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July 10, 2020

Via Email (planning@townofthompson.com)

Town of Thompson Planning Board
Town of Thompson Town hall
4052 Route 42
Monticello, New York 12701

**Re: Gan Eden Estates Development
NW Corner of County Road 104 & 107 in Town of Thompson, Section 2,
Block 1, Lot 6.3, and Town of Fallsburg, Section 32. Block 1, Lot 59**

Dear Chair Kiefer and the members of the Town of Thompson Planning Board:

This office represents The Center for Discovery ("TCFD") and Catskill Mountainkeeper, Inc. ("CMK"). Please accept these comments on the Draft Scoping Document submitted by Gan Eden Estates ("Gan Eden") as adopted for public review on June 10, 2020. We request that this letter be made a part of the record on this application.

TCFD and CMK have retained several experts to assist their review of the Gan Eden development including the sufficiency of the Draft Scoping Document. Paul A. Rubin of Hydroquest, is a geologic and hydrologic consultant with over 30 years of experience. Mr. Rubin is retained to review the on-site hydrology and Gan Eden's plans for water withdrawal and wastewater discharges. Andrew Willingham of Willingham Engineering is a civil engineer with twenty years of experience in the design, permitting, and review of large developments, like Gan Eden. Mr. Willingham is consulting regarding the engineering of the project including water treatment, wastewater treatment, road and building development, and site preparation. Norbert Quenzer, a certified Professional Wetland Scientist, Certified Wildlife Biologist, and Certified Ecologist, with Quenzer Environmental LLC, has been retained to review the impacts to the wetlands and wildlife on and around the property. Finally, J. Theodore Fink, AICP, with Greenplan, Inc., is a professional planner and professor of land use planning. Mr. Fink has been retained to provide analysis of the compliance with the State Environmental Quality Review Act ("SEQRA") and the applicable Town and County Zoning Code and Comprehensive Plans. Annexed hereto is Mr. Fink's comments on the Draft Scoping Document and suggested additions. While this letter will summarize Mr. Fink's comments along with comments received from the above experts, we request that Mr. Fink's full comments be made a part of the Record and incorporated into the Final Scoping Document.

The Draft Scoping Document generally identifies the topics for inclusion in a Draft Environmental Impact Statement ("DEIS") and is an adequate **starting** point for the Final Scoping Document. However, the Final Scoping Document should include additional topic areas for inclusion in the DEIS and require greater detail and analysis regarding the impacts, potential mitigation, and potential alternatives under the identified topic areas. We offer the following comments and proposed items that should be expanded upon, identified, and addressed within the Final Scoping Document and DEIS.

Description of the Proposed Action

Section II of the Draft Scoping Document provides a number of bullets for information regarding the project. However, the bullets do not provide much detail or specificity. In order to ensure that the DEIS has sufficient detail to allow the Planning Board, involved agencies, and the public to evaluate the potential environmental impacts, the Final Scoping Document should provide more specific detail in the information to be provided regarding the project. Three significant areas that need greater specificity include 1) the identification of the zoning district for all parcels involved, including the Fallsburg lot, and the applicable zoning regulations for that district; 2) clarify what non-residential development, including infrastructure, will be located on the Fallsburg lot; and 3) greater detail on the description of the proposed construction (e.g., traffic routes, time, rock removal plans, etc.). We encourage the Planning Board to incorporate the bullet points provided in the Fink Report on these items (pages 8-10)

Similarly, the statement in the Final Scoping Document regarding the public need and benefit should identify more specifically what will be involved in that analysis. This section should discuss the project's economic impacts on the community including the potential market for the project and the anticipated net tax revenues (i.e., after subtracting for the services required to be provided to the future project and residents) to the surrounding municipalities.

Existing conditions, Potential Impacts, and Proposed Mitigation

The Draft Scoping Document identified nine (9) topics areas regarding the existing conditions, potential impacts, and proposed mitigation (Soil and Topography; Surface Water and Stormwater; Ground Water; Waste Water Management; Vegetation and Wildlife; Traffic; Land Use, Zoning, and Community Character; Community Services; and Cultural Resources). These topic areas generally cover the items set forth in the Environmental Assessment Form Parts 2 and 3. However, there are several topic areas that should be modified and added. Additionally, within the various topic areas the Draft Scoping Document provides only cursory identification of potential mitigation, which should be expanded. Finally, within these topics areas our experts have provided suggested additional or modified bullets to provide greater detail and information for the Planning Board to evaluate the impacts of the proposed project.

A. Modified and Expanded Topic Areas

The topic area “Land Use, Zoning, and Community Character” (§ III(G)) should be retitled “Land Use, Zoning, and Public Policy.” The Draft Scoping Document also does not include any reference in the “existing setting, potential impacts, or mitigation” to the actual community character. It does provide a requirement to identify any reference to the site in the Town Comprehensive Plans, but does not reference any other applicable Town or County plans and the focus on just references to the specific site is unduly narrow. Therefore, in addition to analyzing the uses authorized in the zoning code, the DEIS should also address consistency with the various comprehensive plans applicable to the site and the surrounding area, including, but not limited to, the Town of Thompson Comprehensive Plan, Sullivan County 2020 Comprehensive Plan, Open Space Protection Plan, Sullivan County Climate Action Plan 2014, and Agricultural and Farmland Protection Plan. Furthermore, understanding the comprehensive plans is an important step in understanding the character of the surrounding community and the public need or benefit of the project. Given the proximity of the Project to the town line, the analysis should also include the Town of Fallsburg’s 2006 Comprehensive Plan associated with the Fallsburg Plot and the surrounding property areas.

Second, the DEIS must address the impact to the Community Character in its own section. As noted, while the Draft Scoping Document references “Community Character” in the topic title, it does not address community character in the “existing setting, potential impacts, or mitigation” bullet points. As Mr. Fink explains, community character is often a misunderstood concept but is far more than just a question of land use and zoning. As the NYSDEC guidance explains:

Many people define their community's character in very general terms: suburban, rural, urban, quiet, safe, scenic, or friendly are terms often used. Others describe community character only in terms of visual features. Community character is broader than this however. Community character is defined by all the man-made and natural features of the area. It includes the visual character of a town, village, or city, and its visual landscape; but also includes the buildings and structures and their uses, the natural environment, activities, town services, and local policies that are in place. These combine to create a sense of place or character that defines the area.

Environmental Assessment Form Workbook, Part 2, question 18. The Draft Scoping Document’s analysis of existing land use and zoning does not define the sense of place, culture and/or character for the community surrounding the project location. The DEIS must provide “a description of how the community defines itself,” which can be drawn from an identification of the recognized and unrecognized characteristics of the community. Further, this analysis must be inclusive of the Hamlet of Hurleyville and Town of Fallsburg. The DEIS should then provide a comprehensive analysis of the impacts to those recognized and unrecognized characteristics and provide mitigation for those impacts. Far greater analysis and detail is necessary on what

“may be one of the most significant adverse impacts of the project.” Fink Letter p. 3-4, 5-6, 14-16.

Third, the Final Scoping Document should add topic areas for Aesthetic Resources (III.K) and Socio-Economic Conditions (III.L). Scenic resources and socio-economic conditions are essential elements of community character. A comprehensive assessment of the impacts in these areas is necessary to properly assess the impacts on the community character. The Draft Scoping Document does not address impacts to the visual environment of the Town of Thompson or the Hamlet of Hurleyville in Fallsburg. Significant impacts in these areas are likely to occur if the project is approved, are significant from an environmental impact perspective, and are important to the Towns of Thompson and Fallsburg and their residents, businesses, institutions, and environment. Therefore, the Final Scoping Document should include these additional topic areas and the bullet points for existing conditions, potential impacts, and mitigation as set forth in Mr. Fink’s report (pages 17-19).

Fourth, greater analysis of the impacts of the project on climate change is appropriate. Section IX, Impacts on Climate Change, only addressed the effects on climate change such as flooding and a non-specific “green features.” Important public policies and laws have been established to reduce greenhouse gases that apply to all new development. The NYSDEC has even issued a Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement and the SEQRA Workbook notes that “In 2018, DEC adopted a new 617.9(b)(5)(iii)(i) that requires, “where relevant and significant,” an EIS must discuss “measures to avoid or reduce both an action’s impacts on climate change and associated impacts due to the effects of climate change such as sea level rise and flooding.” As the Workbook goes on to note, that the “broad international scientific consensus that human activity-generated greenhouse gas (GHG) emissions are driving global climate changes” and, therefore, “[a]nalysis and comparison of energy demands, including means to reduce energy use” is appropriate in an EIS to “enable involved agencies to identify reasonable energy conservation measures in their SEQR findings.” Workbook p. 123-24. Therefore, the Final Scoping Document should include a Greenhouse Gas Emissions section (III.M) establishing the existing greenhouse gas emissions, the greenhouse gas emissions from the project, and possible mitigation as set forth in Mr. Fink’s report (page 20).

B. Mitigation Should Be Further Explored and Identified

While the Draft Scoping Document has identified various topic areas for the DEIS, it does not provide sufficient details regarding the mitigation of those impacts. 6 NYCRR § 617.8(e)(4) provides that the Scoping Document “should include . . . an initial identification of mitigation measures.” While the Draft Scoping Document provides a subsection 3 for mitigation under each topic area, with few exceptions it merely provides “Mitigation will be proposed for any identified adverse environmental impacts as necessary including but not limited to redesign of the Proposed Action to reduce or eliminate significant impacts.” Scoping allows the Planning

Board, Applicant, involved and interested agencies, and the public to discuss possible mitigation measures to be addressed during the preparation of the DEIS. Therefore, the Final Scoping Document should include specific mitigation measures in addition to “redesign of the Proposed Action” in relation to the various general impact areas. Set forth below are several recommendations regarding mitigation in relation to individual impact areas. We request that the Planning Board incorporate specific mitigation options in addition to the general obligation for Gan Eden to identify and propose mitigation measures as part of the DEIS.

Furthermore, mitigation measures should distinguish between on-site and off-site mitigation options. For example, mitigation measures to address traffic impacts may include on-site option, such as incorporation of walking or bicycle paths to nearby points of interest or alteration of points of entry/egress, as well as off-site mitigation measures such as road alteration, signage, or speed limit changes. These various mitigation measures should be addressed separately. Additionally, for any on-site or off-site mitigations options that require approval of or must be performed by an individual or entity other than Gan Eden, the DEIS should be required to indicate those requirements, whether the approval is discretionary, and the entity from whom approval is required or by whom such action must be performed.

C. Greater Detail is Necessary

In addition to the above general comments, TCFD and CMK provide the following bullets from our experts to add additional detail and information for the Final Scoping Document and DEIS:

§ III(A) – Soil and Topography

Existing Conditions:

- Provide information regarding any geotechnical investigations completed, including any testing results
- Identify prime agricultural soils on the property
- Analyze for the presence of pesticide residue in areas of previous agricultural use

Potential Impacts:

- Describe the proposed grading plan to be provided (e.g. proposed 2-foot contours, first floor elevations for buildings, etc.)
- Quantify the earthwork associated with site construction, including estimates of quantities/volumes for materials to be removed from the site and materials imported to the site and provide maps identifying locations of proposed cut and fill areas
- Describe the impacts of importing or exporting materials, including an estimate of truck trips and impacts on the existing roadway system
- Describe construction phasing for the project with regard to clearing, land disturbance, and grading activities

- Describe any remediation procedures planned for contaminated agricultural soils identified in soil sampling
- Identify any areas of anticipated rock removal and describe blasting procedures
- Describe proposed construction phasing and erosion control practices to be implemented during construction to prevent sedimentation of downstream wetlands and waterbodies
- Discuss and provide detailed engineering draws of the length and height of retaining walls

Mitigation:

- Describe blasting mitigation measures as applicable.

§ III(B) – Surface Water and Stormwater

Existing Conditions

- Establish pre-construction daily water level monitoring in all major wetlands for collection of baseline hydrologic data
- Provide a detailed description and mapping of existing stormwater drainage patterns with a history of any downstream/offsite flooding issues
- The pre-development drainage pattern analysis should use SCS Tr-55 watershed modeling methodology
- Provide a wetland biologist identification and description of wetland species, wetland fringe habitat species, diversity and health of all wetlands and their surrounding habitat on-site and those off-site likely impacted by project

Potential Impacts

- Hydrologic modeling should include the 1, 10, and 100 year storm event frequencies
- The post-development drainage pattern analysis should use the SCS Tr-55 watershed modeling methodology
- Describe any increase in stormwater pollutants to downstream water bodies
- Analyze and describe likely changes to wetland hydrology and species due to project
- Quantify the wetland surface area reduction/drawdown due to groundwater pumping
- Analyze the impact to the wetland ecosystem due to surface area drawdown

Mitigation

- Post-development stormwater management design to attenuate stormwater to pre-development runoff rates

§ III(C) – Ground Water

Existing Conditions

- Construct and provide seasonal groundwater contour maps on-site and within a one-mile radius off-site showing static and maximum drawdown impacts from groundwater withdrawal
- Identify the depth intervals and volume of groundwater influx in all proposed production wells as set forth in NYSDEC Pumping Test Procedures for Water Withdrawal Permit Applications (Section 3.1.1)
- Describe aquifer and hydrogeological conditions off-site within a one-mile radius of groundwater wells
- Characterize shallow groundwater flow system to establish baseflow and recharge of wetlands

Potential Impacts

- Document the average and maximum daily water demand for all project components, including, but not limited to, residential buildings, pool, club house, lawn care, other recreational facilities, maintenance facilities, and fire flow.
- Confirm onsite wells can meet maximum daily demand consistent with Ten States Standard and current NYSDEC Pumping Test Procedures for Water Withdrawal Permit Applications
- Provide all pumping test data in full spreadsheet digital format
- Describe and identify all off-site wells that may be impacted due to ground water withdrawal

Mitigation

- Describe any proposed mitigation for off-site wells impacted due to ground water withdrawal up to and including one-mile from the Property

§ III(D) – Waste Water Management

Potential Impacts

- Identify whether location of discharge is inground or surface discharge
- Identify all surface waterbodies or wetlands into which discharge will flow
- Identify regulatory requirements for all permits necessary and provide supporting data to verify that agencies approval is possible
- Identify the effluent discharge limits required by any reviewing agency
- Assess the impact on groundwater and downstream waterbodies/wetlands with regard to the wastewater discharge generated by the project, including changes to water levels, flow rates, oxygen and ph levels, and chemical composition
- Confirm that wastewater treatment system can handle maximum daily water demand of all project components.

§ III(E) – Vegetation and Wildlife

Existing Conditions

- Inventory all on-site flora
- In the inventory of wildlife, identify whether the animals are presently on site, may be present, or are migratory
- For any migratory and breeding species identified in inventory, identify the times of year species is anticipated or possibly on-site
- The Final Scoping Document should clarify who is providing the methodologies for determining onsite vegetation and wildlife.

Potential Impacts

- Quantify habitat loss as a result of changes in land coverage types at the Project Site

Mitigation

- Analyze and discuss seasonal limitations on tree cutting between October 31st and March 31st per USFWS guidance to reduce impacts to bats

§ III(F) – Traffic

Existing Conditions

- Using traffic counters or existing available traffic data, describe the average vehicle trips per day on Anawana Road, Whittaker Road, Loch Sheldrake Road, and Old Liberty Road.

Potential Impacts

- The trip generation estimate shall identify the traffic generated during the weekday AM and PM peak hours and the daily trips expected over a 24 hour period. Discuss whether weekend trip generation is expected to differ from daily trip generation

Alternatives

The Draft Scoping Document provides a separate section of Alternatives (§ V), identifying four (4) alternatives. As set forth below, TCFD and CMK propose an additional four (4) alternatives that should be included. The purpose of the section on alternatives is to allow the Planning Board “to determine if there are reasonable, feasible alternative that would allow some or all the adverse impacts to be avoided.” (SEQRA Workbook p. 117). Thus, in order for the Planning Board to be able to analyze the appropriateness of a specific alternative, the alternative should be presented with a summary of the setting, likely impacts as discussed in each of the applicable topic areas in section III, and mitigation appropriate for the alternative so that a comparative analysis can be made. As the Workbook notes “The greater the impacts, the greater

the need to discuss alternatives. The discussion of each alternative should specifically include an assessment of its likely effectiveness in reducing or avoiding specific impacts.” *Id.* This can be done either through a stand-alone section, as shown in the Draft Scoping Document, or by including in Section II discussion of the alternatives and then discuss the impacts of each alternative in the relevant section III analysis. Given the size of the Gan Eden project and the significant impacts, TCFD and CMK suggest that incorporating the discussion and comparison of the impacts of the various alternatives within Section III of the DEIS will allow for a better comparative analysis.

In addition to the 4 alternatives set forth in the Draft Scoping Document, Mr. Fink suggests the following additional alternatives be considered:

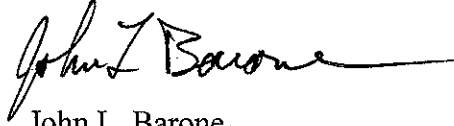
- A reduced rural density alternative – a reduced scale of the project in line with the protected rural landscapes as recommended in the Town Plan.
- Reconfiguration to conform to the Town of Thompson Rural Design Guidelines
- Reconfiguration into a walkable mixed-residential use neighborhood with diverse dwelling types
- Alternative Energy should also be considered and addressed, including wind power, solar energy, groundwater heat pump sources, passive solar designs, and zero net energy dwelling types. As the Workbook notes, “a discussion of alternative technologies is appropriate when the project sponsor, by using alternative technologies, can avoid or significantly reduce potential environmental impacts.” *Id.* at 118.

Growth Inducing Impacts

The Draft Scoping Document states generally that the Growth Inducing Impacts (§ VIII) “section will discuss whether there is a growth inducing impact as a consequence of the approval and construction of the Proposed Action.” This section of the Final Scoping Document should expand upon this general statement in several ways. First, it is not just the approval and construction of the project that can induce growth in the community but also the occupation of the project. Second, it should outline the various ways in which the project can lead to growth, including further development which Gan Eden may support or encourage like attracting significant increases in local population by creating or relocating employment, by providing support facilities or services such as new stores, creating demand for new or additional public services, and so on. It may also include increasing the development potential of Hurleyville and other areas due to the presence of a community water supply system, community sewage system, and associated infrastructure on the Gan Eden site. Finally, if, as is undoubtedly the case given the size of the project and number of residents, there is a growth inducing impact, the DEIS should quantify the induced growth effects to the extent possible given available information, and document sources of data, assumptions used, and growth projections.

Thank you for your attention to this matter. If you have any questions, please feel free to contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Barone". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John L. Barone

Cc: Marilee J. Calhoun, Town Clerk (via email)
Paula Kay, Esq. (via email)

GREENPLAN

Friday, July 10, 2020

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Re.: *Proposed Gan Eden Estates, Town of Thompson Planning Board*
Comments on Draft Scoping Document Adopted for Public Review, 6/10/2020

Dear Mr. Barone:

This letter will provide the results of my planning and environmental analysis of the Draft Scoping Document Adopted for Public Review: June 10, 2020 for Preparation of a Draft Environmental Impact Statement (DEIS) for the Proposed Gan Eden Estates residential development project. The development is currently under review by the Town of Thompson Planning Board, acting as Lead Agency for the review of the project under the State Environmental Quality Review (SEQR) process. The Planning Board will conduct a “virtual” public scoping session on July 8, 2020 and has determined that written comments will be accepted until the close of business on July 22, 2020. My comments should be forwarded in advance of the public scoping session and incorporated into the record of comments submitted therein. However, I may have additional comments following the public scoping session and if that is the case, I would like the opportunity to provide supplementary comments before the comment period closes.

I am familiar with the project through my prior written review and comments on earlier SEQR documents and site plans associated with the project over the past few years. I have conducted a “windshield survey” of the site, viewing it from public roads, and have reviewed aerial photographs of the site from public sources. My review has also included examining a number of relevant documents including those identified on the next page.

The comments provided in this letter are based upon my work as a professional planner in New York State for more than 40 years. My firm represents municipal and private clients, as well as non-profit agencies. GREENPLAN has provided planning services to 56 government entities including 33 towns, 12 villages, two cities, five county agencies, two school districts, and two State of New York agencies. I have been a Professor of Land Use Planning at Bard College’s Graduate School of Environmental Studies and am currently an Adjunct Professor teaching three different courses with the Department of Environmental Science and Policy at Marist College’s School of Science.

By education and experience, I am familiar with the State Environmental Quality Review Act since its inception in 1976 and I teach Principles of Environmental Assessment (ENSC380) at Marist College. I am also familiar with the Planning and Zoning enabling acts of New York State Village, City, and Town laws, Municipal Home Rule Law, and many others. In this regard, I train and assist municipal boards in their environmental and land use responsibilities under New York State’s planning and zoning laws, and other applicable federal, state and local rules and regulations that affect land use.

In addition to the above, I have worked on numerous large-scale SEQR projects like Gan Eden and have personally prepared or reviewed thousands of SEQR environmental impact assessment documents. This has included the SEQR review of projects like the Sterling Forest Development,¹ where I was a SEQR consultant to the New York State Department of Environmental Conservation (DEC), Federal NEPA reviews like the Millennium Pipeline, SEQR reviews of hundreds of proposed real estate development projects and scores of municipal planning and zoning actions.

The questions I have focused on in this letter are whether the contents of the Draft Scoping Document (Draft Scope) are sufficiently detailed and descriptive enough to provide a basis for a comprehensive DEIS that will allow the Planning Board to make appropriate findings under SEQR and demonstrate the “hard look” requirement imposed by the SEQR regulations. SEQR mandates that all agencies find ways to protect and enhance the environment, human and community resources, to give appropriate weight to social and economic considerations, and to “Promote efforts which will prevent or eliminate damage to the environment and enhance human and community resources” [see Article 8, § 8-0101 of the Environmental Conservation Law (ECL)]. This letter will critically review the sufficiency of the Draft Scope in relation to the SEQR requirement that “Agencies shall use all practical means to realize the policies and goals set forth in this article, [i.e. Article 8 of the ECL] and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable, minimize or avoid adverse environmental effects, including effects revealed in the environmental impact statement process.” My focus in this letter is in finding ways to “minimize or avoid adverse environmental effects...and to suggest alternatives to such an action so as to form the basis for a decision whether or not to undertake or approve such action.” [see ECL § 8-0109].

Although I have reviewed the entire Draft Scope, as requested, I will address primarily the issues related to land use, the Town of Thompson Comprehensive Plan (Town Plan), Zoning Law, community character, and the alternatives. Based upon my review, each of the sections that describe the applicant’s proposal for these topical areas are insufficient for a project of this magnitude and to satisfy SEQR’s substantive mandate to minimize or avoid adverse environmental effects to the maximum extent practicable. In this regard, I have included a description of additional reasonable alternatives that need to be included in the Final Scoping Document and the DEIS to demonstrate that the proposed action minimizes or avoids adverse environmental effects “to the maximum extent practicable.”

In preparing these comments, I have reviewed several documents related to the Public Scoping Process by the Town of Thompson Planning Board (Planning Board). The documents are as follows:

1. “DRAFT Scoping Document Adopted for Public Review June 10, 2020 Gan Eden Estates Draft Environmental Impact Statement (DEIS) Town of Thompson Sullivan County, New York.”
2. “Full Environmental Assessment Form Part 1 - Project and Setting for Gan Eden Estates, a Residential Community” dated January 29, 2020.
3. Consent Order for Implementation of a Settlement Providing for the Development of Housing, Injunction, and Dismissal of Plaintiff’s Action Challenging the Zoning of the Town of Thompson, With Prejudice” (Index No.: 2017-2291) dated January 14, 2019.
4. Positive Declaration: “Resolution of the Town of Thompson Planning Board April 22, 2020 Gan Eden Estates Establishment of Lead Agency and Positive Declaration.”

¹ The Sterling Forest Development, if it had not been acquired for State Park purposes, was proposed to span across three municipalities and included 13,500 housing units and 8 million square feet of commercial development on five new hamlets with 82 % of the site preserved as open space.

5. Delaware Engineering, D.P.C. Memo to Town of Thompson Planning Board Support Staff Dated April 22, 2020 in Re: Gan Eden Estates Planning Comments.
6. Numerous relevant Gan Eden Estates Site Plan and related supporting documents posted on the Town of Thompson Public Documents webpage found at <https://townofthompson.com/government/public-documents/>
7. Town of Thompson Village of Monticello Comprehensive Plan (Town Plan), dated May 1999.
8. Town of Fallsburg 2006 and 2018 Comprehensive Plans.

In my professional opinion, based upon my thorough investigation of this matter from community planning, zoning and environmental impact perspectives, and consistent with proper municipal planning and zoning practices, the comments that follow identify planning, zoning, and environmental issues that merit inclusion in a “Final Scoping Document” (Final Scope) to be produced by the Town of Thompson Planning Board. I respectfully request that the Town Planning Board consider my comments and incorporate the scoping recommendations into the Final Scope. **As required by the SEQR Regulations, any scoping recommendations identified in this letter that are not incorporated into the Final Scope must be described in the DEIS or included in an appendix of the DEIS.** [see NYCRR 617.8(e)(7)].

Recommendations for Final Scoping Document

My first recommendation for the Final Scoping Document (Final Scope) involves supplementing the document with three new sections that are warranted as explained below. I also recommend that the Final Scope should break out one topic from a mixed topic in the Draft Scope so that it has its own subsection. Community character should be placed into its own subsection in Section III, rather than combined with land use and zoning. For the reasons explained below, community character analysis goes way beyond an issue that relates only to land use and zoning encompassing aesthetics, cultural resources, traffic, socio-economics, quality of life, impacts like noise and lighting, water quality, among other possible topics.

In Subsection III.G, I have suggested a change of title and focus. Land use, zoning, and community character should become “Land Use, Zoning, and Public Policy.” The reason for this is that the applicant’s proposed scope failed to include a relevant public policy analysis of adopted Town of Fallsburg, Sullivan County, New York State, and Delaware River Basin Commission policies that are of relevance to Gan Eden. In cases where I have suggested a new or revised subsection, I have also included draft language with my suggested topics for further analysis in the table found in Attachment A.

I recommend that there be three new subsections created for the topics “Aesthetic Resources, Socio-economic Conditions, and Greenhouse Gas Emissions,” as more fully explained below. In my professional opinion, the Final Scope must include these issues as well as a separate subsection on Community Character since they are likely to occur if the project is approved, they are significant from an environmental impact perspective, and they are important to the Town of Thompson and its residents, businesses, institutions, and environment as it has been described in the Town Plan. Given the proximity of the site to the Hamlet of Hurleyville and the potential environmental impacts of the project on Fallsburg, these issues are also of importance to the adjoining town and its residents, businesses, institutions and its environment.

Gan Eden Proposal and Thompson's Community Character

Section III.G has been prepared by Gan Eden as a combined Land Use, Zoning, and Community Character Subsection. Community character deserves a section of its own because it is a topic that involves far more than just land use and zoning (although it does relate closely with land use policies and zoning purposes). The effects of the Gan Eden development, proposed as an urban/suburban scale development in the midst of a rural neighborhood that is recommended in the Town Plan as "*Protected rural landscapes*" may be one of the most significant adverse impacts of the project. As a result, I recommend a full examination of community character and all of the subtopics that are included in the definition of community character as discussed herein. These include two of the three new subsections I recommend; aesthetics and socio-economics.

The DEIS preparers should include in the new stand-alone section a description of how the community defines itself; is it rural, suburban, urban or some combination of two or all three characteristics? Does the Town Plan recognize these distinctions and if so, does it establish a policy to keep the urban areas at urban densities and the rural areas at rural densities? Where would one turn to find out how the terms urban, suburban and rural are defined (see below)?

Community character includes the visual landscape of the Town. It includes the quality of life of residents for things such as education, the presence of parks, access to jobs, affordable housing, clean air and water, and many other factors. It also includes issues that impinge on quality of life like crime, noise, bright lights in a rural setting, the presence (or absence) of wildlife, the economic and social characteristics of the community, air and water pollution, and traffic (or lack of traffic) on local Town roads. It also includes the ability of the Town to provide efficient municipal services to a remote location like the Gan Eden site, the presence of historic features in the community and neighborhood including things like stone walls, farms, natural areas and open spaces to name a few. It may include favorite spots in a community where a resident might take a visitor from far away to give them a "feel" for Thompson.

Community character will definitely include the "small town" character of the community as it is described in the Town Plan and may include the scenic beauty of the Town, its water resources or a favorite waterfall, the farms in the community, access to trails, the summer visitors at camps, or some combination of the above. The first thing that needs to be done in order to complete a section on community character is to assemble a checklist of both recognized and unrecognized characteristics. Recognized characteristics will be discussed in Attachment A. Unrecognized characteristics will require additional information gathering, also as discussed in Attachment A.

SEQR is replete with references to community character beginning with the definition of "*environment*" in the Regulations [NYCRR 617.2(l)]. Impairment of community character is an indicator of a "*significant adverse impact on the environment*," therefore requiring measures to "*minimize or avoid adverse environmental effects to the maximum extent practicable*." [ECL § 8-0109].

Community character is often misunderstood by the general public and even many professionals are unsure what is meant when one tries to define community character and conduct a community character impact assessment. It is often seen in SEQR reviews combined with land use and zoning topics, as it has been in Gan Eden's Draft Scope.

The Environmental Assessment Form Workbook available on the State Department of Environmental Conservation's website provides a good starting point for further understanding this topical issue. The guidance is provided to help EAF preparers find answers about determining consistency with community

character in answer to question 18 on the Part 2 EAF. The State guidance is as follows: “Many people define their community's character in very general terms: suburban, rural, urban, quiet, safe, scenic, or friendly are terms often used. Others describe community character only in terms of visual features. Community character is broader than this however. Community character is defined by all the man-made and natural features of the area. It includes the visual character of a town, village, or city, and its visual landscape; but also includes the buildings and structures and their uses, the natural environment, activities, town services, and local policies that are in place. These combine to create a sense of place or character that defines the area.” [see <https://www.dec.ny.gov/permits/91813.html>]. Following on this guidance, the first place to look at how the town identifies its character and find the types of information included in the State’s guidance of what constitutes community character is within the Town of Thompson/Village of Monticello Comprehensive Plan and the Town of Fallsburg’s 2018 Comprehensive Plan.

The Final Scope for the community character subsection topic should include an existing setting, potential impacts, and mitigation. As discussed above, visual features and the visual landscape of the site and setting are relevant to the discussion of community character and a major topic missing from the Draft Scope is the impacts on the visual environment of the Town and Hamlet of Hurleyville in Fallsburg. This topic also needs its own section and should be added to the Final Scope as noted above.

Changes to the Town’s activities and services, such as recreation, need to be added for the Final Scope so that existing facilities and demands on such facilities can be established. The Community Services Section H needs to address the existing and potential future demands on Town, Village, and special district services (such as the Monticello School District and the Crawford Memorial Library) and the assessment needs to incorporate these demands on the character of the community. The impacts to be described in other topical areas, like traffic, also relate to the notion of whether Thompson is an urban, suburban or rural community or some combination of these characteristics.

According to the Town Plan: “The Town of Thompson, along with the Village of Monticello, represents the capitol of once renowned resort area and still possesses the natural assets and small-town character to attract economic growth and tourism if those features are protected and made a part of new development. The future Town of Thompson should include the following elements: Mixed-use small-town neighborhoods and hamlets which locate places of living, places of convenience shopping and places of work in reasonable proximity to each other...Examples of areas that should develop in this fashion are Rock Hill, Thompsonville, Emerald Green, Mongaup Valley, Melody Lake and Sackett Lake... Protected rural landscapes of generally open land in between these neighborhoods and the Village...should be used for agricultural, forestry, recreational or environmental conservation purposes...” The Gan Eden site is not located with any of the six hamlets noted in the above Town policy and is therefore located within the area of “Protected rural landscapes” identified in the Town Plan. This is just one example of how a community character assessment is carried out. First, by using the Town Plan to identify the official Town policies regarding community character and then to describe how the proposed action does or does not conform with those policies.

The Town of Fallsburg is relevant to the community character analysis. The site lies on the Thompson-Fallsburg boundary, the project includes development of a water supply system that includes infrastructure development in Fallsburg, the site is adjacent to the Hamlet Residential (HR) Zoning District associated with Hurleyville in Fallsburg, and it is likely that residents of the future Gan Eden will be drawn to the services in Hurleyville as a result of its close proximity to the site. There are two concerns with this proximity. First are the existing pedestrian accommodations in Hurleyville and what the effects will be on those facilities as a result of increased vehicle traffic from Gan Eden, especially on its narrow Hamlet streets. The second is whether there will be adequate pedestrian and bicycle facilities, from Gan Eden to

Hurleyville, for Gan Eden residents to walk or bike into the Hamlet, which is within walking distance to Hurleyville. There are none at present on the road into the Hamlet from Gan Eden.

Hurleyville has its own unique character as a neighborhood in Fallsburg and any changes that occur in Hurleyville and Fallsburg, as a result of the project, need to be evaluated in the context of Fallsburg's new 2018 Comprehensive Plan and other factors. Based upon a review of the 2018 Fallsburg Comprehensive Plan, it appears as if the Gan Eden project, as currently proposed, may not be consistent with the recommendations Fallsburg has developed for the Hamlet area [see Section 4.1.3 on page 34 of the Fallsburg Plan]. Fallsburg is seeking to enhance a revitalized Hamlet and to "respect the hamlet streetscape which prioritizes the pedestrian." Increases in traffic on Hamlet streets as a result of Gan Eden is just one of several issues of relevance to the topic of community character, if it inhibits realization of the "safe and efficient movement of pedestrian traffic" due to an additional four to five thousand new vehicle trips generated each day by Gan Eden. [see Section 4.1.5 on page 36 of the Fallsburg Comprehensive Plan]. Furthermore, impacts of the project upon community character that affects the elderly, children, and disabled persons must be analyzed and addressed in the DEIS.

Segmentation

The Scoping process should clearly identify all issues relevant to the Gan Eden proposal. An essential consideration that applies to this project, just as it does with any other project that seeks an approval from the Town of Thompson, are the Town rules that apply to the project. Missing from the Draft Scope is an identification of which Zoning District the parcels fall into. Knowing in advance the Town rules that apply to the project is required in order to obtain a complete understanding of the degree to which the project complies with or doesn't comply with the Town's rules and policies. This must be corrected in the Final Scope. The project's parcels also extend into the Town of Fallsburg. The Draft Scope states: "*All residential development will be on the Thompson lot; groundwater wells will be located on the Fallsburg lot.*" [Draft Scope page 2]. The Town of Fallsburg's rules and policies are therefore relevant to the project including the infrastructure to be developed in Fallsburg. This includes the potential for growth inducements in both Thompson and Fallsburg.

Avoiding segmentation is an important feature of project scoping because, in a situation like Gan Eden's, there two sets of municipal rules and policies that need to be addressed and there may be remaining lands that are not fully built-out under the zoning in effect. To avoid segmentation, the extent of any development in Fallsburg, including currently proposed non-residential development there and any future residential or non-residential development in Fallsburg, needs to be included in all assessments of environmental impact. The SEQRA Regulations at NYCRR 617.3(g) mandate that: "*The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it.*" Related actions in Fallsburg whether proposed now, in conjunction with Gan Eden, or in the future under Fallsburg's Zoning rules need to be: "*Identified and discussed to the fullest extent possible.*" [NYCRR 617.3(g)(1)].

All environmental impact issues, therefore, addressed by the Final Scope need to incorporate all activities proposed, planned, or permitted in Fallsburg unless the Fallsburg parcel is subject to conservation restrictions, such as a conservation easement. The Fallsburg parcel should be considered a prime candidate for future development if the Gan Eden project is successful and if, as claimed by the applicant, is subject to the "*Urgent need for housing.*" [see Consent Order paragraph 2.f]. If the parcel is unbuildable, then it needs to be stated as such with a rationale provided as to how that conclusion was reached. Otherwise, a conceptual plan of development, including the proposed groundwater wells, needs to be included for the Fallsburg parcel.

The DEIS should include a discussion of all potential environmental impacts, not just those deemed to be significant by the Planning Board or applicant. Environmental impacts can be insignificant by themselves but which may have cumulative effects when considered together with other proposed projects and plans. On-site mitigation measures for any identified impacts should be identified separately from off-site or external mitigation measures discussed. Responsibility for off-site mitigation should be discussed in terms of whether it will be accomplished by the Gan Eden developers, other developers, an Involved Agency, or some combination thereof. Any mitigation measures required as part of other state or federal laws should be identified as such.

The above comments are made in consideration of the Planning Board's need for environmental information, analysis, and assessment relevant to the growth and character of the Town of Thompson. I have identified a number of impact issues herein that are relevant to the adjoining Town of Fallsburg, due to the water supply system source proposed to be developed there. The DEIS needs to include any actions proposed in Fallsburg in the DEIS in order to avoid segmentation under SEQR. I note that the Positive Declaration issued by the Planning Board, the Draft Scope, and the EAF for the project dated January 29, 2020 do not identify the Town of Fallsburg as an Involved Agency under SEQR. Fallsburg should be included as an Involved Agency under SEQR or the applicant should seek and include official correspondence from Fallsburg that no approvals will be necessary for the water supply infrastructure.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'J. Theodore Fink', written in a cursive style.

J.Theodore Fink, AICP
President

Attachment A: Specific Comments and Recommendations on Draft Scope

Attachment A**Specific Comments and Recommendations on Draft Scope**

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
Project Description	<p>The Final Scope should better explain what is meant by: <i>"All residential development will be on the Thompson lot; groundwater wells will be located on the Fallsburg lot."</i> What non-residential development is proposed? The Final Scope should specifically describe what non-residential uses are included in the proposed project since presumably the groundwater wells are closely related to the residential uses, just like the wastewater treatment plant.</p>
Project Description	<p>The Final Scope needs to identify the Zoning District that the project site is located within. This includes both Thompson and Fallsburg. It should describe the approval procedures required in the Town of Fallsburg and whether any approvals will be needed from the Town of Fallsburg. It should disclose any future development that may be induced by the Gan Eden project including the potential for induced growth in Thompson and Fallsburg and on other sites that could be served by the new water supply system in Thompson, other than Gan Eden. See Section VIII for recommended modifications to be included in the Final Scope.</p>
General Guidelines for the DEIS - First ¶	<p>This section of the Draft Scope should include the following additional paragraphs or modification to the existing paragraphs:</p> <ul style="list-style-type: none"> • The provisions of SEQR shall apply to the contents of the DEIS and shall address all items and conform to the format outlined in this Final Scoping Document including the potentially significant adverse impacts of the project identified by the Planning Board in the Positive Declaration, adopted on April 22, 2020. The DEIS may also contain studies completed by the applicant, in addition to those detailed herein. Unless otherwise directed by this Final Scoping Document, the specifications for environmental impact statements found in 6 NYCRR 617.9(b) apply to the content of the DEIS and are incorporated herein by reference. • Highly technical material will be summarized and, if it must be included in its entirety, referenced in the DEIS and included as an Appendix.
General Guidelines for the DEIS - First ¶	<ul style="list-style-type: none"> • The DEIS is to be based upon both a quantitative and qualitative analysis of potential environmental impacts of the action. Numbers should speak for themselves. However, where there is a qualitative analysis and conclusions that involve opinions of the preparers, they should be identified as such. • The DEIS will discuss all related short-term and long-term impacts, cumulative impacts and associated indirect environmental impacts for each relevant topical area. • Where relevant to the discussion of off-site impacts (such as traffic and community services), potential cumulative impacts with other projects proposed in the Town of Thompson and Village of Monticello and surrounding communities including Fallsburg will be analyzed and discussed.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
II.A Project Site	<ul style="list-style-type: none"> Existing site conditions including...location, size, and jurisdiction of wetlands, watercourses, and surface water bodies... Zoning designations of the site (both Thompson and Fallsburg) and the surrounding areas within one-half mile. The proposed use as listed in the Town of Thompson and Fallsburg Zoning Laws from each community's use regulations. Include any anticipated variances from Zoning or waivers from the Subdivision Regulations if so required for any aspect of the project. Include a table that illustrates the project's conformity with the each of the Zoning Law's bulk requirements. Surrounding land uses within one-half mile of the site. Site access including the proposed access drives and the turning radii for deliveries of supplies and materials.
II.B Proposed Action	<ul style="list-style-type: none"> General project layout including proposed building elevations. Site access, vehicular, bicycle and pedestrian circulation, and parking. Location of sidewalks and bicycle paths. Number of parking spaces including proposed size dimensions and layout. Description of natural areas and areas of the site to remain undisturbed along with proposed protection mechanisms for remaining undisturbed in the future. If the proposed site development is the maximum allowable under the Zoning Law, then provide a statement to that effect; if it is not, include an analysis of the extent of any future additional development that could occur under the Zoning regulations currently in effect. Proposed public rights of way improvements, if any. Proposed utilities including a description and locations of back-up measures to treat wastewater in the event of a power failure (i.e. generators, fuel tanks); describe and show locations of back-up measures to supply water in the event of a power failure (i.e. generators, fuel tanks); stormwater facilities and drainage, and describe all other utilities, including but not limited to any use of fossil fuels and electricity for such utilities and infrastructure. Describe rock removal, the potential for blasting, and related mitigation including provisions for pre-and post-blast surveys, seismographic monitoring, remuneration for possible damages, and so on. Safety plans, if any construction activities will be on-going after any part of the project is in use. Hours and days of the week when construction operations will occur. Routing of heavy machinery and trucks on both town's roads, weight limits, and anticipated use of Village of Monticello streets, if any. Ownership, maintenance and organizational structure (district, transportation corporation and so on) for infrastructure, including the entity who will maintain such improvements (sewer, water, stormwater, landscaping, pool and other amenities).

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
II.C Project Public Need and Benefit	<p>Project Public Need and Benefit – This section will include a description of the public need. It will identify the objectives of the Applicant and the public benefits of the Proposed Action, including its economic impacts to the community. The size, scale, and potential market for the proposed project will be identified and discussed. Include anticipated net tax revenues (i.e. after subtracting for the services required to be provided to the future project and its residents) to the towns of Thompson and Fallsburg and other taxing jurisdictions including but not limited to the Monticello School District, Fallsburg Fire, Crawford Memorial Library, and Sullivan County.</p>
III.B Surface Water and Stormwater	<p>Existing Conditions - Add the following bullet point:</p> <ul style="list-style-type: none"> • Establish baseline water quality conditions for the onsite “B” stream where the wastewater discharge is proposed for the following parameters: <ul style="list-style-type: none"> • pH • Suspended solids • Biochemical oxygen demand • Nutrients • Pathogens • Non-biodegradable organic matter • Metals including mercury • Temperature • Inorganic dissolved solids
III.B. Surface Water and Stormwater	<p>Potential Impacts - Add the following bullet points in this section and as a reference for Subsection III.D, Waste Water Management:</p> <ul style="list-style-type: none"> • Describe the changes to the baseline conditions identified in the onsite “B” stream as a result of the waste water discharge and stormwater discharges. • Describe whether any of the expected changes to the stream’s water quality will affect downstream aquatic life as well as users of the stream, such as public bathing use or other recreational uses known for the stream.
III.F Traffic	<p>Existing Conditions - Add the following bullet point in this subsection:</p> <ul style="list-style-type: none"> • Using traffic counters or existing available traffic data, describe the average vehicle trips per day on Anawana Road, Whittaker Road, Loch Sheldrake Road, and Old Liberty Road.
III.F Traffic	<p>Potential Impacts of Proposed Action - Modify the last sentence at the end of the first bullet point in the list as follows:</p> <ul style="list-style-type: none"> • ...The trip generation estimate shall identify the traffic generated during the weekday AM and PM peak hours and the daily trips expected over a 24 hour period. Discuss whether weekend trip generation is expected to differ from daily trip generation.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.G Land Use, Zoning and Public Policy	<p>As discussed above, Community Character needs its own section and so the Subsection title has been modified as suggested herein. The following should be added to the existing Subsection G in the Final Scope:</p> <p>Existing Conditions</p> <ul style="list-style-type: none"> • Discuss Town of Thompson Comprehensive Plan policies that apply to development within the six listed hamlets on page 18 in Policy 2.2.1. • Discuss Town of Thompson Comprehensive Plan policies that apply to developments outside of the six listed hamlets and within the “Protected rural landscapes” between the hamlets and the Village on page 18 in Policy 2.2.3. • Discuss Town of Fallsburg’s 2006 and 2018 Comprehensive Plan policies that apply to the project site and the Hamlet of Hurleyville. • Discuss Sullivan County Plans and planning studies relevant to the site. If a plan’s policy statements or a planning study is not relevant to the proposed project, then a statement to that effect will be included. Plans and planning studies to be reviewed include the following: <ul style="list-style-type: none"> • Sullivan County 2020 Comprehensive Plan • Open Space Protection Plan • Sullivan County Climate Action Plan 2014 • Agricultural and Farmland Protection Plan • Sullivan O&W Rail Trail Feasibility Study • Coordinated Transportation Plan • Hazard Mitigation Plan • Second Home Owner Study • Market Assessment for Wind Energy • Discuss the New York State Department of Environmental Conservation’s Waterbody Inventory/Priority Waterbodies List (WI/PWL) report for the Delaware Basin and its tributaries including the Delaware River Basin Commission (DRBC) Comprehensive Plan as well as plans for the Mongaup River watershed, because the project is subject to the policies and regulations of the Interstate Compact administered by the DRBC for the proposed groundwater withdrawals in Fallsburg. • Discuss New York State’s goal to: <i>“Reduce greenhouse gas emissions from all anthropogenic sources 100% over 1990 levels by the year 2050, with an incremental target of at least a 40 percent reduction in climate pollution by the year 2030”</i> as State policy established in the 2019 New York State Climate Leadership and Community Protection Act.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.G Land Use, Zoning and Public Policy	<p>Existing Conditions Continued</p> <ul style="list-style-type: none"> • Discuss the Town of Thompson and Town of Fallsburg Zoning requirements that apply to the proposed project site and the proposed project's uses including infrastructure development in Fallsburg. • Discuss Town of Fallsburg approvals needed for the water infrastructure, if any. • Discuss existing land uses and zoning designations on-site and on adjacent properties and in the surrounding area (i.e. within 1/2 mile). • Discuss the historic use of the site including structures, soil fertility, any previous crop and/or animal production, or timber harvesting activities. • Discuss permitted "as-of-right" uses allowed, special permit uses, and accessory uses allowed on the site, for both Thompson and Fallsburg.
III.G Land Use, Zoning and Public Policy	<p>Potential Impacts</p> <ul style="list-style-type: none"> • Discuss compatibility of the proposed project with the above identified plans, planning policies, and local laws. • Discuss the change in land use for the site as it relates to surrounding land uses, which are predominantly single family homes, farms, open space, and protected open space. • Analyze and discuss the proposed project's compliance with the Town of Thompson and Town of Fallsburg Zoning Laws, including the intent and purposes of the Zoning Laws, the provisions of Site Plan review and approval and other relevant sections of the Zoning Laws. • Discuss the need for and justification of any waivers or variances from the Site Plan or other regulations (such as the proposed 52 foot high water tank) for any and all areas where the proposed site plans do not meet the design standards, or other standards of the Zoning Law. • Discuss consistency of the proposed project with the Town of Thompson's Rural Design Guidelines in the <u>Town Plan</u>. • Discuss consistency of the proposed project with the Town of Fallsburg's Hamlet Design Guidelines.
III.G Land Use, Zoning and Public Policy	<p>Mitigation</p> <ul style="list-style-type: none"> • See Section III.H and the Alternatives Section V for design and density alternatives to minimize impacts on land use and ensuring compatibility with the town plans, zoning law, and public policies for new development.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.J Community and Neighborhood Character	<p>Existing Conditions</p> <ul style="list-style-type: none"> Identify and define the distinguishing elements of the neighborhood and community. This includes the rural character of the Town of Thompson and the neighborhood character of the adjoining Hamlet of Hurleyville. The Thompson <u>Town Plan</u> (i.e. Town and Village) identifies important elements of the environment to be protected. Community character should be defined, in general, based on how that character has been defined in officially approved or adopted planning and zoning documents. The Fallsburg Comprehensive Plan identifies the important elements of Hurleyville and other lands in its vicinity. Discuss the character of the Town of Thompson, Village of Monticello, and Hamlet of Hurleyville, based upon the descriptions provided in the Thompson <u>Town Plan</u> and <u>Fallsburg Comprehensive Plan</u>. Discuss the character of the neighborhood as specifically addressed in both comprehensive plans. Identify any facilities serving children, the elderly, and people with disabilities within the surrounding area of the project site, including without limitation, within the Hamlet of Hurleyville. Discuss the character of the site and its environs as a contributing characteristic of the community, based upon relevant public sources. Include field studies and maps to analyze the physical elements of the neighborhood and community form, such as land use, roadway patterns, lot sizes and distances from neighborhoods to open spaces. Written and oral comments made on the Gan Eden project, since it was first introduced to the Town in 2007, should be used as a source for identifying community character elements of importance to Thompson's and Fallsburg's residents. Rural and small-town characteristics in other circumstances should be consulted from a literature search of publications on the subjects of the characteristics unique to rural areas. For purposes of identifying community character, as it is discussed in the <u>Town Plan</u>, and distinguishing between urban and rural in the DEIS, consider use of the US Census Bureau's definition of "urban" (i.e. at least 500 persons per square mile), "rural" as defined by the New York State Legislative Commission on Rural Resources (i.e. less than 150 persons per square mile), and assume that suburban falls somewhere in between these two definitions. Include field studies and examine maps to analyze the physical elements of the community form, such as road patterns, lot sizes, distances between residences, and distances between residences and open space, such as farms and forests. Discuss existing noise and lighting levels on and near the Gan Eden site. Discuss the quantitative and qualitative changes to residents and other land uses along the roads leading to and from the site as a result of increased daily traffic. Discuss the same for Hurleyville and other affected hamlets.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.J Community and Neighborhood Character	<p>Potential Impacts</p> <ul style="list-style-type: none"> • Identify project components that might affect the identified important characteristics of the neighborhood and community. • Discuss how the existing characteristics of the community and neighborhood, including Hurleyville, would change if the project were built as proposed. • Discuss predicted impacts based on their known association with project characteristics or impacts of other similar large developments. • Discuss changes expected in noise and lighting levels on the Gan Eden site and its affect on the surrounding community and neighborhoods in Thompson and Fallsburg. • Discuss proximity of the project to and from community services including schools. • Discuss how a residential project with a uniformity of 534 row houses is or is not consistent with the community character. Provide examples of similar large housing developments in the Town. • Discuss whether the town plans in Thompson and Fallsburg support a diversity of housing or call for only one style of development, like the Gan Eden townhouses, in its rural and hamlet areas. • Discuss the changes in traffic levels on the roads affected by Gan Eden, including the Hamlet of Hurleyville, and any changes to resident's quality of life such as the safety of pedestrians and bicyclists on area roads and in Hurleyville. • Discuss whether future residents at Gan Eden will be able to walk or bicycle to Hurleyville and other locations in the two towns in view of the narrow roads with no shoulders leading to and from from the Gan Eden site. • Discuss any changes to community character that may affect the elderly, children, and disabled persons. • Discuss any changes that may be required to Hurleyville streets, such as redevelopment of the Hamlet with Complete Streets as outlined in New York State's 2010 Complete Streets Law. • Describe how the proposed project is consistent with the character of the existing natural landscape. • Describe the manner in which project's housing density is consistent with surrounding land uses. • Documentation that at full buildout the project will be consistent with the scale, density, intensity, and existing land use of the surrounding community.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.J Community and Neighborhood Character	<p data-bbox="391 338 516 369">Mitigation</p> <ul data-bbox="391 411 1422 1182" style="list-style-type: none"> <li data-bbox="391 411 1422 516">• The measures proposed to mitigate impacts to identified community characteristics should include both those designed to change proposed project elements as well as those introduced to expressly mitigate impacts. Examples of each are as follows: <ul data-bbox="440 520 1422 1182" style="list-style-type: none"> <li data-bbox="440 520 1422 625">• As an alternative (see Section V below), redesign the project so that it conforms with the Town's <u>Rural Design Guidelines</u> found in Appendix E of the Town Comprehensive Plan. <li data-bbox="440 630 1422 777">• Project elements that may reduce, for instance, the sky glow effects, glare, and light trespass issues from outdoor lighting proposed for the project should include adherence with the Illuminating Engineering Society of North America's Dark Sky standards for residential development found here. <li data-bbox="440 781 1422 959">• Elements that may reduce or avoid adverse impacts on community character should include an examination of a reduced density alternative in line with the Town's policies to protect open space lands outside of the six named hamlets in the <u>Town Plan</u> policy 2.2 and to reserve high density development to those six hamlets. <li data-bbox="440 963 1422 1037">• Envision the elements that make up the community character of Thompson and Fallsburg and design around those elements. <li data-bbox="440 1041 1422 1115">• Redesign and reduce density compatible with the rural and small town characteristics of the neighborhood around Gan Eden. <li data-bbox="440 1119 1422 1182">• Identify and introduce methods to reduce auto use for meeting resident's daily needs, thereby avoiding significant increases in traffic on local roads.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.K Aesthetic Resources	<p>Scenic resources are an essential element of community character and an assessment of such resources needs to be undertaken in order to properly assess any impacts of the project on community character. This new section should be added so that an assessment may be made of the changes to scenic views and rural landscapes, as discussed in both town's comprehensive plans.</p> <p>Existing Conditions</p> <ul style="list-style-type: none">• Provide a narrative and graphic representation describing the existing scenic resources and visual character of the project site and the surrounding neighborhood in both Thompson and Fallsburg.• Discuss aesthetic and historic resources important to the community in the vicinity of the site.• Identify and describe in detail the resources, including historical identification on maps and other relevant documents, measurement and elevation drawings showing the surrounding landscape as a defining characteristic of the resource and the existing viewsheds to and from the site.• Identify visibility of the site from any public parks or trails.• Prepare photo-documentation of the current site from relevant vantage points, as determined in consultation with the Planning Board. The methodology outlined in the NY State Program Policy document entitled "Assessing and Mitigating Visual Impacts" (DEP-00-2) is to be used to assess impacts.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.K Aesthetic Resources	<p>Potential Impacts</p> <ul style="list-style-type: none"> • Areas from which the site will be visible will be defined. • Describe the proposed altered visual conditions of the site. • Discuss the potential for diminished public enjoyment of the site, its natural characteristics, and its character as a rural open space parcel within Town designated “Protected rural landscapes.” • Discuss proposed signage (location, proposed colors, and size of signage if any). • Include all site elements visible from public viewing locations, such as buildings (location, proposed colors, building materials, size/height), landscaping (location, type, size/height), and lighting. A discussion of the lighting will include off-site impacts (light spillage, uplighting, diminishment of rural dark skies, and glare). • Provide elevation drawings and diagrams illustrating the altered views of the site showing proposed buildings and infrastructure as seen from public roadways and other public viewpoints. • Prepare photo simulations of the proposed project site and structures from the various vantage points as determined in consultation with the Planning Board. • Include an assessment of night time visibility using the proposed lighting plan for the project. Include a description of the changes in visual character of the site and surrounding areas. This section will also discuss the impact on views from the critical receptor points identified in the DEC methodology and the project’s potential effects on the rural character of the community and neighborhood. • From the elevations provided, discuss the proposed architecture of the on-site structures and how they will relate in scale, mass or aesthetic details to the Town of Thompson Rural Design Guidelines (Appendix E of the Town Comprehensive Plan).
III.K Aesthetic Resources	<p>Mitigation Measures</p> <ul style="list-style-type: none"> • Identify mitigation for any adverse impacts that would result. Describe any measures that could be implemented to minimize or avoid aesthetic impacts to the community. Identify unavoidable adverse effects that cannot be mitigated.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.L Socio-economic Conditions	<p>Socio-economic conditions are an essential element of community character. This new section should be added so that an assessment may be made of the changes to such conditions, as discussed in both town's comprehensive plans.</p> <p>Existing Conditions</p> <ul style="list-style-type: none"> • Discuss existing demographics of the towns of Thompson and Fallsburg relative to target market demands for the project. Most recent U.S. Census Bureau or other comparable source of information for the towns will be used to describe existing population characteristics, age, distribution, household size, income, and composition. In addition, population projections will be provided to determine future demands for housing and the tourist trade if second-home ownership is projected. Using current source material, a description of local and area-wide housing conditions will be provided. • Discuss the social and economic benefits and impacts to the community from the existing site use if the No Action alternative were to be selected by the Planning Board.
III.L Socio-economic Conditions	<p>Potential Impacts</p> <ul style="list-style-type: none"> • Discuss any effect the project population can be expected to have on existing demographics, tourism and housing markets in the towns. Analyze in terms of changes in income levels, age composition, and other characteristics of the population of the towns. • Estimate temporary employment associated with construction of the proposed action and income to the local economy from sales of construction material, construction labor, and construction spending/sales tax. • Estimate permanent employment associated with the proposed action and its effect on the local labor market. • Discuss housing market conditions in Thompson (including Monticello) and Fallsburg and whether employees hired to maintain the project can be expected to find housing in Thompson or Fallsburg, based upon projected pay scales for the positions to become available. • Describe the socioeconomic benefits and adverse effects on the community that can be expected to result from the proposed action.
III.L Socio-economic Conditions	<p>Mitigation Measures</p> <ul style="list-style-type: none"> • Identify mitigation for any adverse impacts that would result. Describe any measures that could be implemented to maximize socio-economic benefits to the community. Identify unavoidable adverse effects that cannot be mitigated.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
III.M Greenhouse Gas Emissions	<p>The Draft Scope presented Section IX, Impacts on Climate Change. This section only addressed the effects on climate change such as flooding and a non-specific “green features.” Important public policies and laws have been established to reduce greenhouse gases that apply to all new development. This section is warranted so that Gan Eden’s contribution to climate change, over the life of the project as currently proposed, can be assessed.</p> <p>Existing Conditions</p> <ul style="list-style-type: none"> • Discuss any greenhouse gas emissions generated under existing conditions on the site. • Discuss public policies and laws pertaining to greenhouse gas emissions in New York State and Sullivan County including specific measures to achieve the targets
III.M Greenhouse Gas Emissions	<p>Potential Impacts</p> <ul style="list-style-type: none"> • Using the New York State DEC’s <u>Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement</u>, identify, quantify, and discuss direct and indirect carbon dioxide (CO₂) emissions as a result of the proposed project. • Quantify the contribution of the project to carbon emissions over the life of the project, which can be assumed to be at least 100 years once fully developed.
III.M Greenhouse Gas Emissions	<p>Mitigation Measures</p> <ul style="list-style-type: none"> • Mitigation proposed for identified environmental impacts. • Unavoidable adverse impacts will be identified. • The list of suggested mitigation measures for decreasing greenhouse gas emissions, as provided in the DEC’s <u>Guide</u>, will be reviewed in this section along with a discussion of which mitigation measures are proposed, which will be considered for the project, and which will be rejected along with the reasons for the rejection.

Draft Scope Section Number	Comment, Added Statement or Existing Statement Modified
V. Alternatives	<p>Alternatives analysis: Each topical area discussed in Section III of the DEIS will be covered for each of the alternatives presented with a summary of the setting, impacts, and mitigation appropriate for the alternative so that a comparative analysis of the proposed project with the alternatives included in the DEIS [as per NYCRR 617.9(b)(5)(v)] can be made.</p> <ol style="list-style-type: none"> 5. Alternative reduced rural density alternative - to transform the scale of the project so that it is in line with the protected rural landscapes for the site as recommended in the <u>Town Plan</u>. Using rural densities in line with the New York State Legislative Commission on Rural Resources definition of “rural,” aim to maintain a rural density of 150 persons per square mile and contrast the full population of the site for the proposed action with the reduced density “rural alternative” to provide a comparative assessment of whether the site’s rural context can be maintained as illustrated for the area included within the US Census Bureau’s “Rural America” definitions and mapping designation of the site as currently rural. 6. Alternative design 1 - to transform the site design so that it complies with the Town of Thompson Rural Design Guidelines, which use an illustrative 200 acre site as an example of how the transformation of the site design will move the project more in line with Town policies. Include Town of Fallsburg Design Guidelines for its hamlets in discussing the alternative. 7. Alternative design 2 - An alternative that would create a walkable mixed-residential use neighborhood. Design diverse dwelling types as permitted in the SR District. Locate off-street parking at the rear of the residences, in garages or parking areas accessed by lanes or alleys. Design the residences so that they emulate traditional historic buildings in the hamlets in both towns. Site the residences so they front directly onto streets or greens (rather than parking areas), with a uniform build-to line that establishes the front yard setback along the street when the residences front onto streets. Front yards should be a minimum of 15 feet and a maximum of 20 feet deep, measured from the building (exclusive of front porch or steps) to the street edge, consisting of lawn planted between the building and the sidewalk. Plan for sidewalks on both sides of the streets (excluding lanes or alleys) and separated from street curbs by a planting strip planted with shade trees. 8. Alternative energy - The Applicant will analyze the potential and feasibility for the use of non-greenhouse gas emission energy resources for the 534 dwellings and accessory uses including the potential for wind power, solar energy, groundwater heat pump sources, passive solar designs, and zero net energy townhouses or other similar dwelling types.

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VIII. Growth Inducing Impacts	<p>Rewrite the section as follows:</p> <p>This section will discuss whether there is a growth inducing impact as a consequence of the approval, construction, and occupation of the Proposed Action. This includes further development which Gan Eden may support or encourage like attracting significant increases in local population by creating or relocating employment, by providing support facilities or services such as new stores, creating demand for new or additional public services, and so on. It may also include increasing the development potential of Hurleyville and other areas due to the presence of a community water supply system, community sewage system, and associated infrastructure on the Gan Eden site. Quantify the induced growth effects to the extent possible given available information, and document sources of data, assumptions used, and growth projections.</p>