

**RESOLUTION OF THE TOWN BOARD
GRANTING PDD APPROVAL FOR THE LOST LAKE RESORT
TOWN OF FORESTBURGH
COUNTY OF SULLIVAN
STATE OF NEW YORK**

WHEREAS, the Town Board of the Town of Forestburgh, County of Sullivan, State of New York, met on the 4th day of August, 2011 at 7:00 p.m. to review the request of Lost Lake Resort, Inc., formerly doing business as Double Diamond, Inc. for the LOST LAKE RESOR project property (the “Lost Lake Resort”), to be designated as a Planned Development District (PDD); and

WHEREAS, the Applicant seeks Planned Development District (PDD) approval from the Town Board, pursuant to Chapter 85 (Zoning Law) of the Town of Forestburgh Town Code; and

WHEREAS, the Town created the PDD law for Planned Develop Districts “to provide a recognized and innovative zoning and planning technique for potential new development of relatively large areas located in the RR-1 and RC zoning districts within the Town of Forestburgh that are specifically chosen by property owners or developers for well designed projects that incorporate a mixture of compatible uses, open space, economies of scale, environmental and community sensitivity, and creative architectural or planning concepts that are in accordance with the Town’s economic and land use policies and goals.” ; and

WHEREAS, the Lost Lake Resort site it located entirely in the Town of Forestburgh, in the RR-1 zoning district; St. Joseph’s Road (County Road 108) transverses the project site in a west-east orientation and Cold Spring Road (CR 102) passes the northeast corner of the site, CR 102 and Forestburgh Road (NYS Route 42) connect the project site to the Village of Monticello and NYS Route 17 to the north; and a 52 acre lad, locally known as Lost Lake, is situated in the northeastern portion of the property; and

WHEREAS, the Lost Lake Resort site if made up of the following tax map parcels: 3-1-1.1, 3-1-2.1,3-1-3,4-1-7,4-1-10.2,7-1-1,8-1-1.2,8-1-2,20A-1-1, and 20B-1-1; and

WHEREAS, the Applicant has proposed a planned resort community that will provide and upscale recreational destination consisting of a gated community of single family residence lots, hotel/conference facilities, a cottage and condominium component, and extensive recreational amenities. On-site recreational amenities for residents and guests will include an 18 hole championship golf course and driving range, clubhouse and restaurant, swimming and boating facilities at Lost Lake, tennis courts, a health and wellness spa, and a system of wilderness trails for passive recreation; and

WHEREAS, the Lost Lake Resort will include development of interior road systems, utilities and storm water infrastructure, a community water supply, and wastewater treatment facilities; and

WHEREAS, on September 9, 2008 the Town Board granted sketch plan approval for the Lost Lake Resort pursuant to section 85-19 of the Town Code; and

WHEREAS, following the designation of the Town Board as lead agency by the Commission of the New York State Department of Environmental Conservation (“NYSDEC”) on February 9, 2009, the Town Board has served as lead agency for the environmental review of the proposed Lost Lake Resort project pursuant to the State Environmental Quality Review Act (“SEQRA”), and has previously require the preparation of an environmental impact statement; and

WHEREAS, on June 11, 2009, following a public comment period and public input, the Town Board adopted a final scope for a Draft Environmental Impact Statement (“DEIS”) ; and

WHEREAS, on May 19, 2010 the Town Board determined that the DEIS was complete for the purposes of commencing public review; and

WHEREAS, on June 16, 2010 the Town Board held a combined public hearing on the DEIS and the PDD application; and

WHEREAS, on February 3, 2011, the Town Board unanimously passed a resolution accepting the proposed project density in light of its discussion with the Applicant about project phasing as a mitigation measure and the ability of the Town and other permitting agencies to monitor how the project fulfills its specific mitigation commitments while under development and affording agency control over future phases of development; and

WHEREAS, on April 7, 2011 the Town Board accepted the Final Environmental Impact Statement (“FEIS”) for the Lost Lake Resort; and

WHEREAS, subsequent to the distribution of the FEIS, the New York State Department of Transportation (“NYSDOT”) notified the Applicant and the Town Board that neither NYSDOT’s comments on the DEIS nor any responses thereto were included in the FEIS; and

WHEREAS, on April 20, 2011 the Town Board accepted an addendum to the FEIS which contained

NYSDOT's comments on the DEIS and its responses thereto (the FEIS Addendum"); and WHEREAS, on June 2, 2011 the Town Board adopted a SEQRA Findings Statement, and thus concluded its environmental review of the Lost Lake Resort proposal; and WHEREAS, the Town Board, as lead agency, has reviewed over a period of months, in detail, the plans for the Lost Lake Resort and, as a result of garnering that information, has amended the Town's PDD Zoning Law such that the Town Board now shall be the board which shall review and approve the subdivision and site plan applications for all PDD projects proposed in the Town, including the Lost Lake Resort application. The current PDD Zoning Law was adopted on July 7, 2011 by local law and have been filed with the New York State Secretary of State.

WHEREAS, on August 4, 2011 the Town Board reconvened the public hearing on the PDD application and heard additional public comment; and

WHEREAS, on August 7, 2011 the Town Board closed the public hearing on the PDD application; and WHEREAS, the application, the DEIS, the FEIS and related materials were submitted to the Sullivan County Division of Planning and Environmental Management ("SCDP") for its review pursuant to the requirement of the General Municipal Law Section 239-1, m & n, and SCDP has responded in writing with its comments; and

WHEREAS, the Town Board has carefully considered all of the comments raised by the public, the Board's consultants, SCDP, other involved agencies, and interested organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and WHEREAS, the Applicant has submitted a review Site Master Plan that was included as part of the FEIS, prepared by Brinkash & Associates, Inc. and Tim Miller Associates, Inc. dated February 17, 2011.

NOW THEREFORE, THE TOWN BOARD HEREBY MAKE THE FOLLOWING FINDINGS:

1. The land comprising the Lost Lake Resort site are suitable for a resort development such as the one proposed. The project site is zoned Residential Recreation District (RR-1) and is currently vacant and undeveloped. To be consistent with the rural character of the Town, the Lost Lake Resort Master plan preserves over fifty (50) percent of the site as open space in keeping with the Town's definition of open space in its PDD regulation. The proposed Open Space plan consists of approximately 221 acres of managed open space (including vegetated areas of the golf course, storm water basins, pervious recreational trails, Bush Kill Park west pervious areas, front entrance landscaped areas, and the beach area), approximately 807 acres of unmanaged, undisturbed woods and other open space (includes 343 acres of wetlands and regulated wetland adjacent area except crossings, 71 acres in steep slopes, additional area in fifty (5) foot perimeter buffer, one hundred (100) foot St. Josephs Road buffer, and streams), and approximately fifty four (54) acres of open water. In total the Open Space Plan incorporates more than fifty (50%) percent of the site, or 1082 acres, of land to be permanently designated as open space.

2. The Lost Lake Resort is compatible with the surrounding land uses in the vicinity of the project area. Land uses in the vicinity of the project are a mix of seasonal and year round single family uses and undeveloped land. To the west of the project site is a private community known as Merriewold consisting of both seasonal and year round residence situated around Merriewold Lake. To the east, north and south of the project area land use is predominately woodlands with scattered rural residences. The Saint Joseph Lake community exists approximately one-half mile northwest of the property. To the southeast is the Neversink River Unique Area, a New York State owned and managed natural preserve comprised of 4,881 acres.

3. Possible detrimental impacts to the natural resources of the region and the environment of the local community have been considered and addressed during the SEQRA review of the Lost Lake Resort. The mitigation measures contained in the SEQRA Findings Statement shall be and hereby are conditions of the PDD approval.

4. The adequacy of drainage, water supply and sewerage disposal facilities, traffic access and municipal services has been duly considered and evaluated during the SEQRA review of the Lost Lake Resort. The Applicant has demonstrated compliance with the requirements of: storm water management requirements in terms of both quality and quantity of water to serve the project without adversely impacting neighboring wells; sewage treatment capable of handling the full build out of the project; traffic safety improvements commensurate with the anticipated increased traffic attributable to the project; and providing support to limit the impact of the project on municipal services.

5. As evaluated in the DEIS, net property tax revenues of \$1,101,886.00 are projected to the Town of Forestburgh annually at full build out, while the Board acknowledges that such tax benefit will be gradual over the life of the development.

6. In regards to the overall scope of the Lost Lake Resort, combined with the mitigation measures included in the SEQRA Findings Statement, the Lost Lake Resort will further the general welfare of Town residents with sufficient protection for the health and safety of Town residents.

7. The Lost Lake Resort conforms to relevant policies contained in the Town of Forestburgh and Sullivan County comprehensive plans. The proposed action will result in a variety of residential housing styles as well as recreational amenities in a setting that will be compatible with the rural character of the Town. The proposed architecture will be compatible in the style, scale and detail with the surrounding development and natural landscape. The proposed action will result in a development that will increase both the residential and recreational opportunities in the Town of Forestburgh.

NOW, THEREFORE, THE TOWN BOARD HEREBY RESOLVES THAT APPROVAL of the Planned Development District (PDD) application for the Lost Lake Resort is hereby GRANTED, subject to the following conditions:

1. That the Lost Lake Resort be developed substantially consistent with the Applicant's reviews Site Master Plan, revised Open Space Plan, and revised Phasing Plan, all contained in the project FEIS, and shall consist of a resort and residential community of 2,557 single family residential lots, 30 single family cottages, and 40 multi-family townhouse style condominium dwellings, for a total of 2,627 residential units, resort amenities and associated infrastructure including a private road system, an onsite water supply system, and an onsite wastewater treatment plant. Amenities shall include an 18 hole championship golf course, driving range, a lodge and restaurant, swimming and boating facilities at Lost Lake, tennis courts, a health and wellness spa and a variety of passive recreational uses including open space, parklands and walking trails.

2. That the Applicant shall comply with the mitigation measures set forth in the SEQRA Findings Statement, a copy of which is annexed hereto and made part of this approval;

3. That the Applicant shall secure all necessary permits, approvals and authorizations required from every other agency having regulatory jurisdiction over the project, and

4. That the Applicant shall pay all outstanding fees due the Town in connection with the review of this application. The Town Board further determines that, based on the recreational amenities provided in the Master Plan, a fee of \$200.00 per lot shall be required in lieu of providing any additional recreation or parkland as part of this PDD approval. Such fee shall be paid on a lot by lot basis at the time of receiving site plan approvals for such lot.

THE TOWN BOARD FURTHER RESOLVES THAT the Town's Zoning Map is hereby AMENDED to designate the Lost Lake Resort site as a PDD, consisting of the following tax map parcels 3-1-1.1, 3-1-2.1, 3-1-3, 4-1-7, 4-1-10.2, 7-1-1, 8-1-1.2, 8-1-2, 20A-1-1, and 20B-1-1; and

AND THE TOWN BOARD FURTHER RESOLVES THAT based upon the significant amount of recreational amenities provided in the Lost Lake Resort Master Plan, including the Applicant's offer to dedicate Bushkill Park East to the Town, the Town Board hereby determines that no additional recreation areas or parklands shall be required as a condition of the PDD approval or any subsequent subdivision plat or site plan approval for the Lost Lake Resort. The Town Board further determines that a fee shall be required in lieu of providing recreation or parkland as part of this PDD approval or in any subsequent subdivision plat or site plan approval.

AND THE TOWN BOARD FURTHER RESOLVES THAT this PDD approval shall be considered a determination of conformity to the character of the land and the Official Map and Comprehensive Plan of the Town, pursuant to Section 75-19 A and B.

AND THE TOWN BOARD FURTHER RESOLVES THAT the Town Board shall review, consider and approve any and all subdivision and site plan applications for the Lost Lake Resort, including review of the subdivision and site plan applications for the Lost Lake Resort, that are substantially consistent with and in conformance with the PDD regulation and this PDD approval. To the extent that this PDD approval, including any term, condition, mitigation measure, plan or plan or detail thereon, is inconsistent with any other provision of the Town Code, then this PDD approval shall control. The Town Board recognizes that market conditions and other factors may necessitate modification to the subdivision or site plan submitted for any particular phase relative to the overall master plan for the project. The Master Plan is not intended as – nor is it – a final subdivision plat or site plan.

Modifications to any subdivision plat or site plan for the Lost Lake Resort that (1) exceed the overall limits

of this PDD approval, (2) exceed the approved overall density, or (3) substantially contradict a mitigation measure set forth in the SEQRA Findings Statement may require a further review or consideration from the Town Board. The Town Board reserves unto itself the sole jurisdiction over the permitted density and use of the Lost Lake Resort site.

AND THE TOWN BOARD FURTHER RESOLVES THAT due to the PDD Zoning Law change adopted on July 7, 2011, subsequent to the adoption of the SEQRA Findings Statement, the Town Board now has exclusive review and approval jurisdiction over the subdivision and site plan applications for the Lost Lake Resort and furthermore all references in the SEQRA Findings Statement regarding review or approval by the Planning Board shall be deemed to refer to the Town Board exclusively.

MOVED by Councilman Galligan, seconded by Councilman Sipos.

Vote:

Councilman Raponi voting aye;
Councilman Galligan voting aye;
Councilman Creegan voting aye;
Councilman Sipos voting aye;
Supervisor Galligan voting aye.