

PUBLIC HEARING UPON
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) AND PDD APPLICATION OF THE
DOUBLE DIAMOND/LOST LAKE PROPOSAL.

June 16, 2010

Supervisor Galligan called the public hearing to order at 7:00 p.m. at the Forestburgh Firehouse.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
William B. Sipos, Councilman
Michael Creegan, Councilman

Absent – None.

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – David Bavoso, Attorney for the Town
John Munsey, C.T. Male Associates
Willie Janeway, NYSDEC Region 3 Director
Susan Hawvermale, Planning Board Chair

Supervisor Galligan introduced all members of the panel to the public and asked that anyone who wished to speak, please sign in on the sign-up sheet. Supervisor Galligan turned the hearing over to John Munsey of C.T. Male.

John Munsey – The purpose of tonight’s meeting is a dual public hearing for both the PDD Application/Zoning Change proposed by Lost Lake and the SEQRA (State Environmental Quality Review Act) public hearing. The primary focus here tonight is to hear from the public, your comments on the draft environmental impact statement, and this is a requirement of the SEQRA process. In addition, the public comment period will stay open, once this hearing is closed tonight, for written comments until July 2, 2010. Mr. Munsey continued that a few weeks ago, on May 19th, 2010 the board accepted the DEIS, prepared by the applicant, for the purpose of commencing public review on the process. This does not mean that the project has been approved; it just means the project is progressing. Mr. Munsey reviewed the process which has gotten us to this point and informed all that the reports are available at the Town Hall and online at the Town of Forestburgh website. Mr. Munsey also provided proof that the notice was published in a local newspaper and in the Environmental News Bulletin (ENB). Any written comments have until July 2, 2010 to be submitted to the Town Clerk. Mr. Munsey continued to outline the timeline which has gotten us to this point of public comment. It was the fourth revised DEIS, submitted on April 20, 2010 which was deemed complete by the Town Board for the purpose of commencing public comment on the project. After the close of the comment period on July 2, 2010, there are still two very important SEQRA steps that will be required for the project, a final environmental impact statement to respond to all substantive comments received here and that FIS needs to be accepted by the Town Board so we can move onto the decision making aspect of the project. Only after that SEQRA process is complied with can permits and approvals be obtained by the applicant. There will many other opportunities for public comment as we progress through this project and as it progresses through the Planning Board level. We are not here tonight to respond to your comments, only collect them so we may formally respond to them in writing.

Supervisor Galligan asked Mr. Janeway of the DEC if he had any comments before the floor is opened to the public. Mr. Janeway stated that he wanted to thank the Supervisor and the Town for working so closely with the DEC, as a partnership on this project.

At this time, Supervisor Galligan introduced Randy Gracy of Double Diamond Resorts to the public.

Randy Gracy – Mr. Gracy stated that he is the Vice President of the Double Diamond Company, based in Dallas Texas. They are a residential/resort developer for over forty years and have done developments like this all over Texas, Oklahoma and Pennsylvania. What is proposed here is a highly restricted, gated community, residential and resort development which will offer a professional golf course, restaurant, club house, spa, hotel and numerous other recreational opportunities. We are an upscale development and sell to people generally within a hundred to a hundred and fifty mile radius – it's a vacation home, where they choose to retire in the future. We don't expect a lot of home construction in the beginning. People choose to purchase to become a member and enjoy the amenities. Many people purchase, but stay in our hotel or rental cottages. The biggest advantage is the economic impact to the local community. We increase real estate value. We will employ several hundred people, we'll invest millions of dollars in infrastructure, with that in mind, we get very involved with the local community, the fire department and other community services. I invite you to view our website – www.ddresorts.com – and look at our other resorts, I think you will see a first class development. I know several of you have visited our resort in Pennsylvania a few hours away. It is very successful, beautiful employees and homes and those people are very proud of. We fit in with the community of Forestburgh. I would like to introduce a few people who are with me tonight – first of all Tim Miller and Fred Wells of Tim Miller Associates, they are our land planners. They have helped us assemble the DEIS document, also this is Dominic Cordisco who is our attorney and represents us. I think we have put together a great project and I have brought with us a few renderings of what we have put together to give you an idea of our land plan and the type of amenities we plan to build.

Tim Miller – A little bit of details about the project and what went into the draft environmental impact statement. The document is on the website and I encourage you to read it. The project site is about 2,100 acres and is located on Cold Spring Road and Saint Josephs Road traverses the site. We have made application for a planned development district, which is presently zoned as a RR-1 residential district. Once the SEQRA process is complete, the Town Board can take action on the PDD request, after that it goes to the Planning Board for site plan and subdivision approvals and then we received permits from all other agencies that are involved in a project of this nature, such as the Dept. of Health, The County DPW, the NYS DEC, which is why Mr. Janeway is here tonight. There will be an on-site sewerage treatment plant, there will be a storm water management permit. We need a wetlands permit for some minor wetlands on the property, stream disturbance permits, water taking permits, etc. we will also need a permit from the Delaware River Basin Commission (DRBC) for ground water taking. For general purposes when we write an EIS, we describe the existing conditions, both what is on the site and natural resources and manmade resources, the existing conditions of the community, the master plan, the comprehensive plans of the town and county, things of that nature. Then we project what will happen when this project is developed, so we look at road construction, infrastructure, sewer services and other activities and we do an evaluation of potential impact. What will happen in the future when this project gets built. The purpose of the DEIS is to identify to the public and the decision makers what the future could look like if a project like this is built. These type of projects do not result in the kind of home construction and population that is seen in traditional subdivisions. Some of the other resorts that Double Diamond has built has resulted in forty percent of the lots actually get built on over a period of time. This is a terrific situation where property values are enhanced, tax revenues are generated but you don't see they type of physical impact that takes place in a traditional full time, year round subdivision. When we project impacts, what do we do – in that regard, the DEIS talks about various measures to address issues related to storm water management, water supply, sewerage treatment, how that will be handled, erosion control, phasing plans, All of these details are in the document as well as technical reports.

Eugene Blabey – I am a resident of Lake Joseph which abuts the proposed project. My basic concern is the maintenance of quality of life and tranquility and rural character of our town as laid out in the master plan. I am concerned with the density issues; they are entitled under the PUD ordinances to density bonuses, with their calculations and bonuses would make this development at built out, approximately the size of the Village of Liberty and I don't think that kind of density is keeping with the town's objective of maintaining the quality of life we have now. I urge the town board just because they can get bonuses doesn't mean they should get bonuses, or not to the level they have proposed here, which is 250% of the original 748, as additions. Secondly, this fire department, they say there are 26 members of this department, and according to some study, 1.65 firemen are needed for every 1,000 additional population. I think they need to address the number of structures and the number of firemen required to protect the unfortunate possibility of a fire. The addition of 2,600 additional structures and service buildings, gate house and all of the other things that go with it need to be addressed. The third thing is, and yes, they have addressed it and I am glad about that, is the Marcellus Shale Bank. I asked at an earlier meeting whether or not they intend to maintain their mineral rights on the property and at that time they said yes. However, I see in the impact statement,

they say they will NOT drill for gas on their property and I think the Town Board, when they finally approve this development, and I assume they will, will hold them to that promise that they make in their impact statement that there will be no exploitation of the Marcellus Shale resources on this site.

Richard Robbins – Most of the points that I wanted to address have just been addressed. I share the concerns on the respective density, particularly density. When the PDD law was enacted, the concept was that bonuses should be earned and criteria should be used to determine if the bonuses were warranted. The law, when enacted, after a great deal of input from the public, who seemed pretty universal to have their absolute limit on the number of units that could be added, the Town Board determined not to have a limit. I just want to reiterate, that I don't think anybody, when that discussion occurred was anticipating that the bonuses should so far exceed what the laws primary number was. This plan is clearly much greater than what is reasonable. I don't think it would frankly, impair the viability of this project, in so far as they tell us in the DEIS, that the anticipated build out isn't going to be anywhere near the number of units they are requesting. They site their experiences in other developments where it's a small percentage of total units that they could build that had been built decades out. Those are clearly viable developments. I would hope the board would keep that in mind when determining if they should get the number of units that they ask for. Maybe we should give them what they need as shown by their own prior experience.

Bill Mullery – Has any consideration been given to the access of the people who live here on to the county roads. Are we going to need to make Cold Spring Road a four lane highway if we get all of the people that they propose? Are we going to have to put traffic lights at two or more intersections in the town to get them out to Route 42 and can Route 42 handle that amount of traffic? It seems to me that this development doesn't have all of the access that is would need for that many people. The Town is going to have to supply an awful lot of money to take the surround to be able to handle the number of people you would like to put in there. As long as that's been considered by the Planning Board and we're all in agreement that this can be done, I can't see any reason to stop it, but it certainly should be taken into consideration.

Carol Travis – My concern at this point is that their goal is for this be a second home community and I don't believe there is any restriction to buyers (inaudible) in that case, I'm concerned they will have more people who make it their permanent homes and create more of an impact on the schools, etc. than has been anticipated.

Gay DiVirgilio – I'd like to be known as the "Sprinkler Lady" – I have written the Town Board as well as the Planning Board about the question of requiring sprinkler systems in homes that are built that are 30 or 45 minutes away from a fire department. This has become law in New Hampshire, I have given copies of an article that was on the front page of the Wall Street Journal of this requirement becoming more and more popular in developments such as this, that are rather remote. I know there are discounts for homeowner's insurance discounts for this.

Shirley Blabey – One of my concerns at the beginning of this project has been brought forward, and I haven't seen anything yet that tells me there is enough water that can be pumped, not for stage one, but for the entire project over time that you are planning to develop. I urge you to take a look at that.

MOTION by Councilman Galligan, seconded by Councilman Sipos to close the SEQRA public hearing. Vote: 5 ayes- 0 nays. Motion carried.

John Munsey – I would like to remind everyone that written comments will be received until July 2, 2010 at the Town Hall, P.O. Box 114, Forestburgh, New York 12777 or delivered in person.

MOTION by Councilman Sipos to adjourn at 7:45 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk