

RESPONSES TO
TOWN OF FALLSBURG PLANNING BOARD
PUBLIC HEARING COMMENTS
FOR LUXOR JR. ESTATES - AUGUST 12, 2021

Note:

The speakers are taken in order and their names spelled as indicated in the minutes prepared by the Town of Fallsburg. Their questions and concerns, as they pertain to the project, have been summarized below and do not necessarily quote the minutes. We have tried to be thorough and have inferred, as best we could, the speaker's intent when unclear.

The questions and concerns raised by the public and the planning board that are included in the minutes and were responded to during the meeting have not been repeated below. It is assumed the meeting responses, as included in the minutes, are sufficient.

Responses to the comments are in italics immediately below the question/concern.

1. Dr. Nelson Melvinick:

a. Concerned the project has an excessive number of units.

The project site is included in PUD No. 10 as described in the Town of Fallsburg Zoning Ordinance. The PUD has an allowable density of approximately 4.8 units per acre (one unit per 9,000 square feet). Given the 41.62 acre Luxor Junior site, the maximum allowable number of homes is 201. The proposed number of single family homes has been reduced from 100 to 97 since the public hearing which is 48 percent of the maximum allowed. It is noted that, since the public hearing, proposed units 2 – 4 have been removed and units 5 – 10 have been rotated 90 degrees to increase the buffer area between the proposed homes and the common property line with Sheldrake Shores. The increase in this setback will be from approximately 40 feet to 70 feet. The allowable minimum setback in this area is 25 feet.

b. Concerned about the ecological effect of 700 people on a 42 acre site.

The proposed project has been designed in conformance with applicable zoning requirements and design standards to mitigate ecological impacts on the site.

c. Concerned about visual aesthetics of project on local area. Thinks forest should be preserved.

The existing forest will be preserved to the extent possible while allowing the project sponsors to construct what is allowable under the Town Code. Mature trees will be protected and maintained during the construction process to the extent possible as they provide a buffer with the neighbors and are visually appealing to both the future homeowners in Luxor Junior and neighboring property owners.

d. Concerned about mosquito infestation from stormwater facilities.

While Loch Sheldrake Lake, its tributaries and wetlands presently provide potential mosquito habitat, there could be additional mosquito habitat created by construction of the stormwater management facilities which are within the proposed project site though generally much closer to the proposed Luxor Junior homes than to neighboring residences.

- e. Concerned about traffic in Sheldrake Shores which is a tight area. Traffic is already a problem in the winter months.

The proposed project will not generate traffic in the Sheldrake Shores development as all access is through Maplewood Avenue. The emergency access is through the existing Luxor development. The proposed homes will primarily be occupied during the summer months.

- f. Concerned about quality of life of existing residents and property values being affected by the project.

The average Luxor Junior home will be much larger, newer and more expensive than most of the existing Sheldrake Shores homes. In addition, they will only be occupied a few months per year. They will also be separated from neighboring properties by a fence and will generally be more distant from the Sheldrake Shores homes than the Sheldrake Shores homes are from each other. Therefore, it is unlikely that there will be a negative impact on the quality of life and/or property values of the current residents of Sheldrake Shores.

- g. Concerned about problems associated with “environmental waste disposal”.

This comment is unclear. However, all waste generated during construction and after occupancy will be disposed of in accordance with local and State laws and requirements.

- h. Concerned the project will “tax the resources” to such an extent that it will devalue existing homes.

This comment is unclear. It is assumed the concern is whether the Town water and sewer systems can handle the proposed project. Additionally, whether the local electrical grid can support the project. The answer to these questions is “yes”, there is adequate capacity within the Town water and sewer systems as well as the electrical infrastructure to support the proposed project.

2. Wanda Hopkins:

- a. Concerned that the project will make existing drainage problems worse.

The storm drainage system for the proposed project will meet all local and NYSDEC design standards and requirements, including that the post-development discharge rates will not exceed the pre-development rates.

- b. Concerned about additional traffic on streets in Sheldrake Shores which are small.

There should be no impact on Sheldrake Shores traffic as this is not a means to access or exit the proposed project site. All traffic will enter and exit through Maplewood Avenue. See response to comment 1.e. above.

- c. Concerned about noise and hours of operation during construction.

Typical construction noise will occur while the proposed project is on-going. Hours of operation will not be earlier than 7:30 AM or later than 6:00 PM, Monday through Saturday.

3. Meryl Novick:

- a. Believes the project is too large for the area.

The proposed project meets the PUD zoning requirements.

- b. Questions if there will be a buffer zone.

Evergreen trees will be planted along the boundary with the Sheldrake Shores development. A 6' high stockade fence will also be constructed along this boundary on the project side of the trees.

4. Joyce Wells:

- a. Requests the “tree zone” be expanded all the way around the stormwater area abutting Sheldrake Shores.

Existing vegetation will be maintained to the extent possible and trees may be added to the referenced stormwater area pending a review of what is possible. Trees can't be planted in the embankments of the stormwater basins.

- b. Suggests removing two lines of homes and leaving this area wooded and/or adding trees in this area.

It is not reasonable to expect the owner to remove approximately 21 homes. The proposed homes meet all zoning requirements including setbacks from property lines. Vegetation will be maintained to the extent possible, evergreen trees will be planted to provide a vegetative buffer and a 6' high stockade fence will be installed along the Sheldrake Shores boundary.

- c. Requests the town require a two year escrow account to assure proposed trees survive or are replaced as needed.

This would be up to the discretion of the planning board.

5. Yevgeniy Epelman:

- a. Questions how the stormwater basin will be drained.

The stormwater basins will have 6" drain pipes.

6. **Mary Adams:**

- a. Requests a more substantial tree barrier than currently proposed. Trees should be high and all along the lake side of the project.

See response to comment 3.b. above.

- b. Requests the stormwater basin along Sheldrake Shores be moved further back.

The proposed stormwater basins are located and sized in accordance with NYSDEC design standards. If the new wetland delineation in the referenced area allows for more useable space, the proposed basin might be reconfigured to be further from the property line. This is unknown at this time.

- c. Requests that the fence along Sheldrake Shores properties be much higher than 6'.

6' is standard. Ultimately the height and type of fence will be up to the planning board.

- d. Concerned about height of proposed houses. Thinks three stories is too high.

The homes will be similar to what currently exist in Luxor Estates. They will typically be two stories plus a basement. The height of the proposed homes will not exceed the allowable 35 feet.

7. **Teras Straker (Terese Stryker?):**

- a. Concerned about lake pollution and erosion control to prevent mud entering the lake.

The project plans include an Erosion and Sediment Control plan that must be followed during the construction phase to prevent sediment from leaving the proposed project site and possibly entering the lake. This plan is included in the Stormwater Pollution Prevention Plan that has been prepared to address increased run-off in accordance with NYSDEC design standards.

- b. Concerned about use of herbicides and pesticides and associated toxins as indicated in old Rettew report.

The referenced report is incorrect. There will be no herbicides or pesticides used on the site.

8. **Bob Krebs:**

- a. Concerned about impact on Town water and sewer systems.

The existing Town water and sewer systems have capacity for the proposed project.

9. **Jen Sashinsky:**

- a. Requests the Planning Board greatly reduce the project density to a total of 60 units.

The planning board does not have the authority to arbitrarily reduce the project density if it meets what is allowed in the zoning district and all other design standards are met.

b. Questions how project promotes eco-tourism per Town Comprehensive Plan.

The proposed project pre-dates the current comprehensive plan and does not promote eco-tourism. The proposed homes are primarily for next-generation members and extended families of the current Luxor Estates owners. They will not be rental units for tourists.

c. Questions how project promotes affordable housing per Town Comprehensive Plan.

The proposed project pre-dates the current comprehensive plan and does not promote affordable housing which could potentially reduce local property values - a concern expressed by several speakers.

10. Debbie Fleury:

a. Has a possible sink hole and existing drainage problems on her property. Concerned about the possibility of project drainage making her problem worse.

We believe the property owner should review this problem with an engineer and/or an excavating contractor to determine the cause and extent of the problem. It could be a safety issue in addition to a drainage issue. We would also like to review this further with the owner to be sure we are not going to exacerbate the problem.

b. Requests some kind of buffer.

See responses to comments 1.a, 1.b., 3.b. and 4.b. above.

c. Concerned about impact on property values.

See response to comment 1.f. above.

11. Stacy Grifman:

a. Requests a lighting plan that is “dark sky compliant” with no bare bulbs.

The proposed street lights and walkway lights will be “dark sky compliant” in accordance with details provided on the project plans.

12. Mark Strohli:

a. Owns several individual lots on a section of Buttercup which was never dedicated to the Town. He requests this be dedicated to the Town so that he has access to his lots.

The project sponsors have agreed to discuss this concern with Mr. Strohli.

13. **Michael Altman:**

- a. States there is poor soil absorption in the area and questions if there has been a study of run-off onto neighboring properties in Sheldrake Shores.

Run-off has been studied in the Stormwater Pollution Prevention Plan (SWPPP) for both the pre and post development conditions, and mitigation measures have been proposed in accordance with NYSDEC Standards. The SWPPP takes into account soil types, cover conditions, slopes and rainfall intensities.

14. **Lyn Koutcher:**

- a. Requests the stormwater management area be moved further away from the lake and/or changed to reduce its impact on the lake.

The stormwater management areas have to be located in the lowest areas of the site to catch and rout as much run-off as possible to prevent negative downstream impacts. See response to comment 6.b. above.

15. **Lillian Abell:**

- a. Requests confirmation that project access is through Maplewood Avenue and not through Sheldrake Shores.

The project entrance will be at the end of Maplewood Avenue. A secondary entrance will be provided for emergency vehicles through the existing Luxor Estates site. This entrance will only be used in the event the Maplewood Avenue entrance is blocked or otherwise impassable.

16. **Al Sebel:**

- a. Requests the elimination of 11 proposed homes that border Sheldrake Shores properties.

See responses to comments 1.a., 3.a. and 9.a. above.

17. **Joan Feldman:**

- a. Concerned about proposed project impacts on pedestrians along Routes 52 and 104 in Loch Sheldrake area as there are not enough sidewalks and pedestrians must walk in the road in some areas.

We don't believe there will be any impact on the pedestrians that walk along Routes 52 and/or 104 as a result of this project.

- b. Questions who will be responsible for sidewalks in the Loch Sheldrake area for the safety of the 800 additional residents associated with the development.

Whoever is responsible for sidewalk maintenance and safety now, will continue to be responsible.

c. Questions who is overseeing the access roads onto Route 52.

The various State, County and local agencies/departments that presently oversee intersections with Route 52 will continue to do so.

18. Lucinda Nolan:

a. Concerned proposed project will make her drainage problems worse.

See responses to comments 2.a., 7.a., 10.a. and 13.a. above.

b. Has people walking and trespassing through her property. Concerned about additional trespassing by new project residents on their way to Temple.

It is very unlikely that the current residents of Luxor Estates trespass through neighboring properties on their way to Temple as they have their own, large synagogue within their development. Similarly, Luxor Junior will also have a large, on-site synagogue for its residents.

19. Michael Hazelnis:

a. Requests a hydrogeologist be consulted to test subsurface water flow and directions.

Soils on the proposed project site are typical of Sullivan County. They include topsoil and a pervious layer over a tight, relatively impervious soil layer. Groundwater is typically “perched” on top of the impervious layer and tends to flow downhill on top of this layer during periods of saturation.

b. Concerned the retention ponds draining onto his property are not properly designed.

See responses to comments 2.a., 7.a and 13.a. above.

c. Concerned with traffic impact at the intersection of Karmel-Jacob Road and NYS Route 52.

There will be an increase in traffic at the intersection of Karmel-Jacob Road and NYS Route 52 as a result of the proposed project. It is estimated that the increase in traffic at the intersection during the peak hour will be approximately one vehicle per minute based on previous similar projects. It is not anticipated that the intersection level of service will be impacted to the point that improvements will be necessary.

d. Has an existing drainage problem from Orchids. Concerned with project making this worse.

The Town’s engineering consultant, Keystone Associates, has performed an area-wide drainage study that includes Mr. Hazelnis’ property. The study determined, among other things, that we need to adjust our drainage design slightly to offset a potential increase in the peak flow through his property when combined with the Orchids drainage. We are working on this adjustment and will forward it to Keystone Associates for review when completed.

20. **Larry Shaffman:**

- a. Concerned with the safety of small children that live in Woodland Houses complex and speeding cars.

All cars/drivers must obey the posted speed limit and drive safely. It is anticipated that most cars would use Maplewood Avenue, however Woodland Townhouse Road is a public road and could see an increase in traffic associated with the proposed project.

21. **Sarah Siegel:**

- a. Concerned about impact on wildlife currently living on the project site.

Some animal habitat will be lost as a result of the proposed project but no threatened or endangered species will be impacted. There is also plenty of adjoining area that is forested to accommodate displaced animals.

22. **Wanda Hopkins:**

- a. Concerned that compactor will be very noisy and run continuously.

The compactor has an electric motor. As such, it is not very loud. In addition, it is only run periodically when needed. There will be more noise associated with the trucks that deliver and remove the compactor but this would typically be on a weekly basis and only last 5 – 10 minutes.

- b. Concerned about safety at the intersection of Routes 52 and 104 due to existing double and triple parking and passengers being picked up and dropped off in this area.

Double/triple parking in the referenced areas is illegal and unsafe however this is not something that is associated with the proposed project.

23. **Unknown Person in Audience:**

- a. Concerned about burning of trees.

Trees will not be burned. Valuable timber will be harvested, tops will be ground into mulch and stumps will be removed from the site.

- b. Concerned traffic will ruin the neighborhood.

The vast majority of the traffic will occur during the months of July and August. Most traffic will utilize Maplewood Avenue. There will be no traffic/access through Sheldrake Shores so we don't agree with the comment. See responses to comments 1.e., 2.b., 19.c. and 20.a. above.

24. **Dr. Gary Koutcher:**

- a. Wants a more substantial buffer than a single line of trees and a redesign of the project.

See responses to comments 1.a. and 3.b. above.

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25. Letter from Terese Stryker (no address) dated August 12, 2012:

a. Concerned about possible flooding after site has been cleared.

See responses to comments 2.a., 10.a., 13.a., 18.a., 19.b and 19.d. above.

b. Concerned about possible “pests and insects” associated with the garbage compactor being located near the stormwater management system.

We don't anticipate any pest or insect issues as all garbage will go into the compactor which will be inside a solid fence and emptied on a regular basis. The owners will require that the compactor area be properly maintained in a neat and orderly condition.

c. Concerned about animals being displaced after removing the forest.

See response to comment 21.a. above.

d. Concerned about pollution from 100 new cars driving in the area.

Most traffic generated by the proposed project will occur during the Friday and Sunday afternoon periods for approximately two months during the summer. There is very little traffic during the summertime work week or the remaining 10 months of the year, so auto pollution associated with the proposed project will be minimal when compared to existing local background traffic.

e. Concerned about 500 to 700 more people walking through her neighborhood as a shortcut to the town for religious services. Indicated people do this now.

See response to comment 18.b. above.

f. Questioned how the proposed project would benefit the community.

The proposed project will generate substantial tax revenues for the Town and school district for services the future homeowners largely won't use. The project will generate approximately \$200,000 per year in school taxes, yet the residents will not be using the local schools. Plus it will generate approximately \$300,000 per year in property taxes which include highway taxes yet they will only be using the local roads about two months of the year. All of their interior project roads as well as their interior water and sewer systems will be owned and maintained by the

homeowner's association to be comprised of residents within the proposed project, not by the Town. They will also be paying for their water and sewer usage, the same as all town residents.

In addition, the project will generate substantial business for local merchants and contractors. Sales tax revenues will also increase for the Town, County and State.

- g. Questioned the proposed project plans for protecting the community including nature.

The proposed project will follow procedures outlined in the SWPPP to control drainage so as not to impact the downstream community. See responses to comments 2.a., 10.a., 13.a., 18.a., 19.b, 19.d. and 25.a. above.

- h. Concerned about adequate water, sewer and utility capacity for the proposed project.

See responses to comments 1.h. and 8.a.

- i. Questioned who would pay the repair bill if the septic system fails.

There is no septic system associated with the proposed project. All sewage will be conveyed into the existing municipal system which is owned and maintained by the Town of Fallsburg.

26. Letter from Dr. Judith Schafman – 16 Walnut Street (no date):

- a. Questioned if thorough, clearly stated steps are being made and fully agreed upon with the developers regarding erosion prevention and water quality after the units have been built.

Post-development maintenance requirements of the proposed erosion and water quality infrastructure are described in the SWPPP. The future homeowner's association will be responsible for this maintenance.

- b. Questioned if the developers have agreed to preserve and replace any trees that are removed in the building process.

It is the owner's intent to preserve as much existing vegetation as possible and to supplement this with additional trees to be planted along the boundary with Sheldrake Shores. See response to comment 1.c. above.

- c. Questioned if the developers have agreed to build in a tree line that protects the view of existing homeowners.

As indicated above, the owners have proposed planting evergreen trees along the boundary with Sheldrake Shores. They propose installing a stockade fence along the boundary and rotating the proposed homes 90 degrees to increase the distance from the proposed homes to the boundary from 40 feet to approximately 70 feet. However, due to the proximity of some of the existing homes in Sheldrake Shores to the property line, it is not possible to completely screen the proposed homes. Over time, as the planted trees grow, screening will increase.

- d. Questions if the highway widths are adequate.

The local roadways and proposed project roadways are wide enough to support the existing and proposed traffic.

27. Letter from Kevin Irelan (no address, no date):

- a. Concerned about traffic.

The proposed project will generate approximately 95 - 100 vehicle trips per hour during the peak hour periods on Friday and Sunday afternoons during the summer months. The trip count includes the total number of vehicles entering and exiting the project site during the peak hourly period. See responses to comments 1.e., 2.b., 19.c., 20.a., 23.b. and 25.d. above.

- b. Concerned about project noise after completed.

Noise after the project is completed and occupied should not exceed local ambient noise levels.

- c. Concerned proposed homes will be cheaply built and become eyesores.

The proposed homes will not be cheaply built. They will have concrete foundations and will meet all requirements of the NYS Residential Building Code – including the energy, plumbing, electrical, fire and mechanical codes upon completion in order to receive certificates of occupancy from the Town. They will be very similar to the newer homes in the Luxor Estates development.

- d. Concerned about tree removal and impact on the lake.

See responses to comments 2.a., 7.a., 10.a., 13.a., 18.a., 19.b., 19.d. and 25.g.

- e. Concerned that traffic around his house will become congested.

See responses to comments 1.e., 2.b., 19.c., 20.a., 23.b., 25.d., and 27.a. above

28. Letter from Mary Wallach – 12 Morris Drive (no date):

- a. Concerned about the number of units proposed and proximity to the existing homes/development.

The allowable density of the proposed project site is approximately twice what is proposed (4.8 units per acre – 9,000 square feet per unit allowed versus 2.4 units per acre – 18,400 square feet proposed). The allowable density of the Sheldrake Shores PUD is one unit per 7,500 square feet or 5.8 units per acre. Additionally, the proposed homes will be setback a minimum of 70 feet from the property line except for the proposed caretaker’s residence which will be the allowable minimum of 25 feet, the same as for Sheldrake Shores. See response to comment 1.a. above.

- b. Concern about the proposed project density not being in keeping with the current zoning of the neighborhood or Sheldrake Shores.

See responses to comments 1.a. and 28.a. above.

- c. Concerned the proposed project stormwater runoff will pollute the lake.

See responses to comments 2.a., 7.a., 10.a., 13.a., 18.a., 19.b., 19.d. and 25.g. above.

- d. Concerned that the proposed project will construct a road through Sheldrake Shores.

There will be no roads constructed through Sheldrake Shores. See responses to comments 1.e., 2.b., 19.c., 20.a., 23.b., 25.d. and 27.a. above.

29. Letter from Deborah L. Fleury – 24 Morris Drive (no date):

- a. Concerned about noise from the proposed project.

See responses to comments 2.c., 22.a. and 27.b. above.

- b. Concerned about lighting - including street lights, house lights and car lights shining on her property.

There will be no lights from the proposed project shining onto neighboring properties. The closest lights will be the walkway lights behind proposed units 5 – 12 which will be approximately 50 feet from the property line. They will be a maximum of 10 feet high with 25 watt LED bulbs and will be dark sky compliant (down facing). Car lights and street lights will be on the opposite side of the proposed homes and over 100 feet from the property line.

- c. Concerned home values will go down.

See response to comment 1.f. and 10.c. above.

- d. Concerned that drainage, which is already poor on her property and others, will be adversely affected.

See responses to comments 2.a., 7.a., 10.a., 13.a., 18.a., 19.b., 19.d. and 25.g. above.

30. Letter from Sheldrake Shores Homeowner's Association dated August 12, 2021 with attached signatures:

- a. Concerned that the proposed project will overwhelm existing utility infrastructure including water, sewer and electricity.

See responses to comments 1.h., 8.a. and 25.h. above.

- b. Concerned about lake pollution from untreated sewer run-off.

See response to comment 25.i. above.

- c. Concerned about environmental impact of clearing 42 acres of forest.
See responses to comments 1.c. and 25.c. above.
- d. Concerned about flooding of homes in close proximity to the proposed project.
See responses to comments 2.a., 7.a., 10.a., 13.a., 18.a., 19.b., 19.d., 25.g. and 29.d. above.
- e. Concerned about impact on existing home values.
See responses to comments 1.f. and 10.c. above.
- f. Concerned about impact of additional traffic generated by the project on local street congestion and air pollution.
Traffic studies for similar projects in the area show that the most number of trips are generated on Friday evenings. Of these, approximately 65% are incoming to the development and 35% are outgoing. Assuming 100 trips (vehicles) during the peak hour, approximately 65 would be incoming or about one vehicles per minute. Approximately one vehicle every two minutes would be outgoing.

Regarding air pollution, see response to comment 25.d. above.

31. 2nd Letter from Sheldrake Shores Homeowner's Association dated August 12, 2021 with attached signatures:

- a. This letter restates the issues a. – f. listed above.

See responses to comments 31.a. – 31.f. above.

32. Letter from Michael A. Raymo – 3 Sara Drive (no date):

- a. Concerned about proximity of proposed homes to existing homes and requests tree preservation be required to promote privacy.

See responses to comments 1.c., 25.c. and 30.c. above.

- b. Concerned about noise and dust pollution during construction.

Dust control will be required on roadways during construction. It will not be necessary once construction is completed and the proposed project site has been stabilized. Regarding noise, see responses to comments 2.c., 22.a., 27.b. and 29.a. above.

- c. Concerned about additional traffic and lack of adequate parking on the proposed project site.

The proposed project requires a minimum of 200 parking spaces. 268 spaces are proposed. Regarding traffic, see responses to comments 1.e., 2.b., 19.c., 20.a., 23.b., 25.d. and 27.a. above.

- d. Concerned that construction traffic will negatively impact local roads, already in poor condition.

Local roads are designed to handle heavy traffic loads, including construction vehicles. Local road maintenance is the responsibility of the Town, County or State, depending on the road in question.

- e. Concerned about impact on water, sewer and electrical systems.

See responses to comments 1.h., 8.a., 25.h. and 30.a. above.

- f. Concerned about vermin and odors from proposed trash compactor.

See response to comment 25.b. above.

- g. Concerned about impact of stormwater runoff on the lake and surrounding properties.

See responses to comments 2.a., 7.a., 10.a., 13.a., 18.a., 19.b., 19.d., 25.g. and 29.d. above.

- h. Concerned that an environmental impact study has not been done and that the USACOE has not done an analysis of the project.

The proposed project does not meet the threshold for an environmental impact study as described in the SEQR guidelines. A Full Environmental Assessment Form will be submitted for review by the planning board and additional studies may be requested. With respect to the USACOE, they only have jurisdiction over the on-site wetlands which have recently been re-delineated and located by our surveyor. The project plans are being revised to reflect the current delineation. No review is required by the USACOE because the wetlands will not be disturbed.

33. Letter from Loch Sheldrake Homeowners Association dated August 10, 2021 with attached signatures:

- a. Concerned about impacts of proposed project on Loch Sheldrake Lake with respect to erosion and pollutants from lawns, impervious surfaces, and de-icing salts.

The roadways within the proposed project are typically only plowed to maintain access for emergency vehicles. They are salted if there is an icing condition but not necessarily after every storm. The parking areas are not cleared as there are no occupants during the winter months. Given the size of the total drainage area to Loch Sheldrake Lake, the amount of road salt that would enter the lake from the proposed project compared to what already enters would be minute.

With respect to erosion and pollutants from lawns, see responses to comments 2.a., 7.a., 7.b., 10.a., 13.a., 18.a., 19.b., 19.d., 25.g., 29.d. and 32.g. above.

RESPONSES TO
TOWN OF FALLSBURG PLANNING BOARD
PUBLIC HEARING COMMENTS
FOR LUXOR JR. ESTATES – SEPTEMBER 9, 2021

Note:

The speakers are taken in order and their names spelled as indicated in the minutes prepared by the Town of Fallsburg. Their questions and concerns, as they pertain to the project, have been summarized below and do not necessarily quote the minutes. We have tried to be thorough and have inferred, as best we could, the speaker's intent when unclear.

34. Phil Simpson:

- a. Requests the Planning Board require an Environmental Impact Statement to review possible affects to the lake including runoff, erosion, untreated materials, concrete, untreated sewage, suspended solids, nutrients, etc.

See responses to comments 2.a., 7.a., 7.b., 10.a., 18.a., 19.b., 19.d., 25.g., 29.d. and 32.g. above.

- b. Expressed concern over "clear cutting 42 acres of forest with poor soil drainage".

Existing trees will be maintained to the degree possible during and after construction. All disturbed areas will be stabilized through seeding or paving. All site run-off will be routed through stormwater basins designed in accordance with NYSDEC Standards. See responses to comments 1.c., 25.c. and 30.c. above.

- c. Expressed concern over lost animal habitat.

See response to comment 25.c. above.

35. Dr. Gary Koutcher:

- a. Questioned how the Town would fund water, sewer and electrical connections to the proposed project.

All water, sewer and electrical connections to the proposed project will be paid for by the project owners. There will be no cost to the Town.

- b. Questioned whether the Town water and sewer systems are currently able to handle the proposed project. Asked if the Town had records of the existing Luxor development's water and sewer usage.

The Town maintains records of water and sewer usage for all properties within the referenced districts. Regarding capacity, see responses to comments 1.h., 8.a., and 25.h. and 30.a. above.

- c. Questioned if traffic will be affected by the proposed project.

See responses to comments 1.e., 2.b., 19.c., 20.a., 23.b., 25.d. and 27.a. above.

- d. Monticello Landfill is listed as the proposed project waste disposal location. Questioned whether the landfill has capacity and the alternative if it does not.

The Monticello Landfill has been closed and a transfer station constructed. Garbage brought in to the site is processed by the County and then hauled to another facility for ultimate disposal.

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- 36. Letter from Dr. Gary Koutcher (no address, no date):**

- a. This letter restates the concerns included in comments 35.a. – 35.d. above.

See responses to comments 35.a. – 35.d. above.

- 37. Letter from Lyudmila Bondarenko – (no address) dated September 9, 2021:**

- a. Questioned the accuracy of the data used for the current project. Suggests it is too old and out of date to be reliable.

The Town Planning Board has requested an updated Full Environmental Assessment Form be submitted for review.

- b. Suggests project may be within FEMA 100 year flood plain.

The project is not within the FEMA 100 year flood plain.

- c. Concerned about run-off and flooding of neighboring properties and the lake as a result of the project.

See responses to comments 2.a., 7.a., 10.a., 13.a., 18.a., 19.b., 19.d., 25.g., 29.d. and 32.g. above.

- 38. Letter from Phillip Simpson – (no address) dated September 9, 2021:**

- a. This letter restates the concerns included in comments 34.a. – 34.c. above.

See responses to comments 34.a. – 34.c. above.

b. Concerned that the planning board adhere to SEQRA guidelines.

See responses to comments 32.h. and 37.a. above.