

**Final Environmental Impact Statement (FEIS)**

Project Description: The applicant, Highland Commons, LLC, proposes to construct the mixed residential development, known as Westbourne Estates, on approximately 92.0 acres in the hamlet of Woodbourne, within the Town of Fallsburg, Sullivan County, New York. The proposed development would consist of 331 units, which would include 196 apartment style units (44 of which are existing units) and 135 single (31 single family units) and duplex units (104 two family/duplex units). The project would be divided into three phases of development.

Location: The site is located west of NYS Route 42 and south of NYS Route 52 in the Woodbourne Hamlet. Access to the project site is currently and would remain from Westbourne Drive, which is off (south) of NYS Route 52.

Tax Map Identification: The six lots of the project identified on the Town of Fallsburg's Tax Map are as follows: 21.-1-42.1; 21.-1-42.3; 21.-1-42.4; 21.-1-42.5; 21.-1-44.1; 28.-1-1 (portion)

Lead Agency and Contact Person: Town of Fallsburg Planning Board  
c/o Mollie Messenger, Code Enforcement Officer  
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South Fallsburg, NY 12779

Project Sponsor: Highland Commons, LLC  
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Lead Agency Acceptance Date: \_\_\_\_\_

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This Final Environmental Impact Statement (FEIS) provides responses to agency and public comments received by the lead agency on the Draft Environmental Impact Statement (DEIS) prepared for Westbourne Estates, Town of Fallsburg, Sullivan County, New York. The FEIS has been prepared in accordance with Section 8-0101, et seq of the Environmental Conservation Law and the regulations promulgated by the New York State Department of Environmental Conservation (NYS DEC) thereunder, which appear at 6 NYCRR, Part 617, New York State Environmental Quality Review Act (SEQRA).

The applicant prepared a Draft Environmental Impact Statement (DEIS) in response to a Positive Declaration issued by the Town of Fallsburg Planning Board on February 12, 2009. The DEIS scope was established by the scoping outline developed by the Town of Fallsburg Planning Board, acting as lead agency, in cooperation with all other involved and interested parties. The scoping outline was adopted March 12, 2009.

The DEIS was accepted as complete with respect to its scope and the Town of Fallsburg Planning Board issued a Notice of Completion for the DEIS and a Notice of SEQRA Hearing on March 29, 2011. The Planning Board conducted public hearings on April 14 and May 12, 2011. The public comment period closed on May 12, 2011. The adopted scope outlining the information to be covered in the DEIS and the Notice of Completion are provided in Appendix A of this FEIS. The FEIS consists of this volume of text and a set of engineering drawings for the project.

### **Summary of the Proposed Action**

The applicant, Highland Commons, LLC, proposes to construct a 331 unit mixed residential development, known as Westbourne Estates, on approximately 92.0 acres in the hamlet of Woodbourne, within the Town of Fallsburg. Two hundred and thirty nine (239) of the proposed units, a mixture of single, duplex and apartment style, would be marketed as for-sale seasonal/second homes. The remaining 92 units (44 of which are existing units) would be apartment style, year round rental units.

The apartment style sales units are proposed as three bedroom units whereas the single and duplex units would include six bedrooms each.

### **SEQRA Background**

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period, including oral comments made at the April 14 and May 12, 2011 Public Hearings. Complete copies of all the written comments received on the DEIS are included in Appendix B. Transcripts of the Public Hearings are provided in Appendix C.

During the course of the DEIS public comment period, the following letters on the DEIS were received from various agencies and interested parties. Comments were also received during the two public hearings held on the DEIS.

<p align="center"><b>Table I-1</b>  <b>List of Letters and Transcripts Received With Comments on the DEIS</b></p>		
Letter or Transcript Number	Author	Date
1	John Sarna, PE	March 31, 2011
2	Robert Geneslaw Co., Robert Geneslaw, AICP	April 11, 2011
3	Sullivan County Division of Planning and Environmental Management, Luiz C. Aragon, Commissioner	April 11, 2011
4	New York State Department of Transportation, Region 9 Pamela M. Eshbaugh, PE, Regional Planning and Program Manager	April 19, 2011
5	Department of Environmental Conservation, Adam Peterson	April 27, 2011
6	United States Department of the Interior, Fish and Wildlife Service, Sandra Doran	May 9, 2011
7	Public Hearing 4.14.11	April 14, 2011
8	Public Hearing 5.12.11	May 12, 2011
Source: Ecological Analysis, LLC.		

The FEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DEIS. A comment summary, in some cases, may incorporate more than one individual comment on the same subject, followed by a response to that comment. The sources of each comment are referenced. Several comments received during the public hearing were addressed at length during that same public hearing and these responses can be found in Public Hearing Transcripts located in Appendix C of this document. The format of the comments and responses is as follows:

**Comment # (Source):** Comment summary text.

*Response #:* Response text.

**Comment II-1 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Throughout the document, in the analysis of impacts, it is stated that an average of three bedrooms per dwelling unit is utilized. The floor plans, found in Appendix L, are inconsistent. The floor plans show that Model A1, the two story, one family detached units and Model B1, the two story, one family semi-detached units all have 6 bedrooms each. If the floor plans are correct, the evaluation of impacts (water, sewer, fiscal, assessed value) will result in significant increases in impacts. If the floor plans are incorrect and bedrooms are eliminated unit sizes may change and site grading around the dwelling units may be affected. This matter must be resolved. In addition the source or designer of the floor plans is not identified on the drawing. **[Similar comments were made by members of the public during the public hearings on the DEIS: Letter 7, Public Hearing April 12, 2011, Robert Geneslaw; Letter 8, Public Hearing May 12, 2011, Robert Geneslaw, Arthur Rosenshein]**

*Response II-1: The information and calculations presented in this FEIS include the increase in bedroom count, from four to six bedrooms, for the single and duplex units. According to the client, this increase in bedroom count did not increase the assessed value of these units nor did the unit size change.*

*The Engineer's Report for Water and Sewer has been revised to reflect the increase in water consumption and wastewater production associated with these additional bedrooms. Refer to Appendix D, Engineering Report of Wasson Engineering.*

*Please refer to Section III.I and Appendix E for the revised Fiscal Analysis. As noted, the assessed values for these units would not change from those presented in the DEIS.*

*The source of the elevations and floor plans located in Appendix L of the DEIS was Avalon Design, Brooklyn, New York.*

**Comment II-2 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Engineers Report

Water - p. 1, Notes the connection to Lansmans Bungalow Colony on Murphy Road. Elsewhere the DEIS refers to this line being disconnected. The FEIS should indicate how water supply should/can be provided to Lansmans and the entity which would be responsible.

Sewer – p. 3 indicates CDM “report further indicates the existing collection system, with a few upgrades, has adequate capacity to serve the proposed project through 2025”. What are the upgrades? The Board should consider requiring the upgrades as part of mitigation. The timing of performing the upgrades should be indicated and agreed upon by the Town.

*Response II-2: The Engineer's Report has been revised to indicate that a new water main would be provided to the existing Lansman's connection by the developer. This*

*new main would be dedicated to the Town of Fallsburg Consolidated Water District. The proposed main is shown on Plan Sheet 10 of the attached plan set.*

*Comment noted. The suggested upgrades included in the CDM report are proposed to be completed over several years and include replacement/enlargement of several sewer trunk lines and pump stations. None of the proposed improvements are associated with the Woodbourne service area, to which the Westbourne Estates project is tributary.*

**Comment II-3 (Letter 2, Robert Geneslaw, AICP, April 11, 2011): SWPPP**

P.3 “Stormwater runoff, from the dwelling rooftops and parking area would be conveyed to an underground infiltration gallery, proposed to be located under the proposed parking area”. Is this accurate? Does the comment relate to the entire project?

P. 8 # - References - Extended Detention Shallow Wetlands along west end of project site. Are those shown on plans?

P. 11. C. - “...Project would take approximately 18 months to construct from the time of ground breaking to final completion.” Please clarify.

*Response II-3: Reference to an underground infiltration gallery is incorrect and will be removed from the SWPPP. There are no underground infiltration galleries proposed for this project.*

*The Extended Detention Shallow Wetlands are presently shown as Detention Basins 1, 2 and 3. The nomenclature will be updated to conform with the SWPPP as the final basin design is completed.*

*This statement is incorrect and has been revised to indicate an eight year build out which conforms to the DEIS.*

**Comment II-4 (Letter 2, Robert Geneslaw, AICP, April 11, 2011): General Plan Comments**

1. For the site plan approval portion of the review process it is recommended that a drawing be provided showing existing easements to remain, those proposed to be modified or extinguished, and proposed new easements.

2. Various notes need to be added to the plans regarding post-approval fencing, speed humps, bedroom limitation note, etc.

3. Some of the drawings would be more legible if legend symbols were added – one example is Sheet 9, Water and Sewer Plan, which has no legend symbols.

4. Several sections of Roads A & B have proposed grades of 12% (sheets 3 & 4). An effort has been made to avoid 90 degree parking in these section (sheet 2) but it would be helpful if the grading of parking spaces in these locations were shown at a larger scale. Alternatively, a detail could be provided setting forth maximum grades for parking spaces.
5. It is recommended that a lighting plan be provided. In addition to the usual items included in such a plan information should be provided regarding the proposed hours that lights will be operating, particularly for the two ball fields.
6. A sign location plan sheet should be provided.
7. Applicant should review handicap parking requirements for existing and proposed units, show requirements on plan, and provide conforming spaces, discharge areas and signs
8. Mr. Illing should advise whether the swimming pools and community building at the western end of the site can be built outside the sewer and water district boundaries if Town water and sewer facilities are proposed to be used for these features.
9. A subdivision plat should be prepared to reflect the addition of part of lot 28-1-1, any other internal lot lines, and easements.

*Response II-4:*

1. *Existing and proposed easements will be shown on the final subdivision plan which will be prepared to include/add a portion of existing tax parcel 28-1-1, a driveway easement for the Gelsomino property, and to delineate between the multiple HOA parcels. (This response also addresses Comments II-4.9 and II-5.1, below).*
2. *Appropriate notes will be included on the final plans addressing these items.*
3. *Symbol legends have been provided on Plan Sheets 1, 2, 6, 7, 9, 10 and 14 of the attached Plan Set.*
4. *The town has, on occasion, approved short road segments with grades up to 12 percent for primarily seasonal residential developments. The areas with proposed 12 percent slopes are all within the seasonal residential areas.*

*Parking area grading has been reviewed for the steeper sections and typical proposed grading is provided on Plan Sheet 6.*

5. *Proposed light locations and types are shown on Plan Sheet 2. Details are included along with times of operation, on Plan Sheet D2. There is no lighting proposed for either ball field.*

6. *A signage plan with locations and individual sign details has been included on Plan Sheet 3.*
7. *Handicap parking requirements, including the number of spaces required, location, signage, pavement markings, etc, conform with ADA Regulations and have been included on Plan Sheets 2, 3, 6 and 7. The ADA Regulations have been added to the Parking Table on Sheet 1. Handicap sign details have been shown on Sheet 3 of the attached Plan Set.*
8. *It is anticipated, based on previous discussions with Mr. Illing, that the community building and swimming pools to be constructed outside the existing water and sewer districts at the west end of the project site will be served by a drilled well and subsurface septic disposal system.*
9. *See Response II-4, No. 1, above.*

**Comment II-5 (Letter 2, Robert Geneslaw, AICP, April 11, 2011): Plan Set Comments**

1. Sheet 2 – Overall Site Plan: shows the existing driveway to the N/F Gelsomino property (northwest corner of the property) to remain. An easement for that driveway should be provided.
2. Sheet 6 – Grading and Drainage Plan:
  - a. How will access be provided to the proposed water storage tank?
  - b. It is suggested that a clearing limit or disturbance limit line be shown.
3. Sheet 14 – Landscaping Plan
  - a. It is recommended that Planting Notes 3 and 4 be revised to include approval by a Town representative.
  - b. A note should be added to the effect that the project sponsor's landscape architect shall certify that all plantings and the location of plantings are in accordance with the approved plans or approved modifications.
  - c. It is suggested that the use of White Pines be re-evaluated because they tend to lose lower branches after 10-15 years. With a build-out project at 8 years, the first ones planted could be halfway to the point of losing lower branches by the time the development is completed
  - d. The plan seems to show the present edge of woodland, but some will be remove in the course of development. The edge of woodland should be revised to show the woodland to remain. This would help to understand how existing to remain woodlands will assist in mitigation of visual impacts.

*Response II-5:*

1. See Response II-4, No. 1, above.
2. Refer to Plan Sheet 6 for access to the proposed water storage tank. Proposed clearing limit lines are illustrated on Plan Sheets 6 and 7.
3.
  - a. The referenced notes were revised on the final plans to include approval by the Town's representative.
  - b. A note has been included on the final plans as requested.
  - c. Commented noted. Another option for screening would be *Thuja occidentalis* - Eastern Arborvitae (or White Cedar). This species of tree would be utilized to screen the project instead of White Pine. Refer to Sheet 14, Landscape Plan for this change.
  - d. See Response II-5, No. 2, above.

**Comment II-6 (Letter 7, Public Hearing April 14, 2011, Mona Bogan):** No one has approached me either [regarding the purchase of commenter's house].

*Response II-6: Mr. James Bates of Ecological Analysis, a representative of the project sponsor, responded to the above comment during the April 14, 2011 hearing. Mr. Bates stated that he would speak to the owners of the project site on behalf of the commenter regarding the purchase of the commenter's home. Refer to Appendix C, Letter 7 (April 14, 2011 Public Hearing), Page 1 for this dialogue.*

**Comment II-7 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** I am interested Town of Fallsburg resident. I gather from what you said initially that this plan may proceed all 3 phases or one at a time. Is that a fair statement?

*Response II-7: This comment was responded to during the April 14, 2011 Public Hearing by Mr. Bates. Mr. Bates stated, "That's correct. This is a market driven development." Refer to Appendix C, Letter 7 (April 14, 2011 Public Hearing), Page 2 for this exchange.*

**Comment II-8 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** Do you have any idea which phase will be going first?

*Response II-8: This comment was also addressed by Mr. Bates, a representative of the project sponsor, during the April 2011 Public Hearing. In summary, Mr. Bates stated that*

*it is not known which phase of development would occur first. He noted that the Westbourne Estates project is market driven therefore the order of development phases cannot be determined at this time and would be based on market conditions at the time of construction. Refer to Appendix C, Letter 7, Page 2 for this dialogue.*

**Comment II-9 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** So each of the three phases may be developed incrementally as the market demands?

*Response II-9: Yes, the above statement is correct*

**Comment II-10 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** And how do you handle your infrastructure such as your roads, sewer and storm water? It would appear to me once you commit to any of the phases that you'd have to go a hundred percent with your infrastructure. Is that a fair statement?

*Response II-10: Certain infrastructure components would be common to all three phases of development and would have to be constructed initially, regardless of which phase of development occurred first. However, it would not be necessary to construct 100 percent of the infrastructure when just one development phase has begun.*

**Comment II-11 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** Not to pick this apart. But for curiosity, are there storm water retention ponds here?

*Response II-11: There are several Detention Basins and stormwater treatment components proposed for the project.*

**Comment II-12 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** How about – this may affect Mona – how about your site lighting plan, would it be any more bright than the existing site lighting that currently serves Westbourne? Or would it be in line.... Would it be any brighter than – from a personal standpoint I don't think the existing apartment complex is over lit or objectionable. Do you anticipate any more....?

*Response II-12: There would be additional lighting proposed for the Westbourne Estates project as shown on Plan Sheet 2. The planning board must review and approve the proposed fixtures which will be included on the final plans. Generally, lighting would be provided for the parking lots, buildings, walkways and possibly for the internal roadways. Typically, all of the proposed lights would be direct light downward to illuminate a specific area. The proposed lighting would not project beyond site boundaries.*

**Comment II-13 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** And how much, if this was built out a hundred percent, how many millions of dollars of assessable property would there be?

*Response II-13: The total assessed value for the proposed project at full build out is \$20,729,450. Refer to Appendix J of the Westbourne DEIS for the full fiscal worksheet.*

**Comment II-14 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** My last question in line with the first one in regard to the assessment, are any of these eligible for the condominium status where the assessables would be approximately half of what the...?

*Response II-14: This comment was addressed during the April 14, 2011 Public Hearing by the project attorney, Jay Zeiger. Please refer to Appendix C, Letter 7, Page 2 for the original dialogue. An additional response, beyond the response provided at the public hearing, is located below.*

*The question or comment from Mr. Pantel was concerning the tax assessment laws applicable to condominiums. Pursuant to New York Law, condominiums are valued differently than are one family homes. One family homes are valued based upon the market approach to valuation. Condominiums are valued assuming one person owns all of the condominium units within the development and owns the development for rental purposes. Thus, a condominium development is assessed for real property tax purposes based upon the income approach, in the same manner as an apartment building would be assessed.*

*As a general rule, valuing condominium units on the income-approach to valuation (as New York Law provides) results in a real property tax assessment of approximately 65 percent of what the tax assessment would have been had the assessment been based on the market approach. By way of illustration, if person owns a one-family house and another person owns own a condominium, and both the house and condominium unit have a fair market value of \$100,000.00, the assessment for the house should be based upon a value of \$100,000.00, whereas the assessment for the condominium may be valued based upon a value of \$65,000.00. Thus, there is a 35 percent discount.*

*As noted, it is likely that many of the residents would be seasonal residents, and, therefore, the sales units would be occupied by persons who do not attend schools in Sullivan County. Thus, the residents would be paying school taxes even though most if not all of the children that reside in the community would not be attending public schools in Sullivan County. Thus, as far as the Fallsburg School District is concerned, they would be receiving school tax from the unit owners of Westbourne, but would not have any increase in students.*

*There are other benefits to the Town based upon a seasonal community, such as the private road which the Town will not be required to maintain.*

**Comment II-15 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** But of course in this situation, I would expect whatever is built is occupied year round, is that the case?

*Response II-15: The proposed development would consist of 331 units, which would include 196 apartment style units and 135 single and duplex units. As noted in the Draft Environmental Impact Statement (DEIS), the project would be divided into three phases of development. Phase I of the development would include 104 apartment style units to be marketed as second homes (i.e. homes occupied mainly during the summer months but suitable for year round occupancy). All the units proposed in Phase II of Westbourne Estates are to be occupied year round. This Phase of development would include Westbourne Gardens, which is the existing apartment complex on the project site and the construction of an additional 48 apartment style units. The 135 units proposed in Phase III would consist of single and duplex units that would be marketed as second homes.*

**Comment II-16 (Letter 7, Public Hearing April 14, 2011, Allen Frishman):** This is from Will [Illing]. He said that in reading the document, he said you mentioned you are going to sever the line to Landsmans and Mountaincrest. He says that's not acceptable. I know it's a bad situation. But something has to come up. **[Similar comments were made by members of the public during the public hearing on the DEIS: Letter 7, Public Hearing April 12, 2011, Arthur Rosenshein, Gary Tavormina, Robert Geneslaw, Mona Bogan, Ron Hiatt]**

*Response II-16: See Response to Comment II-2, above.*

**Comment III.A-1 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** The DEIS, p. 1-3 indicates that most of the rock removal would occur in the Phase 1 area and that much of this rock would be crushed, screened and used for road base and other construction needs on site. The applicant has indicated that the construction phasing is dependent on “marketing efforts”. If the Phase 1 area, as detailed in the DEIS, is not early in marketing, will the rock removal occur first, and where would it be stored?

*Response III.A-1: The rock associated with the Phase I area construction would be removed when this area is developed as it is primarily associated with subsurface utility construction and basement excavations. The owner would not install the Phase I subsurface utilities or excavate basements just to obtain the rock for use in the other phases.*

**Comment III.A-2 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-3 indicates “that if the contractor chooses to blast to remove rock, he must provide a blasting program which should (underline added) be reviewed and approved by the owner, engineer and Town”. We recommend the word “should” be changed to “must”.

*Response III.A-2: Comment noted.*

**Comment III.A-3 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-6, last paragraph indicates that walkout basements will be utilized where ground slopes permit. What measures will be undertaken to prevent basement areas from becoming habitable space? Since the Town is providing water and sewer capacity it is important that demand for these services not exceed allocation.

*Response III.A-3: The total number of bedrooms in the 135 units (single and duplex units) included in Parcel A will not exceed 810 unless approved by the Planning Board. There will be no basement level bedrooms without approval of the building inspector. Refer to Plan Sheet 2, Overall Site Plan, Note 3 for this referenced note.*

**Comment III.A-4 (Letter 7, Public Hearing April 14, 2011, Mona Bogan):** I have a well. I lived through Westbourne’s 44 apartments being built. I have a well. I have concerns because there is probably going to have to be some blasting or some other way of moving that rock ledge that’s there and every time we have a new project I fear my well is not going to be usable.

*Response III.A-4: It is recommended that the neighbor’s well be pump tested for quantity and also tested for water quality before starting blasting operations. This will serve as a baseline to protect both the developer and the neighbor should the neighbor claim post-blast problems with their water supply. A subsequent test could be performed on the well to confirm if a problem developed and, if confirmed, the well could possibly be drilled*

*deeper or a new well drilled. All of the above work would be at the expense of the developer.*

**Comment III.A-5 (Letter 7, Public Hearing April 14, 2011, Mona Bogan):** I have a septic system. When they cleared the property above my house on the Liberty side, I had serious water problems because there were no more trees to absorb the water.

*Response III.A-5: As part of the State Environmental Quality Review (SEQR) and Site Plan approval process, a complete Stormwater Pollution Prevention Plan (SWPPP) has been completed for the project. This plan would be reviewed and approved by the Town's consulting engineer, Keystone Associates. These types of drainage issues are taken into account during process and designed for so that conditions like the one described do not occur under the current approval process.*

**Comment III.A-6 (Letter 7, Public Hearing April 14, 2011, Mona Bogan):** There's going to be a lot of noise during the construction. There is going to be a lot of dust. I never used to have allergies. Once Westbourne started I went on allergy medicine 365 days a year. The diesel fuel fumes, clearing of the land. I still have pictures where an 18 wheeler flatbed was driven into the property filled with tires. My mom was alive at the time, we came home after shopping one day, the whole air was filled with burning rubber. And it hung there for days. As a homeowner, I have a bundle of rights, I'm just concerned that my right to enjoyment for years.

*Response III.A-6: It is anticipated that nearby properties would experience elevated noise levels at occasional periods of time during the construction of Westbourne Estates. This is a temporary, unavoidable impact resulting from project construction. The proposed project would comply with all references to noise in Chapters 197 and applicable Chapters presented in the Town's Code. For example, in order to mitigate any potential noise impacts, the following guidelines would be followed as well as others located in the Town's Code.:*

- Building operations would not occur between the hours of 10:00 pm and 6:00 am, consistent with the Town Code. Such operations include the use of any pile driver, pneumatic hammer, compressor, derrick, electrical hoist, bulldozer, backhoe, loaders, heavy equipment or apparatus;*
- As stated in the Town Code, the loading and unloading of any vehicle would also not occur during the hours of 10:00 pm and 6:00 am;*
- All construction vehicles and equipment would be maintained and operated in an efficient manner, thereby minimizing noise to the greatest extent possible;*
- If the construction of the proposed action results in complaints from surrounding residents, these complaints would be addressed through the Code Enforcement Officer and the project construction manager.*

*Construction activities on the Westbourne project site may have a potential impact on the local air quality through the generation of fugitive airborne dust. With proper site maintenance and careful attention to construction activities, impacts from fugitive dust*

*can be minimized. The following procedures would be used to minimize the generation of dust during construction.*

- *Minimizing the area of grading at any one time and stabilizing exposed area with mulch and seed as soon as practicable. Roadways will also be stabilized by installation of road base material and/or asphalt paving. The areas of disturbance must be limited to five (5) acres maximum in accordance with NYSDEC Stormwater SPDES Permit;*
- *Minimizing vehicle movement over areas of exposed soil, and covering trucks transporting soil;*
- *Unpaved areas subject to traffic would be sprayed with water to reduce dust generation.*

**Comment III.A-7 (Letter 7, Public Hearing April 14, 2011, Arthur Rosenshein):** I don't know if we need to and I don't recall if this was in your (re: Robert Geneslaw's comment letter, Letter 2) comment but in reading about your plan for taking rock, grinding it up.... and so on, that's a real concern. The concern is you have turned it into a miniature mining operation. Noise, dust, etc. is going to be a real tough issue on that one. When you look at hours, which days, etc... Where are you going to put it?... We are going to want to see something a little more definite on that so that it doesn't end up on somebody's window. You know the point of it. And the same thing if you are going to have piles of stuff waiting. Once you grind it up, you are looking at a dust situation, all of that, location of the.... That's going to be all part of the document so we know exactly what it is. What could be done and what is done is not always the same thing...I see that as a major problem. Especially because construction can go on for 8 years. Another problem is you don't know what subsurface is there. There are lots of ledges. The previous owner, one of the many reasons he went broke was they ended up blasting all the way down to the sewer lines, all the way down to 42, because it turned out the engineers had guessed that you can take a backhoe in there, and they guessed wrong...Obviously, we are going to have your specific plans for when you are blasting all of that. How notifications will be made, etc., etc. It's going to be an issue we're going to have to face. **[Similar comments were made by members of the public during the public hearings on the DEIS: Letter 8, Public Hearing May 12, 2011, Arthur Rosenshein]**

*Response III.A-7: It is anticipated that most of the blasting would occur in the Phase I area of development and would be associated with basement and utility trench excavations.*

*In order to blast, a rock drill is utilized, which runs on compressed air. The drilling operation for the proposed project would create potential noise impacts on the project site and within its surrounding area. Therefore, drilling operations would only be performed between the hours of 8:00 AM and 5:00 PM. The potential noise impacts from the actual blasting event are not expected to impact areas outside the project site.*

*Typically the contractor would drill a 2" (approximate) diameter hole to the required depth and use either dynamite (nitroglycerine) or ANFO (ammonium nitrate and fuel oil) as the explosive to fracture the rock. The depth, diameter and spacing of the drill holes would be determined by the required depth and size of the excavation and hardness of the rock. Weighted blasting blankets would be laid over the blast area to help control and retain blasted rock.*

*The blasting contractor would be licensed and required to store, handle and use explosives according to State and Federal regulations and the approved blasting plan.*

*Borings and/or test excavations must be performed to determine the location, depth and hardness the rock formations and whether they would impact the construction in a particular area. These tests cannot be performed until the final plans are completed and approved as the locations and depths of facilities are subject to change until that time. Depending on the amount, depth and hardness of the rock encountered, the contractor may chose to use an excavator mounted hydraulic hammer to break the rock.*

*Typically, whether blasting or hammering, the rock would be removed from the excavation, transported to the crusher, crushed and screened. It would then be stored until it was needed for base material under the buildings, parking areas, roadways, etc. The crushing and storage areas would b located in the rear of the Phase I area, remote from neighboring properties.*

**Comment III.A-8 (Letter 8, Public Hearing May 12, 2011, Robert Geneslaw):** The Board was concerned about the effect of blasting and dust and noise...What I want to suggest is that in the FEIS there should be more than general statements about ... equipment. The description should include what kind of equipment is intended to be used...What the characteristics are, how they're going to deal with the problem, what if it doesn't work, are areas going to be wet down? So that there is more than simply a statement that we'll be careful and we'll get a permit. I think it needs to be identified to a greater extent. So we'll be looking for that. (Including location for rock cuts).

*Response III.A-8: See Response to III.A-7, above.*

**Comment III.B-1 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-10 indicates that a Limit of Disturbance line is shown on the Erosion and Sediment Control drawings. We were unable to find that information on the drawings.

*Response III.B-1: The Erosion Control Plan, Sheet 16 has been revised and the limit of disturbance clarified.*

**Comment III.C-1 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 111.C-4, indicates that wildlife surveys were made on several dates in 2009 and 2010, and includes a list of “the common mammalian species expected to be found within the vicinity of the Westbourne Estates project”. There is no indication of the species observed on the site, this should be included.

*Response III.C-1: Only four species of mammalian wildlife species listed in Table III.C-2 of Appendix F of the DEIS, Common Mammalian Wildlife Species Expected to be Found Within the Vicinity of the Westbourne Estates project, were observed during field surveys on the site. These included observations of white-tailed deer, gray squirrels, Eastern chipmunks and woodchucks.*

**Comment III.C-2 (Letter 3, Sullivan County Division of Planning and Environmental Mgmt, Luiz C. Aragon, Commissioner, April 11, 2011):** We encourage the developer consider transplanting native vegetation removed during construction in the final landscaping plans. Plants like mountain laurel are likelier to thrive on the site where they were already growing, reducing initial landscaping costs, as well as replacement costs.

*Response III.C-2: Comment noted. Depending on time of year it may be possible and desirable to transplant mountain laurel for landscaping. Most of the existing vegetation would not be suitable for landscaping purposes.*

**Comment III.C-3 (Letter 5, NYS Department of Conservation (DEC), Adam Peterson, April 27, 2011):** The DEIS states the following: “Federal protocols for protection of the bald eagle remain focused on the protection of nest trees. In order to protect the current status of bald eagle populations, the USFWS has promulgated National Bald Eagle Management Guidelines. These non-binding Guidelines define various nest tree protection zones within which human activities are restricted, and NYS refers to the USFWS Guidelines when advising property owners on the protection of known nest sites. Unlike the federal nest tree guidelines, there are no similar protections afforded eagles for foraging or roosting sites.”

The Guidelines give recommendations to avoid a Take of the species, including recommendations for roosting and foraging habitat. Under Article 11 part 182 it is illegal to take a protected species without a permit and these recommendation for roosting and foraging areas should be followed to avoid the take of the species.

Portions of this project fall in the range of .5 miles from a wintering area. The guidelines state the following: 4. Do not use explosives within ½ mile (or within 1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with the U.S. Fish and Wildlife Service and your state wildlife agency.

There is potential for blasting on the site and potential disturbance to eagles should be taken into consideration. **[Similar comments were found in the following letters and during the public hearing held on the DEIS: Letter 6, US Fish and Wildlife Services, Sandra Doran, May 6, 2011; Letter 8, Public Hearing May 12, 2011, Robert Geneslaw, Arthur Rosenshein].**

*Response III.C-3: The Applicant will make every attempt to schedule any blasting on the project site outside of the winter months that bald eagles typically congregate at the Neversink River, generally mid-December through mid-March. If blasting must occur within this winter time period, the Applicant's ecological consultant will perform an evaluation of eagle usage of the area within an approximate one mile radius of the site, with a particular emphasis on areas east of the project site towards the Neversink River. The evaluation will take into consideration the amount of snowfall in the area, ice pack in the Neversink River, iced over lakes, and overall regional conditions that may affect bald eagle's presence in the area. The consultant will survey for eagles from local roads and various vantage points surrounding the project site and note the presence, time observed, and behavior of any eagles observed. The evaluation will also include surveys for any eagles roosting in the area, in which biologists will survey potential roosting sites the evening before and morning of any scheduled blasting event for evidence of roosting activity. Additional surveys may be warranted dependant on initial observations.*

*If the consultant's evaluation determines eagles are utilizing the area on a regular basis and may be impacted by blasting, the applicant will coordinate with the DEC and USFWS to ensure wintering eagles are not disturbed by the blasting activity if the blasting cannot be postponed until the eagles migrate north in the spring.*

**Comment III.C-4 (Letter 5, NYS Department of Conservation (DEC), Adam Peterson, April 27, 2011):** Also, the DEIS indicates that two isolated woodland ponds are located on site but it is not clear whether these ponds were evaluated for potential amphibian use. **[Similar comments were made by members of the public during the public hearings on the DEIS: Letter 8, Public Hearing May 12, 2011, Robert Geneslaw]**

*Response III.C-4: The two isolated wetland ponded areas were observed for potential amphibian use<sup>1</sup>. No amphibians listed as threatened, endangered or species of special concern were observed using these areas. The current site plan depicts no disturbance of these pools, therefore, no impacts are expected.*

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<sup>1</sup> Wildlife surveys were completed in June and August of 2008 by Tim Miller Associates (TMA) and in September of 2009 and April of 2010 by EA staff.

**NO COMMENTS WERE RECEIVED ON THIS SECTION.**

**Comment III.E-1 (Letter 1, John Sarna, PE, March 31, 2011):** The Update Report reflects the impacts due to changing the mix between year-around and seasonal housing, but with the same dwelling unit count. The higher trip generation rates of the seasonal residents during the particular peak hours result in higher generated traffic volumes, but the differences are not sufficiently large to be considered significant.

*Response III.E-1: Comment noted.*

**Comment III.E-2 (Letter 1, John Sarna, PE, March 31, 2011):** The study uses traffic counts from two previous traffic reports on nearby developments for three of the five study intersections. This is acceptable.

*Response III.E-2: Comment noted.*

**Comment III.E-3 (Letter 1, John Sarna, PE, March 31, 2011):** On page III.E-3 of the DEIS, under the heading "Peak Hours," it is stated that "These time periods coincide with the peak periods of seasonal residents arriving and departing for the weekend. Actually the 12:00 to 2:00 P.M. period on Sunday is significantly earlier than the peak departure time period, and represents the higher summer community activity level on Sunday afternoon. This text observation, it should be noted, does not affect the actual analysis results.

*Response III.E-3: Comment noted.*

**Comment III.E-4 (Letter 1, John Sarna, PE, March 31, 2011):** For estimating generated traffic volumes the use of the 2007 Summer Recreational Trip generation Study is acceptable (mandatory). For the year-around housing, use of the trip generation rates from ITE Land Use Code 220 is acceptable. In applying these latter rates the study uses the average rate for the land use rather than the formula rates which would give a slightly higher trip generation, but the difference is not considered to be significant.

*Response III.E-4: Comment noted.*

**Comment III.E-5 (Letter 1, John Sarna, PE, March 31, 2011):** The signal timings used in the capacity analyses are based, according to CME, on actual field observations and timing. It is noted that at the intersections of Route 42 with CR 52/53 and SR 52 south intersection they differ from the timings reported in the traffic report for Point O'Woods, particularly in cycle lengths. Because these are actuated traffic signals these timings can change, sometimes from one cycle to the next, so the use of these inconsistent timings is acceptable. The recommended changes in signal timing to meet mitigation requirements are based on optimized timings, but it should be recognized that both of these signals are under the jurisdiction of NYSDOT, and the actual timings set on the controllers, and any changes, are at the option of NYSDOT.

*Response III.E-5: Comment noted. The signal timing adjustments noted are expected to be within the actuated capability of the signal controllers. Therefore, while the LOS analysis identifies changes that would improve the LOS, the signal timing changes are expected to occur automatically within the controllers parameters.*

**Comment III.E-6 (Letter 1, John Sarna, PE, March 31, 2011):** At the south intersection of Route 42 with Route 52 the Point O'Woods traffic study evaluated the possibility of adding a southbound right turn lane "where the shoulder is sometimes used illegally." Analysis of this measure resulted in a significant improvement in the operating levels. It should be noted that the Point O'Woods study considered a much more extensive No-Build condition level than does the Westbourne Study. This recommendation should be submitted to NYSDOT.

*Response III.E-6: The recommendation of a southbound right turn lane has been submitted to NYSDOT. While a right turn lane would improve operating levels at the intersection of NYS Route 42/NYS Route 52 (south), the level of service analysis in the Westbourne Estates Traffic Impact Study (2009) indicated that the intersection currently operates at an acceptable LOS B during the PM and Sunday mid-afternoon peak hours and will continue to do so after completion of the project. Furthermore, the signal cycles through its phases approximately 80 times an hour, making the delay for drivers minimal. Therefore the addition of a southbound right turn lane is not necessary as part of this project.*

**Comment III.E-7 (Letter 1, John Sarna, PE, March 31, 2011):** At the intersection of Route 42 with CR 52/53 Table 2 reports Level of Service E and F operations in both the No-Build and Build conditions, and these are not fully mitigated by the proposed signal timing changes. The Point O'Woods traffic study evaluated the possibility of adding a left turn lane to each intersection approach, and this recommendation also should be submitted to NYSDOT.

*Response III.E-7: The signal timing adjustments were applied to mitigate the impact of the proposed development, not to improve existing or future level of service (LOS) E and F conditions. The westbound Old Falls Road (CR 53) approach is the worst operating approach, operating at LOS F in 2018 No-Build conditions, and worsening slightly with the project. By minor signal timing adjustments, the excess delay on one approach is reduced significantly by increasing the delay slightly on the other approaches. The result is that the Old Falls Road approach continues to operate at LOS F (but with less delay), while the overall intersection improves from LOS E to LOS D in the PM peak hour between No-Build and Build conditions to Build with improvement. During the Sunday peak hour, the intersection remains at LOS D, but with slightly less delay in the Build with improvement condition.*

*Relative to intersection improvements, a design report was completed in February of 2010 for the Sullivan County Department of Public Works for the replacement of the CR 53 bridge over the Neversink River. The report identified long-term traffic projections and the future need (i.e. 30 years) for left turn lanes on all approaches of the Route 42/CR*

*53/52 intersection, along with an additional northbound and southbound through lane. In coordination with NYSDOT, it was agreed that the bridge replacement would include a three lane section to accommodate a future westbound left turn lane. It is unknown when additional improvements may take place at the intersection, but it is estimated that the bridge would be replaced in 2016, subject to funding.*

*It is unknown whether the Point O' Woods traffic study was ever submitted to NYSDOT, but it is agreed that left turn lanes at this intersection would improve traffic conditions. Although not reflected in the level of service calculations, the Route 42/CR 52/53 intersection has adequate pavement width to accommodate vehicles passing a driver waiting to turn left particularly on the Route 42 and westbound CR 53 approaches. This maneuver is illegal, promotes the degradation of the existing shoulder, and presents conflicts with pedestrians using the road, but results in better intersection operations than analyzed. As such, the commenter's point is acknowledged and submitted to NYSDOT for their local improvement planning and programming consideration.*

**Comment III.E-8 (Letter 1, John Sarna, PE, March 31, 2011):** .Tables 8, 9 and 12 of the DEIS and Table 2 of the Updated Report summarize the results of the capacity analyses, showing the average vehicle delay times and Levels of Service at each of the study intersections. The volume/capacity (v/c) ratios, however, are not shown. Since the Highway Capacity Manual stipulates that both the v/c ratios and Levels of Service are to be considered in assessing the operation of an intersection, the v/c ratios should be included in the capacity tables. It is suggested that revised capacity tables including the v/c ratios be incorporated into the FEIS.

*Response III.E-8: The following tables summarize the intersection LOS, delay, and v/c ratios for the study area intersections during the PM and Sunday mid-afternoon peak hours.*

**Table III.E-1  
Friday PM Peak Hour Level of Service Summary**

Intersection	Control	Friday PM Peak Hour								
		2009 Existing		2018 No Build		2018 Build		2018 Build w/ Imp		
		LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio	
Route 42/Route 52 (North)	S									
Rte 42/Rte 52 EB		L	A (8.9)	0.39	A (9.6)	0.45	B (10.6)	0.52		
		T	A (9.1)	0.47	A (9.5)	0.52	A (10.0)	0.55		
Route 52 WB		TR	B (10.6)	0.60	B (11.6)	0.65	B (13.1)	0.72	---	---
Route 42 SB		LR	B (19.7)	0.32	B (20.0)	0.35	C (20.1)	0.37		
Overall		B (10.8)	---	B (11.6)	---	B (12.4)	---	---	---	
Route 42/Route 52 (South)	S									
Route 52 EB		L	B (12.1)	0.42	B (12.2)	0.44	B (12.7)	0.50	B (14.6)	0.57
Route 42 NB		T	A (9.1)	0.45	A (9.5)	0.51	A (9.5)	0.51	A (8.2)	0.47
Route 42 SB		TR	B (13.8)	0.73	B (17.3)	0.81	C (26.4)	0.91	B (18.3)	0.85
Overall		B (12.0)	---	B (13.8)	---	B (18.5)	---	B (14.5)	---	
Route 42/Route 52 (South)	TW									
Route 42 NB		L	B (13.0)	0.08	B (13.4)	0.09	C (16.9)	0.24	---	---
Route 52 EB		R	A (9.8)	0.04	B (10.2)	0.05	B (10.4)	0.09		
Route 42/Brickman Road/Old Falls Rd	S									
Brickman Road EB		LTR	C (21.3)	0.59	C (27.4)	0.75	C (30.3)	0.79	C (22.1)	0.70
		LTR	E (70.4)	1.02	F	1.24	F	1.26	F (98.3)	1.12
Old Falls Rd WB		LTR	B (15.1)	0.62	(150.3)	0.73	(157.6)	0.78	C (28.0)	0.86
Route 42 NB		LTR	B (15.6)	0.64	B (18.3)	0.77	C (20.2)	0.83	D (41.1)	0.94
Route 42 SB	LTR			C (20.3)		C (24.3)				
Overall		C (31.3)	---	E (55.7)	---	E (59.0)	---	D (48.9)	---	
Route 52/Murphy Road	TW									
Route 52 EB		LTR	A (7.7)	0.00	A (7.7)	0.00	A (7.8)	0.00		
Route 52 WB		LTR	A (7.9)	0.01	A (7.9)	0.01	A (8.0)	0.01		
Murphy Road NB		LTR	B (12.1)	0.15	B (12.7)	0.18	B (13.6)	0.21	---	---
Murphy Road SB		LTR	A (9.5)	0.00	A (9.6)	0.01	A (9.7)	0.01		
Route 52/West Bourne Rd	TW									
Route 52 WB		(L)T	A (7.8)	0.00	A (7.9)	0.00	A (8.3)	0.10	A (8.3)	0.10
W. Bourne Rd NB		LR	B (11.5)	0.03	B (11.7)	0.03	C (18.7)	0.48	C (18.7)	0.48

Source: Creighton Manning Engineering, LLP

Key: TW, S = Two-way stop or Signal controlled intersection  
 NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound intersection approaches  
 L, T, R = Left-turn, through, and/or right-turn movements  
 L (T) R = LR represents the existing geometry, LTR represents the future geometry  
 X (Y.Y) = Level of Service (Delay, seconds per vehicle)  
 --- = Not applicable

**Table III.E-2  
Sunday Mid-Afternoon Peak Hour Level of Service Summary**

Intersection	Control	Sunday Mid-Afternoon Peak Hour								
		2009 Existing		2018 No Build		2018 Build		2018 Build w/ Imp		
		LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio	
Route 42/Route 52 (North)	S									
Rte 42/Rte 52 EB		L	A (5.0)	0.21	A (5.2)	0.25	A (5.4)	0.28		
		T	A (5.6)	0.37	A (5.8)	0.41	A (6.0)	0.45		
Route 52 WB		TR	A (6.8)	0.54	A (7.4)	0.59	A (8.0)	0.63	---	---
Route 42 SB		LR	C (24.5)	0.41	C (24.7)	0.44	C (24.9)	0.46		
Overall		A (7.9)	---	A (8.3)	---	A (8.6)	---	---	---	
Route 42/Route 52 (South)	S									
Route 52 EB		L	C (30.8)	0.65	C (32.0)	0.68	D (44.2)	0.84	C (32.2)	0.73
Route 42 NB		T	A (4.9)	0.31	A (5.1)	0.35	A (5.1)	0.35	A (6.1)	0.37
Route 42 SB		TR	A (5.5)	0.41	A (5.7)	0.45	A (6.1)	0.51	A (7.2)	0.53
Overall		B (10.5)	---	B (10.6)	---	B (14.1)	---	B (12.3)	---	
Route 42/Route 52 (South)	TW									
Route 42 NB		L	B (11.8)	0.05	B (12.1)	0.06	B (14.4)	0.16	---	---
Route 52 EB		R	A (9.9)	0.06	B (10.2)	0.07	B (10.6)	0.13		
Route 42/Brickman Road/Old Falls Rd	S									
Brickman Rd EB		LTR	B (18.2)	0.56	C (21.7)	0.69	C (22.9)	0.72	B (19.1)	0.63
Old Falls Rd WB		LTR	D (43.0)	0.91	F	1.16	F	1.18	E (73.8)	1.04
Route 42 NB		LTR	B (14.1)	0.63	(116.4)	0.75	(123.8)	0.79	C (26.6)	0.85
Route 42 SB		LTR	B (14.6)	0.65	B (17.7)	0.77	B (19.6)	0.84	D (35.9)	0.92
Overall			C (22.1)	---	D (43.4)	---	D (46.7)	---	D (39.5)	---
Route 52/Murphy Road	TW									
Route 52 EB		LTR	A (7.7)	0.00	A (7.7)	0.00	A (7.8)	0.00		
Route 52 WB		LTR	A (7.8)	0.01	A (7.8)	0.02	A (7.9)	0.02		
Murphy Road NB		LTR	B (10.9)	0.05	B (11.4)	0.07	B (11.9)	0.08	---	---
Murphy Road SB		LTR	B (13.5)	0.01	B (14.0)	0.01	C (15.5)	0.01		
Route 52/West Bourne Rd	TW									
Route 52 WB		(L)T	A (7.8)	0.00	A (7.8)	0.00	A (8.1)	0.08	A (8.1)	0.08
W. Bourne Rd NB	LR	B (11.1)	0.02	B (11.3)	0.03	B (14.5)	0.31	B (14.5)	0.31	

Source: Creighton Manning Engineering, LLP

Key: TW, S = Two-way stop or Signal controlled intersection  
 NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound intersection approaches  
 L, T, R = Left-turn, through, and/or right-turn movements  
 L (T) R = LR represents the existing geometry, LTR represents the future geometry  
 X (Y.Y) = Level of Service (Delay, seconds per vehicle)  
 --- = Not applicable

**Comment III.E-9 (Letter 1, John Sarna, PE, March 31, 2011):** The sight distance analysis in the DEIS is acceptable.

*Response III.E-9: Comment noted*

**Comment III.E-10 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** The Sheet D1, Construction Details has a Typical Road Section that shows a sidewalk location along the edge of roads and includes a note to see plans for sidewalk locations. We found no sidewalks on the plan sheets. The DEIS indicates no intention to provide sidewalks on or off site., but on p. 111.D-6, it notes that one of the Comprehensive Plan goals – “to encourage growth around the Town’s existing hamlet centers” – is met by providing “residences for seasonal and year round occupants within walking distance of the Woodbourne hamlet center”. It is recommended that sidewalks or paths be provided on site, with extensions to the closest sidewalks leading to the Woodbourne hamlet center, possibly using Old Route 42 for a part of the distance. **[Similar comments were made by members of the public during the public hearing on the DEIS: Letter 7, Public Hearing April 14, 2011, Robert Geneslaw, Arthur Rosenshein, Allen Frishman; Letter 8, Public Hearing May 12, 2011, Arthur Rosenshein, Robert Geneslaw, Irv Newmark, Gary Tavormina]**

*Response III.E-10: There are several options for connecting pedestrians from the site into the hamlet of Woodbourne. The figure below highlights these options. Option A includes crossing pedestrians at the site driveway and then extending them east along the north side of Route 52 to the intersection of Route 42. This option includes an unsignalized crossing of Route 52 at the site driveway, a segment with a posted 55 mph speed limit, but does not require any roadway crossings at the Route 52/42 intersection. Option B includes connecting the site through to Old Route 52, and then to Route 42 along the south side of the road. This option uses a segment of the old alignment of Route 52 that now has very little traffic and low speeds before connecting to the 35 mph segment of Route 52. Once at the signalized intersection, a roadway crossing is necessary where pedestrian crossing controls are provided. Option C uses a connection through the east end of the site to Route 42 and then north to the Route 52 intersection. This option requires pedestrians to walk up and down a 14% to 16% grade to Route 42 from the site. Connectors D and E simply depict sidewalks either on the west or east sides of Route 42. Both would connect to existing sidewalks in the hamlet of Woodbourne, but Connector D is already served by the existing pedestrian crossing at the signal.*

*Although a detailed engineering review will need to be conducted, this preliminary review identifies Option B and Connector D as the most practical pedestrian connections from the site to the hamlet of Woodbourne.*

*While NYDOT has not indicated a preferable alternative for the sidewalk locations, they have indicated that the sidewalks can be located within the right-of-way of the existing roadways as long as there is an agreement for maintenance between the developer and*

the Town of Fallsburg prior to the construction of the sidewalks. Such construction would also require the issuance of a Highway work permit by the Department prior to the commencement of construction.

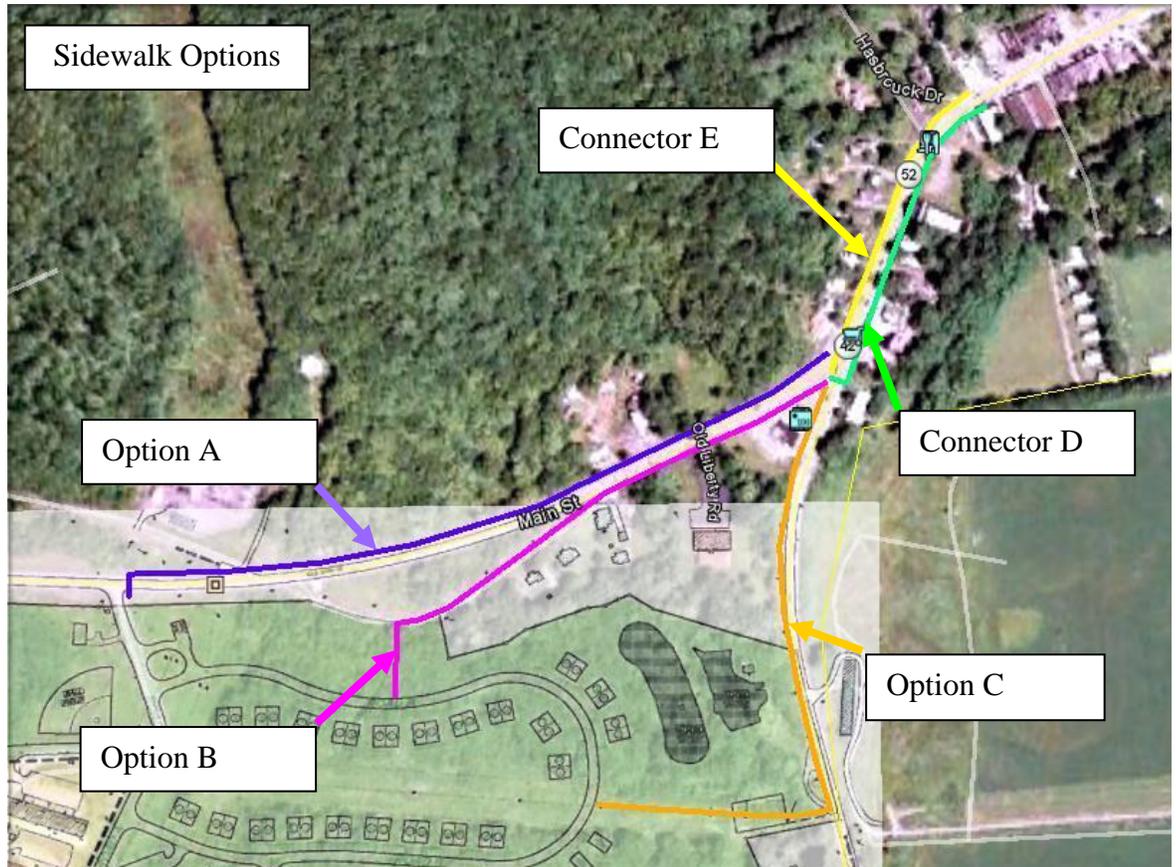


Figure III.E-1 Possible sidewalk options and connectors from the proposed development to the Town.

**Comment III.E-11 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-20, discussion of Transportation, indicates that a west bound left turn lane on Route 52 may be warranted when the development is approximately 50% complete and recommends that the left turn criteria be reviewed at that time. It is recommended that this review occur at the issuance of 50% of the certificates of occupancy of new construction, and that a schedule for implementation at owners expense be included that provides if the left turn lane and /or other mitigation is recommended, the work be completed and operational no later than the issuance of 75% of certificates of occupancy.

*Response III.E-11: Comment noted.*

**Comment III.E-12 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** In Section I.B.5 Transportation, the report notes on page I-20 it is anticipated that the left turn criteria will be met at the intersection of NYS Route 52 and Westbourne Road when the development is approximately 50 percent complete. The developer will be responsible for any highway im-

provements related to this issue, such as widening NYS Route 52 to accommodate the left turn lane. **[Similar comments were made by members of the public during the public hearing on the DEIS: Letter 8, Public Hearing May 12, 2011, Robert Geneslaw]**

*Response III.E-12: Comment noted.*

**Comment III.E-13 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** In Section I.C Approvals and Permits and Section II.D Approvals, Reviews, and Permits, it is stated that a Highway Work Permit will be required from our agency for disturbance and changes to the entrances along NYS Route 52. The Traffic Impact Study recommends signal timing adjustments at two intersections as a mitigation measure, but there is no mention of the signal timing adjustments needing approval from our agency. Our agency must review and approve any proposed signal timing changes.

*Response III.E-13: Comment noted. The signal timing adjustments are expected to be within the actuated capability of the signal controllers. Therefore, while the LOS analysis identifies changes that would improve the LOS, the signal timing changes are expected to occur automatically.*

**Comment III.E-14 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** In Section III.E transportation, it would be helpful if a map was provided in the DEIS which illustrates all the study intersections described in Section III.E.3 Study Area and Methodology. Figure II-3, Existing Site Access and Road Network, from the previous section illustrates only two of the five study area intersections and the intersections are not clearly identified.

*Response III.E-14: See Figure 1, Appendix F for a map showing the site location and study area intersections.*

**Comment III.E-15 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** According to Section III.E Transportation, the potential traffic generation resulting from the proposed development was estimated based on the October 2007 trip Generation Study of Summer Recreational Homes. If possible, we would like an electronic copy of this document, as we have not reviewed the study, and the trip generation for the proposed Westbourne Estates development is based largely on the trip generation rates derived from the study.

*Response III.E-15: A copy of the October 2007 Trip Generation Study of Summer Recreational Homes was forwarded via email to Christine Klein and Dean Smith on November 8, 2011.*

**Comment III.E-16 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** In Section III.E.5 Traffic Forecasts, trips associated with six developments proposed in the Fallsburg area were included as part of the background 2018 No-Build traffic volumes. Due to the high level of uncertainty regarding future developments, we do not advocate the inclusion of trips associated with planned developments, as it tends to create artificially high traffic volumes and inaccurate levels of service estimations.

*Response III.E-16: Inclusion of the six proposed developments was part of the background 2018 No Build traffic volumes, in addition to a growth rate of 0.5% per year results in an overall growth of approximately 1.4% per year. This is the equivalent of approximately 3 years of additional growth. However, in the revised analysis completed in response to Comment III.E-17 below, only the 0.5% growth rate was applied to the existing volumes to determine the background 2018 No-Build traffic volumes which are shown on Figure 2 in Appendix F.*

**Comment III.E-17 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** In Section III.E.5 Traffic Forecasts Trip Distribution and Assignment, approximately 70 percent of the new trips are anticipated from the east via NYS Route 52 and 30 percent from the west. We disagree with this distribution. It would seem that most travelers from downstate New York would exit NYS Route 17 at Exit 105B in Monticello and follow NYS Route 42 north towards Woodbourne. Under this scenario, most of the traffic from the proposed development will pass through the NYS Route 42/Brickman Road/Old Falls Road intersection and the NYS Route 42/52 south intersection. The trip distribution figure (Figure 3.2) in the Traffic Impact Study (2009) shows 20 percent of the overall traffic coming from NYS Route 42/Brickman Road/Old Falls Road intersection. The 20 percent value seems tremendously low. The same figure also shows 25% of the traffic coming from the west (i.e. from Liberty). This value seems too high. It is important that there be consensus on trip distribution and assignment, as the forecasted level of service analysis results will be greatly influenced by how the project-related traffic is distributed. As such, we request the developer to reassess the trip distribution, submit the revised distribution to us for review, and update the traffic study accordingly.

*Response III.E-17: Response: The trip distributions shown on Figure 3.2 in the 2009 Traffic Impact Study were based on the existing travel patterns observed at the study area intersections, which included traffic traveling to and from other summer communities in the area. As such, the traffic was assigned from Westbourne Estates accordingly. It is important to note that many of the residents of these communities remain in the area throughout the week, while the wage earners carpool from the New York City metro area each weekend. This creates a situation where a driver or resident of the community may travel to the site but not by the most direct route from the city, but instead from a similar community. A second consideration is that a component of the site (92 units) will remain as full-time residents and their travel patterns may not follow the Fallsburg/NYC pattern.*

*However, based on the comment above, the trip distribution has been discussed with the Department and reassessed and a sensitivity analysis has been completed for the alternative trip distribution, as well as the revised background growth mentioned in Comment III.E-16. The volume figures (Figures 3, 4 and 5 in Appendix F) for the sensitivity analysis as well as the detailed Level of Service (LOS) reports are included in Appendix F. The following tables summarize the results of the LOS calculations for the PM and Sunday mid-afternoon peak hours.*

**Table III.E-3  
Sensitivity Analysis: PM Peak Hour Level of Service Summary**

Intersection	Control	Friday PM Peak Hour							
		2009 Existing		2018 No Build		2018 Build		2018 Build w/ Imp	
		LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio
Route 42/Route 52 (North)	S								
Rte 42/Rte 52 EB L		A (8.9)	0.39	A (9.3)	0.42	A (9.6)	0.45		
T		A (9.1)	0.47	A (9.3)	0.50	A (9.4)	0.51		
Route 52 WB TR		B (10.6)	0.60	B (11.0)	0.62	B (11.4)	0.64	---	---
Route 42 SB LR		B (19.7)	0.32	B (19.8)	0.34	B (20.0)	0.36		
Overall		B (10.8)	---	B (11.2)	---	B (11.4)	---	---	---
Route 42/Route 52 (South)	S								
Route 52 EB L		B (12.1)	0.42	B (12.2)	0.44	B (12.4)	0.46	B (13.8)	0.52
Route 42 NB T		A (9.1)	0.45	A (9.2)	0.47	A (9.2)	0.47	A (8.0)	0.44
Route 42 SB TR		B (13.8)	0.73	B (15.0)	0.76	B (16.8)	0.80	B (13.0)	0.74
Overall		B (12.0)	---	B (12.6)	---	B (13.5)	---	B (11.7)	---
Route 42/Route 52 (South)	TW								
Route 42 NB L		B (13.0)	0.08	B (13.4)	0.09	C (18.9)	0.39	---	---
Route 52 EB R		A (9.8)	0.04	A (9.9)	0.04	B (10.4)	0.14		
Rte 42/Brickman Rd/Old Falls Rd	S								
Brickman Rd EB LTR		C (21.3)	0.59	C (22.2)	0.63	C (22.2)	0.63	B (17.8)	0.56
Old Falls Rd WB LTR		E (70.4)	1.02	F (88.7)	1.08	F (88.7)	1.08	D (50.7)	0.96
Route 42 NB LTR		B (15.1)	0.62	B (15.9)	0.65	C (21.3)	0.80	C (30.2)	0.89
Route 42 SB LTR		B (15.6)	0.64	B (16.7)	0.67	C (22.0)	0.80	C (34.3)	0.90
Overall		C (31.3)	---	D (36.9)	---	D (38.0)	---	C (34.4)	---
Route 52/Murphy Road	TW								
Route 52 EB LTR		A (7.7)	0.00	A (7.7)	0.00	A (7.7)	0.00		
Route 52 WB LTR		A (7.9)	0.01	A (7.9)	0.01	A (8.0)	0.01		
Murphy Road NB LTR		B (12.1)	0.15	B (12.3)	0.16	B (12.7)	0.19	---	---
Murphy Road SB LTR		A (9.5)	0.00	A (9.6)	0.01	A (9.6)	0.01		
Route 52/West Bourne Rd	TW								
Route 52 WB (L)T		A (7.8)	0.00	A (7.9)	0.00	A (8.3)	0.12	A (8.3)	0.12
W. Bourne Rd NB LR		B (11.5)	0.03	B (11.7)	0.03	C (16.1)	0.42	C (16.1)	0.42

Source: Creighton Manning Engineering, LLP

Key: TW, S = Two-way stop or Signal controlled intersection  
 NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound intersection approaches  
 L, T, R = Left-turn, through, and/or right-turn movements  
 L (T) R = LR represents the existing geometry, LTR represents the future geometry  
 X (Y.Y) = Level of Service (Delay, seconds per vehicle)  
 --- = Not applicable

**Table III.E-4  
Sensitivity Analysis: Mid-Afternoon Peak Hour Level of Service Summary**

Intersection	Control	Sunday Mid-Afternoon Peak Hour								
		2009 Existing		2018 No Build		2018 Build		2018 Build w/ Imp		
		LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio	LOS	v/c Ratio	
Route 42/Route 52 (North)	S									
Route 42/Route 52 EB		L	A (5.0)	0.21	A (5.1)	0.23	A (5.2)	0.25		
		T	A (5.6)	0.37	A (5.7)	0.38	A (5.7)	0.40		
Route 52 WB		TR	A (6.8)	0.54	A (7.1)	0.56	A (7.3)	0.58	---	---
Route 42 SB		LR	C (24.5)	0.41	C (24.6)	0.42	C (24.8)	0.45		
Overall		A (7.9)	---	A (8.1)	---	A (8.2)	---	---	---	
Route 42/Route 52 (South)	S									
Route 52 EB		L	C (30.8)	0.65	C (32.0)	0.68	D (35.2)	0.74	C (28.6)	0.64
Route 42 NB		T	A (4.9)	0.31	A (5.0)	0.33	A (5.0)	0.33	A (5.9)	0.34
Route 42 SB		TR	A (5.5)	0.41	A (5.6)	0.43	A (5.7)	0.45	A (6.7)	0.47
Overall		B (10.5)	---	B (10.8)	---	B (11.8)	---	B (11.1)	---	
Route 42/Route 52 (South)	TW									
Route 42 NB		L	B (11.8)	0.05	B (12.0)	0.05	C (15.1)	0.27	---	---
Route 52 EB		R	A (9.9)	0.06	B (10.0)	0.07	B (10.8)	0.19		
Rte 42/Brickman Rd/Old Falls Rd	S									
Brickman Rd EB		LTR	B (18.2)	0.56	B (19.0)	0.60	B (19.0)	0.60	B (16.9)	0.53
Old Falls Rd WB		LTR	D (43.0)	0.91	E (55.0)	0.97	E (55.0)	0.97	C (33.4)	0.86
Route 42 NB		LTR	B (14.1)	0.63	B (14.8)	0.66	B (19.4)	0.78	C (26.0)	0.85
Route 42 SB		LTR	B (14.6)	0.65	B (15.5)	0.68	C (21.4)	0.82	C (30.4)	0.88
Overall		C (22.1)	---	C (25.6)	---	C (27.7)	---	C (27.5)	---	
Route 52/Murphy Road	TW									
Route 52 EB		LTR	A (7.7)	0.00	A (7.7)	0.00	A (7.8)	0.00		
Route 52 WB		LTR	A (7.8)	0.01	A (7.8)	0.02	A (7.9)	0.02	---	---
Murphy Road NB		LTR	B (10.9)	0.05	B (11.0)	0.06	B (11.1)	0.07		
Murphy Road SB		LTR	B (13.5)	0.01	B (13.8)	0.01	B (14.7)	0.01		
Route 52/West Bourne Rd	TW									
Route 52 WB		(L)T	A (7.8)	0.00	A (7.8)	0.00	A (8.1)	0.09	A (8.1)	0.09
W. Bourne Rd NB	LR	B (11.1)	0.02	B (11.3)	0.03	B (13.1)	0.27	B (13.1)	0.27	

Source: Creighton Manning Engineering, LLP

Key: TW, S = Two-way stop or Signal controlled intersection  
 NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound intersection approaches  
 L, T, R = Left-turn, through, and/or right-turn movements  
 L (T) R = LR represents the existing geometry, LTR represents the future geometry  
 X (Y.Y) = Level of Service (Delay, seconds per vehicle)  
 --- = Not applicable

The following observations are evident from this sensitivity analysis:

- Route 42/Route 52 (North) – The level of service analysis indicates that this intersection will operate at LOS B during the PM peak hour and at LOS A during the Sunday peak hour through No-Build and Build conditions. No improvements are necessary.
- Route 42/Route 52 (South) – At the signalized portion of this intersection, the eastbound approach will experience additional delay through Build conditions during the Sunday mid-afternoon peak hour (approximately 5 seconds). The northbound left-turn movement at the unsignalized portion of the intersection will also experience additional delay during both peak hours (3-5 seconds). Despite the minor increases in delay, the intersection will operate at an overall LOS B through Build conditions during both peak hours. Under the Build with Improvement condition, signal timings were adjusted to reflect the existing capability of the traffic signal to provide more green time, if necessary, to certain approaches. No additional improvements are necessary.
- Route 42/Brickman Road/Old Falls Road – The intersection will degrade to an overall LOS D during the PM peak hour and remain an overall LOS C during the Sunday peak hour through No-Build conditions with delays on the westbound approach ranging from approximately 1 to 1.5 minutes. After completion of the project, the intersection will continue to operate at a LOS D/C during the peak hours, with minor increases in delays and the westbound approach continuing to experience long delays. Under the Build with Improvement condition, signal timings were adjusted to reflect the existing capability of the traffic signal to provide more green time, if necessary, to certain approaches. The adjustment results in an improvement in operations to an overall LOS C for both peak hours. No additional mitigation is considered necessary as a result of project related traffic volumes.
- Route 52/Murphy Road – Through No-Build and Build conditions, this intersection will continue to operate at a LOS B or better during both peak hours. No improvements are necessary.
- Route 52/West Bourne Road – The approaches at this intersection will operate at a LOS C or better through No-Build and Build conditions during both peak hours. All recommendations in the 2009 Traffic Impact Study (stop bar, stop sign, review of the American Association of State Highway and Transportation Officials (AASHTO) left-turn lane criteria after 50% project completion) are still recommended.

Based on the sensitivity analysis, the intersection levels of service are consistent with and/or better than the original results presented in the 2009 Traffic Impact Study and the 2010 Update. This is due to the removal of the 6 additional planned developments from the background growth as well as the revised trip distribution. Therefore, as stated in the original Traffic Impact Study, minor signal timing adjustments (within the existing capabilities

*of the signal) are recommended to improve operations at the Route 42/Route 52 south intersection and the Route 42/Brickman Road/Old Falls Road intersection.*

**Comment III.E-18 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** Although the Level of Service Summary in Table III.E.2 does not indicate any existing problems at the NYS Route 42/52 south intersection, there are operational issues at this intersection because of the roadway alignment. Congestion and lengthy back-ups are frequently an issue during the summer months. In order to avoid this intersection and reduce potential impacts from the proposed development, we request that the developer consider creating a new access drive off NYS Route 42 south of the NYS Route 42/52 south intersection. **[Similar comments were made by members of the public during the public hearing on the DEIS: Letter 8, Public Hearing May 12, 2011, Robert Geneslaw]**

*Response III.E-18: A new, full access driveway off NYS Route 42 south of the NYS Route 42/52 south intersection has been investigated and would generally follow the alignment of an existing utility easement extending east from the site to Route 42. This alignment creates a roadway section approximately 600 feet long with an approximate 12% grade. The intersection with Route 42 would be approximately 1,100 feet south of Route 52, where a small pull off is located. Intersection and stopping sight distance were measured at the potential access driveway, which is located within a speed limit transition from 55-mph to 35-mph. Based on a sample of speed data collected by Creighton Manning, the 85<sup>th</sup> percentile speeds in the vicinity of the driveway were measured to be approximately 51-mph. The sight distances measured were therefore compared to the guidelines presented in AASHTO for a 55-mph roadway. The results of the stopping sight distance evaluation are summarized in the following table.*

**Table III.E-5  
Sight Distance Summary**

Intersection		Intersection Sight Distance (feet) <sup>1</sup>				Stopping Sight Distance <sup>2</sup>	
		Right-Turn from Site Access (D <sub>L</sub> )	Left-Turn from Site Access		Left-Turn from Mainline (D <sub>S</sub> )	SSD <sub>NB</sub>	SSD <sub>S</sub> B
			Looking Left (D <sub>L</sub> )	Looking Right (D <sub>R</sub> )			
NY Route 42/ Proposed Drive- way	Available	420*	420*	490*	420	455*	365
	Recommen- ded <sup>3</sup>	530	610	610	445	495	495

Source: Creighton Manning Engineering, LLP

<sup>1</sup> Intersection sight distance is measured at 14.5 feet back from the travel way at an eye height and object height of 3.5 feet.

<sup>2</sup> Stopping sight distance is measured for a 2 foot object located in the path of eastbound and westbound vehicles on NY Route 42.

<sup>3</sup> Available sight distances are compared to the AASHTO recommended distances for a 55-mph operating speed on NY Route 42.

\* Estimated available sight distance with removal of impeding vegetation.

*With the removal of vegetation, the available sight distance looking left and right from the proposed site driveway, and looking straight on Route 42, as well as the stopping sight distances are all less than the AASHTO guidelines for the 55-mph operating speed due to the horizontal and vertical curvature of Route 42.*



Figure III.E-2 – Sight Distance Looking Left



Figure III.E-3 – Sight Distance Looking Right

*Although a driveway connection to Route 42 would allow site residents to bypass the Route 52/42 intersection, difficult grades and sight distance make the connection problematic from a feasibility aspect.*

**Comment III.E-19 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** The NYS Route 42/Brickman Road/Old Falls Road intersection and the NYS Route 42/52 south intersection have been on the Statewide High Accident Location (HAL) lists for the past several years. Increased traffic volumes at these intersections may exacerbate existing safety issues. As such, we would like the developer to conduct a full signal analysis at these intersections for each phase of the development for Friday evening and Sunday afternoon during the summer months. **[Similar comments were made by members of the public during the public hearing on the DEIS: Letter 8, Public Hearing May 12, 2011, Robert Geneslaw]**

*Response III.E-19: Accident data for the latest three years of available data, from December 31, 2007 to December 31, 2010, were obtained from NYSDOT to determine accident trends at the intersections of NYS Route 42/52 south and NY Route 42/Brickman Road/Old Falls Road. The data showed that there were a total of 6 accidents at the intersection of NY Route 42/52 south and a total of 15 accidents at NY Route 42/Brickman Road/Old Falls Road. The accident details are summarized on form TE 213, which is included in Appendix F.*

*At Route 42/52, accidents were mostly the result of driver error. Following too closely, unsafe speed, and failure to yield the right-of-way were contributing factors to these otherwise preventable property damage and injury accidents. In addition, there was one accident resulting from a mechanical failure, and another with unknown causes.*

*At Route 42 and Brickman Road/Old Falls Road, there were 15 accidents over 3 years. Of those, 7 accident reports did not contain enough information to determine the cause. Of the remaining, failure to yield right-of-way, driver inattention, and following too closely were reported as contributing factors, while three accidents included collisions with a deer, a sign post, and an embankment or ditch.*

*In total, of the 21 accidents that occurred at these intersections, at least 10 people could have avoided injury if the at-fault driver allowed more room between them and the car ahead, didn't become distracted from the task of driving, and took a second look to confirm the road was clear before making their turn. While the accident reports obtained do not suggest any physical deficiencies in the traffic signals that contributed to the accidents, it is noted that 15 (71%) of the accidents occurred during non-summer months; 10 accidents occurred January through April, 6 accidents occurred May through August, and 5 accidents occurred September through December. Considering that traffic volumes are higher during the summer months (when fewer accidents occur), this suggests that the additional traffic from the project will not have any significant effect on the potential for additional accidents.*

**Comment III.E-20 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** In Section III.E.9 Consistency with Comprehensive Plan, it is noted that “the town and NYSDOT could acquire an increased right of way for NYS Route 42 along the frontage”. Please be advised our agency has no plans to acquire right of way in this area.

*Response III.E-20: Comment noted.*

**Comment III.E-21 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** In light of anticipated pedestrian activity between the proposed development and the hamlet of Woodbourne, we recommend that the developer construct new sidewalks along NYS Route 52 between the project site and the hamlet of Woodbourne. **[This comment is similar to Comment III.E-10, above] [Similar comments were made by members of the public during the public hearing on the DEIS: Letter 8, Public Hearing May 12, 2011, Robert Geneslaw]**

*Response III.E-21: Comment noted. There are several options for connecting pedestrians from the site into the hamlet of Woodbourne. The figure below highlights these options. Option A includes crossing pedestrians at the site driveway and then extending them east along the north side of Route 52 to the intersection of Route 42. This option includes an unsignalized crossing of Route 52 at the site driveway, a segment with a posted 55 mph speed limit, but does not require any roadway crossings at the Route 52/42 intersection. Option B includes connecting the site through to Old Route 52, and then to Route 42 along the south side of the road. This option uses a segment of the old alignment of Route 52 that now has very little traffic and low speeds before connecting to the 35 mph segment of Route 52. Once at the signalized intersection, a roadway crossing is necessary where pedestrian crossing controls are provided. Option C uses a connection through the east end of the site to Route 42 and then north to the Route 52 intersection. This option requires pedestrians to walk up and down a 14% to 16% grade to Route 42 from the site. Connectors D and E simply depict sidewalks either on the west or east sides of Route 42. Both would connect to existing sidewalks in the hamlet of Woodbourne, but Connector D is already served by the existing pedestrian crossing at the signal. Although a detailed engineering review will need to be conducted, this pre-*

liminary review identifies Option B and Connector D as the most practical pedestrian connections from the site to the hamlet of Woodbourne.

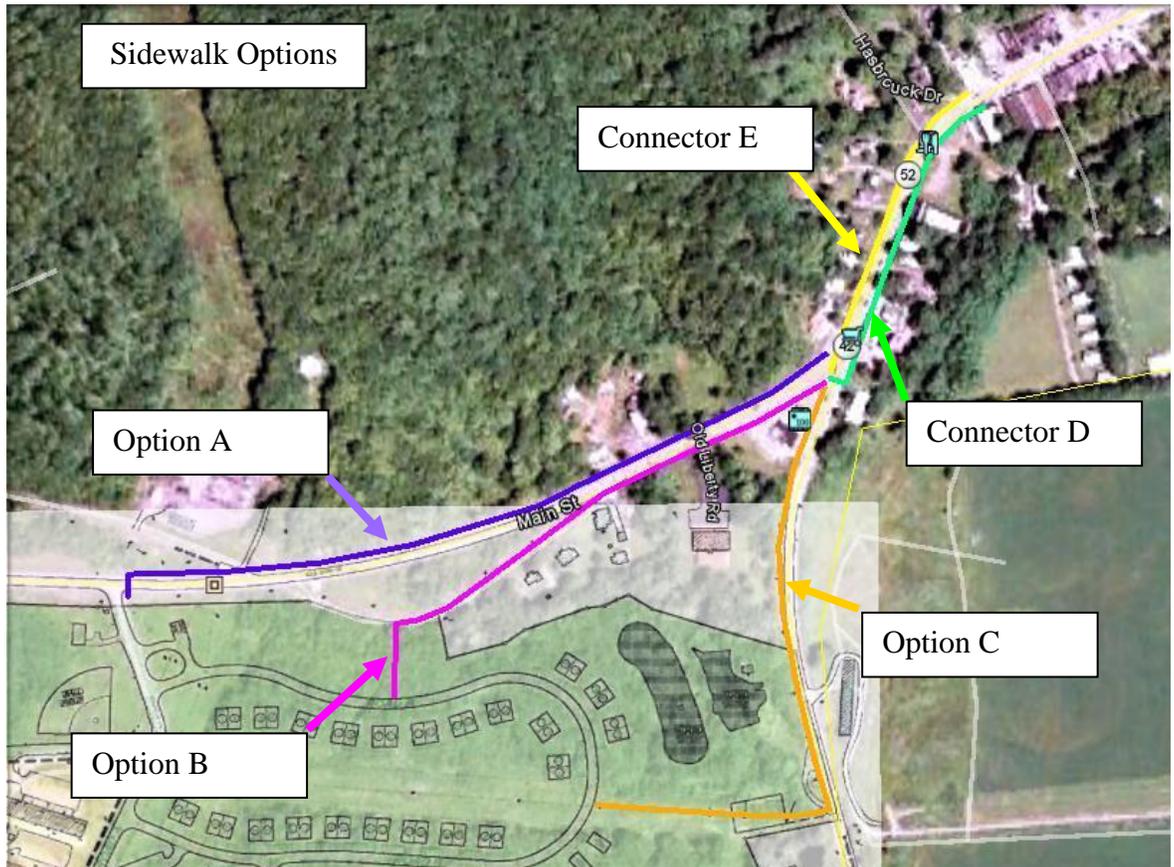


Figure III.E-4 Possible sidewalk options and connectors from the proposed development to the Town.

**Comment III.E-22 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** Due to the nine-year timeframe over which the proposed development will occur, we request a Traffic Impact Study Update at the conclusion of Phase II of the project.

*Response III.E-22: Comment noted. The developer will consult with NYSDOT at the completion of Phase II (50%) of the site to determine the level of analysis for an additional follow-up study.*

**Comment III.E-23 (Letter 4, DOT, Pamela M. Eshbaugh, P.E., April 19, 2011):** We will provide comments related to drainage once we receive and review the updated SWPPP.

*Response III.E-23: Comment noted.*

**Comment III.E-24 (Letter 3, Sullivan County Division of Planning and Environmental Mgmt, Luiz C. Aragon, Commissioner, April 11, 2011):** Our religious communities, especially

in close proximity to hamlet infrastructure, have commendable walking habits. We hope these habits are facilitated and pedestrian safety is addressed through the provision of sidewalks.

*Response III.E-24: Comment noted.*

**Comment III.E-25 (Letter 8, Public Hearing May 12, 2011, Robert Geneslaw, AICP):** They're [Department of Transportation] disagreeing with the trip distribution assignments. In other words, the traffic study that was done anticipated the distribution of the traffic from various directions coming in Friday afternoon and leaving Sunday afternoon. The DOT takes fairly strong disagreement with the projections that were made.... We can go through them but essentially they want to see the calculations redone. We discussed this briefly at the staff meeting yesterday. Jim made this available today. We weren't even aware the DOT had responded until today. What I suggest is that Jim have the traffic engineering firm that did the traffic study for them respond to the letter...

*Response III.E-25: Comment noted.*

**Comment III.E-26 (Letter 8, Public Hearing May 12, 2011, Ira Steingart):** Tunneling may be a way of handling sidewalks.

*Response III.E-26: Comment noted.*

**NO COMMENTS WERE RECEIVED ON THIS SECTION.**

**Comment III.G-1 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-35, in discussing the Oliver Historic Complex, indicates that “it is considered unlikely that the construction in this area can proceed without damage to the historic cultural resources”. Page 1-38 indicates that the opinion of the historic resources consultant is “that the Oliver House, barn and privy feature warrants a Phase 2 Archaeological Investigation to determine whether they are eligible for National Register listing”. The next paragraph includes the statement that based upon the findings of the earlier studies “no mitigation measures are recommended since there do not appear to be any impacts on historic or archaeological features on the site”. This conclusion seems inconsistent with the earlier statements.

*Response III.G-1: Page III.G-4 of the Historic and Archeological Resources Section of the DEIS, referring to the Oliver House Complex, states that “The Complex will be clearly marked off during the construction period to avoid any disturbance to the site.” The most recent site plans by Wasson Engineering do not indicate the necessity for any construction activity in the area of the Oliver House Complex.*

**Comment III.H-1 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** The fiscal and community analysis use a “weighted average” of population. We recommend that an alternate analysis be provided that separates the year round from seasonal population and where appropriate uses the seasonal population, as is the case for water, sewer, traffic and schools.

*Response III.H-1: As suggested, the fiscal and community analysis was revised to provide an analysis for the year round population and appropriate community services (i.e. police, fire and emergency response services) as well as an analysis for the seasonal population and appropriate community service providers (i.e. water, sewer, traffic and schools). Please refer to Section III.I, Fiscal Analysis and Appendix E, Fiscal Analysis Worksheet for these revisions.*

**Comment III.H-2 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-24, in examining the cost to the Woodbourne Fire District, uses the total Town population (outside the Village) of 13,405 to arrive at a per capita cost. However, since the Woodbourne Fire District does not include the entire Town, the analysis should be revised using actual or estimated population for the Woodbourne Fire District.

*Response III.H-2: According to the Woodbourne Fire Chief, approximately, 2,000 to 2,500 residents live within the Fire District year round and this population triples between the months of June and September (approximately 6,000 to 7,500 persons)<sup>1</sup>. Please refer to Section III.I, Fiscal Analysis for the revised analysis.*

**Comment III.H-3 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-26, in examining the cost to the water district, uses the total Town population of 13,405 to arrive at a per capita cost. This does not seem to account for dwellings on wells or using community water supplies.

*Response III.H-3: Ecological Analysis staff has discussed in detail the population served by the water and sewer districts with the Town of Fallsburg Engineer and based upon these discussions, the Town population (outside the Village) of 13,405 persons is accurate.*

**Comment III.H-4 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-28, in examining the cost to the WHO sewer district, does not adjust the total Town population to reflect the population outside the WHO District.

*Response III.H-4: Comment noted. Please see Response III.H-3 for a response to this comment.*

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<sup>1</sup> Telephone conversation with Mr. John Wallace, Chief of Woodbourne Fire District, on January 3, 2012.

**Comment III.H-5 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** Page 1-29, in examining solid waste removal services, indicates that the Town, through contracts with private haulers, removes solid waste from residential structures with up to three dwelling units. Residential structures with four or more units must arrange for waste collection directly with a hauler since both types of dwellings are proposed for Westbourne Estates and only one compactor is shown on the plan, how is solid waste to be handled?

*Response III.H-5: It is expected that the apartment dwellers would use the two compactors shown on the plans. These compactors would be serviced by a licensed hauler.*

**Comment III.H-6 (Letter 3, Sullivan County Division of Planning and Environmental Mgmt, Luiz C. Aragon, Commissioner, April 11, 2011):** Because this development is planned for a predominately seasonal religious community, the DEIS weighs the population based on the amount of time units are likely to be occupied to determine the fiscal impacts. However, the water and sewer infrastructure, which has to be built to a size capable of handling the peak usage in the summer must be maintained at that size even when not in use. There may be some savings associated with reduced flow, such as a decrease in chemical usage that could be considered.

*Response III.H-6: The existing Town infrastructure is adequate to handle the existing project so no improvements are required. Accordingly, there would be no change in "off season" savings above what the Town presently realizes.*

**Comment III.H-7 (Letter 5, NYS Department of Conservation (DEC), Adam Peterson, April 27, 2011):** Finally, the proposed sewer extension must be reviewed and approved by DEC.

*Response III.H-7: The sewer district extension will be submitted for approval as required.*

**Comment III.H-8 (Letter 7, Public Hearing April 14, 2011, AJ Pantel):** And obviously there is sufficient water and sewage capacity to build this thing out for the town; there is no private water and sewer anticipated?

*Response III.H-8: Correct. There is sufficient capacity within the existing Town water and sewer systems for the project. However, because the proposed community building and pools at the westerly end of the site are outside the existing water and sewer districts, they would be served by a new well and subsurface septic disposal system.*

**III.I.1 Introduction**

As described in the DEIS, the Westbourne Estates project is proposed as a mixed residential development consisting of 331 units. Two hundred and thirty nine (239) of the proposed units, a mixture of single, duplex and apartment style, would be marketed as for-sale seasonal/second homes. The remaining 92 units (44 of which are existing units) would be apartment style, year round rental units.

In order to evaluate the overall impacts of the year round and seasonal residents (i.e. second home owners) of the project, an average weighted population was calculated and used to prepare the fiscal analysis presented in the DEIS. During the public comment period of the DEIS, it was suggested by the Town's consultant that an alternate analysis be prepared that separates the year round from seasonal population and, where appropriate, uses the seasonal population, as is the case for water, sewer, and schools. For the purpose of this analysis, the potential impacts from the school age children residing in second home units will not be analyzed since these children, being seasonal residents, would not enter the Fallsburg Central School District. Therefore, the year round population was utilized to calculate this portion of this fiscal analysis.

Additionally, during the DEIS review process, the bedroom count of the single and duplex units was increased from four to six bedrooms. This increase, along with the breakout between year round and seasonal populations, is reflected in the revised fiscal analysis below.

**Revised Projected Population**

Similar to the population presented in the DEIS, the projected population is expected to be greatest during the summer months based on the unit types and seasonality of the proposed development.

**Table III.I-1  
Population Projections**

<b>Phase II – non religious portions of development</b>						
<b>Unit Type</b>	<b>Bedroom Count</b>	<b>Seasonality</b>	<b>Population Multiplier</b>	<b>Project- ed/Existin g popula- tion</b>	<b>School age children multiplier</b>	<b>School age children population</b>
44 existing apart- ments	2 bed- rooms	Year Round	N/A*	105	N/A*	6
48 proposed rental apartments	3 bed- rooms	Year Round	4.20	202	1.36	66
<b>Phases I and III – religious portions of development</b>						
104 proposed du- plex units	6 bed- rooms	Second home/ Seasonal	10.5**	1092	N/A***	0
31 proposed sin- gle detached units	6 bed- rooms	Second home/ Seasonal	10.5**	326	N/A***	0
104 proposed rental apartments	3 bed- rooms	Second home/ Seasonal	3.00	312	N/A***	0
<b>Total Population</b>				<b>2,037</b>		<b>72</b>
Population Break- down	Year Round + Seasonal (June through Septem- ber)		2,037	Year Round (October to May)		307
Sources: Ecological Analysis (EA), LLC, 2009/2011; Multipliers: Rutgers University, Residential Demographic Multipliers, Estimates of the Occupants of New Housing, June 2006; Notes: '*' no multipliers utilized in this case, since the apartment complex is existing and this population is an actual count; '***' Source: Ecological Analysis (EA), LLC - The U.S. Census does not determine persons in six bedrooms. A multiplier was calculated using comparable Census data to the project proposed. '****' no multipliers were necessary since the school age children for the seasonal population would not impact the Fallsburg Central School District;						

The revised total projected population (year round and seasonal residents) for the completed project would be 2,037 persons, a 903 person increase from the population calculated in the DEIS. The number of school age children (72 children) expected to reside at Westbourne Estates remains the same as presented in the DEIS.

The mixed nature of the proposed units (primary and secondary homes), as stated in the DEIS, would result in a population drop during non-summer months. The year round population for the proposed project would be approximately 307 persons. As noted previously, there is an existing apartment complex located on the project site known as Westbourne Gardens. This complex consists of 44 apartment style units and is currently at full capacity. The population of Westbourne Gardens is 105 persons of which six are school age children. For analysis

purposes (since community services are already provided for this population), the existing population of 105 persons is subtracted from the projected populations. Therefore, the total new population to be introduced to the Town of Fallsburg from the proposed project would be 1,932 persons, including 66 school age children. The new year round population would consist of 202 persons.

### **III.I.2 Potential Impacts**

In order to assess the potential fiscal impacts of the proposed development on municipal services, annual property tax revenues for the project were calculated by estimating the future assessed value of the proposed development and multiplying that value by the tax rate applicable to each taxing jurisdiction. This portion of the fiscal analysis would not change and was presented in the Westbourne DEIS in Section III.I, Fiscal Analysis.

The development's projected tax revenues are then compared to anticipated costs to determine the net fiscal effect that would result from construction of Westbourne Estates. Refer to Appendix E for the Revised Fiscal Analysis Worksheet.

This increase in population may translate into the need for enhanced community services, including police, ambulance, fire protection, utilities and schools. Additional demand for services may translate into additional costs to the community. Accordingly, a fiscal analysis has been prepared that compares the estimated revenues that would be generated by the project to the costs to service it.

#### Comparison of Revenues versus Cost of the Proposed Project

As suggested by the Town's consultant, the revenue versus cost analysis was calculated using the year round population where appropriate (i.e. police and fire protection, emergency services and schools) and the larger seasonal population for such community services as water and sewer utilities.

##### *Town of Fallsburg*

The approximate costs to the Town of Fallsburg associated with the proposed development may be determined by obtaining a reasonable composite of current costs on a per capita basis and applying this amount to the anticipated population of the project.

Through a review of the Town's operating budget, the amount of expenditures can be derived and the per capita cost can then be determined by dividing the existing population into the amount of expenditures. To estimate the portion of the per capita cost paid for by property tax revenues, the per capita cost is multiplied by the proportion that the property tax revenue comprises of the overall income stream for the Town.

The adopted 2010 municipal budget for the Town of Fallsburg was \$17,230,089<sup>1</sup>. This budget included funds for the Town General Fund, Highway Fund, Lighting, Refuse/Garbage, Sewer, Parking, Water, and Fire. The total amount to be raised by taxes is approximately \$9,429,312<sup>2</sup>. The tax levy represents 54.7 percent of the total municipal budget.

Based on the U.S. Census Bureau 2009 Population Estimates, the estimated population for the Town of Fallsburg is 13,405<sup>3</sup>. Dividing the portion of the budget to be raised by the taxes by the 2009 estimated population for the Town produces an approximate per capita municipal cost of \$703 for municipal services. This represents a worst case estimate of per capita costs, as the commercial and other land uses in the Town also place demands on the various Town and other governmental services which were not considered in deriving the per capita cost.

The total projected increase in population from the Westbourne Estates project would be 1,932 residents.<sup>4</sup> This population is expected to reside in Westbourne Estates for four months out of the year. During the remaining eight months a total of 202 persons, including 66 school age children, would be living in the proposed development.<sup>5</sup>

Based on a per capita cost of \$703, the additional costs to the Town of Fallsburg would be approximately \$1,359,003. Please note costs are estimated and may be slightly off due to rounding. As shown in Table III.I-3, Section III.I of the DEIS, the revenues to the Town from the proposed project would amount to \$611,798. Therefore, the potential impact to the Town's budget is anticipated to be negative.

It must be noted that the per capita cost allocation of \$703 is based upon the 2009 Census population estimate of 13,405 persons. This figure is the year round population of the Town of Fallsburg. It does not provide any allowance for a seasonal population which is believed to triple to approximately 40,000 persons<sup>6</sup>. The seasonal population would significantly reduce the per capita cost of Town services.

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<sup>1</sup> Final Budget, Town of Fallsburg, Budget 2010

<sup>2</sup> Final Budget, Town of Fallsburg, Budget 2010

<sup>3</sup> "Population Finder." US Census Bureau. 7 August 2010. <[www.census.gov](http://www.census.gov)>

<sup>4</sup> Total projected population (2,037 persons) less existing population residing in Westbourne Gardens (105 persons) = 1,932 person

<sup>5</sup> Total yearly projected population (307 persons) less existing population residing in Westbourne Gardens (105 persons) = 202 persons; Total projected population (72 school age children) less existing population residing in Westbourne Gardens (6 children) = 66 school age children

<sup>6</sup> Telephone conversation with Mr. John Wallace, Chief of Woodbourne Fire District, on January 3, 2012, in which he stated that the population he serves triples during the summer months.

In the DEIS, a weighted average of the additional population projected for Westbourne Estates was utilized for calculations. A weighted average population for the town would be 22,341, assuming a 12 month population of 13,405 and a four month population of an additional 26,810 seasonal residents.

The per capita cost for all municipal services to be raised by taxes would be \$422, using the seasonally weighted population. For the 1,932 additional residents projected for the Westbourne Estates development, the total additional costs to the Town of Fallsburg would be \$815,304 using the per capita cost based on the weighted population. This is approximately \$200,000 greater than the amount anticipated to be generated by taxes on the finished development.

It has been noted that the Town's consultant requested the use of the year round population, rather than a population weighted for the influx of summer residents. The analysis above showing the estimated per capita cost using a weighted population is presented here for illustrative purposes—to indicate that costs to the Town may be overstated by using the year round population.

#### *Police Protection (Year Round Population Used in Calculation)*

As noted above, it was suggested by the Town's consultant that the projected year round population (202 residents) be used to calculate the costs associated with the police department from the proposed development.

The adopted 2010 municipal budget for the Town's General Fund outside the Village, which includes the Town of Fallsburg Police Department, was \$2,921,591<sup>7</sup>. The budgeted amount for the Town's Police Department for 2010 was \$1,611,324<sup>8</sup> (or 55 percent of the overall General Fund budget). Based on the U.S. Census Bureau 2009 Population Estimates, the estimated population for the Town of Fallsburg is 13,405<sup>9</sup>. Dividing the Police Department budget to be raised by taxes by the 2009 population would result in a per capita cost of \$120 per person for police services. This represents a conservative estimate, a worst case scenario, since the total cost for police protection in this analysis is assigned to the residential population, and not to the commercial, institutional and industrial uses that also exist in the Town. Based on this information, the additional 202 persons to the Town would add an additional annual cost of approximately \$24,240 to the Town of Fallsburg to provide police protection services to the residents of the Westbourne Estates development.

The project would generate \$113,661 to the Town of Fallsburg (General Fund outside the Village) annually. Based on the Town of Fallsburg's 2010 Budget, it can be assumed that approx-

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<sup>7</sup> Final Budget, Town of Fallsburg, Budget 2010

<sup>8</sup> Final Budget, Town of Fallsburg, Budget 2010

<sup>9</sup> "Population Finder." [US Census Bureau](http://www.census.gov). 7 August 2010. <www.census.gov>

imately \$62,514 (55 percent of the total budget) from the total revenues generated by the project would go towards police projection. The revenue from the proposed project is more than the costs that would accrue to the police department; therefore, the Westbourne Estates project is not expected to have any adverse impact on police projection. No mitigation is proposed.

*Fire Protection (Year Round Population Used in Calculation)*

The adopted 2010 municipal budget for the Woodbourne Fire District was \$184,900<sup>10</sup>. According to the Woodbourne Fire Chief, approximately, 2,500 residents live within the Fire District year round<sup>11</sup>. As suggested in comments received on the DEIS, the comparison of revenues versus cost of the proposed project was calculated using the year round population. Therefore, the per capita cost for providing fire protection, in a worst case scenario, would be approximately \$74<sup>12</sup>. Based on this information, the additional 202 persons to the Town would add an additional annual cost of approximately \$14,940 to the Woodbourne Fire District to provide fire protection services to the residents of the Westbourne Estates development.

Westbourne Estates would generate property tax revenues to the Woodbourne Fire District of approximately \$37,714 annually additional revenue. Therefore, no potential impacts would be expected from the proposed development on the Fire District. No mitigation is proposed.

*Emergency Services (Year Round Population Used in Calculation)*

As noted in the DEIS, Mobilemedic EMS provides emergency medical services for Sullivan County and surrounding areas. This service area includes a population of approximately 350,000 during the summer months (June to September) and approximately 75,000 individuals between the months of October and May.

In letter received from Mr. Albee Bockman, the President and CEO of Mobilemedic EMS, it is stated that the proposed project would have no effect on the services provided by Mobilemedic EMS<sup>13</sup>. Therefore, not mitigation is proposed.

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<sup>10</sup> Final Budget, Town of Fallsburg, Budget 2010

<sup>11</sup> Telephone conversation with Mr. John Wallace, Chief of Woodbourne Fire District, on January 3, 2012.

<sup>12</sup> This represents a conservative estimate, since the total cost for fire services is assigned to the residential population, and not the commercial, institutional and industrial uses that also exist in the Town.

<sup>13</sup> Telephone conversation with Mr. Albee Bockman, President and CEO of Mobilemedic EMS, on November 13, 2009.

*Fallsburg Central School District (Year Round Population Used in Calculation)*

The revenue versus cost analysis calculated for the Fallsburg Central School District in regards to the proposed project would not change from the analysis presented in the DEIS. However, for reference, this subsection of the DEIS has been repeated below.

The Westbourne Estates project would generate annual property tax revenues of \$818,813 to the Fallsburg Central School District. Since school costs typically represent the largest share of costs associated with any residential development, the cost to the school district is calculated.

The budget for the 2009-2010 school year for the School District totaled approximately \$36,499,778<sup>14</sup>. Of this total, \$17,443,058 was raised by the school tax levy; the remainder of the costs is paid through state aid and other revenue sources. The 2009-2010 enrollments for the Fallsburg Central School District were 1,430 students. Therefore, the program cost per student raised through property taxes is approximately \$12,198 per student.

The total number of school age children projected for the completed development was calculated based on student multiplier data available from the Rutgers Center for Urban Policy Research (June 2006) and actual student counts from the existing Westbourne Gardens apartment complex located on the site. Based on this data approximately 72 school age children are expected to reside at completed Westbourne Estates. However, since six school age children currently reside in the existing apartment complex on site, the proposed project would introduce 66 new (or additional) school age children to the School District. Therefore, the additional school age population of 66 children is used to calculate costs to the School District. As a note, two letters were sent to the Fallsburg Central School District Superintendent of Schools requesting information pertaining to the School District and its student population. No response was received from the School District. Refer to Appendix B, Correspondence for the letters sent to the Fallsburg Central School District.

Using the projected cost per student of \$12,198 derived above, the additional 66 students that would be expected to attend the Fallsburg Central School District would increase costs to the School District by approximately \$805,064 annually.

The proposed project would generate a total of \$818,813 in annual property tax revenues to the School District, including a library tax. The increase in assessed valuation will generate \$781,112 above the current taxes. The surplus to the Fallsburg Central School District would be approximately \$13,749, annually. No mitigation measures are warranted, therefore none are proposed.

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<sup>14</sup> Source: 2009-2010 Property Tax Report Card Data

## Solid Waste Disposal

The analysis prepared in the DEIS for the potential solid waste disposal impacts from the proposed development was based on waste generation rates for year round and seasonal homes. Since neither the unit count nor the seasonality of the development has changed, the analysis presented in the DEIS would remain the same. No significant adverse impacts regarding solid waste collection and disposal are anticipated.

### *Utilities (Water and Sewer - Seasonal Population Used in Calculation)*

#### Water Supply

The Town of Fallsburg Water Budget for 2010 was \$1,989,848.<sup>15</sup> The total amount to be raised by taxes is \$456,598. The tax levy represents 23 percent of the total municipal budget. Based upon the 2009 estimated population for the Town of Fallsburg of 13,405 persons, the per capita cost for providing a water supply to the proposed development, in a worst case scenario, would be approximately \$34.<sup>16</sup> Based on this information, the additional 1,932 persons to the Town would add an additional annual cost of approximately \$65,688 to the Water District in order to provide water supply services to Westbourne Estates.

The proposed development would generate property tax revenues to the Water District of approximately \$23,639 annually in additional revenue. This revenue can be used to augment the District's capabilities as necessary. In addition to the property taxes dedicated to water services, there is a quarterly usage fee for water. The minimum fee for a residential unit is \$42.15 per quarter or \$168.60 annually<sup>17</sup>. This fee is applicable to year round and seasonal housing. The minimum annual usage fees generated by the 239 seasonal units would be \$40,295. There would be additional fees generated by the rental units and it is likely that the large seasonal units would exceed the 15,000 gallon usage covered by the minimum fee. Thus, the anticipated cost to the Town for water supply for the proposed development will be more than covered by the tax revenues and the usage revenues.

No significant adverse impacts are anticipated and therefore, no mitigation is proposed.

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<sup>15</sup> Final Budget, Town of Fallsburg, Budget 2010

<sup>16</sup> This represents a conservative estimate, since the total cost for fire services is assigned to the residential population, and not the commercial, institutional and industrial uses that also exist in the Town.

<sup>17</sup> William H. Illig, PE, Town Engineer, Town of Fallsburg, in a telephone conversation on January 13, 2012

### Wastewater Disposal

In this instance, the adopted 2010 municipal budget for the Town of Fallsburg Sewer Services amounts to \$3,151,123.<sup>18</sup> The total amount to be raised by taxes is \$1,252,724. The tax levy represents approximately 40 percent of the total municipal budget. The 2009 estimated population for the Town of Fallsburg is 13,405 persons. Dividing the budget to be raised by taxes by the 2009 population would result in a municipal cost of \$93 per person for wastewater disposal services. This represents a worst case estimate of per capita costs, as the commercial and other land uses in the Town also place demand on the various Town and other governmental services, which are not considered in deriving the per capita cost. Based on this information, the additional 1,932 persons would add an additional annual cost of approximately \$179,676 to the Sewer District in order to provide sewer services to Westbourne Estates.

The proposed development would generate property tax revenues to this District of approximately \$241,756 annually in additional revenue. In addition, the sewer quarterly usage minimum fee is \$84.75<sup>19</sup>. For the 239 seasonal units, the total minimum revenue to the sewer district would be \$81,021. Sewer costs are expected to be covered by tax revenues, so this provides additional revenues to the Town's Sewer Services. Therefore, no potential impacts to the Sewer District are expected from the proposed development.

#### **III.I.3 Comment/Responses**

**Comment III.I-1 (Letter 2, Robert Geneslaw, AICP, April 11, 2011):** The fiscal and community analysis use a "weighted average" of population. We recommend that an alternate analysis be provided that separates the year round from seasonal population and where appropriate uses the seasonal population, as is the case for water, sewer, traffic and schools.

*Response III.I-1: Comment noted. As suggested, the fiscal analysis was revised to provide an analysis for the year round population and appropriate community services (i.e. police, fire and emergency response services) as well as an analysis for seasonal population and appropriate community service providers (i.e. water, sewer, traffic and schools). This analysis is provided above. The associated fiscal analysis worksheet can be found in Appendix E of this document. The calculations associated with this worksheet has been reviewed and are correct.*

*Please refer to Section E, Transportation, for comments and responses pertaining to traffic and the proposed development.*

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<sup>18</sup> Final Budget, Town of Fallsburg, Budget 2010

<sup>19</sup> William H. Illing, PE, Town Engineer, Town of Fallsburg, in a telephone conversation on January 13, 2012

**NO COMMENTS WERE RECEIVED ON THIS SECTION.**

**NO COMMENTS WERE RECEIVED ON THIS SECTION.**