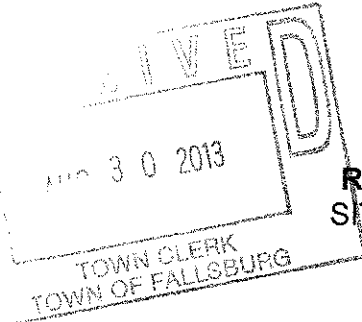


Reviewed @
8/8/13



PLANNING BOARD
TOWN OF FALLSBURG
RALEIGH & HEIDEN PROPERTIES
SITE PLAN APPROVAL RESOLUTION
ADOPTED NOVEMBER 8, 2012

WHEREAS, the Town of Fallsburg Planning Board has a proposal for site plan approval for: a cluster development of 236 duplex and single family dwelling units built to year round occupancy standards but intended primarily for seasonal occupancy; with roads, amenities and sanitary sewer service with an onsite tertiary treatment plant, all to be owned and operated by a condominium association or transportation corporation; with water supply for cluster #1 to be provided by the Fallsburg Consolidated Water District, which is to be extended to serve the portion of cluster 1 outside the present boundaries of the district, and clusters 2,3,4 to be provided by wells and a distribution system owned and operated by the condominium association or transportation corporation; separation of the Raleigh Hotel and its amenities and facilities into a separate parcel for independent operation; (hereinafter referred to as the Project) on a property of 196.9 acres. Tax map SBL: SBL 60-1-56+. The zoning is REC-1 (Recreation District -1) ; and

WHEREAS, the Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR 617.6 and was designated lead agency, conducted a coordinated review and classified the action as Type 1. Applicant completed Part I EAF, the Board completed an EAF Part II. The applicant prepared a Draft Environmental Impact Statement (DEIS), the Board held public hearings, and after a series of public meetings the Planning Board adopted a Final Environmental Impact Statement (FEIS) and the Board determined that the proposed Project had mitigated significant impacts on the environment and adopted a Findings Statement at the June 14, 2012 meeting; and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including plans for Raleigh and Heiden properties, prepared by Glenn Smith, P.E., Plan set of 43 sheets, latest recent revision dated Sept. 30, 2012, a drawing entitled Variance Location Plan dated August 6, 2012, and a Landscape Plan dated rev. October, 2012 prepared by Tim Miller Associates, as well as comments and correspondence received from staff, consultants, interested agencies and the public, and made certain modifications to the Project. A last review of plans and supporting material will be made by staff to confirm that all requested changes have been made and conditions have been met, including:

A. STANDARD CONDITIONS

1. Changes requested by Planning Board members prior to the approval vote.
2. Comments from Code Enforcement Officer during the approval process.
3. Comments from Superintendent of Public Works during the approval process.
4. Comments from Planning Board attorney during the approval process with the exception of review of legal documents.

5. Changes to the plans necessitated by permit agency requirements.
6. Payment of all fees in accordance with Town fee schedule.
7. Payment of any outstanding consultant escrow fees.
8. Offer of dedication to Town of land or easements for roads, future road widening strip, utilities, etc., that may be shown on the plan or determined to be necessary by the Superintendent of Public Works.
9. Meeting all requirements of the Town's consulting engineer, Keystone Associates, except as may be modified by the Town Engineer.
10. Escrow for soil erosion control during construction.
11. Approval by the Architectural Review Board.
12. Establishment of an escrow account, letter of credit or similar financial security to cover future maintenance/repair costs of infrastructure, including water supply, on site sewers, stormwater management, roads, as determined by the Town Engineer.
13. Responding to all comments from the Town Planning Consultant, Robert Geneslaw Co., except as may be modified by the Planning Board.
14. Subject to Planning Board review and approval of building elevation/renderings, in accordance with the architectural and building design standards as set forth in the Duplex Law and with graphic materials presented to the Planning Board at the November 8th meeting to be furnished for Planning Board files prior to stamping of site plan.
15. Subject to completion of all off-site improvements, whether public or private, prior to issuance of the first building permit, or as determined by the Town Engineer.
16. Provision for an escrow account for site inspection by the Town Engineer, his designee, or a consulting engineer of his choice.
17. Receipt of all Town and other agency permits before land disturbance except as may be specifically authorized by the Planning Board in this resolution. Building permits shall not be issued until all other required permits have been received and the plans have been stamped.
18. Applicant to provide information regarding construction sequencing to be approved by the Town Engineer. There shall be no site disturbance prior to the required pre-construction meeting with the Town Engineer.
19. A master water meter shall be provided at the entrance to the development or separate parcels and individual meters shall be provided at each building or water

using feature to the satisfaction of the Town Engineer. The Town Engineer may require a separate water meter for the Raleigh Hotel.

20. A grinder or grinders shall be provided on the sanitary sewer line at locations to be determined, to the satisfaction of the Town Engineer.
21. Amendment of plans either graphically or by note to include:
 - a. Location at which fencing, if any, will be permitted; detail of fencing; note indicating that only fencing shown on the plan or in notes may be constructed.
 - b. Speed humps will be permitted in accordance with a standard acceptable to the Planning Board. If the Planning Board has not established a standard at the time speed humps or alternatives are ready for installation, the applicant may construct speed humps as recommended by Creighton Manning dated 10/26/12 subject to approval by the Town Engineer.
 - c. Building permits shall not be issued until all site plan approval conditions have been met, all fees paid and all permits obtained.
22. All proposed demolition will take place and debris will be removed before any building permits are issued.
23. No site disturbance or construction will take place except for any specific exceptions identified in this resolution before any building permits are issued.
24. The site plan set and supporting documents shall meet all the requirements of Section 310-7.4 (Site Plan Elements) of the Fallsburg Zoning Code, except or as may be individually modified by the Planning Board upon request of the applicant.
25. The plan set and satisfaction of conditions are acceptable to the Planning Board.
26. The payment of park fees per dwelling unit in lieu of dedicating park land in the amount and timing as regularly established in the Town Code.
27. Compliance with all applicable sections of the Fallsburg Zoning Code.
28. Approval of a Stormwater Pollution Prevention Plan (SWPPP) by all relevant agencies, the Superintendent of Public Works and Keystone Associates.
29. Review by emergency services – Fire, Ambulance and Police.

B. SPECIAL CONDITIONS

1. Applicant has provided a hydrological study and has agreed to mitigation elements relating to wells on neighboring properties as recommended by Keystone

Associates, the Superintendent of Public Works, Brickhouse Environmental, the Code Enforcement Officer, the Fallsburg Planning Board and other agencies.

2. As provided in the Findings Statement, a Residential Well Mitigation Program to address any impacts on neighbors drinking water wells is to be finalized prior to stamping of final site plan approval. The well mitigation program shall provide for direct notification by affected well owners to the Town for relief without requiring legal action against the applicant and/or the condominium association, transportation corporation or other associated entities. Claims by individual property owners shall be reviewed/analyzed to confirm the cause of any claim.
3. The Applicant shall deposit the sum of fifteen thousand dollars (\$15,000.00) in an escrow account for remediation of damages to individual wells found to be caused by the Applicants action. The account shall be funded prior to issuance of the first Building Permit and is subject to replenishment whenever reduced to seven thousand five hundred dollars (\$7,500.00).
4. Provision for adequate fire protection measures for clusters 2,3 and 4 to provide water supply (quantity and pressure) as determined by the Planning Board to be necessary based on recommendations by Keystone Associates, the Superintendent of Public Works and the Code Enforcement Officer, with review by the South Fallsburg Fire District and reference to ISO and any other relevant sources. All Fire Prevention mitigation as set forth in the Findings Statement must be met. The proposal shall meet all applicable standards of the New York State Uniform Fire Prevention and Building Code and adhere to applicable regulations of Chapter 107, Fire Prevention of the Code of the Town of Fallsburg. Fire hydrants, where provided, shall be maintained by the Homeowners Association with records of inspections available to the Fire Inspector upon request. The fire hydrants shall be placed as shown on the approved site plans. If swimming pools are to be utilized as an emergency water source, the pools must be kept full of water all year and must be easily accessible to fire apparatus. Alternatively, if the NYS Health Department allows dry hydrants may be used. Other requests from the South Fallsburg Fire District letter of October 9, 2012 shall be met.
5. Relocating fence along east (south) side of Heiden Road across from Kiamesha Lake Road to improve sight distance as a mitigation element prior to subdivision/separation of the Raleigh Hotel parcel from the balance of the property and or site clearing operations, whichever comes first.
6. Provide cross easement agreements between the several condominium clusters and the Raleigh Hotel property for roads, utilities, certain stormwater management facilities, and any other shared features. The Town of Fallsburg shall be beneficiary of the cross easement for the sole purpose of providing emergency assistance for specifically identified conditions to roads and utilities. The Town may bill the association for such services or add the costs to the association's tax bill.

7. Site plan drawing set is subject to revisions necessary to reflect the ten variances (A-J) granted by the Zoning Board of Appeals on August 16, 2012.
8. Provide conservation easements with boundaries as shown on the site plan set of drawings, prohibiting physical disturbance of the areas within the proposed conservation easements except for sewer and water lines under Sheldrake Stream, walking paths and benches. The Town shall have the right to enter the areas subject to conservation easement and to enforce such easements. The conservation easements are subject to review and approval by the Town Attorney and shall be referenced in condominium documents.
9. Add a map note that areas within the proposed conservation easements are to be owned by the condominium association and shall not be deeded to individual property owners.
10. Subject to any recommended modifications from the GML Section 239 review by the Sullivan County Division of Planning and Environmental Management (SCDPEM) unless overridden by the Planning Board .
11. Approval by the Planning Board of a subdivision plat or similar measure that will create tax lots that recognize the proposed development elements.
12. The environmental review of this proposal, in the evaluation of impacts on geology, reports that bedrock removal "will be performed by mechanical hammers and rippers mounted on hydraulic excavators". Should there be a need for blasting, a supplemental environmental review will be undertaken prior to approval of blasting, and the environmental review shall consider, in particular, the potential impact on neighboring wells and the Pleasure Lake Dam and provide for mitigation. A Planning Board approved Blasting Plan shall incorporate the necessary pre-blasting impacts and mitigation.
13. Modification of plans to meet any conditions included by the Architectural Review Board, as may be modified by the Planning Board.
14. Repair/replace/rehabilitate any portions of Heiden Road or Fred Road or other public roads providing direct access to the property that are damaged by construction vehicles or ground disturbance. Any such work will be identified by the Superintendent of Public Works and or the Highway Superintendent, and shall be completed prior to issuance of the last 20 C.O.'s, separately for units accessing Fred Road and the balance of the property.
15. Meet the requirements of the Superintendent of Public Works for the repair/replacement/upgrade of any elements of the water and sanitary sewer system necessary to provided adequate and safe water and sanitary sewer service, including service to the Raleigh Hotel.

16. Execution of a Transportation Corporation Agreement between the Town of Fallsburg and the sewer providing entity to the satisfaction of Robert McEwen Esq., the Town's Special Counsel.

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

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

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

8/15/13
Dated: ~~November~~, 2012

Arthur N. Rosenshein
Arthur Rosenshein
Chairman of the Planning Board

Vote as follows: 5 For
 0 Against
 4 Absent

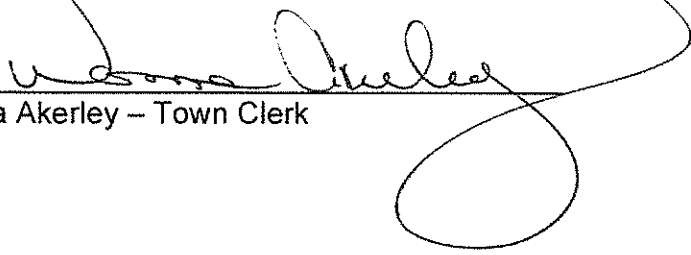
The Planning Board Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Site Plan Approval on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: 29th date of August, ²⁰¹³2012

Denise Monforte
Denise Monforte – Planning Board Clerk

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

Filed and Dated this: 30 date of August, ²⁰¹³~~2012~~


Donna Akerley – Town Clerk