



## **Memo:**

**To: Town of Thompson Planning Board**  
**From: Mary Beth Bianconi**  
**Copy: Paula Elaine Kay**  
**Date: June 3, 2019**  
**Re: Gibber Neighborhood Development Planning Comments**

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The Gibber Neighborhood Residential Development is proposed to create 264 attached townhouse units with 3, 4 and 5 bedrooms on a 103-acre wooded parcel with primary access via a 3,700' new road located on a parcel in the neighboring Town of Fallsburg. The project intends to rely on wastewater treatment at the Town of Thompson's Kiamesha Lake WWTP through extension of the Town's sewer district and development of conveyance infrastructure. Water supplies are planned to be supported by on-site wells. Permits and approvals required include but may not be limited to:

- Town of Thompson
  - Site Plan
  - Special Use
  - Sewer District Extension
- Town of Fallsburg
  - Road Entrance Permit
- Sullivan County
  - 239 Review
- DRBC
  - Water Taking
- NYSDEC
  - Water Taking
  - SWPPP/SPDES
  - Wetlands
  - Wastewater Collection System plan review
- NYSDOH
  - Public Water System
  - Water treatment, storage and distribution plan review
- USACOE
  - Wetlands

SEQR status:

The project meets the criteria of a Type I Action under SEQR as follows:

- 6 NYCRR Part 617.4(b)(5)(iii) – 200 units to be connected at the time of habitation to existing community or public water or sewage systems including sewage treatment works
- 6 NYCRR Part 617.4(b)(6)(iii) – parking for more than 500 vehicles

As a Type I Action, the Planning Board should resolve to act as Lead Agency and circulated to the Involved and Interested agencies on March 18, 2019. No involved agencies objected to the Town of Thompson Planning Board acting as Lead Agency.

Comments on Part 1 of the Long EAF:

- The acreage figures provided in D1b, D2e and E1b are inconsistent and should be corrected for the record
- The Phasing of the project as outlined in D1e appears unreasonable and should be revised for the record
- The number of units in D1f is inconsistent with the project description and should be revised for the record
- The preliminary site plan fails to show conceptual accommodation for stormwater and development is within the zones of protection of the well heads.

Next Steps:

The Planning Board should review and execute Part 2 of the Long EAF and prepare Part 3 of the Long EAF. Drafts of these documents are attached. It appears that a Positive Declaration is supported by the record; therefore, a draft Positive Declaration is also included. The Positive Declaration must be noticed in the ENB and circulated to Involved Agencies.

The step after adoption of the Pos Dec is scoping the environmental impact statement; which should be conducted after the Pos Dec is issued. The scoping process will involve:

1. Workshop to review draft scope submitted by applicant (6.3)
2. Submission by the applicant of a draft scoping document in MS Word format,
3. Revision as needed by the Planning Board,
4. Adoption of a Draft Scope by the Planning Board,
5. Circulation of the Draft Scope and conduct of a public meeting/receipt of written public comment on the Draft Scope by the Planning Board,
6. Modification of the Draft Scope to a Final Scope by the Planning Board and
7. Adoption and circulation to involved and interested agencies of the Final Scope by the Planning Board.

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A draft scoping document has been provided for review, initial comments to which are as follows:

1. Once initial comments from the Planning Board are addressed, the draft scoping document must be provided as an MS Word document for use by the Planning Board as Lead Agency. The Planning Board will 'own' the document and make any changes needed prior to adoption as a draft and as a result of public comment and agency input.
2. These comments are limited to the discussion in 'Chapter III' and 'Chapter V' (any changes to the other sections will be conducted by the Planning Board as necessary after the MS Word version of the document is provided by the Applicant).

### Chapter III – Existing Conditions, Potential Impacts and Proposed Mitigation Measures

- A. Soils and Topography – in addition to publicly available data regarding soils, the information must include test pit information in conformance with DEC regulations for areas planned for stormwater features to demonstrate proper separation from rock and groundwater and support the feasibility of the mitigation measures proposed. A SWPPP will be required as a mitigation measure; the EIS need to include a full SWPPP but should identify likely project phasing and associated stormwater practices. Construction on steep slopes should be avoided or minimized and if necessary, to fulfil the project objectives, justified in the EIS.
- B. Surface Water and Stormwater – A wetland delineation and Jurisdictional Determination are required to be included in the EIS. In addition, coordination with both the DEC and ACOE must be documented. Compensatory mitigation for permanent wetland disturbance, if required, must be fully discussed. If off-site land is required to conduct compensatory mitigation, the land area must be identified and documentation that the land owner is willing to allow the mitigation must be provided.
- C. Groundwater/Water Supply – The well points must be identified on the site plans together with the zone of control and zone of influence for each. Documentation of the pump testing protocol used must be provided as well as laboratory testing data. A report in conformance with the DEC protocol [http://www.dec.ny.gov/docs/water\\_pdf/pumptest.pdf](http://www.dec.ny.gov/docs/water_pdf/pumptest.pdf). With the number of wells and the demand of the project, it appears that the wells are intended to be configured as a well field, with multiple wells pumping at the same time. Pump testing of all wells required to meet maximum day demand with the largest producing well out of service is required. Given the close proximity of the wells to the wetlands, piezometers may be required in the wetlands to ensure that well pumping does not dewater the wetlands. In addition, to the extent that there are neighboring potable water wells within the zone of influence of the pumping, they should be monitored.
- D. Wastewater Management – The draft scope presumes an on-site wastewater treatment plant, which is not presently proposed. The scope should be modified to discuss the on-site

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collection system, conveyance to the Town's Kiamesha Lake treatment plant, the capacity and operations of the Town's Kiamesha treatment plant and the need to extend the Town's sewer district. Correspondence with the Town and the DEC must be included to demonstrate the viability of this approach to wastewater management, and any mitigation measures must be identified.

- E. Vegetation and Wildlife – provide a written protocol for the methodology to be used to identify the presence or absence of Bald Eagles on the site as well as the identification of Bald Eagle habitat. If habitat is present on the site, avoidance should be the primary mitigation measure; however, if avoidance of habitat is not possible, an Incidental Taking Permit may be required which will mandate compensatory mitigation. This must be identified in the EIS if required, and if off-site land is required to conduct compensatory mitigation, the land area must be identified and documentation that the land owner is willing to allow the mitigation must be provided.
- F. Traffic – The Town should review the intersections proposed for counts to ensure these capture the potential impacts. In addition to sight distance analysis, a stopping distance analysis is also required. This section should identify the internal road circulation proposed as well as parking and describe attempts to reduce the number of parking spaces and/or impervious surfaces dedicated to parking, perhaps through banking or pervious cover if soil conditions permit.
- G. Land Use and Zoning – The project is proposed to be located in a very sparsely populated area of the Town. The visual contrast and intensity of the land use are in sharp difference to the surrounding landscape. Mitigation measures, which may include site design, landscaping, and the like, must be identified to reduce this impact.
- H. Community Services and Character – A section or two sections should be added addressing impacts to community services (e.g. fire, police, etc.) and community character.

### Chapter V – Alternatives

- A. No-Action Alternative – this section of the scoping document should describe how the no-action alternative will be described in terms of land use and impacts. For example, if the site is presently unmanaged forested land, so the no-action alternative would be for continued successional growth which may result in poor tree quality, increased fire danger, lack of tax return, etc.
- B. Alternative Scale of Development – this alternative may involve several options for scales of development that would reduce impacts which may include those to wetlands, watercourses, transportation, habitat and reduction in the generation of stormwater. Impacts to the project objectives should be identified as well.

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- C. Alternative Project Design –this alternative may involve several options for types of housing and layouts that could reduce impacts which may include those to wetlands, watercourses, transportation, habitat and reduction in the generation of stormwater. Impacts to the project objectives should be identified as well.
  
- D. Alternative Project Phasing - this alternative may involve various sequences of construction over time which could reduce impacts which may include those to wetlands, watercourses, transportation, habitat and reduction in the generation of stormwater. Impacts to the project objectives should be identified as well.

