

**KIRK ROTHER, P.E.**  
CONSULTING ENGINEER, PLLC

5 SAINT STEPHENS LANE

WARWICK, NY 10990

Phone (845) 988-0620

Email [krother@kirkrother.com](mailto:krother@kirkrother.com)

Fax (845) 988-1628

April 28, 2016

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

*Re: Rachves II  
6276 NYS Route 42  
Woodbourne, N.Y. 12788  
Our Project #07137.0*

Dear Mr. Rosenshein:

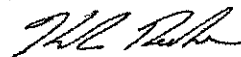
In reference to the above, enclosed please find the following:

- 13 – Partial Site Plan Sets
- 13 – Responses to Public Hearing comments

We ask that this matter be placed on the May 2016 Planning Board agenda for continued discussion and to review Part 2 of the Long EAF.

Should you have any questions or require any additional materials, please do not hesitate to contact our office.

Respectfully,



Kirk Rother, P.E.

KR:bc  
enclosures  
cc: Client

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*Re: Rachves II  
6276 NYS Route 42  
Woodbourne, N.Y. 12788  
Our Project #07137.0*

**Responses to Rachves Public Hearing comments.**

Date of Hearing: December 10, 2015

Following are paraphrases of the comments received at the Rachves II Public hearing as taken from the Planning Board meeting minutes. Beneath the underlined paraphrase follows a written response to the comment. The items are generally in chronological order. Duplications of the same topic are only responded to once.

Recreational facilities, basketball and baseball, in floodplain

The construction of the proposed baseball field and basketball court will not adversely affect the flood plain. The baseball field will simply be comprised of a grass field in an area that is currently meadow and brush. The basketball court will result in a paved court; however, this court will not remove any volume from the flood area as the court surface will be built at grade. No fill will be placed to raise the court above the flood plain.

Sewer pump station

A sewage pump station is proposed and is shown in on the plan in the vicinity of the community center. Sanitary sewer will be conveyed via gravity throughout the site to the sewage pump station which is located at the general low point of the development, out of the flood plain. Sewage will then discharge via force main to an existing sewer manhole in the NYS Route 42 right of way. The sewer pump station will have dual, alternating pumps and a back-up power generator. A grinder will be installed in the manhole prior to the pump station.

Traffic on Route 42 – Speed

The vehicle speed on Route 42 is a matter to be addressed by enforcement. The posted speed limit in the area of Rachves is 45 miles per hour.

### Traffic volume

The Rachves project proposes 99 dwelling units. Consistent with other similar communities, it is anticipated that each dwelling will have one vehicle. The peak hour traffic generation is expected to occur on weekends, not during typical weekday AM and PM rush hour peaks. The ITE trip generation manual projects that 0.47 vehicle trips per dwelling unit can be expected during the morning peak hour on a Saturday or Sunday for residential condominium type projects. This equates to a peak trip generation of 47 total vehicle trips entering and leaving the site during the AM weekend peak hour of traffic. Traffic from the site will access directly onto a state highway: NYS Route 42. State Route 42 intersects another state highway to the south, NYS Route 52, at a signalized intersection. State Route 42 intersects State Route 55 to the north at a stop sign controlled intersection. Plans have been submitted to the NYS DOT for highway entrance approval. Any improvements to the existing state highway system to accommodate growth in the Town would be the responsibility of the State of New York.

### Noise

The property will not play loud music via loudspeakers. The Town of Fallsburg has a noise ordinance. Use of the property must be in compliance with the noise ordinance.

### Bald Eagles

A Bald Eagle nest is present in the vicinity of the project. This office has met with the NYS DEC regarding the presence of Bald Eagles for a separate, nearby project. The Bald Eagle Management Guidelines, as adopted by the DEC, require a buffer of 660 feet from Bald Eagle nests for projects proposing residential development which disturbs more than one-half acre of land and which is visible from the nest. The known nest site lies over 1,000 feet from the Rachves property line. The proposed development plan is such that the improvements are clustered in upland areas out of the Neversink River floodplain. Doing so has the benefit preserving vegetation and tree growth in areas near the bank of Neversink River, areas that Bald Eagles would use for foraging.

### NYS Route 42 - Shoulders for walking

The shoulder of NYS Route 42 varies in width from the site entrance to the Hamlet of Woodbourne. In some areas the shoulder is quite wide, having a pavement width of approximately three feet followed by a gravel shoulder of over three additional feet. In other areas the shoulder is narrower, particularly in the area of guide rail, where the paved shoulder is less than three feet in width with no gravel shoulder. Widening of the shoulder between the project site and the Hamlet of Woodbourne would be the responsibility and jurisdiction of the NYS DOT.

### Trees to remain as a visual buffer from east side of Route 42

Zoning for Duplex type developments requires a 175 foot undisturbed front setback. With the exception of the entrance drive, there will be no proposed disturbance within this 175

foot setback. Accordingly, all existing trees within the first 175 feet and in the area of the NYS Route 42 right of way will remain. The majority of the area to be improved is either meadow or brush, or un-reclaimed dirt areas used for former gravel mining.

#### Spot Lights

There will be no spot lights on the property. Street lights will be downward facing "shoe-box" type lights mounted on poles ranging from 12 ft. to 15 ft. in height. Building mounted lights will consist of entry and porch lighting.

#### Spacing of Units – Fire

The proposed units are spaced in accordance with Town of Fallsburg Code and NYS Residential Fire Code. The spacing of units is 26 feet between side walls.

#### NYSEG Transmission Line

The NYSEG Transmission line easement has been identified. The Applicant has been in contact with NYSEG about the proposed development for several months resulting in multiple adjustments to the proposed plan per NYSEG comments. The current plan meets with NYSEG's approval and NYSEG has issued a formal Grant of Encroachment to allow the proposed improvements within their easement.

#### Northerly Site Entrance on Route 42 around curve

The northerly entrance is proposed to be a gated, emergency vehicle entrance only. The entrance will not be used for ordinary traffic.

#### Use of Existing Barns/Need for a variance

The proposed barns were being considered for reconstruction for use as a caretaker's residence and community center. The smaller, northerly structure is proposed as a caretaker residence and the larger, southerly structure was slated to possibly serve as the Community Center. It has been determined that the larger structure is beyond repair and will be removed. A community center will be built internal to the site and its proposed location is shown on the site plan. The smaller structure is still under consideration for use as a care taker's residence. If it is determined that the structure can be rebuilt, there would be no proposed expansion of the structure therefore a variance would not be required.

#### Size of units and number of bedrooms

The proposed Rachves units are proposed in to sizes: 30 ft wide by 54 ft. deep and 26 ft. wide by 54 ft. deep resulting in dwelling unit sizes of 1,620 SF and 1,404 SF respectively. It is proposed that each dwelling have four bedrooms.

### Sewage Flow

The Rachves property is in the Town of Fallsburg Sewer District and will discharge into the municipal sewer system via a pump station on the property. The computed daily discharge is 43,560 gallons per day. This flow assumes a discharge from 99 four bedroom dwellings at a discharge rate of 110 gallons per day per bedroom. Given the community center and pool will only serve the resident's of this development, the aforementioned flow would be inclusive of those accessory uses.

### Disturbing grades over 15%

The existing topography is such that there are narrow "bands" of terrain running through the property which have slopes over 15%. The area of the property having slopes over 15% is computed to be 0.03%. Much of this is the result of embankments left from prior sand and gravel mining operations. There are some proposed improvements within these areas, however, the actual acreage of slopes over 15% to be disturbed are de-minimis. A full erosion and sediment control plan will be incorporated into the plan set and the plans will comply with NYS DEC SPDES Permit criteria for construction related activities. There are no Town of Fallsburg Codes, or other regulatory criteria, that prohibit disturbance to slopes over 15%.

### Minimum Setback

The Town of Fallsburg Code for Duplex developments requires an undisturbed vegetative buffer around the perimeter of the property, except for the front yard where the dimension is increase to 175 feet. Additionally, proposed access roads have a setback of 30 feet from the exterior property line. Multiple other setback criteria govern the distances from structure to structure. The proposed development meets all applicable setbacks.

It is noted that the residents of the adjacent River Haven community, to the south, brought concerns about the proposed project and its visibility from there community. In an attempt to mitigate some of their perceived impact, the project has been redesigned to result in an increase in the roadway setback from 30 feet to 35 feet. An evergreen tree line is proposed along the southerly property line. Lastly, the three units closest to River Haven and nearest the Neversink River, units number 12, 13 and 14 on the plan presented at the public hearing, have been removed and distributed to other locations within the site.

### Flood Plain

Portions of the property lie within the 100 year flood plain of the Neversink River. A detailed flood analysis utilizing the flood data from the 2005 flood event has been prepared. The flood study will be reviewed and approved by the Town of Fallsburg Engineer. All proposed dwellings are situated outside the flood plain boundary. The floodplain boundary, as depicted on the current Rachves site plan, is consistent with photographs of historic flood events presented by neighboring property owners to the south.

Setback from the Neversink River – Necessary permits

The NYS DEC requires that a Protection of Waters permit in instances when there is proposed disturbance within 50 feet of the bed or banks of a Class C trout stream or higher. The nearest proposed disturbance is approximately 140 feet from the banks of the Neversink River, which is a class B trout stream.

Building Design and appearance

There are three proposed models in two different sizes that will be spread throughout the project. Color renderings of the models have been submitted to the Architectural Review Board.

# KIRK ROTHER, P.E.

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WARWICK, NY 10990

Email [krother@kirkrother.com](mailto:krother@kirkrother.com)

May 25, 2016

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

**Re: *Rachves II***  
***6276 NYS Route 42***  
***Woodbourne, N.Y. 12788***  
***Our Project #07137.0***

Dear Mr. Rosenshein:

In reference to the above, enclosed please find the following:

- 13 – Partial Site Plan Sets
- 1 – Full Site Plan Set
- 13 – Responses to Public Hearing comments
- 13 – NYSEG Grant of Encroachment
- 13 – Archeology Findings Letter
- 13 – Architectural Renderings

The project is in the final stages of detailed engineering design. Since the last appearance before the Planning Board the following advancements have occurred:

- The Notice of Intent has been circulated to other involved agencies, namely the NYS DOT and NYS DEC, with responses received from both.
- Twenty deep pit soils tests have been excavated on the site in the area of the proposed development. Consistent with the USDA Soil maps, sand and gravel was encountered. Groundwater was encountered at a depth of ten feet in one test pit nearest the Neversink River. The results of the deep pity tests can be found on the Existing Conditions Sheet, Sheet #2, of the full site plan set.
- The project has appeared before the Architectural Review Board. The ARB had a few recommendations that were to be referred to the Planning Board for consideration.
- A detailed response to the public hearing comments has been prepared and provided to the Planning Board, a copy of same is submitted herewith.

- NYS Electric and Gas has issued a grant of encroachment for improvements proposed within their right-of-way, a copy of which is submitted herewith.
- A Phase 1A and Phase 1B Archeology study has been completed at the site. Included in the effort were 320 shovel tests used to screen for historic or pre-historic features. No artifacts were found. A copy of the summary letter from the Archeologist is attached. The final report is forthcoming.
- The Flood study of the Neversink River has been completed and submitted to the Town Engineer for review.

We ask that the matter be placed on the next available Planning Board agenda for consideration of issuance of a Negative Declaration under SEQR. Should you have any questions, or require any additional materials, please feel free to contact our office.

Respectfully,



Kirk Rother, P.E.

KR:bc

enclosures

cc: Client w/enc.  
Ken Ellsworth, PE w/enc.  
Robert Geneslaw w/enc.





**NYSEG**

March 29, 2016

Rachves Estates LLC  
199 Lee Avenue – Suite 161  
Brooklyn, NY 11211

RE: Rachves II (Rachves Estates LLC) – Grant of Encroachment  
Town of Fallsburg  
County of Sullivan  
Tax Maps: 21.-1-2.1

Dear Rachves Estates LLC:

Enclosed please find the Grant of Encroachment for the above-referenced property. The Grant of Encroachment will allow for the following:

- Placement of driveways/access roads and parking areas within the 150 foot NYSEG right of way.

There is a fee of \$2,228 for the encroachment as well as a \$750.00 processing fee for this transaction payable upon signing the Grant of Encroachment.

Please have the property owner/authorized representative of Rachves Estates LLC sign the enclosed Grant of Encroachment in the presence of a Notary Public and return it at your earliest convenience. We request your courtesy in making sure black ink is used by all.

Please submit \$2,978.00 along with the signed and notarized Grant of Encroachment for NYSEG's signature.

I am enclosing a self-addressed, stamped envelope for returning the easement.

If you have any questions, please call me at 585-484-3342.

Sincerely,

Marianne Dalton  
Right of Way (ROW) Agent

Enclosures

26 Wierk Ave. Liberty, NY 12751

**GRANT OF ENCROACHMENT**

THIS INSTRUMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between **NEW YORK STATE ELECTRIC & GAS CORPORATION (NYSEG)**, a corporation organized under the laws of the State of New York, having an office at 18 Link Drive in the Town of Kirkwood, County of Broome, State of New York, hereinafter called NYSEG, its successors and assigns, and **RACHVES ESTATES LLC** having a mailing address at 199 Lee Avenue, Suite 161, Brooklyn, NY 11211, their successors and assigns, hereinafter called Owner(s).

**WITNESSETH:**

THAT WHEREAS, the Owner(s) or its Predecessors in Title did grant unto NYSEG or its Predecessors(s), an easement over the Owner's property located in the Town of Fallsburg, County of Sullivan, State of New York, and designated as Town of Fallsburg; Tax Map Section 21, Block 1, Lot 2.1; and described in deeds recorded in the Sullivan County Clerk's office in Liber 2015 of Deeds at Page 5283; and

WHEREAS, the aforesaid easement and right of way was recorded in the Sullivan County Clerk's Office in Liber 330 of Deeds at Page 76, and in Liber 330 of Deeds at Page 540 and

WHEREAS, Owner(s) or their Predecessors, wish to encroach upon NYSEG's easement areas with the placement of driveways/access roads and parking areas which NYSEG has determined encroaches on and violates the terms of the aforesaid easement.

THEREFORE, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, NYSEG agrees in accordance with the terms below, that, so long as the encroachment(s) remain(s), the Owner(s), their successor, shall have the right to continue to encroach within the easement area as shown on the sketch entitled "Exhibit A", which is attached hereto and made a part thereof.

PROVIDED, HOWEVER, that the Owner acknowledge and share the attached list of concerns, that the Owner agree to become familiar with said concerns and the regulations quoted therein, that each unconditionally accept, practice, observe, adhere to and enforce the issues of each concern as shown on the attached "Exhibit B".

IN WITNESS WHEREOF, NYSEG and the Owner(s) have executed this grant the date first above written.

**OWNER: RACHVES ESTATES LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

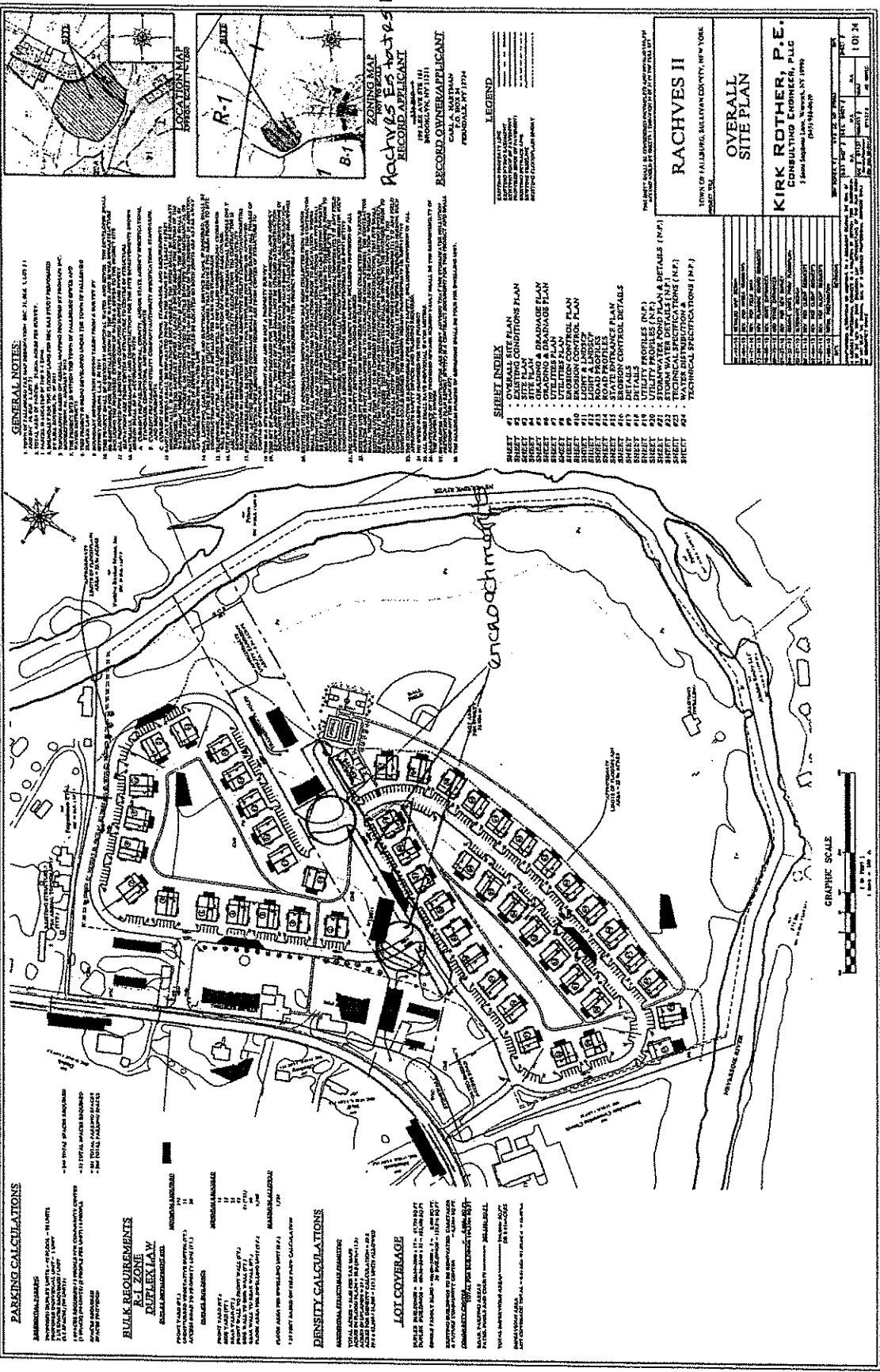
**NEW YORK STATE ELECTRIC & GAS CORPORATION**

By: \_\_\_\_\_

Edward D. Rohr  
Director, Integrated Planning and Process Implementation

# Exhibit A

Rachves Es states LLC



**GENERAL NOTES:**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING MAP AND THE ZONING REGULATIONS.
2. THE TOTAL AREA OF THE SITE IS APPROXIMATELY 10.5 ACRES.
3. THE ZONING MAP SHOWS THE SITE AS ZONED R-1.
4. THE ZONING REGULATIONS REQUIRE A MINIMUM LOT AREA OF 10,000 SQ. FT. FOR SINGLE-FAMILY DWELLINGS.
5. THE ZONING REGULATIONS REQUIRE A MINIMUM LOT WIDTH OF 40 FEET.
6. THE ZONING REGULATIONS REQUIRE A MINIMUM FRONT SETBACK OF 20 FEET.
7. THE ZONING REGULATIONS REQUIRE A MINIMUM SIDE SETBACK OF 10 FEET.
8. THE ZONING REGULATIONS REQUIRE A MINIMUM REAR SETBACK OF 10 FEET.
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**ZONING MAP**  
**RACHVES II**  
**RECORD APPLICANT**  
**RACHVES ES STATES LLC**  
**2000 BROADWAY**  
**ROSELAND, NJ 07068**  
**PHONE: 908-261-1234**  
**EMAIL: info@rachves.com**  
**DATE: 01/15/2024**  
**SCALE: AS SHOWN**

**LEGEND**

---	EXISTING PROPERTY BOUNDARIES
---	EXISTING LOT LINES
---	EXISTING STREETS
---	EXISTING UTILITIES
---	EXISTING EROSION CONTROL
---	EXISTING LANDSCAPING
---	EXISTING PAVING
---	EXISTING FENCES
---	EXISTING SIGNAGE
---	EXISTING TREES
---	EXISTING WATERWAYS
---	EXISTING POWER LINES
---	EXISTING TELEPHONE LINES
---	EXISTING GAS LINES
---	EXISTING SEWER LINES
---	EXISTING WATER LINES
---	EXISTING CABLE LINES
---	EXISTING FIBER OPTIC LINES
---	EXISTING AIR CONDITIONING UNITS
---	EXISTING AIR HANDLING UNITS
---	EXISTING EXHAUST FANS
---	EXISTING EXHAUST STACKS
---	EXISTING EXHAUST CHIMNEYS
---	EXISTING EXHAUST ROOFS
---	EXISTING EXHAUST WALLS
---	EXISTING EXHAUST FLOORS
---	EXISTING EXHAUST CEILINGS
---	EXISTING EXHAUST DOORS
---	EXISTING EXHAUST WINDOWS
---	EXISTING EXHAUST VENTS
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---	EXISTING EXHAUST SPACERS
---	EXISTING EXHAUST BRACES
---	EXISTING EXHAUST RINGS

**SHEET INDEX**

1	OVERALL SITE PLAN
2	EXISTING CONDITIONS PLAN
3	SITE PLAN
4	GRADING & DRAINAGE PLAN
5	UTILITIES PLAN
6	LANDSCAPING PLAN
7	EROSION CONTROL PLAN
8	LANDSCAPING DETAILS
9	UTILITY PROFILES (N.P.)
10	STORM WATER DETAIL (N.P.)
11	STORM WATER DETAIL (N.P.)
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**OVERALL SITE PLAN**

**RACHVES II**

2000 BROADWAY, ROSELAND, NEW JERSEY, 07068

**KIRK ROTHER, P.E.**  
 CONSULTING ENGINEER, P.L.L.C.  
 1000 JEFFERSON AVENUE  
 NEW YORK, NY 10017  
 PHONE: 212-261-1234  
 FAX: 212-261-1235  
 EMAIL: info@kirkrother.com

DATE: 01/15/2024

SCALE: AS SHOWN

**PARKING CALCULATIONS**

APPROXIMATELY 100 PARKING SPACES REQUIRED FOR THE PROPOSED DEVELOPMENT.

**BULK REQUIREMENTS**

**R-1 ZONE**

MINIMUM LOT AREA: 10,000 SQ. FT.

MINIMUM LOT WIDTH: 40 FEET

MINIMUM FRONT SETBACK: 20 FEET

MINIMUM SIDE SETBACK: 10 FEET

MINIMUM REAR SETBACK: 10 FEET

MINIMUM FRONT YARD SETBACK: 10 FEET

MINIMUM SIDE YARD SETBACK: 10 FEET

MINIMUM REAR YARD SETBACK: 10 FEET

MINIMUM FRONT PORCH SETBACK: 10 FEET

MINIMUM SIDE PORCH SETBACK: 10 FEET

MINIMUM REAR PORCH SETBACK: 10 FEET

MINIMUM FRONT FENCE SETBACK: 10 FEET

MINIMUM SIDE FENCE SETBACK: 10 FEET

MINIMUM REAR FENCE SETBACK: 10 FEET

MINIMUM FRONT SIGN SETBACK: 10 FEET

MINIMUM SIDE SIGN SETBACK: 10 FEET

MINIMUM REAR SIGN SETBACK: 10 FEET

**DENSITY CALCULATIONS**

APPROXIMATELY 100 UNITS PER ACRE.

**LOT COVERAGE**

APPROXIMATELY 30% LOT COVERAGE.

**ENCROACHMENT**

APPROXIMATELY 10 FEET ENCROACHMENT.

**ENCROACHMENT**

APPROXIMATELY 10 FEET ENCROACHMENT.

**SETBACK**

APPROXIMATELY 10 FEET SETBACK.

**SCALE**

1" = 100'

**GRAPHIC SCALE**

1" = 100'

**DATE**

01/15/2024

**SCALE**

AS SHOWN

## EXHIBIT B

### GENERAL CONDITIONS FROM NYSEG

1.) During construction activities on NYSEG's Right-of-Way(R/W), the contractor and/or property owner shall be fully liable for any damage to NYSEG's facilities. NYSEG shall hold the option to verify activities within the R/W and will hold the specific party financially responsible for any and all costs incurred to correct any unsafe conditions or code violations resulting from their activities.

2.)The contractor and/or property owner agrees to indemnify, hold harmless, and defend NYSEG from and against any and all liability for loss, cost, damage, or expense which NYSEG may suffer or for which NYSEG may be held liable by reason or damage to or destruction of any property including loss of use thereof, arising out of or in any manner connected with the exercise of this agreement, except where due solely to the act, omission, or negligence of NYSEG, its agents, servants, or employees.

3.) We advise that all equipment maintain a minimum clearance from the 69kV wires as specified by OSHA regulations. The property owner and/or contractor and their employees must adhere to the clearance requirements of the "High Voltage Proximity Act" Section 202(h) of the New York State Labor Law.

4.) All power lines shall be treated as energized unless:

- Official notification is given to the safety supervisor or site foreman by a NYSEG representative.
- A copy of NYSEG's tagging and grounding order is given to the Safety Supervisor or site foreman indicating that the grounding of the power line is complete and the time period the electric line will be de-energized.
- Visible grounds are seen on the power line structures on both ends of the pipeline construction areas.

5.) The contractor/property owner is put on notice that induced voltage may occur during construction, operation, or maintenance due to the proximity of NYSEG's electric facilities. Appropriate grounding shall be installed. NYSEG will not be responsible for any operation, construction, or maintenance problems that may occur due to the proximity of this project, facility, or under-ground utility to NYSEG's transmission line or within NYSEG's existing R/W.

6.) Prior to any excavation or construction on the R/W, 7 days notice shall be given to allow a NYSEG representative to be on site during work or to complete a final review with the landowner/contractor. Also, Inform the NYSEG contact with the type of equipment & vehicles that will be within the R/W. NYSEG reserves the right to have a representative on site while the contractor is working in the vicinity of their transmission line. This representative shall have stop-work authority in the event that any clearances or articles of this document are violated. NYSEG will charge for any special studies or site witnessing along with time, equipment, & travel expenses for a NYSEG representative to be on site.

Primary NYSEG contact: Line Supervisor: John Sauchuk, phone: 585-484-3323

Secondary NYSEG contact: Supervisor (ROW): Debra Drake, phone: 914-953-5507

7.) Should blasting be necessary, NYSEG shall be provided the blasting proposal for review. No blasting shall take place within NYSEG's R/W until NYSEG has reviewed the blasting proposal and provided written approval. This review will not relieve the contractor and/or owner of its liability. Blasting shall be performed with the minimum charges necessary to prevent damage to NYSEG's facilities.

8.) At no time shall spoils from any portion of the excavation and/or material brought in, be stored within the NYSEG R/W such that the elevation of the resulting grade is above the grade which exists, unless approved by NYSEG.

**EXHIBIT B - GENERAL CONDITIONS FROM NYSEG (continued)**

9.) Following the installation of any facilities or utilities within the R/W, project completion notification & any minor as-built changes needed to be provided. This will be furnished to NYSEG within 60 days from project completion.

10.) NYSEG must preserve access to its transmission R/W. Any underground facilities or driveways that are installed on NYSEG's R/W where NYSEG will need to cross over shall be designed to support heavy equipment with an axle load of 22,000#. NYSEG shall not be held responsible for damage to underground installations due to movement of heavy equipment along the R/W.

11.) Underground installations & excavation projects should be as far away as possible from poles, anchors, and guy wires. Twenty-five (25) feet is a recommended minimum for up to 115kV transmission lines (50' for 230kV & 345kV). Any grading up to the 25 foot limitation shall be accessible to vehicle traffic for maintenance needs. A slope of 3H:1V or flatter is required. All grading shall be stabilized to prevent erosion. If there is a specific location that this requirement creates a problem, the details of each occurrence can be reviewed for acceptance or modification.

12.) Proposals for landscaping on NYSEG's R/W shall be presented in detail to the Company for review prior to installation. Concerns regarding liability, tree height, and maintenance need to be addressed. The district forester should review the plans to assure that the appropriate species are planted.

13.) Any facilities within the R/W shall be of standard construction as recognized by the industry and shall conform to all appropriate New York State Codes, and the owner shall, at all times after constructing such facilities, maintain the same in good repair and safe conditions.

14.) The grade within NYSEG's R/W shall not be raised or lowered from that indicated on the developer's initial plans without NYSEG's written review and approval of the resulting clearance changes.

15.) These plans were reviewed relative to existing NYSEG facilities on the developer's property. No consideration has been given to any future transmission requirements. Any agreement with the developer should reserve the right for NYSEG to reconstruct any of the lines at any time, with whatever type construction we deem necessary.

16.) To minimize the potential for future infringements, NYSEG's easement rights should be clearly specified to the property owner.

17.) Following pipeline or underground installations, post markers are required on NYSEG's R/W identifying the location of underground facilities. The post markers shall be installed on centerline of the underground facility a maximum of 250' apart. Name of company & contact # is necessary on the post markers incase of emergency contact is needed.

Tracker Archaeology Inc.  
PO Box 130, Monroe, NY 10949  
May 19, 2016

Attn: Kirk Rother  
Kirk Rother, P.E. Consulting Engineer, PLLC  
5 Saint Stephens Lane  
Warwick, NY 10990

Re: Rachves II: end of field work letter

Dear Kirk:

Between May 9 through 17, 2016, Tracker Archaeology conducted Phase IA research collection and a Phase IB field testing at the proposed Rachves II development property in Fallsburg, NY. During the course of the Phase IB field testing, 320 shovel tests were excavated. Shovel tests (ST's) were excavated down to subsoil where possible. However, portions of the project area had a severely modified/disturbed landscape from stripping and/or filling by past activities (likely sand mining). A few ST's were in the deeper portion of the flood plain (over 55 cm.) and subsoil was not reached. Most of the ST's did hit an existing subsoil between 20 to 55 cm. below surface. No prehistoric or historic artifacts or features were encountered. No further work is recommended.

Sincerely,

Alfred G. Cammisa

**KIRK ROTHER, P.E.**  
CONSULTING ENGINEER, PLLC

5 SAINT STEPHENS LANE  
Phone (845) 988-0620  
Fax (845) 988-1628

WARWICK, NY 10990  
Email [krother@kirkrother.com](mailto:krother@kirkrother.com)

*Re: Rachves II  
6276 NYS Route 42  
Woodbourne, N.Y. 12788  
Our Project #07137.0*

**Responses to Rachves Public Hearing comments.**

Date of Hearing: December 10, 2015

Following are paraphrases of the comments received at the Rachves II Public hearing as taken from the Planning Board meeting minutes. Beneath the underlined paraphrase follows a written response to the comment. The items are generally in chronological order. Duplications of the same topic are only responded to once.

Recreational facilities, basketball and baseball, in floodplain

The construction of the proposed baseball field and basketball court will not adversely affect the flood plain. The baseball field will simply be comprised of a grass field in an area that is currently meadow and brush. The basketball court will result in a paved court; however, this court will not remove any volume from the flood area as the court surface will be built at grade. No fill will be placed to raise the court above the flood plain.

Sewer pump station

A sewage pump station is proposed and is shown in on the plan in the vicinity of the community center. Sanitary sewer will be conveyed via gravity throughout the site to the sewage pump station which is located at the general low point of the development, out of the flood plain. Sewage will then discharge via force main to an existing sewer manhole in the NYS Route 42 right of way. The sewer pump station will have dual, alternating pumps and a back-up power generator. A grinder will be installed in the manhole prior to the pump station.

Traffic on Route 42 – Speed

The vehicle speed on Route 42 is a matter to be addressed by enforcement. The posted speed limit in the area of Rachves is 45 miles per hour.

### Traffic volume

The Rachves project proposes 99 dwelling units. Consistent with other similar communities, it is anticipated that each dwelling will have one vehicle. The peak hour traffic generation is expected to occur on weekends, not during typical weekday AM and PM rush hour peaks. The ITE trip generation manual projects that 0.47 vehicle trips per dwelling unit can be expected during the morning peak hour on a Saturday or Sunday for residential condominium type projects. This equates to a peak trip generation of 47 total vehicle trips entering and leaving the site during the AM weekend peak hour of traffic. Traffic from the site will access directly onto a state highway: NYS Route 42. State Route 42 intersects another state highway to the south, NYS Route 52, at a signalized intersection. State Route 42 intersects State Route 55 to the north at a stop sign controlled intersection. Plans have been submitted to the NYS DOT for highway entrance approval. Any improvements to the existing state highway system to accommodate growth in the Town would be the responsibility of the State of New York.

### Noise

The property will not play loud music via loudspeakers. The Town of Fallsburg has a noise ordinance. Use of the property must be in compliance with the noise ordinance.

### Bald Eagles

A Bald Eagle nest is present in the vicinity of the project. This office has met with the NYS DEC regarding the presence of Bald Eagles for a separate, nearby project. The Bald Eagle Management Guidelines, as adopted by the DEC, require a buffer of 660 feet from Bald Eagle nests for projects proposing residential development which disturbs more than one-half acre of land and which is visible from the nest. The known nest site lies over 1,000 feet from the Rachves property line. The proposed development plan is such that the improvements are clustered in upland areas out of the Neversink River floodplain. Doing so has the benefit preserving vegetation and tree growth in areas near the bank of Neversink River, areas that Bald Eagles would use for foraging.

### NYS Route 42 - Shoulders for walking

The shoulder of NYS Route 42 varies in width from the site entrance to the Hamlet of Woodbourne. In some areas the shoulder is quite wide, having a pavement width of approximately three feet followed by a gravel shoulder of over three additional feet. In other areas the shoulder is narrower, particularly in the area of guide rail, where the paved shoulder is less than three feet in width with no gravel shoulder. Widening of the shoulder between the project site and the Hamlet of Woodbourne would be the responsibility and jurisdiction of the NYS DOT.

### Trees to remain as a visual buffer from east side of Route 42

Zoning for Duplex type developments requires a 175 foot undisturbed front setback. With the exception of the entrance drive, there will be no proposed disturbance within this 175



foot setback. Accordingly, all existing trees within the first 175 feet and in the area of the NYS Route 42 right of way will remain. The majority of the area to be improved is either meadow or brush, or un-reclaimed dirt areas used for former gravel mining.

#### Spot Lights

There will be no spot lights on the property. Street lights will be downward facing “shoe-box” type lights mounted on poles ranging from 12 ft. to 15 ft. in height. Building mounted lights will consist of entry and porch lighting.

#### Spacing of Units – Fire

The proposed units are spaced in accordance with Town of Fallsburg Code and NYS Residential Fire Code. The spacing of units is 26 feet between side walls.

#### NYSEG Transmission Line

The NYSEG Transmission line easement has been identified. The Applicant has been in contact with NYSEG about the proposed development for several months resulting in multiple adjustments to the proposed plan per NYSEG comments. The current plan meets with NYSEG’s approval and NYSEG has issued a formal Grant of Encroachment to allow the proposed improvements within their easement.

#### Northerly Site Entrance on Route 42 around curve

The northerly entrance is proposed to be a gated, emergency vehicle entrance only. The entrance will not be used for ordinary traffic.

#### Use of Existing Barns/Need for a variance

The proposed barns were being considered for reconstruction for use as a caretaker’s residence and community center. The smaller, northerly structure is proposed as a caretaker residence and the larger, southerly structure was slated to possibly serve as the Community Center. It has been determined that the larger structure is beyond repair and will be removed. A community center will be built internal to the site and its proposed location is shown on the site plan. The smaller structure is still under consideration for use as a care taker’s residence. If it is determined that the structure can be rebuilt, there would be no proposed expansion of the structure therefore a variance would not be required.

#### Size of units and number of bedrooms

The proposed Rachves units are proposed in to sizes: 30 ft wide by 54 ft. deep and 26 ft. wide by 54 ft. deep resulting in dwelling unit sizes of 1,620 SF and 1,404 SF respectively. It is proposed that each dwelling have four bedrooms.

### Sewage Flow

The Rachves property is in the Town of Fallsburg Sewer District and will discharge into the municipal sewer system via a pump station on the property. The computed daily discharge is 43,560 gallons per day. This flow assumes a discharge from 99 four bedroom dwellings at a discharge rate of 110 gallons per day per bedroom. Given the community center and pool will only serve the resident's of this development, the aforementioned flow would be inclusive of those accessory uses.

### Disturbing grades over 15%

The existing topography is such that there are narrow "bands" of terrain running through the property which have slopes over 15%. The area of the property having slopes over 15% is computed to be 0.03%. Much of this is the result of embankments left from prior sand and gravel mining operations. There are some proposed improvements within these areas, however, the actual acreage of slopes over 15% to be disturbed are de-minimis. A full erosion and sediment control plan will be incorporated into the plan set and the plans will comply with NYS DEC SPDES Permit criteria for construction related activities. There are no Town of Fallsburg Codes, or other regulatory criteria, that prohibit disturbance to slopes over 15%.

### Minimum Setback

The Town of Fallsburg Code for Duplex developments requires an undisturbed vegetative buffer around the perimeter of the property, except for the front yard where the dimension is increase to 175 feet. Additionally, proposed access roads have a setback of 30 feet from the exterior property line. Multiple other setback criteria govern the distances from structure to structure. The proposed development meets all applicable setbacks.

It is noted that the residents of the adjacent River Haven community, to the south, brought concerns about the proposed project and its visibility from there community. In an attempt to mitigate some of their perceived impact, the project has been redesigned to result in an increase in the roadway setback from 30 feet to 35 feet. An evergreen tree line is proposed along the southerly property line. Lastly, the three units closest to River Haven and nearest the Neversink River, units number 12, 13 and 14 on the plan presented at the public hearing, have been removed and distributed to other locations within the site.

### Flood Plain

Portions of the property lie within the 100 year flood plain of the Neversink River. A detailed flood analysis utilizing the flood data from the 2005 flood event has been prepared. The flood study will be reviewed and approved by the Town of Fallsburg Engineer. All proposed dwellings are situated outside the flood plain boundary. The floodplain boundary, as depicted on the current Rachves site plan, is consistent with photographs of historic flood events presented by neighboring property owners to the south.

Setback from the Neversink River – Necessary permits

The NYS DEC requires that a Protection of Waters permit in instances when there is proposed disturbance within 50 feet of the bed or banks of a Class C trout stream or higher. The nearest proposed disturbance is approximately 140 feet from the banks of the Neversink River, which is a class B trout stream.

Building Design and appearance

There are three proposed models in two different sizes that will be spread throughout the project. Color renderings of the models have been submitted to the Architectural Review Board.

# KIRK ROTHER, P.E.

CONSULTING ENGINEER, PLLC

5 SAINT STEPHENS LANE

Phone (845) 988-0620

Fax (845) 988-1628

WARWICK, NY 10990

Email [krother@kirkrother.com](mailto:krother@kirkrother.com)

May 25, 2016

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

**Re: *Rachves II***  
***6276 NYS Route 42***  
***Woodbourne, N.Y. 12788***  
***Our Project #07137.0***

Dear Mr. Rosenshein:

In reference to the above, enclosed please find the following:

- 13 – Partial Site Plan Sets
- 1 – Full Site Plan Set
- 13 – Responses to Public Hearing comments
- 13 – NYSEG Grant of Encroachment
- 13 – Archeology Findings Letter
- 13 – Architectural Renderings

The project is in the final stages of detailed engineering design. Since the last appearance before the Planning Board the following advancements have occurred:

- The Notice of Intent has been circulated to other involved agencies, namely the NYS DOT and NYS DEC, with responses received from both.
- Twenty deep pit soils tests have been excavated on the site in the area of the proposed development. Consistent with the USDA Soil maps, sand and gravel was encountered. Groundwater was encountered at a depth of ten feet in one test pit nearest the Neversink River. The results of the deep pity tests can be found on the Existing Conditions Sheet, Sheet #2, of the full site plan set.
- The project has appeared before the Architectural Review Board. The ARB had a few recommendations that were to be referred to the Planning Board for consideration.
- A detailed response to the public hearing comments has been prepared and provided to the Planning Board, a copy of same is submitted herewith.