

Final Environmental Impact Statement (FEIS)

MOUNTAINSIDE WOODS

Hilltop Lane and Vista Drive

Town of Lloyd

Ulster County, New York

Town of Lloyd Tax Lots

87.004-3-14; 87.004-5-1.2; 87.004-5-2

Lead Agency:

Town of Lloyd Town Board

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Date of Submission: February 7, 2012

Date of Acceptance:

PROJECT SPONSOR

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Introduction

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the requirements of the New York State Environmental Conservation Law, Article 8, Section 8-0109, State Environmental Quality Review (SEQR) Act and Title 6, Part 617 of the New York Code Rules and Regulations pertaining thereto. It examines the impacts associated with the development of a 162 unit single-family development on approximately 153 acres of land in the Town of Lloyd, New York.

The purpose of this FEIS is to respond to comments made, both orally and in writing, on the Draft Environmental Impact Statement (DEIS) during the public hearing and comment period. Commentators included the public and Town Board members. This FEIS incorporates by reference all information contained in the DEIS, unless specifically amended, revised and/or replaced. The DEIS and appendices are available on the Town of Lloyd website.

Following circulation of this FEIS and publication of the Notice of Completion in the Environmental Notice Bulletin (ENB), a Findings Statement can be adopted and the SEQRA process concluded. The Findings Statement considers the relevant environmental impacts presented in the DEIS and FEIS and certifies that the requirements of SEQRA have been met. Once the Findings Statement has been adopted, the Town Board can take action on the proposed applications.

This FEIS is organized under the following section headings:

- **Section 1.0, Project Summary**, provides information on the history of the project and proposed subdivision plan; and
- **Section 2.0, Public Comments and Responses**, is a comprehensive compilation of all comments received during the public hearing and comment period along with the applicant's responses thereto.

1.0 Project Summary

1.1 Project History

Mountainside Woods is a proposed residential community on three parcels of land (Section 87.004 Block 3, Lot 14 and Block 5, Lots 1.2 and 2) totaling 153.07 acres. As proposed, the project involves the subdivision of approximately 29.57 acres of the site into 162 single family residential lots. The remaining 123.50 acres of the site will remain open space and be offered for dedication to the Town Board of the Town of Lloyd.

The project also includes two small parcels of municipally owned land. The first is 0.45 acres of SBL 87.004-5-1.1 which bisects the project between SBL 87.004-5-1.2 and 87.004-5-2. The transfer of this parcel will allow the Applicant to create a more cohesive site design. The second parcel is 0.04 acres of Vista Drive. This sliver of land is requested so that the Applicant can create an even right of way along Vista Drive. The Applicant has requested that the Town Board take the necessary steps to transfer this land totaling 0.49 acres to the Applicant in exchange for the dedication of 123.5 acres of open space. The transfer of this municipal land does not affect the viability of the project or the number of units proposed, minor design changes would be necessary if the transfer does not occur.

The genesis of the Mountainside Woods project began in 1994 with a proposal for development of the largest of the three parcels, SBL 87.004-5-1.2, which was zoned Planned Residential Development (“PRD”). At that time, the Willberry Corporation proposed to develop approximately 625 residential units. In February 1999, the Applicant submitted a Draft Environmental Impact Statement (DEIS) to the Planning Board for review. A public hearing was held on the DEIS on March 30, 1999. On June 17, 1999 the Planning Board adopted a resolution requiring the Applicant to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) to address specific issues that the Board determined were inadequately addressed in the DEIS. The SDEIS was prepared and accepted by the Board on July 26, 2007. A public hearing was held on September 6, 2007.

By the Fall of 2007, the project had been redesigned from a 625 unit project to a 324 unit senior residential condominium development that was proposed to be built in

nine buildings. The Planning Board expressed several concerns regarding the plan. Issues included emergency access to the site; the height of the proposed buildings; the density of the project; and traffic improvements, particularly to the intersection of Vineyard Avenue and Toc Drive. The Planning Board and Town Board suggested that the Applicant, The Falls at Lloyd, LLC, contact the owner of the adjacent parcels of land to discuss opportunities to resolve these important issues, and in particular, the emergency access issue.

The adjacent parcels, known as the Ledgewood and Trailside properties lie on either side of Westport and are owned or under the control of Meadow Creek Development LLC. These two properties were in the conceptual stages of development. Trailside (SBL 87.004-3-14) is a 31.68 acre parcel, zoned R-1. It was proposed for development as 21 single family homes. Ledgewood (SBL 87.004-5-2), a 37.39 acre parcel was zoned both R-1 and R-1/4. The Ledgewood property was proposed for development as 90 townhomes. In total, the potential development of the three properties was approximately 435 units.

On June 8, 2009 Meadow Creek Development and the Falls at Lloyd, after extensive discussions with the Town, combined their efforts and submitted a concept plan to the Town Board that proposed a single unified plan for the three properties which addressed the significant issues concerning the Town and Planning Boards. The revised development proposal took the density proposed for the Westport property (324 units), reduced it to 175 units with 17 accessory apartments and distributed that density across all three properties. In addition, the new project proposed all single family homes, resolving the issue of the visual impact of the three story buildings proposed at Westport.

On or about November 24, 2009, Mountainside Woods, LLC, a company which was formed as a joint venture between Meadow Creek Development and The Falls at Lloyd, LLC, filed a petition with the Town of Lloyd Town Board seeking to amend the zoning for the Ledgewood and Trailside properties to PRD (“2009 Rezoning Petition”) in order to create the type of single family neighborhood cluster design envisioned by the proposed plan.

At that time, the proposed subdivision contained 175 single family homes, and 17 accessory apartments located on both sides of the wetlands. After reviewing preliminary

sketches, the Town Board declared its intent to become Lead Agency, under the New York State Environmental Quality Review Act (“SEQR”) on January 7, 2010. Acting in its capacity as Lead Agency, the Town Board, by resolution, issued a Positive Declaration on February 10, 2010, determining that the proposed project may have a significant impact on the environment and instructed the Applicant to prepare a Draft Environmental Impact Statement (“DEIS”).

On March 10, 2010, the Town Board held a public scoping session to consider and discuss the potentially significant adverse impacts related to the proposed Mountainside Woods project that were to be addressed in the DEIS. The final scope was adopted on April 7, 2010, a copy of which is included in Appendix A of the DEIS.

On March 8, 2011, the Applicant submitted a draft DEIS to the Town Board for review. On April 20, 2011, the Applicant received a letter from the Town with comments on the DEIS. The letter also advised that one of the parcels had been rezoned and that the PRD designation had been removed from the Town Code. In April, 2010, -after adopting the final scope for this project, the Town of Lloyd Town Board rezoned the Westport property, SBL 87.004-5-1.2, from PRD to R-1. The Ledgewood (SBL 87.004-5-2) and Trailside (SBL 87.004-3-14) properties were not affected by the rezoning.

In response, the Applicant, after lengthy discussions with the Town Board and its consultants, amended its 2009 zoning petition to request that 6.9 acres of the Ledgewood property (SBL 87.004-5-2); 21.15 acres of the Westport property (SBL 87.004-5-1.2) and 31.68 of Trailside (SBL 87.004-3-14) be rezoned from R-1 to R-1/4. Taking the three properties as a whole, the requested rezoning of 59.73 acres would create an area of 90.22 acres zoned R-1/4. The balance of the property, 62.85 acres, will remain in the R-1 zone.

The plan that is studied in the DEIS and FEIS proposes 162 single family homes in a conservation subdivision design. Many changes were made to the original plan that was submitted in 2009 in response to comments made by members of the Town Board, the Planning Board, and their consultants. As a result of these discussions, the Applicant has removed all lots from the west side of the wetlands; modified the road layout; and removed the large stormwater pond proposed near the intersection of Vista Drive with Toc Drive. The current plan proposes 162 small single family homes on 29.57 acres.

The remaining 123.5 acres will be open space which will be offered for dedication to the Town Board.

1.2 Proposed Action

As indicated above, the project site is 153.07 acres in size and is located on Hilltop Lane and Vista Drive in the Town of Lloyd, Ulster County, New York. The site consists of three Town of Lloyd tax lots, Section 87.004, Block 3, Lot 14 and Section 87.004, Block 5, Lots 1.2 and 2. The project also includes two small parcels of municipal land totaling 0.49 acres.

These parcels form an irregularly shaped area of land that is bordered by single and multi-family residences, municipally owned land, roads and facilities as well as privately owned vacant land. Illinois Mountain and the Town of Lloyd water treatment plant and reservoirs are located south and west of the property.

The Applicant is proposing to develop a conservation subdivision on 29.57 acres of the site (19.3%) which would contain 162 single family homes. The development will be serviced by municipal sewer and water. Access to the site will be provided via Vista Drive/Toc Drive and Hilltop Lane. The Applicant is proposing to extend Vista Drive and connect it to Hilltop Lane. At the north end of the current terminus of Vista Drive, a one-way traffic circle is proposed from which two primary roads will lead to residential areas. The traffic circle is being proposed as a landscape feature rather than as a traffic management tool. Pedestrian access will be provided via 4 foot sidewalks, located on both sides of the streets, throughout most of the development. A minimum of three parking spaces will be available at each home site; one in the garage and two on the driveway. Some of the homes will have driveways of sufficient length to park three cars.

The 162 single family residences will be marketed with three bedrooms, two and one half baths, a one car garage and a basement. The Applicant anticipates that some of these homes will be constructed with 4 bedrooms, rather than 3, although the footprint of the structure will remain the same. All homes will be held in fee simple ownership and the roads, sewer and water infrastructure, stormwater facilities and open space will be

dedicated to the Town of Lloyd. Once the dedication is accepted, the Town will be responsible for the maintenance of this infrastructure and open space.

The Applicant is proposing several recreational amenities that will complement existing Town facilities in the area. First, the Applicant is proposing to create a ± 2 acre passive recreation field on the west side of the wetlands, with a gravel parking area for 28 cars. This field can be used by the public for picnicking or informal field sports such as catch or Frisbee. The Applicant is also proposing to connect the development to the Hudson Valley Rail Trail (“Rail Trail”) via a “pedestrian only” walkway and is working with Scenic Hudson, a regional not-for-profit, to connect the trails being developed at Berean Park, a municipal facility located to the south of the property, with the Rail Trail, through the development of trails on the project site. These trail connections will enable persons using the Rail Trail to connect directly to Berean Park or to hike Illinois Mountain without ever leaving the trail system. The Applicant is also proposing to construct a seasonal parking area for trail access that will contain approximately 16 spaces.

The project will be constructed in four phases over a period of 5 ½ years. Construction will begin once all final permits have been received. Between 17 and 60 units and associated infrastructure are projected to be constructed during each phase. Depending on market demand and completion of the required infrastructure, the phasing and/or timing of the construction may vary.

2.0 Public Comment and Responses

This section provides a comprehensive list of all questions and comments received during the public review process, whether made orally at the Public Hearing on December 14, 2011 or submitted in writing, as well as responses to same.

The Town Board received both written and verbal comments during the public hearing on the Mountainside Woods DEIS. Verbal comments appear as part of the official transcript of the public hearing held on December 14, 2011 and are included in Appendix A of this FEIS.

One letter was received by the Town Board during the public comment period, which remained open until December 31, 2011. On December 29, 2011 a letter was received from Joseph LaFiandra. A Copy of this letter is also included in Appendix A of this FEIS.

To facilitate the readers' understanding of where specific comments are addressed, hand written notations have been added to the original source documents in Appendix A, cross referencing the original comment with the corresponding comment and response number in the FEIS.

Comments have been grouped and are referenced by the relevant section number in the DEIS. Where appropriate, some of the comments are summarized or paraphrased. When comments were repeated, all commentators are referenced.

2.3 Project Design and Layout

Comment #1: Mary Phillips during the December 14, 2011 Public Hearing: From the drawings I think [the proposed houses are] very compatible with the way Sunnybrook looks, and Sunnybrook is that kind of community. We would like it to stay that way. This looks very nice.

Response #1: The applicant appreciates the comment.

Comment #2(a): Rich Matthews during the December 14, 2011 Public Hearing: Is there going to be any lawn? It looks like it's all concrete or blacktop by the houses. **Comment #2(b):** Supervisor Costantino during the December 14, 2011 Public Hearing: We should

address the idea of the grass. These are detached, single family. They're not town houses, they're not all attached. Everybody is going to have their own little piece of property and a home. Right?

Response #2a & b: Each of the houses will be on a fee simple lot with lawn and landscaping areas.

Comment #3: Kathleen Crampton during the December 14, 2011 Public Hearing: With the streets being 26 feet wide, I'm not sure about what that will allow for. Does that just allow for cars, does that allow for parking? If it doesn't allow for parking, I'm concerned about where parking might be for people coming to visit so many homes also.

Response # 3: No parking will be permitted on the 26' wide streets; however the streets are being proposed to be built with a mountable curb. Each housing unit will have a garage as well as a minimum of two additional off-street parking spaces in the driveway. In addition, there will be two gravel overflow parking areas provided on site.

2.4 Construction and Operation

Comment #4(a): Town Board Member Jeff Paladino during the December 14, 2011 Public Hearing: Can you please comment in regard to plan of the buildout? Is it your intention to build this out at one time in one phase? **Comment #4(b):** Jim Tracina during the December 14, 2011 Public Hearing: You mentioned that the houses are going to be built in phases. I was just wondering, are they going to be built in phases on spec and then you have to find buyers or will there be a buyer for each house as it's being built. Is there a potential for "X" number of vacant properties standing there that you can't find a buyer for?

Response #4a & b: The homes will not be built on spec but rather only as contracts are signed for each unit. A few model homes will be constructed for marketing purposes. The project will be built in 4 phases over an estimated construction period of 5 ½ years. Timing of construction may vary depending on sales and the overall economy.

Comment #5: Joseph LaFiandra letter dated December 29, 2011: The proposal to construct one hundred sixty two (162) residential units will add to the existing surplus of residences in the Town of Lloyd, for which the supply exceeds demand. I have observed numerous “For Sale” signs outside of existing homes around town; townhouse units for sale in Sunnybrook have been on the market for long periods of time. The current economic downturn and stricter mortgage requirements have weakened the market for home purchases.

Response #5: It is no doubt that the real estate market has been seriously affected by the soft economy. As a result, homes in Mountainside Woods will only be built when a contract has been signed for that unit.

Comment #6: Joseph LaFiandra letter dated December 29, 2011: The DEIS does not address the possibility that many units in the proposed development could remain on the market for an extended period of time due to the economic meltdown and soft real estate market. In this likely scenario, the burden of financing the maintenance of the stormwater facilities would fall on the Town and taxpayers outside of Mountainside Woods.

Response #6: Once the map for a phase of the project is filed, the housing lots are created and the owners of each of the lots will pay real estate taxes to the Town. If the lots have not been sold to a third party, the developer/owner is responsible for payment of taxes. These taxes are paid even before infrastructure is installed and it may be several months to several years before the infrastructure is dedicated to the Town. During this time, the maintenance of all infrastructure is the responsibility of the developer. Once the infrastructure is dedicated, the costs of maintenance will be paid by the taxes generated by the homes on site. Costs to maintain new infrastructure is typically less expensive when compared to the costs being incurred by the Town for existing infrastructure as all roads, water, sewer and drainage will be new and installed to current standards and inspected by the Town.

3.1 Water Resources

Comment #7: Kathleen Crampton during the December 14, 2011 Public Hearing: I am concerned because there are a number of residences in Sunnybrook which flood right now. So I'm really concerned about the flooding issue because Mountainside is up higher that water would certainly affect us in Sunnybrook.

Response #7: The applicant's stormwater management plan reduces the area of stormwater runoff that will flow to the Sunnybrook residences. Currently, there are approximately 12.7 acres that flow to the Sunnybrook site from the upstream drainage area associated with the Mountainside Woods site. Under the proposed stormwater management plan, approximately 8.4 acres (66%) of the drainage area that now flows to Sunnybrook will be diverted to the north, around Sunnybrook, and into an existing drainage swale. As a result of this diversion, the drainage area that flows to the Sunnybrook site will be reduced to approximately 4.3 acres or 33% of the original area. This reduction in drainage area will not only result in lower peak stormwater flows to the Sunnybrook site and mitigate the potential stormwater flow increase from the project; it will also help reduce the occurrence of flooding on the Sunnybrook site that presently exists.

Comment #8: Mary Phillips during the December 14, 2011 Public Hearing: I'm wondering if there will be a catch basin for the project. Currently the catch basin at Sunnybrook is our playground and I don't think it was meant to be a catch basin for other projects. As it is now, after the last flood, it's not just the houses that flood but also the entire lawn in Sunnybrook was a lake and so was the playground.

Response #8: There will be two stormwater management ponds constructed as part of Mountainside Woods project. These ponds are specifically designed to detain and treat stormwater flows from the project site. As discussed in response #7 above, stormwater flows from the project site to the Sunnybrook development will be reduced.

Comment #9: Joseph LaFiandra letter dated December 29, 2011: The statistics in the DEIS for 1-year, 10-year and 100-year storms, of which the intensity and duration have increased due to climate change, do not address the future nor reflect the trend toward

more intense rain events and longer rainy seasons. The flooding in Highland that resulted from tropical storms Irene and Lee in 2011 demonstrate the need to account for climate change,

Response #9: The engineers are required to prepare the stormwater analysis, which is included in the DEIS, in accordance with the New York State Department of Environmental Conservation design guidelines, recently updated in August, 2010.

Comment #10: Joseph LaFiandra letter dated December 29, 2011: In my professional experience as a civil engineer, I have observed that stormwater mitigation measures do not result in zero-net runoff. The proposed 162-unit Mountainside Woods development will create impervious surfaces that will increase runoff and flooding in Highland, regardless of stormwater management.

Response #10: The stormwater analysis included in the DEIS was completed in accordance with all applicable state standards and indicates that there will be no increase in peak stormwater flows from the site. In accordance with the August 2010 NYSDEC design manual, green infrastructure practices including conservation of natural areas, roof top disconnects and grass swales have been incorporated into the design to reduce the impact of stormwater runoff volume increases resulting from the additional impervious surface areas created by the project. In addition, the overall design of the Mountainside Woods project, proposed as a conservation subdivision, is considered a green infrastructure practice which is recommended in Chapter 5 of the New York State Stormwater Management Design Manual (August 2010).

Comment #11: Joseph LaFiandra letter dated December 29, 2011: Page 71 of the DEIS states “The stormwater facilities will be offered for dedication to the Town of Lloyd. Once accepted, the facilities will be owned and maintained by the Town of Lloyd. It is proposed that the Town form a Stormwater Drainage District to cover the area included in the project. The district would be charged for the costs associated with the maintenance of these facilities.” The DEIS does not explicitly state that the proposed Stormwater Drainage District would be limited to properties within the Mountainside Woods development.

Response #11: The proposed stormwater drainage district is proposed to be limited to the project site.

3.3 *Transportation and Traffic*

Comment #12: Matt Smith during the December 14, 2011 Public Hearing: I was concerned about the cost of redoing the Toc Drive intersection, that we were going to spend a lot of money as taxpayers so that you could build that up there. I'm delighted to hear that you are going to be contributing to the cost of that intersection improvement. Do you know how much you will be contributing or is that still be discussed?

Response #12: The applicant is in discussions with the Town of Lloyd with regard to the appropriate amount of the contribution.

Comment #13: Mary Phillips during the December 14, 2011 Public Hearing: The primary concern I have is about the potential for another 324 cars on Toc Drive. I'm wondering where is the other egress? Is it on Reservoir Road? Will they hook up with Mountainside Road and then go down Reservoir? I'm also concerned about the proximity to Sunnybrook.

Response #13: The project is proposing to connect Reservoir Road and Toc Drive through an extension of Vista Drive to Hilltop Lane creating an interconnect road system which is currently not available in the area. Access to the site will be via Hilltop Lane and Toc Drive. In addition, the DEIS contains a full traffic study of the road capacity in the area. In addition to modifications necessary to the intersection of Toc and Tillson Drive, the DEIS proposes the installation of several traffic calming devices to slow traffic in the project area including the installation of new stop signs and speed tables. Speed tables have a height of 3 to 3.5 inches, a 10 foot plateau and 6 foot long approaches. The intent of these traffic calming measures would be to ensure that the traveling speeds along the roadways do not increase with the additional traffic from the proposed development

3.4 Utilities

Comment #14: Joseph LaFiandra letter dated December 29, 2011: The requested zone change from R-1 to R1/4 will increase the building density on this site, resulting in higher demand for water and flow of sewage than for which the infrastructure was designed. The practice of increasing housing density within the Highland Water and Sewer District will require improvements to the water distribution system, sewage collection system, and both water and sewage treatment facilities.

Response #14: Engineer's Reports have been prepared analyzing the water and sewer system capacities and their ability to service the proposed project. These reports have been reviewed by the Town's water and sewer engineers and are included in the DEIS. In summary, these analyses confirm that there is sufficient capacity to service the proposed project.

3.5 Community Services

Comment # 15(a): Mary Phillips during the December 14, 2011 Public Hearing: My concern is the fact that there will be a potential for 400 kids. You are talking three and four-bedroom homes. It looks like a whole new school will have to be built in Highland.

Comment 15(b): Joseph LaFiandra letter dated December 29, 2011: The estimate on page 113 of the DEIS states that "the number of students that would be introduced by Mountainside Woods into the Highland Central School District, Grades K-12 will be 94, over a period of 5 years beginning at the earliest in 2014" is conservative and understandably biased. If only half of the proposed 162 units have two children in school, the number of students would be 162.

Response #15a & b: The applicant determined the projected number of school children utilizing accepted planning principles and methodology and utilizing the most relevant multipliers. The number of public school age children that the project is estimated to generate is 94 upon full-build out. It is worth noting that even though no 5 bedroom homes are proposed, the multiplier for this very large single-family home is only 1.23

school-age children, demonstrating that homes larger than those proposed at this project are not projected to produce 2 children per home.

These additional children would be phased in over the projected 5 ½ year build out of the project. In addition, school district personnel have confirmed that there is currently excess physical capacity in the Highland Central School District to accommodate all 94 children even if they all showed up on the first day of project construction.

Comment #16(a): Joseph LaFiandra letter dated December 29, 2011: Page 114 of the DEIS admits that the proposed Mountainside Woods development would create an annual net deficit of \$2,498 to the Highland Central School District upon full build out.

Comment #16(b): Joseph LaFiandra letter dated December 29, 2011: Any increase in school taxes as a result of the proposed Mountainside Woods development is unacceptable, especially in this time of municipal fiscal austerity.

Response #16a & b: Upon full build out there is a potential there would be a net deficit of \$2,498 to the School District. All other taxing districts will receive net revenue. This potential net deficit would not be realized until full build out and would be approximately \$0.60 per taxing unit, an amount which is considered de minimis.

Comment #17: Joseph LaFiandra letter dated December 29, 2011: The \$2,498 annual school budget deficit on page 114 of the DEIS is in 2011 dollars, and the fiscal analysis in the DEIS uses 2010-2011 school year cost data. However, the impact of Mountainside Woods on the school district would commence in 2014. Therefore, the impact on the school budget deficit in 2014 or later dollars will be greater due to increased costs, decreased state aid, and inflation.

Response #17: Accepted planning methodology estimates potential cost of services utilizing current revenues and expenses. Utilizing anticipated figures for revenue and expenses is considered too speculative and is not an accepted methodology.

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STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF LLOYD TOWN BOARD

In the Matter of

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MOUNTAINSIDE WOODS SUBDIVISION

Hilltop Lane and Vista Drive

----- X

PUBLIC HEARING

Date: December 14, 2011
Time: 7:18 p.m.
Place: Town of Lloyd
Town Hall
12 Church Street
Highland, NY 12528

BOARD MEMBERS: RAYMOND COSTANTINO, Supervisor
HERBERT LITTS, III
NANCY E. HAMMOND
JEFFREY PALADINO
KEVIN BRENNIE

ALSO PRESENT: --WILFRED ROHDE, P.E.
TERRESA BAKNER, ESQ.
SEAN MURPHY, ESQ.
ROSARIA PELOW, Town Clerk
WENDY ROSINSKI, Secretary

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
(845)895-3018

1
2 SUPERVISOR COSTANTINO: We're going
3 to take some liberties with tonight's agenda.
4 We've got some consultants that have come a
5 long way, and so we're going to start by
6 opening the SEQRA public hearing on the Draft
7 Environmental Impact Statement for
8 Mountainside Woods.

9 I'm going to introduce you to
10 Terresa. She's back here. She's our land use
11 consultant and attorney. Terresa.

12 MS. BAKNER: Tonight we're going to
13 take public comment on the Draft Environmental
14 Impact Statement for the Mountainside Woods
15 project. Tonight is not your only opportunity
16 to comment. There's a written comment period
17 that is open for a period of time afterwards.
18 In fact, that's open until December 31st. So
19 if you think of something else after you've
20 been here tonight, please feel free to go home,
21 write your comment and send it in to the Town.

22 I believe that the applicant is here
23 tonight and they'd like to make a brief
24 presentation before the public speaks, so I
25 would invite them to come up at this time.

1
2 MR. WINGLOVITZ: Good evening. Ross
3 Winglovitz with Engineering Properties. I'm here
4 on behalf of Meadow Creek Development and the
5 Falls at Lloyd who are the sponsors of the
6 project known as MountainSide Woods.

7 Here with me this evening is Jayne
8 Daly, Counsel for the project, and David
9 Weinberg, principal of Meadow Creek Development.

10 This project -- I know she asked for a
11 brief presentation, but this project has been
12 going on for many years, as many of you may or
13 may not know. It originally started in 1994 when
14 625 units were approved on this property, and
15 actually not on the entire property but only on
16 the center portion of the property. That
17 application was modified in 2007 to 324 units.
18 An Environmental Impact Statement was prepared
19 for that as well. And then again in 2009 it was
20 modified by the current joint venture partners,
21 Falls at Lloyd and Meadow Creek Development, to a
22 175-lot subdivision, conservation subdivision
23 with 17 accessory apartments. That was the basis
24 for the document that was prepared this evening,
25 the Draft Environmental Impact Statement which is

1
2 the subject of the hearing. Through that process
3 the application has been reduced further. Units
4 have been moved from one side of the stream to
5 the east side of the stream, so there's no units
6 on the west side. There were modifications made
7 to the Environmental Impact Statement to reflect
8 that. That was submitted, I think, finally in
9 November for acceptance after a couple of
10 attempts, and that was accepted by the Town as
11 complete, and it's the subject of the hearing
12 this evening.

13 We have a Stenographer with us tonight,
14 so she'll take down any comments that you may
15 have. It's not our policy to respond to the
16 comments at the meeting. What we do is, by SEQRA
17 law, we prepare what is called a Final
18 Environmental Impact Statement, and that is a
19 document that responds to all the public
20 comments, whether they be given orally at this
21 meeting or they be in writing after the meeting.
22 We'll respond to them comment by comment, make
23 any necessary modifications that may result from
24 a comment or provide additional information that
25 may be necessary as a result of a comment. It

1
2 will come in the form of a Final Environmental
3 Impact Statement that will be submitted to the
4 Board and further reviewed by the Town. So
5 that's kind of where we are tonight in the
6 process and the history of the project.

7 The site itself is located at the end
8 of Toc Drive on what is currently Vista Drive,
9 and will be Vista Drive Extension to Hilltop.
10 This is the three parcels that were originally
11 proposed as three separate projects, and at the
12 aiding of the Town Board the partnership was
13 formed and it was one cohesive project that was
14 proposed for the property. So it was originally
15 three separate projects, duplexes, town homes and
16 senior apartments. That was well over 500 units
17 at that point for the three of them.

18 The town park sits at the south of the
19 project and, as I said, Hilltop Lane, Vista
20 Drive, Toc Drive and Sunnybrook Circle are just
21 to the east of the project.

22 The total site acreage is 153 acres.
23 What we've shown you here in green is the area to
24 be preserved, that is not going to be developed.
25 Of the 153 acres there's 123 1/2 acres that is

1
2 not going to be developed and will in fact be
3 dedicated to the Town for conservation purposes,
4 passive recreation, whatever the Town decides to
5 do with it. That includes the -- basically it
6 goes up to the top of Illinois Mountain, all the
7 way down to the stream corridor that separates
8 the property, and some lands along the rail trail
9 that will be dedicated to the Town.

10 There is a Federal wetland on site that
11 bisects the property. Originally there was
12 development proposed on both sides of that.
13 Based on modifications from concerns regarding
14 environmental impacts, the site plan was modified
15 to have development only on the east side of the
16 wetland. So the wetland will exist in the entire
17 buffer area. To the east of that wetland will be
18 preserved.

19 As I indicated earlier, the project is
20 now 162 lots that are proposed. Primarily they
21 will be three-bedroom residences. There will be
22 some two-bedroom residences. These will be in the
23 form of smaller ranch style homes with master
24 bedrooms downstairs, and there will be a few
25 four-bedroom residences. Primarily three but a

1
2 mix of twos and fours in there as well. We'll
3 provide a variety of house sizes. Each of the
4 homes have been designed with a garage that is
5 set back from the road. That was one of the
6 concerns regarding aesthetics. That will provide
7 three parking spaces including the garage space
8 as a minimum so that there will be no parking on
9 the streets.

10 There will be sidewalks on both sides
11 of the street where there's residential
12 development. If there's no residential
13 development, it's only going to be on one side of
14 the street.

15 The roads are 26 foot wide. They're
16 going to have mountable curbs, which is a slanted
17 curb, so that in an emergency anybody can pull up
18 onto the grass area adjacent to the roadway,
19 between the edge of the roadway and the sidewalk,
20 if they need to.

21 There will be recreational amenities on
22 site. There is a two-acre passive recreation
23 area proposed. It will be a large meadow area/
24 field area suitable for throwing a frisbee,
25 playing fetch with your dog and so forth. It's

1 not designed as an active recreation area.

2 In addition, there's an extensive trail system
3 that exists in the area, and this is going to add
4 to that. There will be a trail through the site
5 that will connect the rail trail to the town
6 park, so you'll be able to go directly from the
7 rail trail to the town park and vice versa, and
8 also to the trail system on Illinois Mountain.
9 That will all be constructed within the open
10 space area. There was also a trailhead area
11 proposed as part of that so that the public, if
12 they wanted to get to the trail system, could do
13 it actually on the site itself.

14
15 Water service to the site. There's
16 existing town water in Hilltop Lane. That will
17 be extended down Vista Drive Extension and
18 connected to Vista Drive. So this will loop the
19 water system, which is very beneficial to water
20 supply in the area. There's plenty of flow and
21 pressure to provide water for the project, and
22 there is a significant excess capacity in the
23 Town system to provide water for the project.

24 Sewer. There's two connection points
25 for sewer. One is near the intersection of Vista

1
2 Drive and Sunnybrook Circle and the other is
3 along the rail trail where the sewer main for
4 this area of the Town passes underneath the rail
5 trail. Both of those connection points have
6 capacity and will service the project.

7 Drainage for the site. Drainage has
8 been an area of concern from the Board's
9 perspective and I know from the public's
10 perspective, specifically in the area of
11 Sunnybrook Circle. There's a large watershed
12 area now that flows to Sunnybrook Circle into the
13 stormwater pond on Sunnybrook Circle and down to
14 the rail trail. What the applicant is proposing
15 is that that large area will be cut in half.
16 There's approximately 10 1/2 acres that flow to
17 that area now. That's going to be reduced to
18 around 5 acres of area that flow to that pond.
19 It will significantly reduce the area and
20 therefore the volume of water that goes to that
21 pond, and it will be routed around Sunnybrook
22 Circle into a stormwater management pond along
23 the rail trail. In the other area the stormwater
24 is not affected. Most of the water comes down
25 the mountain into the wetland system and will

1
2 flow to the north. That will be maintained as it
3 currently is.

4 Traffic. Traffic was also another area
5 of concern for the Town Board. There's been a
6 lot of talk about traffic and a concern about use
7 of Toc Drive. One of the big issues with Toc
8 Drive, as everybody knows, there's one way in and
9 one way out. One of the first things that the
10 applicant did to resolve that problem is provide
11 an inner connection for Vista Drive to connect
12 into Hilltop Drive. So it provides a means of
13 emergency access for anybody in Sunnybrook Circle
14 or Toc Drive to be able to get out in case Toc
15 Drive had been closed, and vice versa for
16 Hilltop, they have another way to get out if
17 their access is limited. That was an important
18 piece of the design. That was something that
19 didn't exist in the previous applications and was
20 provided by the applicants coming together here
21 and working on a solution.

22 Another issue that came up was the
23 capacity of Toc Drive, the number of cars it
24 could handle and the intersection of Vineyard,
25 Toc Drive itself and the speeds on Toc Drive.

1
2 What the applicant is proposing on Toc Drive is
3 mitigation for speeds and a concern about bus
4 stops in that area. There's speed tables
5 proposed along Toc Drive. What's a speed table?
6 A speed table is a much larger area than a speed
7 bump. You'll come up three inches, have a flat
8 top and then slowly go down. It's not like a
9 parking lot speed bump. That's just to annoy
10 people and keep speed at 5 miles-an-hour. This
11 is something designed to keep speeds at 20 to 25
12 miles-an-hour. They'll be strategically placed
13 along Toc Drive and a few other areas. Actually,
14 all along, I want to say, Reservoir Road as well
15 just so that traffic calming, which is what it's
16 called in the industry, can be achieved along
17 those areas to keep people from excessive speeds.

18 The traffic capacity issue. There was
19 a traffic study that was done and that analyzed
20 the number of intersections in the Town that may
21 be affected by the project. Specific focus was
22 on Toc Drive and Vineyard Avenue. The applicant
23 has proposed, in conjunction with a Town project
24 that's going on, there's some pictures up here
25 actually, the Town is undertaking an analysis of

1
2 the Toc Drive/Vineyard Drive intersection, and
3 there's a couple proposed solutions to that. The
4 applicant has proposed to pay his fair share
5 towards the improvements at that intersection.
6 So that will help move that project along to
7 fruition to improve the traffic at the Toc Drive
8 and Vineyard Drive intersection.

9 I think that is all I have as far as
10 giving a general description.

11 MR. WEINBERG: Can you talk about the
12 visual?

13 MR. WINGLOVITZ: Internal what it's
14 going to look like?

15 MR. WEINBERG: Yeah. The street to the
16 sidewalk and the distances.

17 MR. WINGLOVITZ: This is a rendering
18 that was prepared just to give people a feel for
19 what the visual concept is going to be. It's a
20 community concept. The Town Board and the
21 applicant's vision I think kind of came together
22 here where we're talking about a very tight-knit
23 community concept with porches close to the road
24 and the sidewalk. So the porches will be setback
25 maybe 10 feet from the sidewalk. The idea in the

1
2 planning industry is that you want to get to know
3 your neighbor nowadays. It's no longer big homes
4 on big lots where you pull into your garage and
5 push your automatic garage door opener and don't
6 see anybody. The idea is to promote interaction
7 now in these communities. So this project has
8 been designed with that in mind, porches close to
9 the road, sidewalks on both sides of the street,
10 narrower streets. Narrow is 26 foot wide, which
11 is pretty wide, with mountable curbs. Street
12 trees placed throughout and low-level lighting
13 throughout. The idea is to provide a community
14 that is much more close knit, much more social
15 interaction. That's the planning concept that is
16 proposed here, and it has been embraced by I
17 think everybody.

18 Anything else you want me to touch on?

19 MR. WEINBERG: No.

20 MR. WINGLOVITZ: Our Stenographer is
21 here to answer any questions. We would ask that
22 you get up and identify yourself, your name for
23 the record, and provide your comment. It will be
24 taken down and again will be responded to in the
25 FEIS. If there's anything specific that the

1 Board would like us to answer, we'd be glad to.
2 Direct it to us and we'd be glad to do that.

3
4 SUPERVISOR COSTANTINO: I'm going to
5 introduce you now to Bill Rohde. He's our Town
6 Engineer and he'll act as -- he will be -- not
7 act as. He will be the monitor for tonight's
8 proceeding. When you want to speak, speak loud,
9 tell us your name and where you live.

10 MR. ROFDE: Good evening, everybody.
11 Can you hear me? Okay. Just to wrap up a little
12 bit of the technical part of it. The notice of
13 completion of the DEIS and notice of the SEQRA
14 hearing was prepared for this project on November
15 16th. So it's like almost 30 days ago. The
16 public hearing was set in that meeting for
17 tonight, December 14th at 7 p.m. at the Town
18 Hall. There also, the DEIS was declared as being
19 completed and accepted for the proposed action.

20 Comments for the DEIS as received
21 previously are requested to be accepted by the
22 Town Clerk until December 31st of this year. All
23 comments should be in writing and should be
24 addressed to the Town Clerk.

25 All information about this project can

1
2 be found on the Town of Lloyd website. Just go
3 to townoflloyd.com, click on legal notices, then
4 you've got your Mountainside Woods subdivision.
5 Everything is on there. All the drawings, all
6 the DEIS and everything is on the website.

7 This notice for this public hearing was
8 published on November 24th in New Paltz Times.
9 Proper notification has been made.

10 Everybody knows where the project is
11 located I think, so we won't go into that.

12 I have a few copies of the notice of
13 completion of the Draft and the notice of the
14 SEQRA hearing. It's a two-sided copy. I only
15 brought a few of them. I'll leave them up here
16 in case somebody wants to take some, take it
17 home, maybe review it, put your comments in by
18 the 31st. Okay.

19 I ask, as the Supervisor said, that you
20 do not repeat any comments made previously by
21 somebody during this hearing. Please stand,
22 state your name and address, speak clearly,
23 respect one another, and please do not interrupt
24 one another. What's important is that we hear
25 and we understand so it can be documented

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#4(a)

properly for the documentation of this project.

Who would like to go first? Nobody?

MR. PALADINO: I have a comment. Jeff Paladino. Ross or Dave, if you don't mind making a comment in regard to the plan of buildout. I know you've made the explanation in meetings past. Just to let people know that it's not your intention, at least as it's been described, not to build this out at one point in time. There is a phase. If you can explain that a little bit.

MR. WINGLOVITZ: The DEIS does discuss in detail phasing for the project. Obviously we're not going to build 162 units in one year, especially in this economy. It's a projection. That's all we can do at this point. It's a projection that the project will be built out over 5 1/2 years. I think there's four phases currently proposed, starting along Vista Drive and working in either direction.

MR. PALADINO: Thank you.

MR. SMITH: Matt Smith. I was concerned about the cost of redoing the Toc Drive intersection, that we were going to spend a lot of money as taxpayers so that you could build

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1
2 that up there. I'm delighted to hear that you're
3 going to be contributing to the cost of that
4 intersection improvement.

5 Do you know yet how much or that's
6 still to be discussed, --

7 MR. WEINBERG: To be discussed.

8 MR. SMITH: -- how much your
9 contribution will be?

10 MR. WINGLOVITZ: It's currently being
11 negotiated I believe.

12 MR. SMITH: Okay. I applaud you for
13 that. That's great. Glad to hear it.

14 MR. ROHDE: Thank you. Yes, ma'am.

15 MS. PHILLIPS: I'm Mary Phillips, I
16 live in Sunnybrook, I'm a homeowner. My concern
17 -- I have many, many concerns about this. The
18 #13 primary concern is the potential for another 324
19 cars on Toc Drive. I'm wondering where is the
20 other egress? Is it on Reservoir Road? Will
21 they hook up with Mountainside Road and then go
22 down Reservoir?

23 MR. ROHDE: Do you want to answer that
24 again?

25 SUPERVISOR COSTANTINO: We're not

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prepared to answer questions. We're just taking questions. Just take the questions. We'll be here all night if they answer the questions.

That's a concern of yours, the amount of traffic and secondary egress. Right?

MS. PHILLIPS: That is. And also the proximity to Sunnybrook.

#1

From the drawings I think they're very compatible with the way Sunnybrook looks, and Sunnybrook is that kind of a community. We would like it to stay that way. This looks very nice.

#15(a)

My concern is also the fact that there will be -- there's a potential for 400 kids. You're talking three and four-bedroom homes. That's a lot of kids. It looks like a whole new school will have to be built in Highland.

Those are my concerns. Thank you.

MR. ROHDE: Thank you. Anybody else, please? Yes, ma'am.

#7

MS. CRAMPTON: I'm Kathleen Crampton. I live in Sunnybrook. I am concerned because there are a number of residences in Sunnybrook which flood right now. So I'm really concerned about the flooding issue. And because

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MOUNTAINSIDE WOODS

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Mountainside is up higher, that water would certainly affect us in Sunnybrook.

MR. ROHDE: Thank you. Anybody else, please?

(No response.)

MR. ROHDE: Nobody else?

SUPERVISOR COSTANTINO: Somebody, please. Anything?

MR. ROHDE: Going once.

MR. MATTHEWS: Rich Matthews. My # 2(a) question is the way the presentation was presented, is there not going to be any lawn? It looks like it's all concrete or blacktop by the houses.

MR. WINGLOVITZ: There will be lawn areas around each of the houses.

MR. MATTHEWS: Okay. Thank you.

MR. ROHDE: Anybody else, please?

MS. PHILLIPS: I have a question. Is that okay?

MR. ROHDE: You can state the question but you won't get an answer tonight.

MS. PHILLIPS: Okay. I'm wondering if there will be -- right now the catch basin, that

1
2 is actually our playground in Sunnybrook. I
3 # 8 don't think it was meant to be a catch basin for
4 other projects. As it is now, after the last
5 flood, it's not just the houses that flood but
6 the entire lawn in Sunnybrook was a lake, and so
7 was the playground. I'm very concerned about
8 that as well.

9 MR. ROHDE: Very good. Thank you. I
10 can answer that question for you guys if you give
11 me a call because I designed all that. Okay.

12 MS. CRAMPTON: So the streets, 26 feet
13 # 3 wide, is that what you said? 26. I'm really not
14 sure about -- does that just allow for cars, does
15 that allow for parking? If it doesn't allow for
16 parking, I'm concerned about where parking might
17 be for people coming to visit so many homes also.

18 MR. ROHDE: Thank you. Anybody else,
19 please?

20 SUPERVISOR COSTANTINO: We should
21 address the idea of the grass. These are
22 # 2(b) detached, single family. They're not town
23 houses, they're not all attached. Everybody is
24 going to have their own little piece of property
25 and a home. Right?

1
2 MR. WEINBERG: That's correct.

3 MR. ROHDE: Any other comments, please?

4 Yes, sir.

5 MR. TERSIGNI: I'm Jim Tersigni. I live
6 in Sunnybrook also. You mentioned that the
7 houses are going to be built in phases. I was
8 just wondering, are they going to be built in
9 phases on spec and then you have to find buyers
10 or will there be a buyer for each house as it's
11 being built? Is there the potential for X number
12 of vacant properties standing there that you
13 can't find a buyer for?

14 MR. PALADINO: It looks like Dave is
15 willing to answer that question for you.

16 MR. WEINBERG: Based upon our market
17 conditions and the reality of today's world, what
18 we will probably be doing is putting up a model
19 and selling off the model. So when we have a
20 firm contract, we'll go into constructing that
21 particular house. That's why we have some
22 variety between two and three bedrooms and
23 different units. So it's going to be more of a
24 build to suit. In today's world you just can't
25 afford to do spec housing and survive.

4 (b)

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MR. ROHDE: Anybody else, please?

(No response.)

MR. ROHDE: Mr. Supervisor.

SUPERVISOR COSTANTINO: Okay. Thank you very much. Thank you all for your good questions. I look forward to the answers.

If there's no other questions -- right?

(No response.)

SUPERVISOR COSTANTINO: Can I have a motion to close the SEQRA public hearing on the Draft Environmental Impact Statement for Mountainside Woods.

MS. BRENNIE: So moved.

MS. HAMMOND: Second.

SUPERVISOR COSTANTINO: All those in favor?

MR. LITTS: Aye.

MS. HAMMOND: Aye.

MR. PALADINO: Aye.

MR. BRENNIE: Aye.

SUPERVISOR COSTANTINO: Aye.

(Time noted: 7:40 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: December 28, 2011

VIA FACSIMILE

Mr. Joseph LaFiandra, M.Eng.
80 Sunny Brook Circle
Highland, NY 12528-1323
December 29, 2011

Ms. Rosaria Peplow
Town of Lloyd Town Hall
12 Church Street
Highland, NY 12528

Re: Mountainside Woods
Vista Drive & Hilltop Lane, Highland
Tax Lots 87.004-3-14, 87.004-5-1.2 & 87.004-5-2

Dear Ms. Peplow:

I have obtained and reviewed a Draft Environmental Impact Statement (DEIS) that was last revised on November 2, 2011, which Engineering Properties, PC prepared for the above referenced project. My comments are as follows:

14

1. The requested zone change from R-1 to R-1/4 will increase the building density on this site, resulting in higher demand for water and flow of sewage than for which the infrastructure was designed. The practice of increasing housing density within the Highland Water and Sewer District will require improvements to the water distribution system, sewage collection system, and both water and sewage treatment facilities.

5

2. The proposal to construct one hundred sixty two (162) residential units will add to the existing surplus of residences in the Town of Lloyd, for which the supply exceeds demand. I have observed numerous "For Sale" signs outside of existing homes around town; townhouse units for sale in Sunnybrook have been on the market for long periods of time. The current economic downturn and stricter mortgage requirements have weakened the market for home purchases.

9

3. The statistics in the DEIS for 1-year, 10-year and 100-year storms, of which the intensity and duration have increased due to climate change, do not address the future nor reflect the trend toward more intense rain events and longer rainy seasons. The flooding in Highland that resulted from tropical storms Irene and Lee in 2011 demonstrate the need to account for climate change.

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4. In my professional experience as a civil engineer, I have observed that stormwater mitigation measures do not result in zero-net runoff. The proposed 162-unit Mountainside Woods development will create impervious surfaces that will increase runoff and flooding in Highland, regardless of stormwater management.

Town of Lloyd Town Board

Page 2

December 29, 2011

5. Page 71 of the DEIS states, "The stormwater facilities will be offered for dedication to the Town of Lloyd. Once accepted, the facilities will be owned and maintained by the Town of Lloyd...It is proposed that the Town form a Stormwater Drainage District to cover the area included in the project. The district would be charged for the costs associated with the maintenance of these facilities."

11 a. The DEIS does not explicitly state that the proposed Stormwater Drainage District would be limited to properties within the Mountainside Woods development.

6 b. The DEIS does not address the possibility that many units in the proposed development could remain on the market for an extended period of time due to the economic meltdown and soft real estate market. In this likely scenario, the burden of financing maintenance of the stormwater facilities would fall on the Town and taxpayers outside of Mountainside Woods.

16(a) 6. Page 114 of the DEIS admits that the proposed Mountainside Woods development would create an annual net deficit of two thousand four hundred ninety-eight dollars (\$2,498.00) to the Highland Central School District upon full build out.

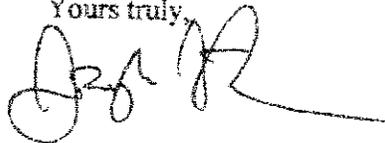
15(b) a. The estimate on page 113 of the DEIS that "the number of students that would be introduced by Mountainside Woods into the Highland School District, Grades K-12 will be 94, over a period of 5 years beginning at the earliest in 2014" is conservative and understandably biased. If only half of the proposed 162 units have two (2) children in school, the number of students would be 162.

17 b. The \$2,498.00 annual school budget deficit on page 114 of the DEIS is in 2011 dollars, and the fiscal analysis in the DEIS uses 2010-2011 school year cost data. However, the impact of Mountainside Woods on the school district would commence in 2014. Therefore, the impact on the school budget deficit in 2014 or later dollars will be greater due increased costs, decreased state aid, and inflation.

16(b)c. Any increase in school taxes as a result of the proposed Mountainside Woods development is unacceptable, especially in this time of municipal fiscal austerity.

Thank you for the opportunity to comment on this proposed development, which will have a severe environmental and economic impact on the Town and on Highland if approved.

Yours truly,



Joseph LaFiandra, M.Eng.