



Memo:

To: Town of Thompson Planning Board Support Staff
From: Mary Beth Bianconi
Copy: Applicant Representatives
Date: April 22, 2020
Re: Gan Eden Estates Planning Comments

Gan Eden Estates is proposed to create 534 row house units on a 199-acre parcel in the Town of Thompson with net of 134 acres in consideration of wetlands, steep slopes, existing ROWs, easements and bodies of water. Access is proposed via Old Liberty Road (County Road 107) and Main Street (County Road 104). The project is planned to utilize on-site wastewater treatment with water supplies supported by on-site wells. Site elements includes open space as well as pedestrian and recreation facilities in addition to structures, roads, parking, stormwater and other utilities. The zoning of the site is SR, suburban residential with Row Houses permitted at 4.0 dwelling units per acre based on net acreage.

The Gan Eden project has a long history with the Town, from site plan application in 2009 through various submission in 2016 through 2017, with legal action challenging the Town of Thompson Zoning Code filed against the Town and Town Planning Board by the Applicant in early 2018. A Settlement was reach in early 2019 which orders the review of the proposed project with conditions. The review process shall be conducted in conformance with the Settlement, recognizing that Paragraph 20 of the Settlement states that the provisions of the Settlement shall not supersede the requirements of any existing law or applicable state regulation, compliance with which would make the proceedings invalid or subject to challenge.

Zoning:

The property is zoned SR; row houses are permitted at a density of 4.0 dwelling units per acre together with other dimensional requirements. By letter dated January 7, 2020 and documents submitted, the project as currently proposed conforms with the dimensional requirements as well as the density.

Permits and Approvals:

The preliminary list of anticipated permits and approvals subject to additional information from the Applicant includes:

- Town of Thompson
 - Site Plan
 - Special Use
- Sullivan County
 - 239 Review
- DRBC
 - Water Taking
- NYSDEC
 - Water Taking
 - SWPPP/SPDES Stormwater
 - Wetlands
 - Wastewater Collection and Treatment System SPDES/Plan Review
- NYSDOH
 - Public Water System
 - Water treatment, storage and distribution plan review
- USACOE
 - Wetlands

SEQR Status:

The Gan Eden proposal is an Action subject to conduct of an environmental review under SEQR. While a coordinated review was initiated many years in the past, the project as well as regulatory requirements and agency staff have changed since that time.

An updated Long EAF Part 1 has been provided by the Applicant to act as the basis of the Town Planning Board's declaration of intent to act as Lead Agency and in circulation to Involved Agencies to confirm lead agency status and determine jurisdiction.

The project appears to meet the criteria of a Type I Action under SEQR as follows:

- 6 NYCRR Part 617.4(b)(5)(ii) – 50 units or more not to be connected at the commencement of habitation to existing community or public water or sewerage systems including sewage treatment works

On February 12, 2020, the Planning Board declared intent to act as Lead Agency and circulated to Involved Agencies for lead agency agreement and jurisdictional determinations. The single respondent was the NYSDEC who concurred with the Planning Board's intent to act as Lead Agency and outlined the Department's jurisdiction based on the information provided.

Having received no objections to the Board's declaration of intent to act as Lead Agency, the Planning Board has caused draft Parts 2 and 3 of the Long EAF to be prepared and a draft resolution confirming Classification of the Action as a Type 1 with reference to the specific criteria used in the determination and issuing a Positive Declaration with required notice and circulation.

Delaware Engineering, D.P.C.

As of January 2019, scoping of environmental impact statements is mandatory. While the Settlement outlines “the full scope of SEQRA review” in listing topics to be covered, a scoping process is nevertheless required by the SEQR regulations.

As such, the scoping document submitted by the Applicant should incorporate the areas of potential impact listed within the Settlement with a detailed description as to the methods that will be used to determine existing conditions, potential impacts and mitigation measures. The areas to be studied as outlined in the Settlement are:

- Potable water supply and on-site system
- Wastewater Treatment and on-site system
- Impacts on site wetlands and water body
- Impacts on site wildlife and on-site wildlife habitat
- Traffic impacts on adjacent public roads and internal circulation
- Recreation needs of the residents and impact upon existing Town recreation facilities

Additionally, the Scope must be in conformance with SEQR regulations in incorporating those areas identified in the Pos Dec in addition to those listed above including but not limited to

- Stormwater
- On-site Dam
- Design features to blend with the surrounding rural landscape

As applicable, the Scope should include evaluating of issues such as impacts on community services particularly emergency services, cumulative impacts, adverse impacts that cannot be mitigated, irreversible and irretrievable commitments of resources, growth inducing impacts, alternative design/phasing, and evaluating measures to avoid or reduce impact on climate change and associated impacts of flooding.

The scoping process is envisioned to include the following steps:

1. Submission by the applicant of a draft scoping document in MS Word format
2. Planning board review of the draft scope submitted by applicant with revisions as needed
3. Adoption of a Draft Scope by the Planning Board
4. Circulation of the Draft Scope to Involved Agencies and Interested Parties and conduct of a public meeting/receipt of written public comment on the Draft Scope by the Planning Board
5. Consideration of agency and public comment by the Planning Board with modifications to the Scope as appropriate prior to adoption of the Final Scope by Resolution of the Planning Board
6. Circulation of the Final Scope to Involved Agencies and Interested Parties.

The Applicant may proceed with preparation of a Draft Environmental Impact Statement (DEIS) throughout Lead Agency determination and the Scoping process, ensuring that all elements incorporated in the Final Scope are included in the DEIS that is submitted to the Planning Board for review.

Delaware Engineering, D.P.C.

Immediate Next Steps:

1. Confirm Classification of the Action as Type 1, consideration of Parts 2 and 3 of the Long EAF, and Adoption of a Positive Declaration by the Planning Board with notice as required by SEQR
2. Scoping process as outlined herein