tax ID Number: Section 57 Block 1 Lot 13.21

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law.

The Town of Fallsburg Planning Board as the lead agency has determined that the proposed action described below will not have a significant environmental impact, and a Draft Environmental Impact Statement will not be prepared.

Name of Action: VODAS LLC – Davos Second Conditional Amended Site Plan Approval – Phase 1

SEQRA Status: Unlisted Action

Description of Action: This "Proposed Action" is for a Second Conditional Amended Site Plan Approval - Phase 1, for a 101+/- room Hotel and 99 condominium units in 7 buildings, amenities such as parking, landscaping, restaurant, conference hall, basketball courts, ice hockey and tennis courts. Greenhouses will provide food for hotel guests. Solar panels are proposed to be located over parking. The developer proposes private internal roads connected to existing Davos Road, a Town road with access to Glen Wild Road. All will be serviced by existing municipal water and sanitary sewer.

Location: North side of Glen Wild Road, hamlet of Glen Wild.

Reasons Supporting this Determination:

1. The Planning Board has determined that this proposed action is an Unlisted Action, and that approvals from other agencies are not needed. The Board has designated itself as lead agency.

2. The Planning Board has reviewed a Full Environmental Assessment Form (EAF), Parts I and II and a Site Plan Drawing set of 10 sheets entitled Davos Resort U.S.A., prepared by Golden & Moran Engineering, LLC, dated 9/11/13

3. A "Preliminary Stormwater Management Report" prepared by Golden & Moran Engineering, LLC, dated July 21, 2011, has been reviewed and found acceptable in concept by the Town Engineer and the Town's Consulting Engineer, Keystone Associates. Soil Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP) is in preparation. It has been determined by the site engineer that there are no Federal or State regulated wetlands on the property, nor are there any watercourses.

4. The site was substantially disturbed several decades ago to construct improvements included in earlier site plan approval.

5. Notice of a Site Plan Public Hearing was sent to all surrounding landowners and the Planning Board held a Public Hearing on June 28, 2012. Since then, the road pattern has been revised, the hotel height has been reduced from seven stories to four stories and the number of rooms has been reduced from 200 rooms to 101 rooms, with 99 condominium units in seven buildings added in the Phase 1 core area.

6. The Town of Fallsburg Planning Board has reviewed all supporting documentation, including but not limited to the referenced documents. The Planning Board has carefully reviewed Parts I and II of the Full EAF, and has determined that there are two (2) two potentially large impacts, the need for a discharge permit and the proposed action may cause substantial erosion.

7. The Planning Board has carefully reviewed potential environmental impacts, and has determined the following:

    a. The proposed development is consistent with the permitted uses in the zoning code in effect at the time of initial application, and with the uses as approved in the original site plan approval.

    b. The proposed project will utilize municipal water and sewer systems, both of which have adequate capacity for Phase 1.

    c. The proposed action will not have any impact on rare, threatened, endangered species or species of statewide concern according to the project sponsor, as none have been report on this previously disturbed site.

    d. The proposed project, although not consistent visually with existing land uses, the proposed project is allowed in the Planned Unit Development – Davos Resort. The hotel building is proposed as a 4 story unique circular design. The design elements of the hotel will be reviewed during site plan review with the Planning Board and by the Architectural Review Board.

e. The Phase 1 project is not anticipated to have a significant adverse impact on local road conditions. The proposed project is anticipated to generate approximately 120 trips in peak Friday afternoons in the summer traffic periods, and 135 on Sunday afternoons during the summer.

f. The potential large impact of the need for a discharge permit and soil erosion control will be mitigated by the proper implementation of the SWPPP.

g. In consideration of the foregoing, the Town of Fallsburg Planning Board has determined that the project is not likely to create any significant adverse impacts.

For Further Information:
Contact Person: Arthur Rosenshein – Chairman Town of Fallsburg Planning Board
Address: Fallsburg Town Hall, 5250 Main Street, South Fallsburg, NY 12779
Telephone number: (845) 434-8811

A Copy of This Notice is Sent to:
Chief Executive Officer, Town Supervisor, Town of Fallsburg

Other involved Agencies: Sullivan County Division of Planning and Environmental Management.

Applicant: VODAS, LLC

- Jay Zeiger: May I say something?
- Arthur Rosenshein: As much as we would be sympathetic, what I believe happens, if you don't get your extension, you haven't lost a lot.
- Rabbi Leftkowitz: Sixty to seventy thousand dollars.
- Arthur Rosenshein: No, why? Because everything, all the engineering sticks. Everything the town offered still is there. You have to come back and reapply. But everything you've paid and put into it, still exists. That's facts.
- Jay Zeiger: Then they have to go through the whole review process.
- Discussion.
- Irv Newmark: It could be streamlined...
- Arthur Rosenshein: Let me ask our advisor, Mr. Geneslaw.
- Robert Geneslaw: I don't think it will take a year. I think one meeting or two will be enough to get it straightened out. ... Some of the work has been done. It's a matter of coming in with an application and taking it forward from where it is now – I think that could be done with one or two meetings.
- Arthur Rosenshein: Okay. Mr. Hiatt.
- Ron Hiatt: Yes, I just think it a matter of the application has to be made before the time expires. *(Rest of comment inaudible.)*
    - MOTION:
    - Arthur Rosenshein: Well, we've had, everybody here has spoken. Now, the motion on the floor is for a two month extension. All in favor please raise your hand.
- Maria Zeno: Can you just clarify something?
- Arthur Rosenshein: Sure.
- Maria Zeno: When does, the last one, when does it expire?
- Arthur Rosenshein: May.
    - Arthur Rosenshein: So, all in favor of adding two months from this meeting. One, two, three. Against. On the record, four. (Motion is denied.)
- Arthur Rosenshein: It shouldn't actually take any longer than the 60 days, if you get it in. But right now, it's done.
- Rabbi Leftkowitz: They reviewed everything. What's the purpose?
- Arthur Rosenshein: Because the problem is this application, and a number of others, have gone on forever. At some point, 4 or 5 years has passed, we want to take another look at it. Because we don't know what's changed in between. These things go on and on forever. At some point we have to look at it and say, has anything changed in the town. Is there anything that we need to know. It's just a bad practice for something to roll on forever. Basically, if you work at it, it won't take you much longer than you've already asked. But we will get another chance to look and review it. I'm afraid that's the vote and that's final.
- Jay Zeiger: Thank you.
- Arthur Rosenshein: You're welcome.

2. VODAS – SBL# 57-1-21 – Update on status of the project for site plan and golf course. Zone: PUD. Acres: 139.5. Location: Glen Wild Rd., Glen Wild.

- Jay Zeiger, attorney, Joe Golden, Bob Tessier, project planner and Julie Chen represented the applicant.
- Jay Zeiger: On behalf of the applicant, I have with me Joe Golden, whom you've met, Bob Tessier ... the planner on the project. I was here a couple of months ago and gave you an update on the

project. The biggest change is probably the configuration of the road. And the other was the hotel portion of the project was made smaller. And the outbuildings or ... were added. With that said, Joe, why don't you bring everything up to date.

- Joe Golden: I would like to talk a little bit about what we have here compared with what we did have. Originally we had a 200 room hotel and we didn't show any villas in this first phase of the project. What we've done now is we've broken this out to a 101 room hotel and we have 99 villas in these individual buildings disbursed on the site. I did meet with Mr. Illing out there and we did identify some things we'd like to solve with this new plan. One of the drivers due to the new plan taking into consideration the condominiums located here, all the traffic would be going through the hotel parking lot more or less to get to the condos here. So, one of the main goals was to change and have more of a public road. And the access to the existing condos would come around the recreation areas and the hotel area. That's this road here. That is the entrance here, the existing Davos entrance, if you are familiar with the site. ... We're taking advantage of that same access point. ... the road circling mostly around the perimeter. Circling around we would put a cul-de-sac and end here and then the access to each of these individual condominium units would branch off of there. The hotel is in the same location. It's very similar to the previous configuration. We do have an area here for meetings, a hall/auditorium type set up. We still have a biosphere, which is more easily said like a water park inside the building. It has some nice glass. It gives a more natural impression. One of the biggest changes, I think to the advantage with the town, is we're realigning Davos Road. It's not easy to see here but the old Davos Road came in this way, this sharp turn right by the water tower. The old Davos Road came here, we had a sharp turn here, which I think has a history of not being the friendliest turn. The road continued on in this direction here. What we've done now is we'd like to relocate Davos Road to go over the hill on the other side of the water tower and come down on the other side. In essence, we'll eliminate the sharp bend. From the town's perspective, I think you'd have a much safer road. From our perspective, we're going to use the Old Davos, a portion of it, as an enter only. Because we're concerned a little bit about site distance, which we'll get into later. This will be an enter only into our facility. And exit will come out here on this location here on the public road and then come to the intersection here. It will be a much better site distance. It just has a lot of advantages. Prior we had greenhouses and things in this area. We've shifted them to the south here that gives us good southerly exposure. We've also added three buildings on the top here. I believe the town uses this here for various materials. These have the advantage of some fantastic views in each direction. And also to create a gateway to what we're trying to accomplish. Folks coming up Davos Road will pretty much see these up in front.
- Arthur Rosenshein: What will those buildings be for?
- Joe Golden: They're 12-16 unit condominiums. They will be three stories. I don't have the architecturals. They have stone. They're modeled after what they use in the alps, in like skiing communities. So they have the balconies, the stone looks at the end of the buildings. They'll have parking underneath. So, you won't see a lot of parking, twenty-four spaces underneath the building. And this is going to be somewhat typical of a model we are going to use as we expand to the other areas. We're maintaining the existing building, in orange. We also have the International Entertainment Hall of Fame building, it's going to be located there. The blue areas are water quality measures, rain gardens. Same things I talked about last time. We're going to have a lot of natural storm water management features. We're going to be conveying roof water, some of the parking lot water into a rain garden, which ultimately goes into a retention area. So, we'll satisfy things like water quality. This is a very green type project. ... This area here, as you can see, is a little bit hatched. We'll put some grapes and things in there. This will be a wine tasting/place where you

come inside. Grapes will be grown here. Folks can come in and make wine if they want, to be more of a retail. Prior plan, all of the delivery trucks would come through the front area here. So, we were going to have to accommodate a lot of large radius curves and really, it looks too industrial that way. We're now going to use the old Davos Road. Trucks can come in. They have a big area to turn around. Fire equipment can come in. Same thing, they can turn around, and then we'll have all the deliveries come into the back of the building. This area here and Mr. Tessier is going to talk about it a little bit more about the golf here. But we intend to have a golf pro shop, a lounge, this piece we have here will walk out from the restaurant/auditorium area and there will be a roof area, where if you want to have a beverage, watch your friends come in from playing golf, again, it's an incredible view, folks, if you are familiar with the area up there. It's in the north here. I think that's a very, very nice enhancement. All the rest of this really hadn't changed a lot. We eliminated, in the old plans we had overflow parking down here. Right now we have parking for the greenhouses or these buildings here. We still have the ski lodge that will be converted out to something a little bit different. So, now we're totally independent of the condos. We got some green space separating Davos from all the other residential that really are not connected here. We will maintain a flow with this change the 18 hole golf course that was up around the water tower, we're going to have a little tunnel to come under the road so you don't have to cross the road. Prior we didn't really like the fact that you were crossing the road because of the high traffic. Some folks tend to drive a little faster, especially in this area here. ... A precast culvert, if you're familiar with the area, it's kind of flat, so we'll put the culvert in and build the road on top of the culvert. So, folks come through here for the golf course ... the 18th hole will end right behind the lounge sitting area. It kind of brings everything together. ... Whenever there are outings, etc. ... everybody likes to sit out, have a beverage.... I think it's a much better plan. We maintained a lot of green space. We kept this area as a natural entertainment area. These buildings will be higher. There is about a ten foot drop off here, we're going to have.... We're going to build, hopefully, a better retention facility that holds water as opposed to one that drains out constantly. We hop to have that ... depending on the hydraulics there. Basketball. We have tennis areas. We have parking for the recreation area. Keeps it a little bit separate. Access to the hotel will have trails and things that come down here, steps, etc., etc. What we're really looking for today is preliminary approval or a blessing. I'm not sure exactly how I'd like to do that. Prior we had approval. I recognize we have to satisfy a lot of concerns of the engineer and the planner with the actual details of the drainage, etc. What we have in the plans in front of you now, we have the lighting plan, landscaping plan and layout plan. We do not have in front of you the drainage, the water quality, the pipes. I think what I've been hearing, I think the board really prefers to see what you're getting: landscaping, lighting, layout...

- Arthur Rosenshein: Let's see if the board members have any questions.
- Bucky Louckes asked if the road work is going to start before construction of the development.
- Joe Golden: More or less. I think the plan right now is subject to change. We would really like to get a model type building, really nice, so everyone can see. So, the intention is to get the road in and maybe some of these first before we get out into the back area.
- Bucky Louckes made further comment on this but it was not audible.
- Joe Golden responded: Yes, that's one of the first thing we'll do. Again, one of our main goals is to create separation between the resort and the existing community.
- Arthur Rosenshein: Question. The units up on the north, that hill, how will people there get to the rest of the hotel? What is your – they'll be crossing the through road.
- Joe Golden: These are going to be residential units but not necessarily guests of the hotel...
- Arthur Rosenshein: But they will have access to the hotel facilities.

- Joe Golden: I would think they would.
- Arthur Rosenshein: Have you thought about how they're going to get across the road safely?
- Joe Golden: We'll have something – recognize, though, that this entire area here is going to have another thousand to two thousand units. So, we'll have the same thing. We'll have walking trails throughout. This will be a total walkable community. There are all kinds of great walkable community guidelines. There will probably be a sidewalk here that goes past the vineyard type stuff. And then use the culvert we put in...
- Arthur Rosenshein: Even once you're done, you're on a tough curve there. People coming the other way in a car wouldn't see anybody until...
- Discussion.
- Arthur Rosenshein: You'll have it in such a position they can get to...
- Discussion.
- Joe Golden: And we'll also make it wide enough...
- Arthur Rosenshein: Also, you are extending sewer lines.
- Joe Golden: Yes, that's part of the...
- Arthur Rosenshein: It's part of the agreement...
- Discussion.
- Will Illing said that the existing homes is part of the agreement with the Town of Fallsburg. It's really part of the conditions.
- Joe Golden: Would that be a phase one item? Or would that be something that can happen in phase two through four? As we develop areas, we will extend the sewers to all the existing units.
- Arthur Rosenshein: I think we have an answer out there for you perhaps.
- Julie Chen: Yes, that's part of the sewer agreement.... *(Was not very audible)*. I've been working on an agreement with the town, yes, it is in the works.
- Arthur Rosenshein: Okay. Thank you. ... What I think would generate a lot of interest at this point – and I don't know if you can do it or whether who is going to answer this question – it would be nice if we could get some kind of timelines as to when things are going to start, what's going to happen. What are the projected – understanding everything --- what is projected as the timeline.
- Joe Golden: If we get a positive response from the board tonight, what we'd like to see happen, I'd give it a 6 to 8 week timeline for us to complete these plans, the details, find out about the sewer. We still have to do the research. We know the sewer lines are here. But we want to do an analysis from here all the way to the plant to make sure everything is sized appropriately. And to do the pressure analysis for the water tank. These are some the comments that remain from our last approval. We had conditional approval last time. We were given a list of the things that need to be done. So I anticipate in eight weeks we will be done with the design and hopefully be coming in for the final approval.
- Arthur Rosenshein: When is the intended construction?
- Joe Golden commented that they would have to review that.
- Arthur Rosenshein: Think it over and when you come back looking for the approval, basically, we're going to have to have our consultants and engineers look at the new plan. We'll speak to it in a few minutes how we feel about it. That's a very general approval that's not specific. But it would be nice that when you get the approval to give us, you're talking phasing, some kind of timeline for the town. Because the town has to know things to. So, if you could work on that, okay. Let's see how the board feels for the plan as revised. Does anybody want to say anything?
- Irv Newmark: I think it's a lot better than the first one.

- Discussion.
- Arthur Rosenshein: It looks fine. I like the road layout. I think it fits in with the landscape, a little less on the main building, a little spread out more. I don't think you'll have any problem with any of us on this design. Obviously, once it gets into the hands of the experts that's another thing. But from the board's point of view, I think the silence speaks a lot. If we don't have any rocks to throw, feel good about it. I can say you can go ahead with it as it is.
- Joe Golden: Does the board offer any type of preliminary approval type thing?
- Arthur Rosenshein: At this point we've already given that the last time. Now we'll get our consultants involved. See if there are any issues that are picked up when more time is spent on it. But what you're getting from me is as good as you're going to get which is the design works. We have no objections.
- Discussion.
- Joe Golden: Thank you very much.
- Discussion.
- Arthur Rosenshein: What's on the golf course....
- Bob Tessier: It is an important amenity for the hotel. What we've done is actually is proofed it ... the routing plan is have it circulate around. Have it start by the clubhouse. We've gone out in the field and marked in the field the ...
- Robert Geneslaw asked him to identify himself for the minutes.
- Bob Tessier: As I was indicating, we have an 18-hole golf course. It's a par 72. From the white tees we have about 6,415 yards. We have some room for some blue tees to pull it back a little bit. We've actually marked out with the GPS the exact location of the tees and the greens. And there is still PVC pipe that's still there. ... I was pleasantly surprised that when we went out to do that when we went out with the plan on the topo map fit in the field surprisingly well. *(Additional comment inaudible due to noise interference – paper rattling.)* He continued the explanation of the layout. He continued: We tried to do some concept. We had some initial grading to look at. The grading isn't really severe. Not to say we won't have some small ... but the grading seemed to preliminarily to work. That would be our next phase to really grade it out first in more detail. *(Noise interference difficulty distinguishing comment.)* ... He continued: And, again, we have a pretty generous landing area ... *(He gave explanation of golf course set up for the average golfer.)* ... So you have to some generous, we tried to get some generous landing areas. We got some easy approaches. The first holes start out pretty easily. You will have to use a golf cart to play this. It will be tough to walk. We have some great areas back here. We had to flip, when we were out in the field, we had to flip the holes a little bit. ... We do have some areas that we were looking at for water storage. But essentially any holes are out of any regulated wetlands. We have a couple of crossings of the stream that we have to permit. We have a crossing here in order to get back to the clubhouse. You have to cross Davos Road. We haven't really detailed out how we're going to do that because we have these home here, we have to get on the other side of the road. That's going to bring us back to where the water tower is. And there's another reason you won't walk it because you have to go a little distance with the golf cart. You get to the 18th and then that comes right below the golf course. This is a really nice hole because you're hitting up from that hill where the water tower is. See the nice view down. You have a whole beautiful view of the valley. So that will be a good ending like that. And here again we're going to go across again, that we already resolved, you are going to go with your golf cart underneath the roadway. That's basically the routing. We know that this will work now in the field. It's not as bony and rocky as I thought it was. It's very similar to this other course I mentioned Black Bear Golf Course had almost the same kind of terrain for about 50% of the course.

The other 50% was farm fields that is much easier to work with. I always believe it's doable. As I said, now the question is, we want to go ahead for preliminary and final site plan approval. Because this is an important co-element to the amenity package for the golf course and the condominiums. In the separated plan we have no buildings. We're not building any roads. We're just building a golf course and establishing turf for the golf course. Now we had a previous FEIS approved in the SEQR approval for ... 18-hole golf course and on the set of plans but it did not have it at this location. It was approved. I have a lot of questions about exactly what we have to do to get to that preliminary and site plan approval. Hopefully, we can get some input from your professionals and what we're looking for. I think this board has approved another golf course, right? Did you approve any other golf courses? There are two other golf courses.

- Discussion: They go back too far.
- Bob Tessier: I was looking for a model.
- Discussion.
- Arthur Rosenshein: First of all, you're near a property line along here. What's on the other side of the property line?
- Response: Woods.
- Arthur Rosenshein: Is this all on your property.
- Bob Tessier: Yes, this is all on our property.
- Arthur Rosenshein: On the other side of the property line.
- Jay Zeiger pointed out what was in each area surrounding the golf course saying this is all us.
- Arthur Rosenshein: So there is no issue. Is there anybody impacted, the answer is no.
- Confirmed.
- Arthur Rosenshein: Then it is up to our consultants, engineers and planners to look it over to see if there are any issue they pick up, which is standard stuff. I would think you are going to need to get a revised approval anyway. So, you can get the whole thing as a package, no?
- Robert Geneslaw: I don't think so.
- Arthur Rosenshein: Why not?
- Robert Geneslaw: The board had given conditional site plan approval last year. I think this would be a revision of that. The rest of it, I think needs a much more careful look. Back in 1988, Mr. Tessier had referred to the golf course going through environmental review. DEC said at that point it was such a generic review, it really wasn't acceptable. That's 25 years ago.
- Bob Tessier: They just said it was a generic approval.
- Robert Geneslaw: I think we need to take a look to see how all the rest of it should be handled.
- Arthur Rosenshein: Is there any reason to do the hotel before you've got this done? I think one depends on the other anyway.
- Robert Geneslaw: Well, the board had decided last year that it would be acceptable to proceed with the hotel. That was their first priority as an amended site plan, which is what you did with a whole bunch of conditions. And the rest of it was left to be determined because no one was sure what else there was going to be. Bob Tessier here mentioned potentially up to another thousand dwelling units and there would be some other facilities with it. I'm really concerned there could be an issue of segmentation. If the board looks at each separate item by itself, it's really doing exactly what is...
- Arthur Rosenshein: I think that's what I was essentially saying was...
- Robert Geneslaw: We need to look at the whole thing.
- Arthur Rosenshein: That's what I was trying to say. I may have not spoken clearly.
- Robert Geneslaw: I started going through the old approvals. I had a chance to look at these plans

both sets a little bit. I need to look at them some more. My feeling is that the hotel portion should be treated as an amendment to what you already approved and move forward. This part, certainly the plan can be advanced, but I think we're going to need to figure out how to get through the SEQR process to avoid a segmentation problem. Or whether we'll need to look over all of it at once. Maybe a client generic examination of the whole property.

- Arthur Rosenshein: You're talking SEQR; I'm talking site plan.
- Robert Geneslaw: That's right.
- Arthur Rosenshein: I think that's where the difference is.
- Robert Geneslaw: I think the hotel portion would be subject to the usual site plan review. I am going to suggest that ... do a revised EAF for the Part I for the hotel portion because I'm sure some of the quantities have changed. So we'll have something then we'll tie it together. We received and EAF Part I for the golf course, which has a lot of things that need to be revised...
- Arthur Rosenshein: Why not by the next meeting come up with some plan rather than, we can't hash it out now. So, we know the steps here. You're not seeing any impediments. You're seeing everything you would like to see, which is technical...
- Joe Golden: Yes, and we want to work out and we hope between now and the next meeting we can meet with your planner and engineer. And then we can talk about how to – we want to do this at the same time as this. And we're not in a position to engineer and design beyond this. I don't want to be pulled into all these future units. We only mentioned them because we don't want eight years from now come in and say, "Oh, you never even mentioned that." So there is potential for more. We can certainly conceptually show.... Then, again, it is primarily turf, turf management, the golf cart path.
- Robert Geneslaw: How much disturbance will there be on the golf course? In quantities. How many acres?
- Joe Golden: Usually, you can do a hundred, ninety, a hundred and ten. I mean, actual within the clearing mark.
- Robert Geneslaw: Because in the EAF you provided said 120 acres of ground disturbance and no environmental impacts. On the face of that, I find that hard to accept. That's why we need to sit down with professionals and figure out a course of action. Last year, I did give the board a suggested pathway. But I think we need to re-examine it because the circumstances have changed. So to prepare an up-to-date version for the board to review.
- Joe Golden: We can sit down and review. And we are certainly looking at the habitat management plan. We're looking at doing an integrated turf management plan ... *(noise interference)* ... (He commented he's working with Cornell Cooperative because they have a really good plan on turf.)
- Robert Geneslaw: I'm glad you said that because I was going to be asking you for it early on.
- Joe Golden: And then, of course, we're going to do a drainage plan. Managing the water on the court. Getting redaptable reuse of the water ... *(noise interference)* ... and they'll inform of the environmental impact. There is also a program that ... *(a lot of noise interference especially paper – couldn't make out the explanation of the program)* ... Really, there are a lot of opportunities in the community to do that.
- Arthur Rosenshein: So, I think you got what you want from the board. And that is a very positive response. And now you have all the work to do.
- Joe Golden commented they will now meet with the professionals.
- Discussion about setting up a workshop with staff.
- Robert Geneslaw: By the time you get approval for the golf course, forgetting what time of year it is ... what would you consider the construction period to be, roughly?

- Joe Golden: I've seen a golf course done in one season but it wasn't all sand and gravel – it was easy. I was thinking if you went through this, including the growing season, because once you establish the turf, you have to give it a chance to mature. I mean, aggressively, we could probably do this in under, let's say 30 months or 24.
- Robert Geneslaw: From point of approval.
- Joe Golden: From the point of starting construction. Whatever that point is because you don't know.
- Robert Geneslaw: ... So you'll have the hotel and other amenities done in phase one way before the golf course is ready for use.
- Joe Golden: That's up to the staging, the construction staging. ... It makes sense to work on the golf course when you're doing this site work because you already have the equipment on site. You already have the earth moving equipment that you're using for the roadway. So that's probably the logical way of staging. You're coming in working on the roadway. You have all the equipment in. And then you can start on the golf course. So, I would assume all the land clearing and the rough grading, it would make sense to do it all at the same time....
- Arthur Rosenshein: Okay. Anything else? Okay, thank you very much for coming in.
- Joe Golden: Thank you.

3. <u>RALEIGH/HEIDEN PROPERTIES SBL# 60-1-56/50-62/62.1/62.4/63/64/65/66 & 15-1-28</u> – Discussion of status of project. Zone: REC-1. Acres: 196.9. Location: 5674 Heiden Rd, South Fallsburg

- Glenn Smith, engineer and Mendel Lerner for the applicant.
- Glenn Smith: Last November, the board issued a final conditional site plan approval on the Raleigh/Heiden project.... And since then, only the ... I think Steve Lopez was here, I think February/March, for the well mitigation program and finalizing that report with the town and planning boards. Mendel felt we should probably come back to bring the board up to date on where we are with things. The conditional final site plan approval had about 45 conditions for the approval, which we're working on. (He commented on the map but it was not distinguishable.) ... The other thing I included is a summary sheet of what has been accomplished over the last year or nine months. The big thing we're dealing with is DEC and the health department on water supply and sewer system. The Delaware Basin Commission, we applied to them. They finally had what they call a docket hearing back in March. The DEC wouldn't issue a SPDES permit for the new sewer plant on the property until the DRBC issues their final approval docket. We finally got the docket hearing done in March. In April they issued what they call, Notice of Commission Action, to the DEC. The DEC prepared a draft SPDES permit. They contacted us in June and then again in July. That SPDES permit is ready once the transportation corporation is finalized, which is being worked on. That's where things are with that. The engineer *(Name?)* down in Goshen is preparing the sewer plant plans. He couldn't finalize the sewer plans until the DRBC, DEC finalized the SPDES permit. He did that. They submitted them by the end of July, which was just last week. That's where we are with sewer. On the water, we submitted to the health department back in January/February. They submitted a list of 56 comments to me in March, February/March. So I'm working on the health department comments now, also. I got a copy of the site plan resolution that Mr. Geneslaw emailed out, I think, to the board this week.
- Robert Geneslaw: Yes.
- Glenn Smith: I got a copy. That's the first I've seen it. But one thing I noticed in the end of the site plan approval resolution, the conditional site plan approval resolution, was that the site plan would expire 6 months after approval. I'm not sure if that's referring to the final site plan approval, Bob,

- MOTION:
- Arthur Rosenshein: A motion to deny or a re-hearing.
- Kalman Freidus* made the motion. Bucky Louckes* seconded it. Majority in favor.

- Arthur Rosenshein: This is a tough one. My feeling is there is another pathway. It should be doable using the ZBA to overcome it. They wouldn't have to do new engineering or anything else like that, I don't believe. And there is a pathway. I am very reluctant. We have consultants for a reason. We the planning board attorney. We have a consultant on hand to give us advice. The counsel on this one is that we can't legally take it up. I try to stay as much as we can within the law. The vote ... in favor of a motion to deny.
  - Against, I presume from the silence over there, three. The motion is denied.
- Arthur Rosenshein: I will say as I said before, if it comes back in front of us, we will be extremely sympathetic.... But I have to go with counsel.

2. VODAS – SBL# 57-1-21 – Update on status of the project for site plan and golf course. Zone: PUD. Acres: 139.5. Location: Glen Wild Rd., Glen Wild.

- Jay Zeiger, attorney, Joe Golden, engineer and Bob Tessier, project planner represented the applicant.
- Arthur Rosenshein: For those of you who don't know it, the Davos project up in Woodridge, has been around since the early 80's, I believe. There was a ski resort among many things. There's a project to renew it, entirely differently. I'm afraid we're not going to have skiing in the Town of Fallsburg again. But more golf we'll get. I understand from the last time you were before us, there have been major revisions made to the site plan? And you are updating us on that particular item right now?
- Affirmative response to both questions.
- Joe Golden: The last time we met, I kind of went over the plan, I thought we had a pretty good plan. But ... do better and working with professionals, I think we've come up with some enhancements to the plan that will make it better.
- *(Robert Geneslaw reminded him to introduce himself. Thank you.)*
- Joe Golden gave an orientation of the layout of the project. The hotel from 200 to 100 rooms, from 7 stories to 4 stories. They have the same number of units but now hotel rooms and villas. There will be a vineyard and winemaking. Repositioned the road for safety. A recreational area on the eastern portion of the site with tennis, basketball and hockey. Adjusted the town road. There will be an international entertainment hall of fame. Repositioned so there is now a dual entrance and exit into the project. Created more parking and added landscaping. Deliveries will be from behind the hotel. The parking will accommodate large events at the hotel. Repositioning the road allows for better site distance that is much better. A lot of green technology will be implemented for the storm water using rain gardens for aesthetics as well.
- Arthur Rosenshein: Can you make revision on the cul-de-sac on the western side to have emergency access as a secondary in there.
- Joe Golden: Absolutely. The intent is to have a break away barricade that's not shown here. It will be done with pavers, grass pavers. So it will look like green space. We'll have the grass pavers and the break away barricade as an alternate emergency access. .... No, we'll have an emergency access here and possibly another emergency access down the road where the golf carts would go. They come out ... somewhere down the line there will be the golf cart path .... a potential emergency access. *(Voice fades in and out to low mumble that was not audible in many places to transcribe.)* We are going to use, obviously, existing water here. We're finalizing calculations to make sure we

have adequate pressure ... and we're also connecting to the existing sanitary sources. There is a network of manholes ... this is an easement where we are relocating this gentleman's driveway ... to come straight in here. Then again there are existing manholes going into Davos Point. We got all the infrastructure in place. I think we're being nice in improving the traffic. We've certainly made this whole area here much safer by eliminating this rather sharp curve. I think we made a nice plan and we've made some nice improvements...

- Arthur Rosenshein: Another question is the access, the main access road coming up from Woodridge, what is the speed limit on that? The present speed limit.
- Joe Golden: The present speed limit is non posted which would default to 55. We are going to be requesting that it be put to 35.
- Arthur Rosenshein: And you would request that from the state?
- Joe Golden: We'll doing that with the state, yes....
- Arthur Rosenshein: And as I expressed once before, how do you actually expect people from actually going 55 on that turn? Is there any mechanism you can think of?
- Joe Golden: No, I think with the final design we'll make the road a little wider, so it's a little safer. And increase the site distance around there. We really don't want to create a racetrack here. But we are bound by the posted speed limits. Obviously, we're not doing 55 with what's there now. We still do have a curve. We still do have the potential for speeding. But we're going to post it with signage, etc. and it's up to enforcement.
- Arthur Rosenshein addressed staff to Mr. Geneslaw.
- Robert Geneslaw: As Mr. Golden indicated, this is the first phase of a multi-phase development. The second phase will be the golf course. And the balance of the property will come to the board after that. In the prior plan... there's a prior plan approved in July of last year, which had the same uses on the property except that the roadway layout was different. And, as Mr. Golden pointed out, the building has been reduced in size from 7 stories to 4 stories. And they're proposing 99 condominium units, several buildings scattered around. So the total number of occupiable units will be the same. The condominium units will probably be larger with more bedrooms than the hotel. Mr. Golden has described the changes to the plan pretty well. The activity before the board tonight, you want to go forward with it, will be to review the Part I EAF, which is very similar to the last one *(noise interference)* ... except ... disturbance has changed a little bit. Mr. Golden has to provide that information for us. Part II EAF which is the same except for one typo we picked up from last year. Part III is the same. Then we prepared a proposed second conditional site plan approval resolution for the board. So we can go through those individually or.... I think the board should at least approve the Part II, whether ... or not.
- Arthur Rosenshein: Okay, let's do that first. For the viewing audience, the Part II refers to the environmental assessment form as part of the state regulation that we have to do on any project we approve. It's sort of a checklist of impacts. It's called a SEQRA, State Environmental Quality Review Act. ... Bob, are there any changes in it since the last time?
- Robert Geneslaw: The only change in the Part II, I did find a typo ... *(a lot of noise interference and apparently not close enough to the microphone so very difficult to hear)* ... He said something about the water 20,000 gallons a day impacts should have been marked small to moderate impact last time. It's checked in red in case you have trouble finding it. That's the only change that was made to the Part II between last time and this time because the site is the same, the number of units is essentially the same, the roadway has changed and the distribution of buildings throughout the property has changed a little bit. But the essential impact of the proposal is essentially the same. So if you are satisfied with the explanation or want to go through more detail, you can vote to approve.

- Arthur Rosenshein: I don't think it's necessary. The obvious change in the 20,000 gallons was an oversight. So basically we would be, let's get this right, renewing the negative dec based on the changes to the Part II.
- Robert Geneslaw: Well, I'd like to suggest to adopt this as a separate one ... the name of the project is a little different and it's about 14 months later. So, I head it as Davos second conditional amended site plan. If we could distinguish it from the first one, a few years from now when we are trying to figure out the history of the project...
- Arthur Rosenshein: I can't figure it out now. Well, okay, so the document for second conditional amended site plan approval phase one notice of determination of non-significance.
- Discussion about voting on it as a negative declaration.
    - MOTION:
    - Arthur Rosenshein: Motion to accept the revised Part II as submitted.
    - Bucky Louckes* made the motion. Irv Newmark seconded it. All in favor.
- Arthur Rosenshein: So that's done. Again, negative declaration ... simply means that the planning board has determined that there will be no major environmental consequences to the approved, if we approve this project or there are major ones and there is some way they can be modified to reduce their impact. So by giving it a – it's a rather complicated one – the negative dec, it's negative in significance. Mr. Geneslaw, did I get it right?
- Robert Geneslaw: You got it correct. What I did was used last year's as a basis for structure. I changed some of the description along the lines what Mr. Golden and I described a few minutes ago. I have to fill in the information about the title of the drawings and the date of the drawings and how many there were. I can do that from the information ... he gave us. For the balance, I put in the new information in red. There are a few edits.
- Discussion.
- Arthur Rosenshein: There is actually no environmental change based on this, very little. Does the original, when we originally did that there was an erosion plan that went with it. With the addition of all the new units in different places, is that the significant change?
- Robert Geneslaw: The erosion control plan is being revised along with the entire storm water plan. I don't think it has much of a difference. The road layout is also different. Visually, I think there is less roadway disturbance than there was before.
- Arthur Rosenshein: Less imperviable surface.
- Discussion.
- Robert Geneslaw: There are more buildings, there are seven additional condominium...
- Arthur Rosenshein: So it may be a wash.
- Robert Geneslaw: If it's not a wash, it's going to be pretty close percentage wise. And the applicant is going to be providing a new storm water plan, which includes erosion control. And that we'll review very carefully by Keystone.
- Arthur Rosenshein: I presume that the applicant wants to move to a revised site plan tonight. I'm not sure...
- Robert Geneslaw: That's their preference.
- Arthur Rosenshein: To the board, there are so many conditions on this, it's sort of difficult because everything is sort of up in the air. On the other hand, I would say I am aware of certain significant time requirements on this particular project for various reasons. If we're going to approve the second conditional amended site plan approval phase one tonight, we first have to accept the environmental changes and give a negative declaration first.
- Robert Geneslaw: You have to vote on the negative dec before you vote on the site plan approval.

- Arthur Rosenshein: Does anybody have any comments or discussion on that in case we make such a motion? Would somebody like to make the motion.
    - MOTION:
    - Gary Tavormina made the motion for the second conditional amended site plan approval phase one negative declaration. Kalman Freidus seconded.
    - Arthur Rosenshein: Any discussion? All in favor? All declared all in favor with no one against. The ayes have it on that one.
- Arthur Rosenshein: I will tell the board that I have been in discussions with Mr. Geneslaw on this one. Because my biggest fear is this is a long continuing project. This is going to go on for a long time. And I'd like to request that he develop a system to keep track of this more. It's relatively easy on most projects. But this one, what we see already, we got the second amended.... Mr. Geneslaw, if you could, I expect this is your area of expertise, if you could find a way that we can keep track of everything over a period of time, checklists, some kind of a system. Because this is going to get too complicated for us and certainly for me because I'm going to be the one called on to sign the thing.
- Kalman Freidus commented on the tracking document.
- Arthur Rosenshein: It's more than a tracking document.
- Kalman Freidus: Have we seen that?
- Arthur Rosenshein: Actually, I have at some point. But this is...
- Kalman Freidus commented further but was not audible.
- Arthur Rosenshein: But this is even beyond the tracking document that said we approved it and so on. But how many conditions are there now, Mr. Geneslaw?
- Robert Geneslaw: Forty-three altogether. And one of them for example is to meet the requirements of Keystone. I don't know if they're going to have one page of comments or 10 to 20 pages of comments. We can't know at this point how many individual items there will be on that checklist. But typically what happens with Keystone for an example, they'll send a review letter to Mr. Golden. Mr. Golden will make all the changes to the plans. Call Keystone and discuss them and work it out. And eventually there will be a letter from Keystone that says that everything is okay, it's ready for signature. That can take an extended period of time. And that's only one of 43. (Laughter.)
- Arthur Rosenshein: Right. And that's going to have subparts.
- Robert Geneslaw: So, it's going to be a pretty long list of things to do. But I think it's worth doing it because as we said, it would be very hard to keep track of everything over the time period. This is only the first phase. Each phase we'll be doing the same sort of thing.
- Arthur Rosenshein: Right. We could ask the applicant to provide that service but I suspect that it would be better if you did it with their money, of course.
- Discussion.
- Arthur Rosenshein: Work together. You understand my concerns on this one?
- Discussion.
- Arthur Rosenshein: And keep track of it. And probably if we can devise it, it would also be useful to your side (the applicant's).
- Discussion.
- Joe Golden: I do have a chart/spreadsheet that I use to check off, e.g., utilities: water approved not approved, roads, sections, buildings. I've checked projects in the past ... *(inaudible due to other conversations at the same time)* ...
- Arthur Rosenshein: I think to leave it to the staff to work that one out. Between yours and

everyone's ideas.

- Robert Geneslaw: I think at the last meeting you had asked them to also prepare a list of the changes, a narrative of all the changes, between the approved plan from last year and the plan that's being presented to the board tonight. And I haven't seen that yet. That's an outstanding item on their list to take care of.
- Discussion.
- Robert Geneslaw in response to Joe Golden: I'm saying you have to have it tonight but it would be helpful to use for the board members to recognize all the changes. But also to construct a checklist.
- Joe Golden: Just for the record, I think it's important to note that we haven't changed the number of overall units or that we have increased any of the activities...
- Arthur Rosenshein: Our discussion is really on mechanism. ... The board has had an opportunity. Nobody has said anything negative about the new design. My real concern is procedural and keeping track of procedural over a period of time. When did the original Davos project start? Was that 1980 or something?
- Robert Geneslaw: It was before. I think the environmental review was updated in '88. And that was only done because DEC required it. That was done when the sewer plant was first being designed. So it was probably back to at least 1985.
- Arthur Rosenshein: So, you understand what I mean and I've been involved in it from the beginning.
- Discussion.
- Arthur Rosenshein: Okay, so Mr. Geneslaw.
- Robert Geneslaw: We can discuss any of the items in the proposed resolution. Or if you are satisfied with everything that is in red.
- Discussion.
- Jay Zeiger: One of the things, we believe that the boundaries of this phase, if you will, are as shown here. *(Apparently not close to the microphone – very difficult to hear. Plus there was a lot of other conversation during his comments.)* We currently have a surveyor who's doing the metes and bounds. ... *(Inaudible)* ... I know one of the conditions is we have to break off this from the rest of the piece.
- Joe Golden: And obviously a significant part that we haven't really talked about is that we will be granting application to the right-of-way to the township. And we will be looking to vacate the old right-of-way. That will all be part of the ... the surveyor is working on that right now ... for the lines as you see them here, ... it's just a question of handling the paperwork. *(Apparently not close enough to the microphone – very difficult to hear. Plus there was a lot of noise interference.)*
- Robert Geneslaw: Jay, in response to your question, go to page 4, item 5 up at the time. I'll try to keep it somewhat general.
- Discussion.
- Robert Geneslaw: What I mean is as I see it, once the surveyor has finished ... you'll have to come to the planning board, get the planning board to approve the subdivision, which will create that lot as we see it. And if the creation of that lot denies access to other portions of the Davos property, you'll have to make provision for a right-of-way or easement for future development. I don't know at this point whether that's going to.... If you have any suggestions on how to do it, I'd be glad to talk to you about it.
- Jay Zeiger: I think you're on the right track. We just have to sit down with the surveyor and see....
- Arthur Rosenshein: Okay, Bob, in looking at this document, I have a memo a meeting on Davos site plan of August 28th on the staff side. In that there were minor concerns, A through H. Is that incorporated in? It starts with A...

- Robert Geneslaw: Yes, the plan was revised. The road configuration was changed. Mr. Golden described it but didn't identify it being done for that reason. Joe, can you show on the map how the road was changed from the layout...?
- Arthur Rosenshein: Bob, my question is, has that been incorporated into the updated document you just handed us?
- Robert Geneslaw: No. It's incorporated in the plan itself.
- Arthur Rosenshein: Okay.
- Robert Geneslaw: The road was moved on the plan to deal with that comment.
- Arthur Rosenshein: Okay. So, this document, draft document, conditional amended site plan approval resolution draft September 11th, incorporates all the changes to this date. And since we've already done a second conditional amended document, since we've already done the SEQRA, is your opinion we can move on this?
- Robert Geneslaw: Yes.
- Arthur Rosenshein: Comments from board members. This is not our usual procedure.
- Kalman Freidus: I read that over, I see no changes. I'm fine with it.
- Robert Geneslaw: I just want to mention to the board about the 239 review. You and I have discussed it. ... When this came before the board last year.
- Arthur Rosenshein: The 239 review is the county review of the project.
- Robert Geneslaw: It was sent last year to the county planning department for them to look at any of, what you call, intercommunity implications on the project. They came back with a letter requesting a whole bunch of things and a denial of the plan. The chairman sent them a letter later, shortly after the approval, indicating the board had overwritten the county's comments. Because the information that ... provided or the county didn't interpret the plan properly. We discussed whether it should go back again, now, with this layout. And the conclusion we came to at the staff level was that that was not necessary because none of the changes that were made had anything to do with the comments that came from the county. I would also mention to remind everybody that the letter the chairman sent to the county also said when future phases come in, they were all to be sent to the county for review. It's not a matter of the county being finished with the project on the first phase. They'll get a bite of the apple every time around.
    - MOTION:
    - Arthur Rosenshein: Okay. Anybody else? All right then, somebody care to make the motion?
    - Gary Tavormina made the motion. Irv Newmark seconded it. All in favor.
    - Arthur Rosenshein: The second conditional amended site plan approval resolution phase one is approved as of the draft of September 11th.
- Joe Golden: Thank you very much.

3. RALEIGH/HEIDEN PROPERTIES SBL# 60-1-56/50-62/62.1/62.4/63/64/65/66 & 15-1-28 – Discussion of status of project. Zone: REC-1. Acres: 196.9. Location: 5674 Heiden Rd, South Fallsburg

- Glenn Smith, engineer and Mendel Lerner presented.
- Glenn Smith: We were here last month and if you recall the history of the conditional final site plan approval last November. *(NOTE: Not very audible, apparently not close enough to the microphone and a lot of noise interference – paper rattling and talking.)* We got a 6 month extension at last week's meeting. The project is basically 236 homes in 4 separate loops on the property behind the Raleigh Hotel on Heiden Road. What is front of you tonight is on loop number three, the loop behind the existing Raleigh Hotel, is probably the first one to be developed. We've been tweaking

Mollie Messenger
Code Enforcement Officer

TOWN OF FALLSBURG
CODE ENFORCEMENT OFFICE
Member: New York State Building Officials Conference, Inc.

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NEW YORK 12779
(845) 434-8811
FAX:(845) 434-5883

PLANNING BOARD DECISION

Date: 10/17/13

Applicant Name: VODAS

Address of property: Glen Wild Rd., Glen Wild

SBL #: SBL# 57-1-13.6 Hearing Date: 6/13/13

Request: Update on status of project

The request was: Approved ____X_____ Denied_____

Conditions:

- **6 month extension given**

Denise Monforte
Planning Board
Town of Fallsburg

Email: mmmessenger@fallsburgny.com - gpitula@fallsburgny.com – george.sarvis@fallsburgny.com – denise.ceoclerk@fallsburgny.com

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PLANNING BOARD DECISION

Date: 10/17/13

Applicant Name: VODAS

Address of property: Glen Wild Rd., Glen Wild

SBL #: SBL# 57-1-21

Hearing Date: 9/12/13

Request: Update on status of the project for site plan and golf course.

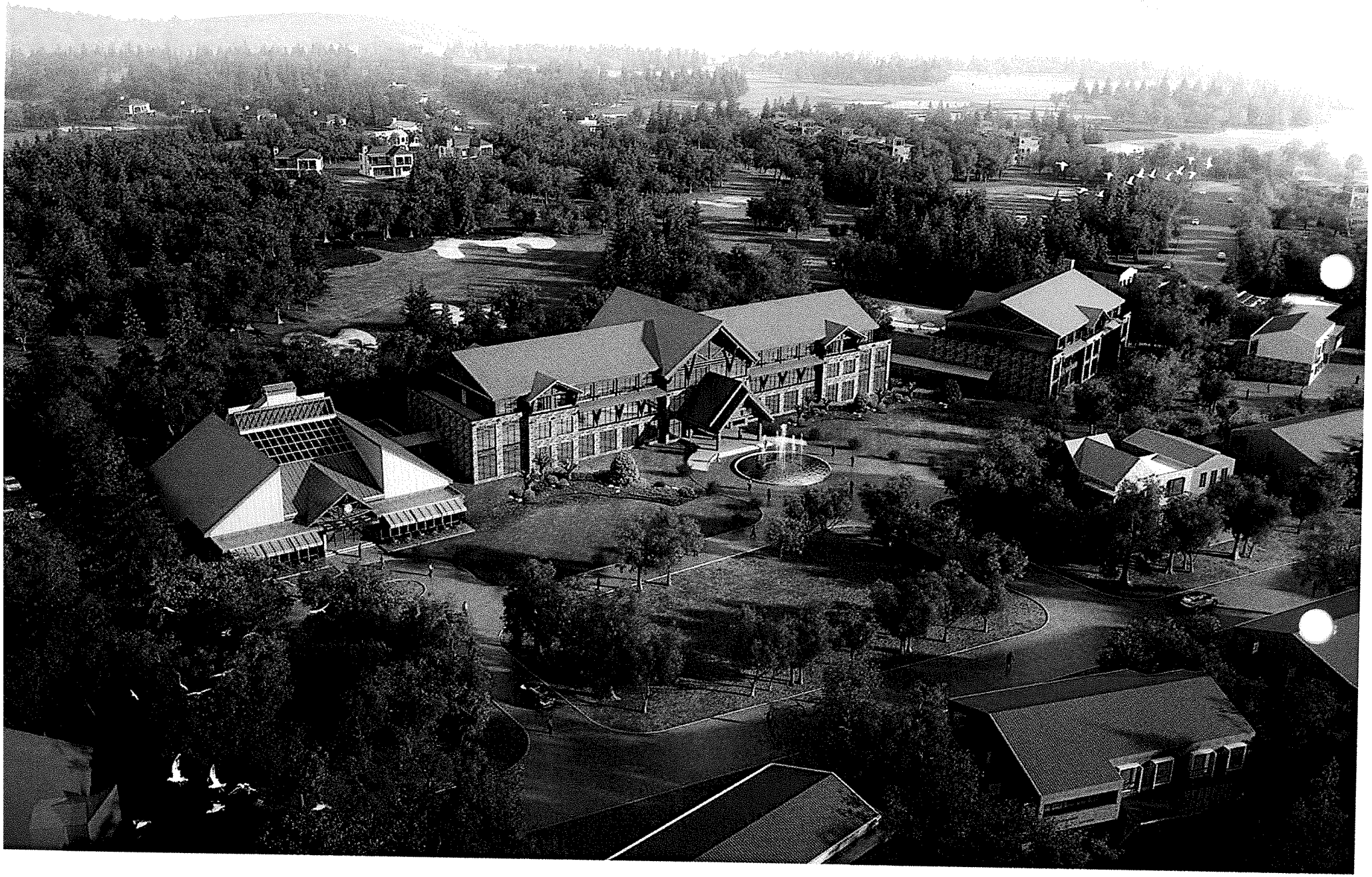
The request was: Approved ___X_____ Denied_____

Conditions:

- **Second Conditional Amended Site Plan was approved. See Resolution for conditions.**

Denise Monforte
Planning Board
Town of Fallsburg

Email: mmmessenger@fallsburgny.com - gpitula@fallsburgny.com – george.sarvis@fallsburgny.com – denise.ceoclerk@fallsburgny.com



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July 13, 2012

Market Demand and Site Analysis
Healthy Living Resort Hotel and Spa

A & R Global Consulting, LLC was retained by Vodas, LLC and New York Federal Regional Center, LLC to evaluate the feasibility of the Healthy Living Resort Hotel and Spa, (Resort) proposed by Vodas LLC to be located on the 1000 acre former Davos master planned and approved Planned Unit Development District, (PUDD) located in the Town of Fallsburg, Sullivan County, New York. Based on A&R Global's review of the business plan submitted to us and our knowledge of the competitive environment we believe the site is suitable and the project to be feasible provided that Vodas, LLC meets the requirements enumerated in this report. The report is divided into three sections; the project description, competitive environment and feasibility of the site and project. As in all studies of this type, the estimated performance levels for the proposed Healthy Living Resort Hotel and Spa are based on competent and efficient management and presume no significant changes in the competitive dynamics in the market other than those specifically discussed in this report. Projections contained herein are based upon estimates and assumptions that are subject to uncertainty and variability. While we do not represent the projected results as those, which will ultimately be achieved, we have prepared them conscientiously based upon the most reliable forms of information available to us and our extensive knowledge and experience in economic development in the region. Our review and collection of data for this project was prepared during the months of April through August of 2011 and May, June, and July of 2012.

A&R Global in our efforts at forecasting the potential demand for the products and services of the Healthy Living Resort Hotel and Spa, in the regional markets considered both core demand (accommodated) growth and extraordinary demand. Core demand growth (also known as accommodated demand) results from increases in demand from the market's existing related demand generators. Extraordinary (induced) demand occur in the market as the result of new products or services entering the competitive market, making significant changes in the competitive environment.

The following report has an array of data demonstrating demand and competitive environment for the products and services proposed to be provided by the Healthy Living Resort Hotel and Spa.

Project Description

The following project description has been provided to A& R Global. The project planers want guest and residents to discover the tranquility, healthy living and clean mountain air as well as finding a greater balance in their life through fitness, nutrition and healthy lifestyle. The Resort and surrounding community will be centered around a Traditional Chinese Medicine health and wellness spa and 18 hole golf course.

Traditional Chinese medicine emphasizes preventative, non-invasive approaches to health care and dates back over 5,000 years. Many western spa operators offer amenities based on Taoist philosophies and practices, as well as those of Zen and Buddhism. Herbalism, Chinese & Holistic Medicine, Meditation, T'ai Chi, and martial arts are all key components of the Taoist philosophy. The natural beauty of the 1,000 acres will be preserved and enhanced, hiking trails will lead to beautiful vistas which will have seating areas, meditation gardens, fountains and ponds.

Since this project will stand alone in the pristine Catskill Mountains to be successful it must have a variety of activities to attract visitors and second home buyers from the New York Metropolitan Area and farther afield. Consequently, Vodas LLC has developed the following concept that they believe will provide the necessary components, listed below, intended to make the Resort and Healthy Living community a financial success.

Organic Produce and Herbs: A greenhouse and outdoor certified organic farm production facility will be housed on part of the 1000 acre project site. The primary market for the organic production will be the Resort, its restaurants and spa facility. Excess production will be sold in the New York Federal Regional Center, LLC service area and throughout North America and the world.

Hotel/Resort: A five star full service 200 room hotel resort with Spa and meeting rooms on a Chinese Village Theme specializing in Spa treatments featuring Chinese herbs and techniques. Resort will include golf, a full gym, indoor and outdoor tennis, hiking/ mountain biking trails, birding, fly fishing, water sports, swimming, boating and winter sports (cross country skiing, , snowshoeing).

"Whole Life Spa:" where guests can enjoy a Chinese beauty center, a longevity center, medical weight-loss center focusing on healthy eating, physical activities and nutrition and a medical exam center.

Housing: – single family, multi-family, duplex and condominiums.

Restaurants: guest, visitors and residents will have three themed restaurants to chose from, Haute Chinese, located in the hotel, Health, Diet and Longevity cuisines located in the Spa and casual breakfast, lunch , dinner at the Clubhouse overlooking the golf course all will feature outdoor dining options.

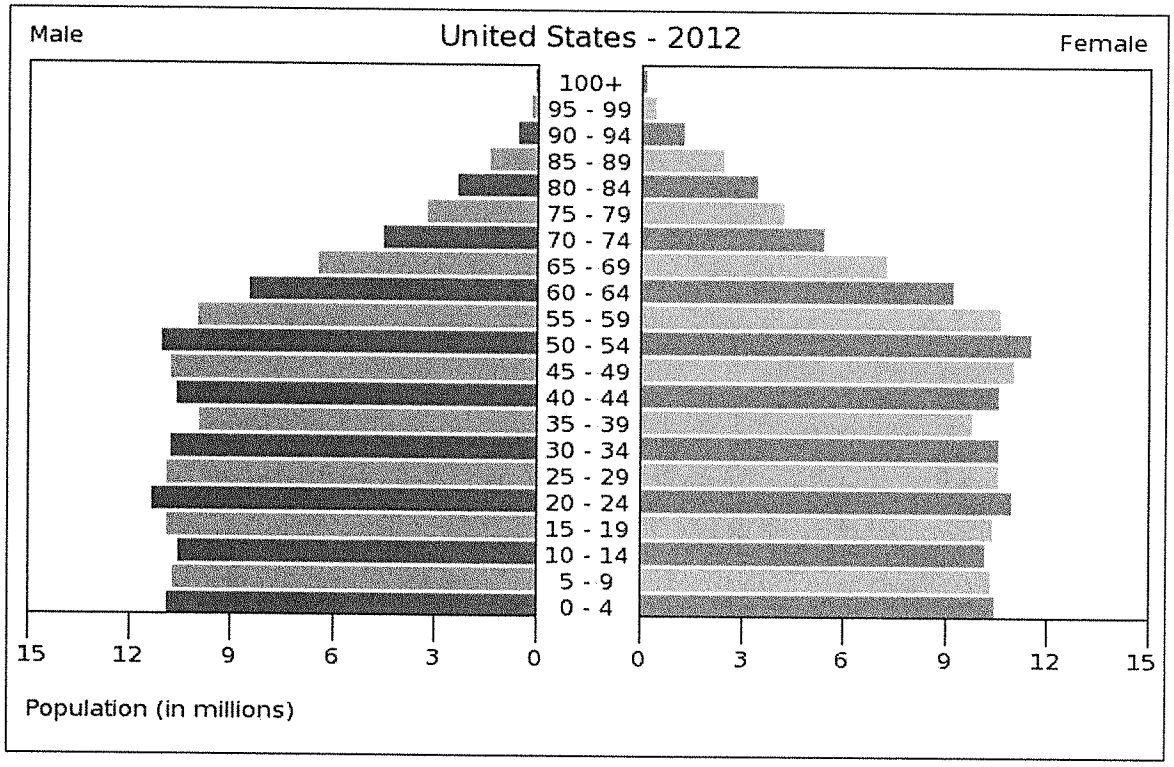
Conference Center: (part of hotel(s) or free standing) The conference center would host business travelers, international and domestic conferences attendees and, potentially, tourist related activities it will host seminars that include practices based on Traditional Chinese Medicine, Taoist beliefs, dietary guidance, physical exercise and spiritual discipline.

Villas, condos and apartments also to be used for tourist and conference attendee accommodations.

Visitor Center/Museum area in the hotel, an interactive and high-tech exhibition room where guests and visitors learn more about the human body and the history of Traditional Chinese medicine from its routes 5000 years ago to today's attempts to integrate its best features with the technology of Western Medicine.

Potential Markets for Spa Products and Services

The following is a summary of the market segments to be targeted by Vodas, LLC.
The broadest category of potential clients for the products and services of the Spa and Resort are from the age group know as Baby Boomers. As the data below indicates this demographic is the predominant user of all the products and services to be provided by the Resort. They are the most populous generation in American history. They number approximately 79 million, of which over 10 million live in the New York Statistical Metropolitan Area (SMA), and control a significant amount of the wealth and spending power in the economy. As this generation enters retirement, the changes in their spending power are likely to generate a noticeable effect on the economy as a whole.
On January 1, 2011, the oldest Baby Boomers turned 65. Every day for the next 19 years, about 10,000 more will cross that threshold. By 2030, when all Baby Boomers will have turned 65, fully 18% of the nation's population will be at least that age, according to Pew Research Center population projections. Today, just 13% of Americans are ages 65 and older.
The 79 million member Baby Boomer generation accounts for 26% of the total U.S. population. By force of numbers alone, they almost certainly will redefine old age in America, just as they've made their mark on teen culture, young adult life and middle age. But don't tell Boomers that old age starts at 65. The typical Boomer believes that old age doesn't begin until age 72, according to a 2009 Pew Research survey. About half of all American adults say they feel younger than their actual age, but fully 61% of Boomers say this. In fact, the typical Boomer feels nine years younger than his or her chronological age.



Source Enviable Demographics And The Baby Boomer Retirement Myth

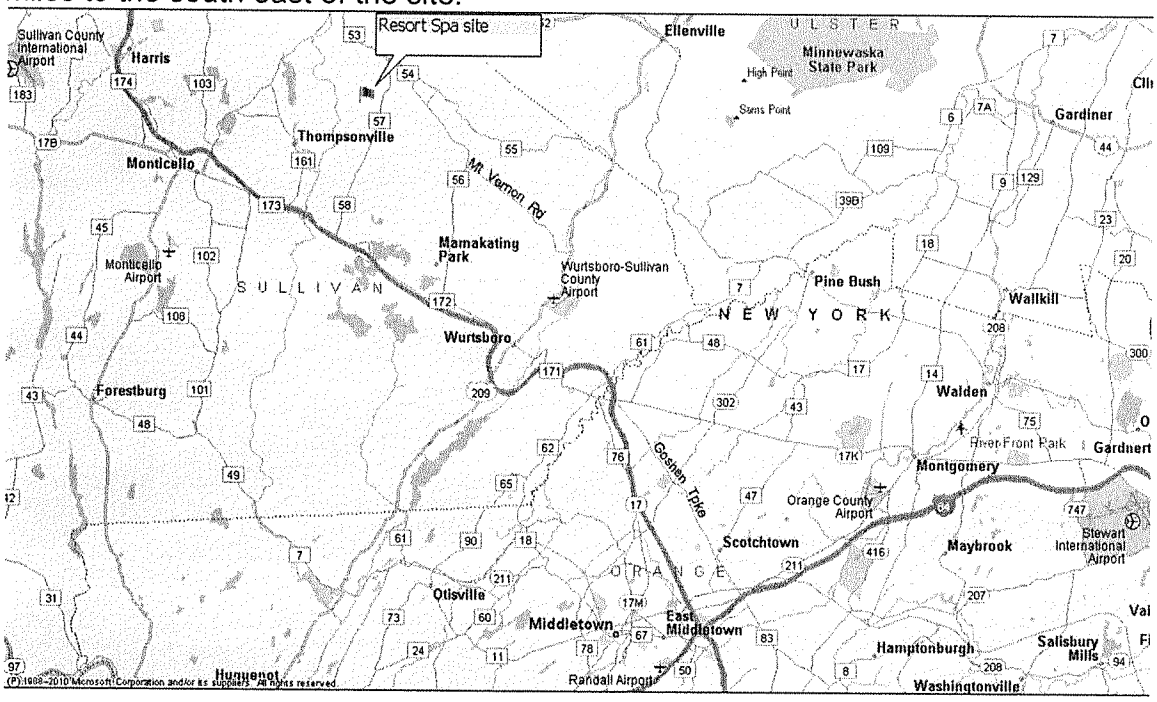
In the United States over 50% of the discretionary spending power rests with the baby boomers and they are responsible for over half of all consumer spending. In the area of health care, baby boomers buy 61% of over the counter medications and an astonishing 77% of all prescription drugs. Even their vacation habits play a big role in the economy with boomers accounting for about 80% of all leisure travel. Adults aged 55 and older now make up a quarter of the health club memberships in the United States.

The market research firm Global Industry Analysts projects that a boomer-fueled consumer base, "seeking to keep the dreaded signs of aging at bay," will push the US market for anti-aging products and services from about $80 billion now to more than $114 billion by 2015. "*With the nation's health-care system seemingly in a state of perpetual stress and crisis, one group stands out among companies looking to grow: Wellness-minded Americans with disposable income*" – says Kristen Gerencher, MarketWatch. She writes in her article, Wellness - a new health-care market: "While many people are struggling to just get or hold onto basic health insurance, the affluent can readily pay out of pocket for care that combines prevention, relaxation and rehabilitation through fitness disciplines, nutritional programs and products and Western and Eastern traditional medical practices.

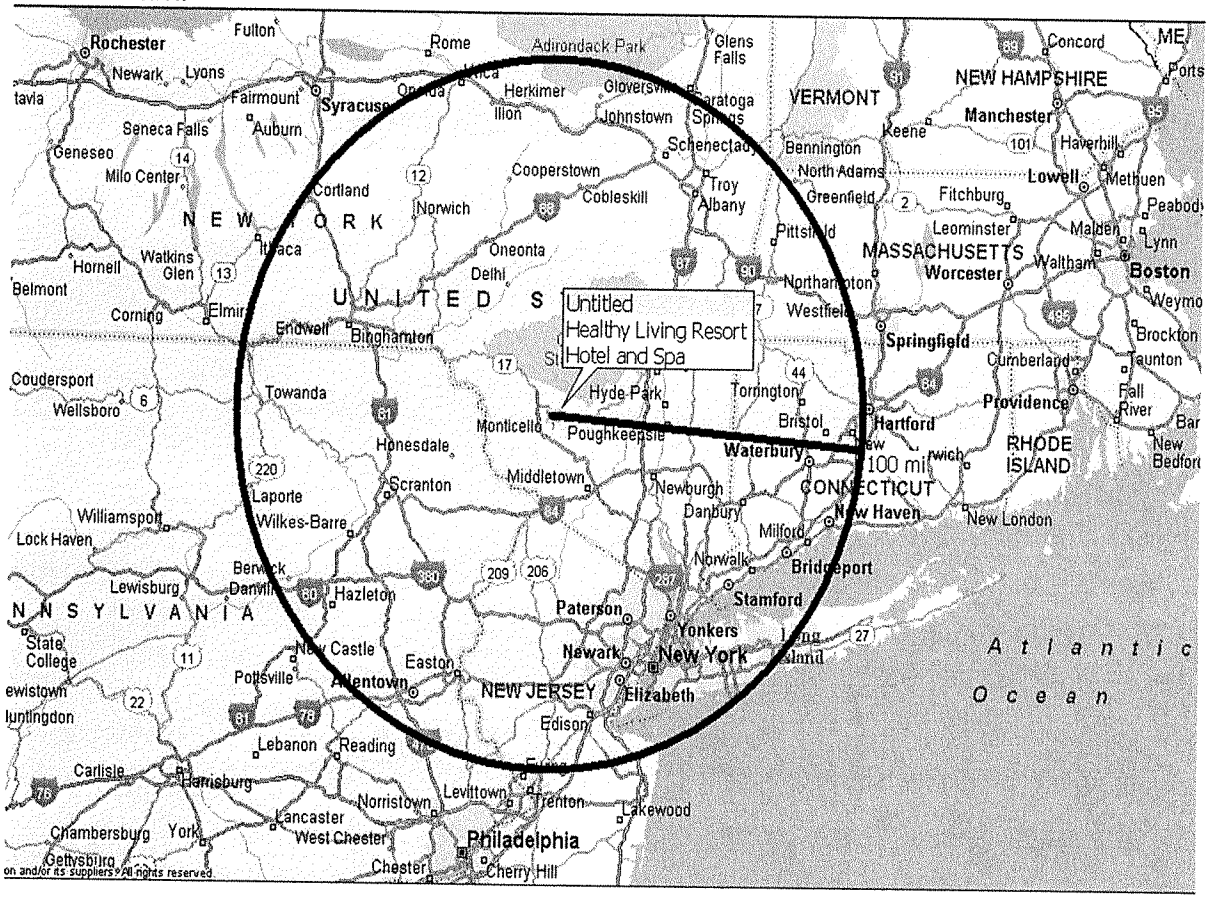
Within the broad category of Baby Boomers, the principal customer base for the Resort is expected to be composed of; Asian Americans living in the New York City SMSA, Asians residing in the balance of the US, Native born Asians visiting the US, users of holistic health services of all ethnicities and, in all categories customers aged 50 and above.

Site Analysis

The site for this project located less that 5 miles from Exit 109 on NY Route 17 (soon to be Interstate I-86) in the Town of Fallsburg, Sullivan County appears to be an appropriate setting. As show in the map below the site is less than a 20 minute ride to Interstate I-84 a major east west interstate connecting Pennsylvania and Connecticut to New York. The site has great access to the New York Metro area as Route 17 also connect with the New York State Thruway, Interstate I-87, which is approximately 40 miles to the south east of the site.



Sullivan County's central location puts it within a 100-mile radius of 26 million people. The Sullivan County Catskills offer value and convenience for visitors seeking an escape closer to home, with museums, antiques and boutiques, art, theater, restaurants, world class golf, hiking, biking, lakes, rivers and trout streams. It boasts the site of the most legendary rock concert of all time. Sullivan County has a total land area of 1011 square miles, which includes large tracts of forest and farmland and 27 square miles of lakes, ponds, rivers and streams. Sullivan County is located in southern New York State, framed by the Catskill Mountains and the Upper Delaware River. The County Seat, Monticello, lies 90 miles northwest of New York City on NYS Route 17 (Future I-86). Northern Sullivan County rests within the 106 year-old, 286,000-acre Catskill Park.



The 70-mile, Upper Delaware National Scenic and Recreational River lines the county's western border with Pennsylvania. According to the US Census, Sullivan County's estimated 2010 full-time population is 76,363 residents—up from 73,966 in 2000—within 29,509 households the population reaches an estimated 150,000 residents if second homeowners are included. In summer, when other temporary residents and visitors are counted, the population can reach 300,000 at its peak. The housing market can be attributed to the increase in the second home market coupled with rapidly growing demand for housing from people who commute to other areas in the New York metropolitan region. Another trend and ever-growing phenomenon in the County is the *development of high-end second homes. Sullivan County offers its retirees plenty of* opportunities to keep active. The U.S. Department of Agriculture designated Sullivan County as one of the three "rural retirement" counties in New York State. The publication, ***50 Fabulous Places To Retire In America*** ranked Sullivan County No. 30.

Tourism in Sullivan County is big business, producing over $349 million in local spending, employing more than 4,500 people (or $141 million in labor income) and generating over $20 million in local taxes as shown below.

Total Tourism Impact, 2011	Traveler Spend '000	Labor Income '000	Employment	Local Taxes '000	State Taxes '000
Delaware	$83,516	$27,339	1,047	$5,151	$5,089
Greene	$143,595	$62,793	3,237	$8,773	$8,750
Sullivan	$349,216	$140,258	4,551	$21,812	$21,279
Ulster	$453,621	$224,597	8,021	$28,279	$27,641
TOTAL	$1,029,949	$454,986	16,856	$64,016	$62,759

Source: New York State's economic agency Empire State Development's 2011 Tourism Economics report

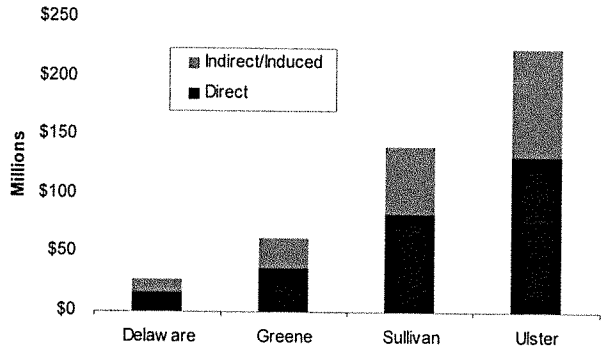
Spending by second-home owners alone accounts for over $118 million per year.

2011 Visitor Spend '000s	Lodging	Recreation	F&B	Retail & Svc Stations	Transport	Second Homes	Total
Delaware	$8,430	$1,319	$8,167	$6,787	$827	$57,985	$83,516
Greene	$33,219	$7,509	$22,745	$23,631	$10,242	$46,249	$143,595
Sullivan	$131,566	$6,340	$32,981	$57,630	$2,266	$118,434	$349,216
Ulster	$177,339	$9,943	$91,275	$99,718	$33,271	$42,075	$453,621
TOTAL	$350,555	$25,112	$155,168	$187,766	$46,606	$264,742	$1,029,949

Source: New York State's economic agency Empire State Development's 2011 Tourism Economics report

Catskills, labor income

Tourism-Generated Labor Income



- Tourism in the Catskills region generated $268 million in direct labor income and $455 million including indirect and induced impacts.
- Tourism is most significant in Ulster County, generating $225 million in labor income.

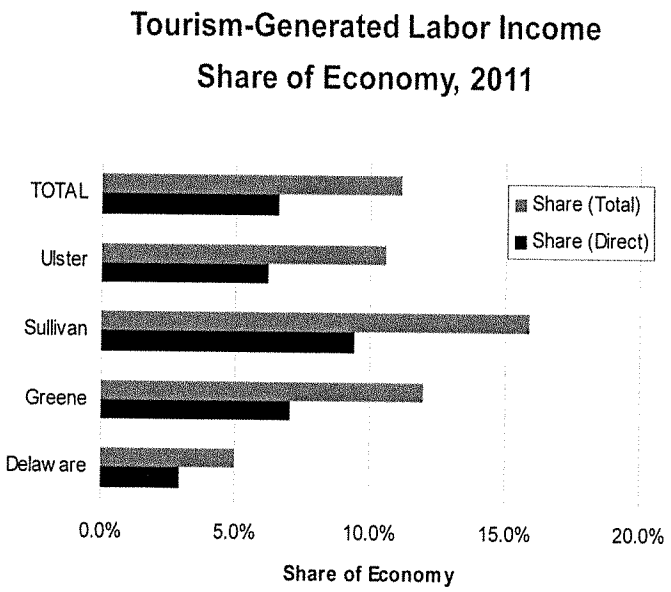
[1]

Source: New York State's economic agency Empire State Development's 2011 Tourism Economics report.

[1] New York State divides the State into eleven tourism regions Sullivan County is part of the Catskill Region.

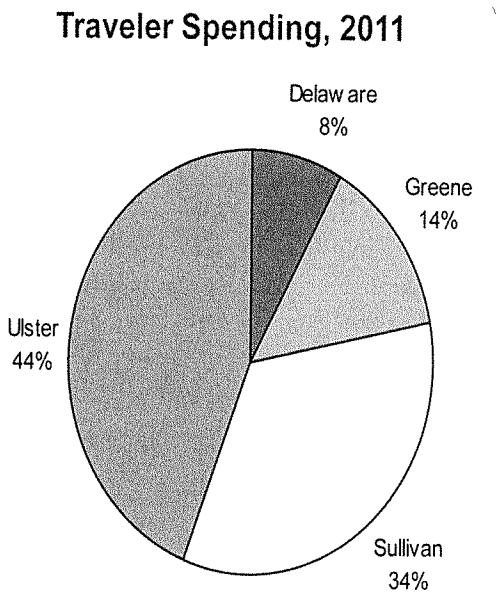
Catskills, labor income

- 11.2% of all labor income in the Catskills region is generated by tourism.
- Sullivan County is the most dependent upon tourism with 15.9% of all labor income generated by visitors.



Catskills, county distribution

- Tourism in the Catskills is a $1 billion industry, supporting 16,856 jobs.
- Ulster County represents 44% of the region's tourism sales with $454 million in traveler spending.
- Traveler spending in the region expanded 3.3% in 2011.



Competitive Environment

The development site is located in an area that has long been a vacation and second home market for the New York Metro area. As noted on the web site www.catskill4sale.com/luxuryhomes.asp *"Sullivan County for years, has been a preferred location for discerning buyers looking for a retreat in a spectacular setting within 2 hours of New York City. The list of prominent New Yorkers with second homes here may surprise you—the Chairman of the New York Philharmonic, the founder of Staples, a past President of United Artists, a Rockefeller, a network news anchor and six Academy Award and Grammy winners, to name a few. You do not read about them in the Sunday Styles section of the Times because we do not have a summer social whirl like the Hamptons or Saratoga, with flashbulb popping paparazzi trailing celebrities to the grocery store. These people have houses here for the same reason that John and Yoko did in the 70's — a quiet getaway, outside of the limelight, where they can think, create and spend relaxing times with their families. World-class fly fishing, great golf and pristine Catskill lakes are icing on the cake."*

Sullivan County was the resort vacation location of choice for many in the New York City metropolitan area. However, it has suffered a substantial decline over the past 30 years with many of its famous resorts closing. The Pocono Mountain region is Pennsylvania has drawn much of the market that visited Sullivan County. However, several major resort and casino developers have begun securing the land and necessary permits for major projects in Sullivan County. It is a generally accepted view in the tourism industry that a region needs multiple attractions to sustain visitor interest in repeat visits. We believe that the projects and attractions listed below while, in some cases are competitive with the Healthy Living Hotel and Spa Project, none-the-less enhance its likelihood of success.

The Spas closest to the proposed site of the Resort that have varying degrees of competitive services are the Mirbeau Spa in Skaneateles, NY about four hours away and the Emerson Resort and Spa in Mount Tremper, Ulster County,NY[2] about one hour and a half away. Both of these facilities offer spa treatments and luxury resort guest rooms. However, neither specialize in holistic heath services, offer golf and other extensive outdoor activities Cooperhood Retreat and Spa in Shandanken,Ulster County, NY also about one hour away offers holistic health services but has no golf course. As noted in the data section below the Bureau of Labor Statistics predicts that the occupations typically employed by Spa Resorts are expected to grow by more than 25% between 2010 and 2020. The success of these competitive resorts, the size of the market drawn upon by all these competitors and the predicted increase in demand for the services rendered all confirm the viability of this resort and the low likelihood of job shift from existing facilities. Thus, the creation of new jobs.

[2] Catskill Region

Existing Area Attractions

The region's existing and proposed attractions are listed below. Among the key existing regional attractions include:

Bethel Woods Center for the Arts.

Bethel Woods Center for the Arts located in Sullivan County is a $125 million dollar cultural center comprised of a 15,000 seat outdoor amphitheater, 440 seat indoor performance space and museum situated on approximately 800 acres of manicured grounds located on the original site of the 1969 Woodstock festival. The not-for-profit center offers a diverse selection of popular artists, culturally-rich performances, and educational and community programs that inspire creative expression and civic engagement to enrich the human spirit. The annual autumn Harvest Festival, held for seven consecutive Sundays, celebrates the bounty, talent, and beauty of Sullivan County and the surrounding area. The Museum at Bethel Woods is a not-for-profit 501(c) (3) educational corporation which is dedicated to the study and exhibition of the social, political and cultural events of the 1960s, including the Woodstock festival, and the legacies of those times, as well as the preservation of the 1969 Woodstock festival site. More than a nostalgic celebration of a colorful decade, the award-winning Museum provides a focus for deeper issues and lessons of the decade. The Museum features include a permanent exhibit space, Special Exhibit Gallery, Corridor Exhibit Gallery, Museum Theater, Event Gallery, Woodstock Monument, retail store and café. The Museum is located at Bethel Woods Center for the Arts. It's also a place that sold 184,301 tickets in 2011 good for 15th in the annual ranking of worldwide amphitheaters by Pollstar, a leading trade publication in the concert world.

The Monticello Motor Club

The Monticello Motor Club located in Sullivan County opened in 2008 boasting a world-class driving circuit with some of the longest "straights" in the country, designed by preeminent track architect Bruce Hawkins and race legend Brian Redman. The private club offers professional instruction, track-side support, premium car storage, fine dining and five-star service. The road course is set on 175 wooded acres of undulating terrain within the Village of Monticello, 90 miles from Manhattan. The club has made a $16 million investment in only the first phase of development. Future plans include a five-star hotel and conference center, an off-road course, a custom-tuning shop, additional auto storage and Autominiums – luxury condominiums with garages and trackside access.

Monticello Casino & Raceway

Located just 90 minutes from New York City, Monticello Casino & Raceway offers exciting casino action, and much, much more!, situated on one level and open 7 days a week 10AM-4AM for those interested in experiencing the thrill of gaming. Monticello Raceway is a harness racing facility located at Routes 17 and 17-B, Raceway Road, in Monticello, Sullivan County New York. Monticello Raceway also has a casino that features slots and electronic table games. The facility provides 580 local, full and part-time jobs, at both the track and the Racino. This attraction is only a ten minute ride from the China City of America site.

The 40,000 square foot casino and entertainment complex featuring live entertainment. Visitors can also enjoy live horseracing and simulcast from across the country. Monticello Casino & Raceway features over 1,000 of the newest, hottest slot machines, including progressives and video poker.

The Catskill Fly Fishing Center and Museum
The Catskill Fly Fishing Center and Museum is located in Livingston Manor,Sullivan County. It is a nonprofit, educational organization dedicated to preserving America's fly fishing heritage, teaching its future generations of fly fishers and protecting its fly fishing environment. They conduct educational programs in river ecology, angling history, streamcraft, including fishing etiquette, fly tying, fly casting, aquatic entomology, and stream improvement. The center seeks to increase public awareness of the values of fly fishing, prime among which is respect for the natural environment and the habitats of fly-responsive fishes. It provides a meeting place for anglers to share their ideas and experiences, improve their skills, and enhance their enjoyment of the sport of fly fishing.

The Villa Roma Resort
The Villa Roma Resort located in Sullivan County is celebrating its 40th anniversary with a 2010 Fodor's Choice Award, given to the "best of the best" in hotel/resort destinations providing remarkable experiences in price range, destination or category. Having completed a $25 million renovation in 2008, "The Villa" wrapped up a record-breaking 2010 vacation season, in spite of the recession.

Planned Competitive Hotel and Housing Projects for Sullivan County

Lost Lake Resort and Spa project
A large resort planned for Lost Lake in the Town of Forestburgh in Sullivan County has cleared a major regulatory hurdle. The town has accepted the final environmental impact statement, clearing the way for the Dallas-based Double Diamond Inc. to go forward with potentially 2,627 dwellings, an 18-hole golf course and hotel and spa, among other amenities, on 2,079 acres off Cold Spring Road.
Double Diamond's executives say this scenic land, with miles of pines, is much like its Hazleton, Pa., property near the Blue Mountains, developed in the late 1990s. The New York land has an added bonus of location, within 90 minutes of New York City. Double Diamond builds and retains ownership of recreational amenities, like hiking trails, tennis courts and restaurants, and sells lots to homeowners, which are governed by a property owners association. Most of the dwellings would be Adirondack-style, one-story homes with gabled roofs. The company must now get permits from several agencies, including the Department of Environmental Conservation and clear a site plan review from the town Planning Board.

Rock Hill Town Center
The development of Rock Hill Town Center has been divided into two phases, Phase I and Phase II. Phase I will include the construction of a 90-room hotel, 60,000 square feet.of retail space, 384 apartment units, and the balance of infrastructure required for the commercial space and 1,273 fully improved residential lots. Phase II will include the development of another 60,000 square feet of retail space and the remaining infrastructure required. The Commercial Retail space has been designed to create a true feeling of a town center where people go to work, shop, be entertained, and spend a casual day.

Concord Resort property
Entertainment Properties Trust (NYSE: EPR) and Empire Resorts, Inc. (NASDAQ-GM: NYNY) have presented an overview of a comprehensive transformative master development plan for 1500 acres at the site of the former Concord Resort property in Sullivan County.
Reminiscent of the region's rich history, the new destination resort will include a casino, hotel and harness racetrack, specialty lodging, a championship golf experience, coupled with retail, dining, entertainment and recreational uses, along with new residential communities. The planned family and entertainment destination is expected to create over one thousand jobs and includes hundreds of millions of dollars of investment in the county.
The proposed master plan represents a new way of thinking about resort development in the Catskills. Unlike one dimensional plans of past, it envisions a multi-faceted destination resort, which will become the center of tourism and investment in the region. A place to find adventure or relaxation, it will offer family-centered attractions and amenities surrounded by the natural beauty of the Catskills.

Former Concord Hotel site
Concord Associates and Mohegan Tribal Gaming Authority are in a joint venture to develop a new world-class gaming and racing resort facility at the former Concord Resort site in the Town of Thompson, Sullivan County NY, The full development of the 116 acre site has been master planned with phase 1 of the project, budgeted at over $600 million includes a 75,000 square foot casino, a 258 room resort hotel, , a harness racing facility, 10,000 square feet of meeting rooms and ballrooms, five restaurants, retail outlets and several entertainment spaces.

Outdoor Recreation

The region also is well known for its quality outdoor recreation amenities. Among the more significant existing and proposed regional assets are:

Catskill Park
Northern Sullivan County rests within the 106 year-old Catskill Park, featuring 286,000 acres of state-owned "forever wild" land that comprises the Catskill Forest Preserve. The Catskill Park is an outdoor enthusiast's paradise with 300 miles of marked and maintained trails, and numerous campgrounds, ponds, lakes and mountains to enjoy. Ninety-eight peaks rise above 3,000 feet; all but two of the 35 Catskill High Peaks reside within the Blue Line, a distinction given to mark the boundary of the 700,000 acres (including all public and privately owned land) that comprise all of Catskill Park as it spans across four counties: Delaware, Greene, Sullivan and Ulster.
Hiking, camping, hunting, fishing, skiing, mountain biking, rock climbing, canoeing and snowmobiling are popular activities.

Upper Delaware River
The Upper Delaware offers some of the finest recreational opportunities in the northeastern United States. In particular, sightseeing, boating, camping, hunting, fishing, hiking, and bird watching are popular activities in the river area. Rolling hills, riverfront villages, and bald eagles perched on trees form a vibrant backdrop as the Delaware River snakes gracefully through the rural countryside "Planned Projects for Sullivan County."

Project Feasibility

The general concept for this EB-5 project to develop a unique destination way of life, five star, 4 season resort and living community set on 1,000 acres in the famed Catskill Mountains of New York State would seen a good fit economically both for the project and Sullivan County. A & R Global, LLC believes that this project, as conceptually described by Vodas, LLC, can be successful if the developers avail themselves of experienced planning, construction and operating entities.

The Healthy Living project should be particularly attractive to the Chinese American and Asian community with a population of over 3,000,000 in the New York Metro Area.

Project developers intend to cultivate a formal relationship with a school of traditional Chinese medicine at a major university in China. They also intend to secure much of the financing for the project from Chinese investors. If they are able to accomplish these two goals, they should be able to attract Chinese visitors and homebuyers to the project, a market unavailable to their competitors in the second home market in the area.

Project owners have proposed a project that A & R Global believes is in a growing resort and second home market segment and is targeted to a popular and growing segment of the Spa market. Further, they intend to appeal to the international market to which they believe they have access through their investors and cultural contacts. This project has the potential for success provided that the owners secure experienced resort planners and builders to use the site to its fullest advantage. Similarly, they need to contract with experienced operational expertise in the spa, hotel and outdoor recreation resort field. With these important caveats A & R Global believes this project is feasible as proposed.

Demand and Demographic Data for Organic Products

The following data confirms the continued growth of the Organic food industry and consumer demand for organically grown products. While the Resort plans on using its own organically grown products the planned greenhouse and land space devoted to organic food and herbs are sufficient to be able to supply other markets within the NY Federal Center geography and the market beyond.

The U.S. organic industry grew at a rate of nearly eight percent in 2010, bucking the current trend whereby "flat is the new growth" for many other segments of the economy. In 2010, the organic industry grew to over $26.7 billion. With 7.7 percent growth during 2010, organic food outpaced the growth of total food sales, which stagnated at only 0.6 percent. Organic continues to eke out gains in total market share, climbing to 4 percent of the $673 billion food industry in 2010. *Organic Trade Association's 2011 Organic Industry Survey.*

U.S. Organic Food vs. Total Food Sales, Growth and Penetration, 2000-2010											
Category	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Organic Food	6,100	7,360	8,635	10,381	12,002	14,223	17,221	20,410	23,607	24,803	26,708
Growth	21.0%	20.7%	17.3%	20.2%	15.6%	18.5%	21.1%	18.5%	15.7%	5.1%	7.7%
Total Food	498,380	521,830	530,612	535,406	544,141	566,791	598,136	628,219	659,012	669,556	673,324
Growth	5.0%	4.7%	1.7%	0.9%	1.6%	4.2%	5.5%	5.0%	4.9%	1.6%	0.6%
Organic as % Total	**1.2%**	**1.4%**	**1.6%**	**1.9%**	**2.2%**	**2.5%**	**2.9%**	**3.2%**	**3.6%**	**3.7%**	**4.0%**

Source: Organic Trade Association's 2011 Organic Industry Survey conducted 12/22/2010 – 3/7/2011 ($ mil consumer sales).

U.S. Organic Non-Food vs. Total Non-Food Sales, Growth and Penetration, 2003-2010								
Category	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Organic Non-Food	439	562	745	938	1,182	1,649	1,800	1,974
Growth	20.3%	28.0%	32.6%	25.9%	26.0%	39.5%	9.1%	9.7%
Total Non-Food	298,200	317,600	331,400	343,900	356,300	369,800	365,000	377,300
Growth		7%	4%	4%	4%	4%	-1%	3%
Organic as % Total	**0.1%**	**0.18%**	**0.22%**	**0.27%**	**0.33%**	**0.45%**	**0.5%**	**0.5%**

Source: Organic Trade Association's 2011 Organic Industry Survey conducted 12/22/2010 – 3/7/2011 ($ mil consumer sales).

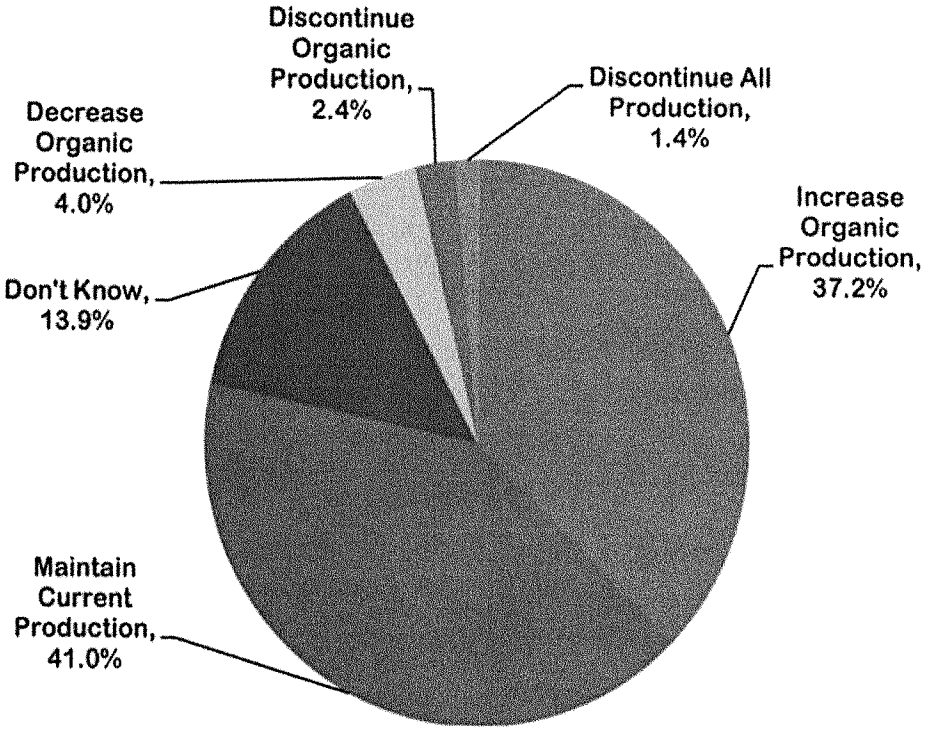
Meanwhile, 40 percent of surveyed organic companies reported positive full-time employment growth during 2010. Companies with fewer than five employees were least likely to add fulltime employees (23 percent). About half of companies with more than 50 employees experienced positive full-time employment growth. What's more, in 2011, 46 percent of respondents anticipate an increase in employment over 2010 levels. In decrease. *Organic Trade Association's 2011 Organic Industry Survey.*

- Certified organic acreage in the United States reached more than 4.8 million acres in 2008, according to latest data posted by USDA. U.S. total organic cropland reached 2,655,382 acres in 2008, while land devoted to organic pasture totaled 2,160,577 acres. Source: *U.S. Department of Agriculture's Economic Research Service.*

- New York ranked 6th among states in certified organic acreage accounting for 5% of total US certified operations in 2011, Source: *Organic Trade Association.*

According to Organic Monitor estimates, global organic sales reached $54.9 billion in 2009, up from, $50.9 billion in 2008. The countries with the largest markets are the United States, Germany, and France. The highest per capita consumption is in Denmark, Switzerland, and Austria.
Source: *The World of Organic Agriculture: Statistics & Emerging Trends 2011.*

The following chart of expected production increases comes from the Ag Census by the USDA, the most recent US Government survey of Agriculture production. The future looked positive for continued or increasing production, with a large majority of certified producers either maintaining current levels (37%) or increasing production (47%). This table indicates a very small percentage of both certified (3%) and exempt farms (1%) reported plans to discontinue organic production.



New York State

There were 225 Certified Organic Farms in New York State in 2001. That number has risen each year, except for the recession year of 2008, to 850 certified farms in 2011. Of those the geographic territory of the New York Federal Regional Center has approximately 80 farms approximately 10% of the statewide total. *New York State Department of Agriculture and Markets.*

New York State Cooperative Extension Service housed and directed by Cornell University conducted a survey of certified organic farms in 2008. They found that 70% of organic farms sell their production within 150 miles of their farm location (*Dyson-2008)*. The growth in consumption of all types of organic products has risen in the Greater New York SMSA along with the increase in organic farms supplying this region. As reported by the National Restaurant Associations' 2009 restaurant industry fact sheet, 76% of adults said they are trying to eat healthier at restaurants than they did two years ago. According to research undertaken by Franchise Direct, the health food restaurant franchise industry grew by 20% in 2007 and by 17% in 2008. Continued growth is forecast for the industry and the greatest growth is currently and forecast to be in major metropolitan markets.

Most of the geographic area covered by the New York Federal Center is in New York State. However, counties in Northern New Jersey and Northeastern Pennsylvania are within the Center's geography. Most of these counties fall within the New York City

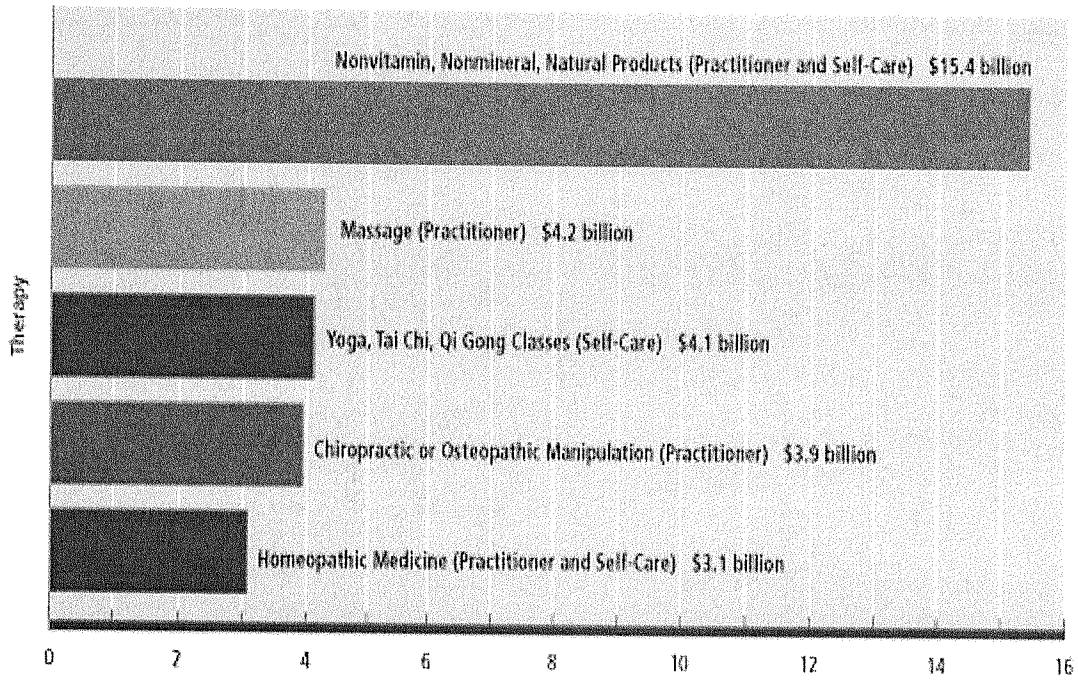
SMSA and the the consumption and trend data above applies to these counties as it does to the counties in New York covered by the Center.
It is clear that all the trends in organic products are for continued growth in demand, nationally and in the region serviced by the NY Federal Center. The business plan for greenhouse and organic food production is sufficient to produce enough product to supply the Davos Resort and to sell into the regional market. The national and regional market is growing as is the demographic most likely to use organic products.
the data indicates a demand in excess of supply making the organic farming employment by the Healthy Living Resort and Spa net new jobs to the region, state and nation.

Complementary and Alternative Medicine
Holistic Medicine

The holistic health industry has had continued growth for many years as indicated by the data below. The Healthy Living Resort and Spa intends to offer most of the services that are provided by practitioners of Holistic Health Services. The demographic targets of the Resort are tailored to documented users of the services provided.
It is also important to note that most services and products in this industry are not covered by Health Insurance. Consumers are familiar with paying out-of-pocket at spas and service providers. Thus, a new entrant in the market need not provide expensive administrative functions to seek reimbursement from insurance providers. These are important facts as they demonstrate that potential guests at the Resort are accustomed to paying for holistic health services out-of-pocket and are less likely to be reluctant to pay for such services at the Resort
The the US Center for Disease Control uses the the term Complementary and Alternative Medicine (CAM) as a substitute for the popular term Holistic Medicine. It defines CAM as group of diverse health-care systems, practices, and products not presently considered to be part of conventional medicine (NIH-NCCAM). It is many of these practices, products and care systems that the New York Federal Regional Center, LLC intends to provide at the Resort and Spa in Fallsburg, NY. For purposes of this analysis the terms CAM and Holistic medicine will be used interchangeably.
The National Institute of Health (NIH), National Center for Complementary and Alternative Medicine (NCCAM) conducted its first National Health Interview Survey in 2002 and latest survey in 2007. As the survey is conducted every five years this is the most current data available. Data for the survey being conducted in 2012 will not be available until 2013. The following data comes from this survey.
Unlike conventional medicine most treatment and products used by practitioners and consumers of holistic health services are not covered by health insurance.
At $33.9 billion, CAM accounts for approximately 1.5 percent of total health care expenditures and 11.2 percent of total out-of-pocket expenditures on health care in the United States.

The $14.8 billion spent on non-vitamin, non-mineral, natural products is equivalent to approximately one-third of total out-of-pocket spending on prescription drugs ($47.6 billion), and the $11.9 billion spent on CAM practitioner visits is equivalent to approximately one-quarter of total out-of-pocket spending on physician visits ($49.6 billion)..
Furthermore , the specific services that will be offered by the Resort are among the most popular CAM services. All of the services and product categories mentioned in the following chart are anticipated to be offered at the Resort.

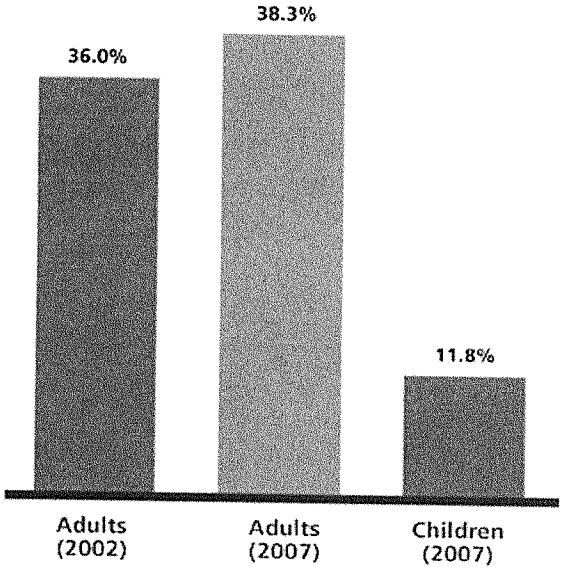
Out-of-Pocket Cost for Selected CAM Therapies[3]



The following three charts demonstrate the growing demand for holistic health services and that the demographics targeted by the Resort project are major users of such services. Demand for the services are growing steadily, the largest segment of users are between the ages of 50 and 59 and 40% of all users identify themselves as being of Asian extraction.

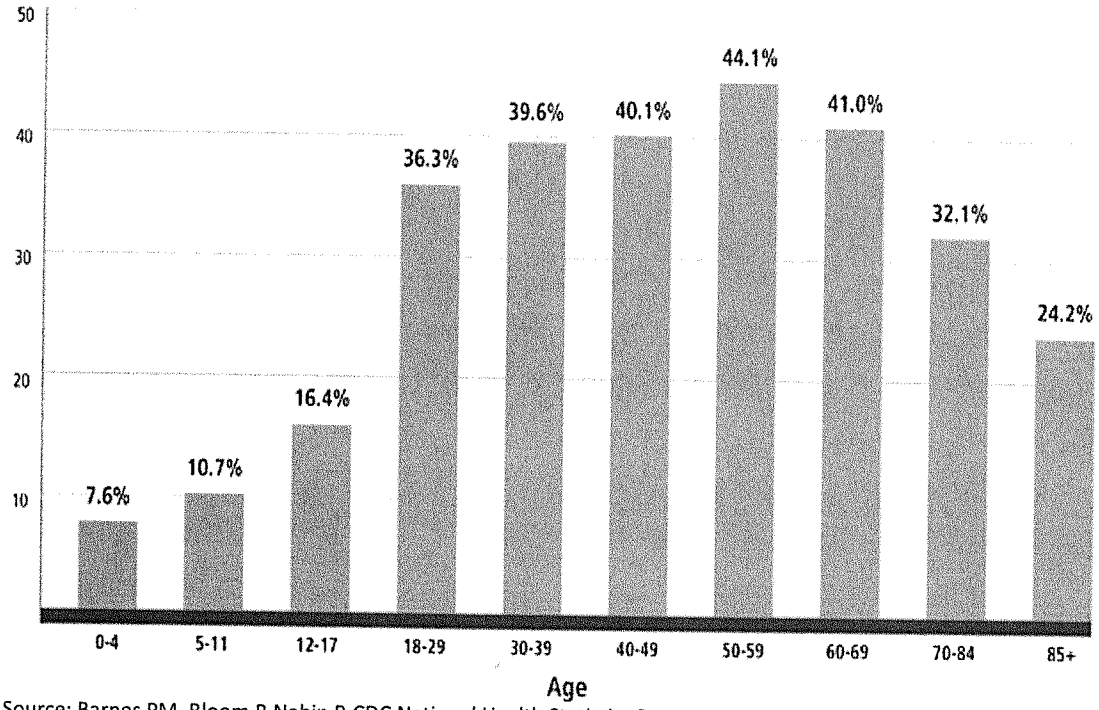
[3] Totals for nonvitamin, nonmineral, natural products and homeopathy include both CAM practitioner costs and costs of purchasing CAM products. Totals for massage and chiropractic and osteopathic manipulation are only CAM practitioner costs. Totals for yoga, tai chi, and qi gong classes are only the cost of purchasing CAM products

CAM Use by U.S. Adults and Children

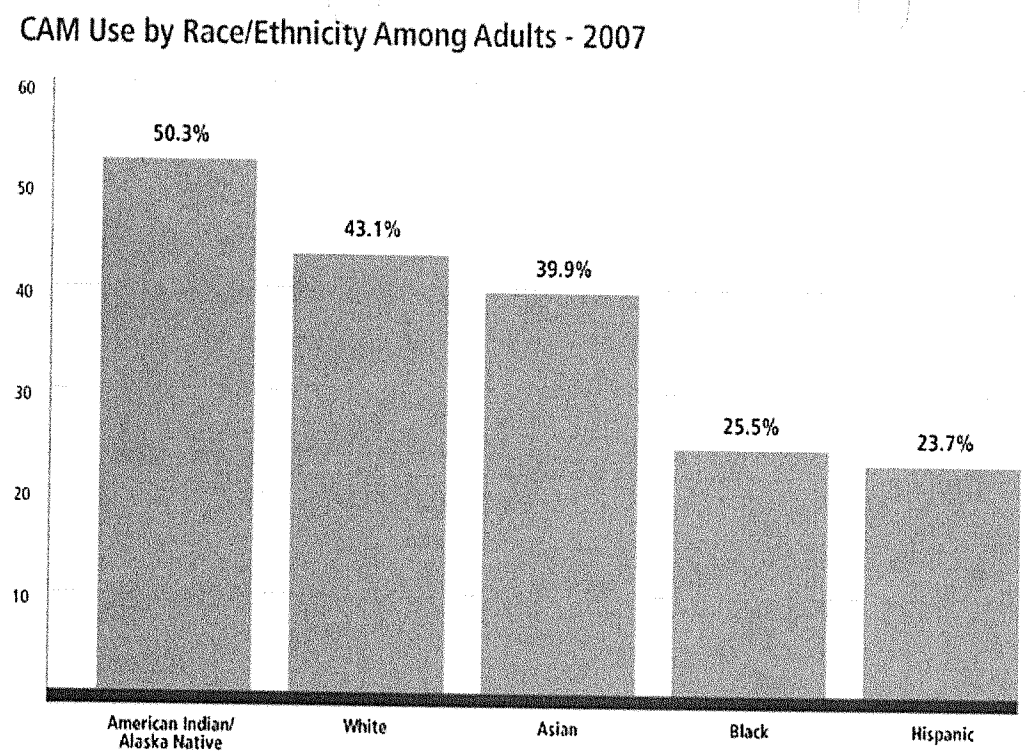


Source: Barnes PM, Bloom B Nahin R.CDC National Health Statistics Report #12 complementary and Alternative Medicine Use Among Adults and Children: United States, 2007. December 2008.

CAM Use by Age - 2007



Source: Barnes PM, Bloom B Nahin R.CDC National Health Statistics Report #12 complementary and Alternative Medicine Use Among Adults and Children: United States, 2007. December 2008.



Source: Barnes PM, Bloom B Nahin R.CDC National Health Statistics Report #12 complementary and Alternative Medicine Use Among Adults and Children: United States, 2007. December 2008.

Consistent with results from the 2002 NHIS, in 2007 CAM use was more prevalent among women, adults aged 30–69, adults with higher levels of education, adults who were not poor, adults living in the West, former smokers, and adults who were hospitalized in the last year.

A survey of CAM use among Women in New York City by the The Richard and Hinda Rosenthal Center for Complementary & Alternative Medicine at Columbia University. Their sample of 300 had equal numbers of women (n = 100) who self-identified as White, Hispanic/Latina, and African American, equally stratified by age, below and above age 40.

More than half the sample has used a CAM treatment or remedy, and 40% have visited a CAM practitioner. Among users, half have used only one of the CAM categories, approximately one third have used two, and 16% used all three. The category of CAM used most often was medicinal tea/herbs/vitamins; the practitioners visited most frequently were chiropractors (18%) and nutritionists (17%). Racial and ethnic differences in CAM use were minimal, and approximately one third of all treatments used were rated "very effective" by users.

These findings appear to demonstrate that women of all ethnic origin in New York use CAM at about the same rate, which for minorities is substantially above national rates.

Golf

According to a 2003 World Golf Foundation study, 14.5 percent of whites play, 13.7 percent of Asian-Americans, 7.0 percent of African-Americans, and 5.4 percent of Hispanic-Americans.

According to Sports Marketing Surveys, there are 61.1 million golfers worldwide; 6.9 million in Europe, 13.6 million in Asia, 1.7 million in Australasia, 1 million in South America and 500 000 in South Africa. There are 37.1 million in the US alone.

The demographics of users of holistic medical services are very similar to those who play golf. Both are more affluent than average, better educated than average, the same age demographic and more inclined toward outdoor pursuits. Women are the primary users of holistic medical services and men are more likely to be golfers. It is exactly this difference that makes it important to have a golf course at the resort. Husbands of holistic health using wives will be more likely to come to a resort offering golf. While the golf course planned for the Resort will not be the primary attractant to the resort it will provide a major additional reason for this demographic to come to the Resort.

Healthy Living Spa and Facilities

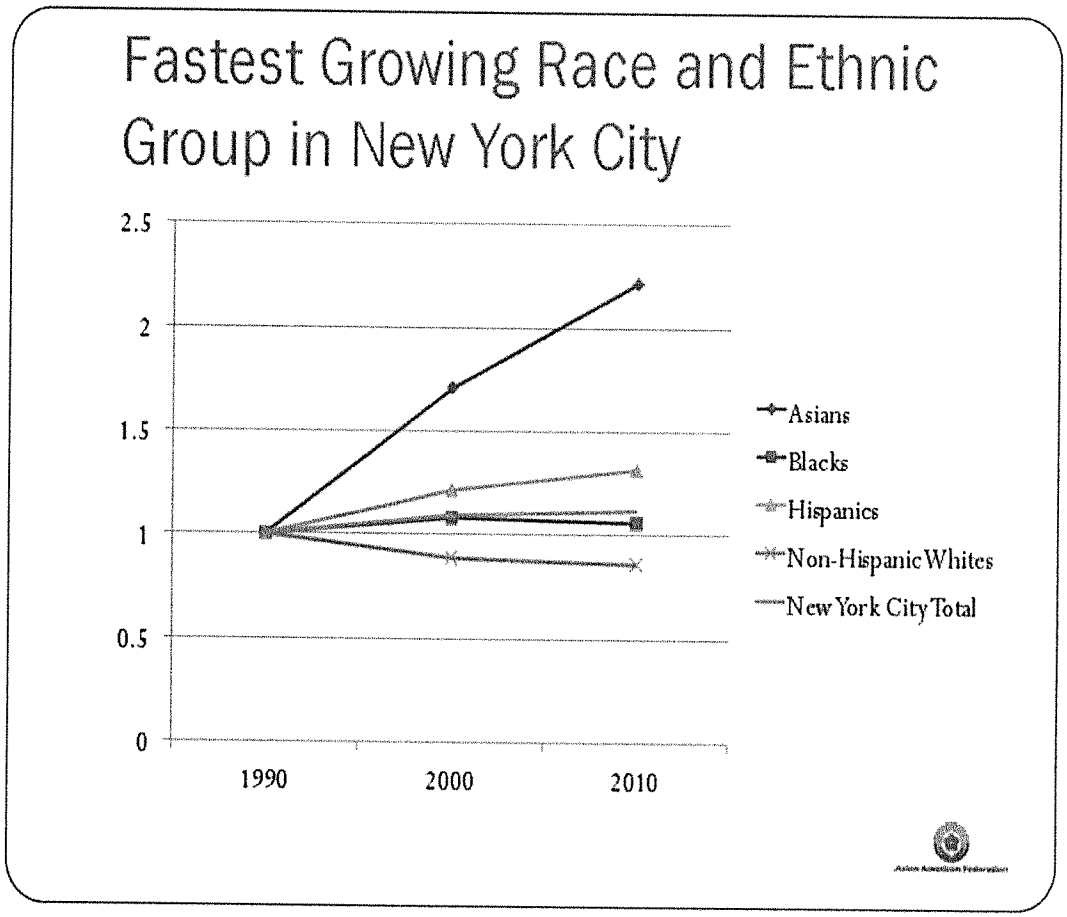
Destination spas are quite different from other spas, including those at luxury, amenity-heavy hotels, in that they address the whole person through comprehensive life enhancement programs. These include weight loss for life, healthy eating, smoking cessation, stress management, life coaching and more. Destination spas know that taking charge of one's life means more than a massage or facial, so they offer classes in anything from yoga to writing. Some feature acupuncture, reiki and other healing modalities. Others focus on hiking or visualization techniques. All in all, destination spa-goers are happier, healthier, fitter and more agile than non spa-goers and regular vacationers, according to findings by Cornell University.(guyot.com)
. From 1998 to 2005, the number of 55-plus fitness participants increased by 33 percent according to the International Spa and Resort Association.
North American Spas had $9.7 billion in revenue in 2011. The number of spa locations in the U.S. has grown at a robust annual average of 20% over the last eight years. (*International Spa Association*)
According to the Bureau of Labor Statistics (BLS) employment of Personal Care Service Occupations are expected to grow by 24.6% between 2010 and 2020. Within that category the number of Massage Therapists are expected to grow at a rate 20% higher than average for all categories of jobs.[4]
As with the organic foods component of the Healthy Living Resort and Spa, the Spa and recreational aspects of the resort are geared to meet a growing demand by a growing demographic. **As indicated in the BLS data above the Resort will be hiring in some of the fastest growing job categories in the nation again indicating that these jobs will be net new employment to the nation, state and region.**

[4] Personal Care Service occupations include; cosmologists, hair dressers, personal care technicians, massage therapists, exercise and fitness trainers and other occupations typically employed by Spa Resorts

Potential Customer Demographics

The principal customer base for the Resort is expected to be composed of; Asian Americans living in the New York City SMSA, Asians residing in the balance of the US, native born Asians visiting the US, users of holistic health services of all races and, in all categories customers aged 50 and above. The demographics of CAM users outlined above meet these demographic targets. Furthermore, the same demographic are practitioners of the sport of golf and are among the largest users of organic products.

According to the 2010 US Census the number of Asians in New York City grew at the fastest rate of any ethnic group In the city. The following charts are from a Report of the Asian American Federation using 2010 US Census data.[5] Median income for Asians in New York City is $57,171, well above the nation average and within the marketing target range of Spa and Golf Resorts and users of Holistic Health Services.



[5] A Decade of Dynamic Change 2000-2010 a report by the Asian American Federation, April 20, 2012

Asian Groups

Asian Group	2000	2010	Percent Change	Numeric Change	Share of Asian Population
Chinese, except Taiwanese	374,321	500,434	34%	126,113	44.1%
Indian	206,228	232,696	13%	26,468	20.5%
Korean	90,208	102,820	14%	12,612	9.1%
Filipino	62,058	78,030	26%	15,972	6.9%
Bangladeshi	28,269	61,788	119%	33,519	5.4%
Pakistani	34,310	46,369	35%	12,059	4.1%
Japanese	26,419	31,742	20%	5,323	2.8%
Vietnamese	13,010	16,378	26%	3,368	1.4%
Taiwanese	5,488	13,682	149%	8,194	1.2%
Thai	5,002	7,244	45%	2,242	0.6%
Indonesian	3,017	4,791	59%	1,774	0.4%
Sri Lankan	2,640	4,369	65%	1,729	0.4%
Malaysian	2,287	3,220	41%	933	0.3%
Cambodian	2,296	2,591	13%	295	0.2%
Laotian	316	664	110%	348	0.1%
Hmong	26	83	219%	57	0.0%
Other Asian groups (2000)	3,921				
Nepalese (2010)		6,187			0.5%
Burmese (2010)		4,132			0.4%
Bhutanese (2010)		388			0.0%
Other Asian groups (2010)		945			0.1%

Tourism Trends

A&R Global in our effort at forecasting potential demand for new lodging, food service and other tourist related projects in the regional markets considered both core demand (accommodated) growth and extraordinary demand. Core demand growth (also known as accommodated demand) results from increases in demand from the market's existing tourist demand generators, extraordinary (induced) tourism demand occur in the market as the result of new tourist attraction entering the competitive market, making significant changes in the competitive environment.
According to the U.S. Department of Commerce's Office of Travel and Tourism Industries, 802,000 mainland Chinese residents visited the U.S. in 2010, a 53% increase over levels in 2009. These visitors collectively spent more than $5 billion (an average of $6,241 per person), a 39% increase over the previous year.

Top Ten U.S. Destinations for Chinese Tourist

1	New York City
2	Washington, D.C.
3	Las Vegas
4	San Francisco
5	Niagara Falls
6	Universal Studios Hollywood
7	Hawaii
8	The Grand Canyon
9	Yellowstone
10	Yosemite National Park

Source: China.org

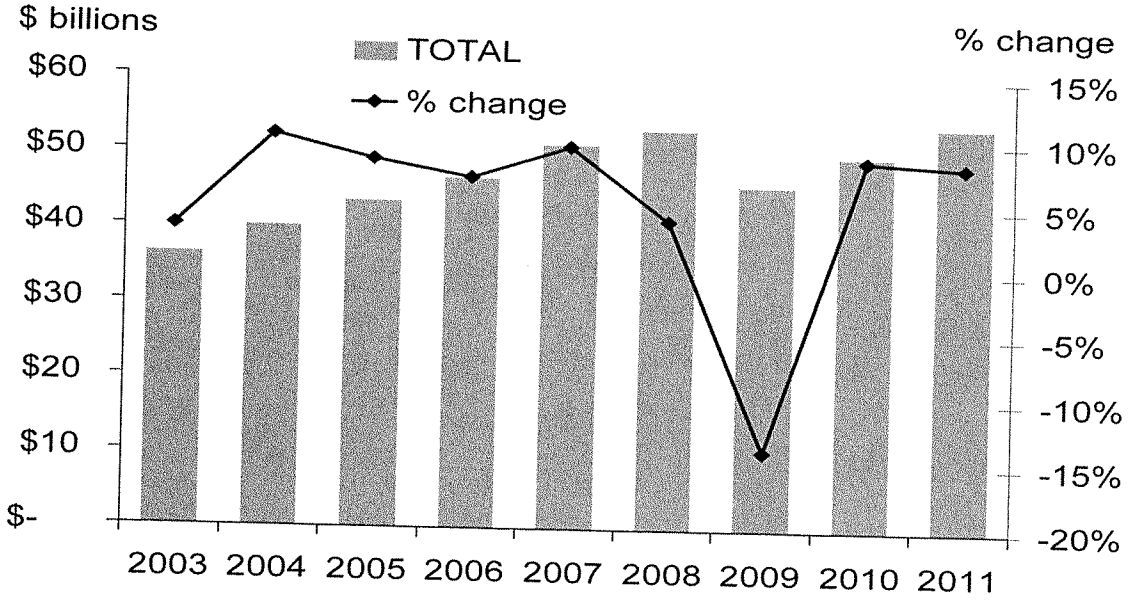
The U.S. Department of Commerce, ITA, Office of Travel & Tourism Industries forecast 198% growth in tourism from China to the US BY 2017.

2011 Actual	2012	2013	2014	2015	2016	2017
1,089,000	1,474,000	1,853,000	2,248,000	2,713,000	3,246,000	2,157,000
INCREASE	(36%)	(35%)	(26%)	(21%)	(21%)	(20%)

Tourism Industry data in NYS obtained from New York State's economic agency Empire State Development's 2011 Tourism Economics report.

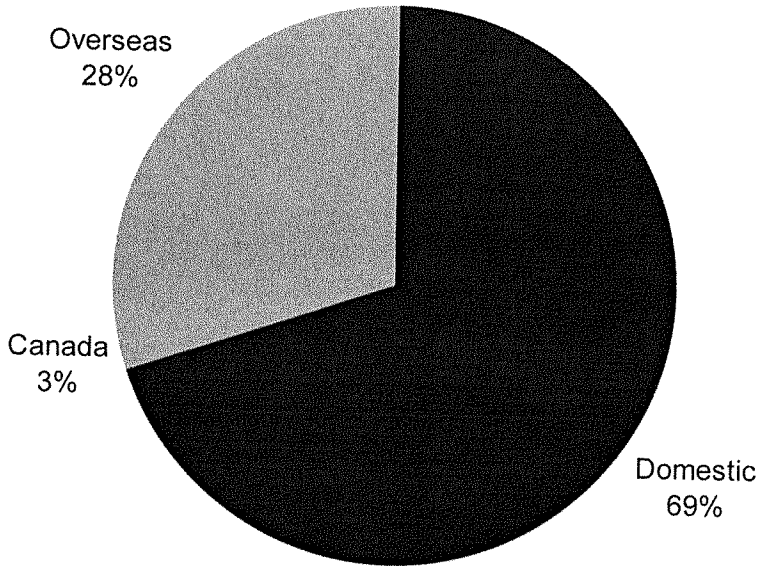
- The recovery of New York State's tourism economy accelerated in 2011, growing 8.3% after an 8.7% expansion in 2010.
- As a result, traveler spending reached a new high of $53.9 billion. Key industry data provide details of the historic expansion:
  - Room demand surged, growing 5.2% in 2011. And room rates increased 5.2% equating to a total hotel revenue increase of 10.6% according to Smith Travel Research.
  - Air passenger activity increased 1.9% for JFK and LGA combined while airfares at these airports increased 10%.
  - A combination of higher fuel prices and additional drive visitors pushed spending at gasoline stations up 21%.
- Direct tourism employment grew 3.8% to reach a new high in 2011 while associated personal income expanded 6.9%.

New York Traveler Spending



Source: Tourism Economics

Traveler Spending by Market



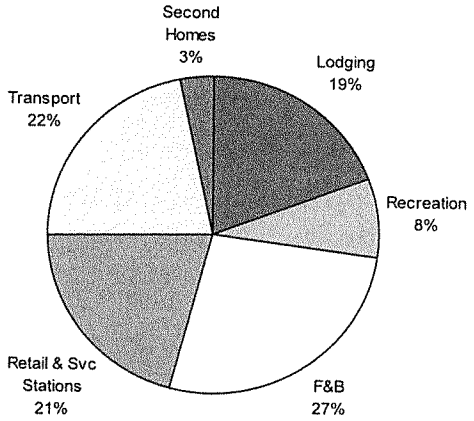
Source: Tourism Economics

The majority of the New York State counties within the NY Federal Regional Center, LLC geography are in the New York State Tourism Division's Hudson Valley and Catskill tourism Regions. The data presented below clearly demonstrates both the importance of Tourism to these regions and its growth .
The following pie chart on Hudson Valley traveler spending is important because the Hudson Valley Region is contiguous to and directly south of the Catskill Region, which contains Sullivan County where the Healthy Living Resort Hotel and Spa project will be located. The majority of visitors coming to the resort and spa will travel through the Hudson Valley as the population base is to the south of the site.

Hudson Valley, traveler spending

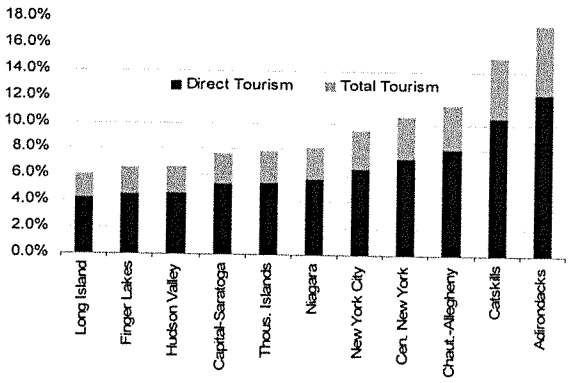
- Travelers spent $3 billion in the Hudson Valley region in 2011 across a diverse range of sectors.
- Spending on food & beverages and transportation services comprised 27% and 22% of the total, respectively.

Tourism Spending



Reliance on tourism

Tourism Share of Regional Employment 2011



- Tourism is an integral part of every region's economy, generating from 6% to 17% of employment.
- Tourism is most important to the Adirondacks and Catskills, generating 17% and 15% of total employment, respectively.

Note: All regional and county tourism shares are calculated using QCEW (ES-202) employment and wage totals as produced by the NYS Dept. of Labor.

Conclusion

As noted in the introduction to this report, the primary activities planned for the Healthy Living Resort and Spa are: passive and active outdoor activities including golf, hiking, fishing and meditative areas; a health spa including personal physical assessments and treatments using complementary and alternative medical techniques and products; dietary evaluations, and customized diets using organic products grown at the resort, all provided in five-star quality accommodations. This report has evaluated each of these proposed activities with respect to the national and regional market and the customer demographic profile intended to be targeted by Resort management. The data presented indicates a growing demand for organic foods, full service spas and holistic health activities, services and products. It further demonstrates that golf is an activity participated in by the targeted demographic and that it will be likely to act as a stimulus for men to attend the resort in which spa activities will attract women. Increasing the likelihood of participation by empty nesters within the baby boom generation. A & R Global Consulting, LLC has examined the data provided to us by Davos, LLC with regard to their proposed development of a Healthy Living Resort and Spa in Fallsburg, NY. Based on the information provided and based on the market demand indicated above, we believe that there is sufficient demand for the products and services proposed for the Resort to give reasonable assurance of its success if it is professionally managed by a well qualified team. Furthermore, data from the Bureau of Labor Standards suggests a shortage of qualified employees exists in many of the occupational categories planned for the Resort which will continue to exist until at least 2020. This suggest that the projected direct, indirect and induced job growth from the development of this project will be new jobs and not be at the expense of existing jobs nationwide.