

**RESOLUTION OF THE
TOWN OF THOMPSON
PLANNING BOARD**

April 22, 2020 (date)

**GAN EDEN ESTATES
ESTABLISHMENT OF LEAD AGENCY
AND
POSITIVE DECLARATION**



WHEREAS, the Town of Thompson, Sullivan County, New York has received a site plan and special use permit application as well as a full Environmental Assessment Form (EAF) for a project identified as the Gan Eden Estates, (“the Applicant”); and,

WHEREAS, Gan Eden Estates is proposed to create 534 row house units on a 199-acre parcel 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.

WHEREAS, the Town of Thompson Planning Board reviewed the application materials including the Full EAF and classified the project as a Type 1 Action requiring a coordinated review with other involved agencies per 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; and

WHEREAS, the proposed project will require the Town of Thompson Planning Board to review and issue site plan and special use approval; therefore, the Town of Thompson Planning Board adopted a Resolution of Intent to act as Lead Agency for the purpose of conducting the environmental review required by 6 NYCRR Part 617 and on February 12, 2020 circulated the Resolution of intent together with Part 1 of the Long Form Environmental Assessment and other application materials including a project description and a site location map to the identified involved and interested agencies to solicit agreement with the Planning Board's declaration of intent to act as Lead Agency for the SEQR review; and,

WHEREAS, the Planning Board has caused to be prepared Parts 2 and 3 of the Long Environmental Assessment Form and has reviewed these documents; **NOW THEREFORE**,

BE IT RESOLVED THAT

1. Having received no objections from other involved agencies, the Town of Thompson Planning Board is hereby designated as Lead Agency for the environmental review of the proposed Gan Eden Estates project.
2. The project is a Type 1 Action requiring a coordinated review with other involved agencies per 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.
3. The proposed project, Gan Eden Estates, includes the potential for at least one significant adverse environmental impact as defined in Part 617.7(c).
4. Review of Parts 1 and 2 of the EAF for Gan Eden Estates indicates that moderate to large impacts have been identified related to the disturbance of land and surface water, groundwater withdrawals, deteriorated condition of an on-site dam, the movement of goods and people to a site planned to have parking for over 500 vehicles, a land use sharply in contrast to surrounding land uses and requiring community-scale utilities, and the addition of demands for community services as follows:

- a. With respect to impacts to land due to disturbance, 85.9 acres of land disturbance are proposed out of total of 212.3 acres of project site in an area with the water table and rock that can be near the surface and slopes in some locations greater than 15%. Additionally, construction is proposed to be phased over a number of years and the removal of vegetation may result in increased erosion on a large scale.
- b. Regarding surface waters, the site includes a stream and a pond and both USACOE (34.18 acres) as well as NYS DEC (19.04 acres) regulated wetlands with impacts to wetlands and streams including installation of utility lines and culverts. The project also proposes construction of an outfall to discharge wastewater effluent in a receiving stream from a new treatment plant. Impacts to wetlands and streams require mitigation measures; water quality must be protected through appropriate discharge standards and outfall design for the proposed wastewater treatment plant.
- c. The project proposes the development of a new community water supply in an area without public water services through use of a number of groundwater wells withdrawing nearly 150,000 gallons of water a day on average from a Principal Aquifer, the impacts of which on the water table and proximate private wells must be assessed and mitigation measures implemented as appropriate.
- d. Part 1 of the EAF notes the existence of a dam on the site the condition of which is reported to be less than ideal; therefore, the regulatory status and condition of the structure must be assessed, repair or upgrade needs determined and mitigation measures identified.
- e. The project is proposed in a rural area with a lightly traveled road network. The sufficiency of the road network to accommodate the anticipated increase in vehicular traffic resulting from a residential project planned with 1,293 parking spaces must be determined along with any safety or longevity improvements needed to mitigate the impacts from the increase in traffic.
- f. The project's land use components are different from and in sharp contrast to the current surrounding rural landscape where there are no public water and sewer

services to support such development. As a result, mitigation measures related to project design in terms of layout, landscaping, structural features, etc. are needed to ensure consistency and compatibility with the surrounding rural aesthetic.

5. Each of these identified moderate or large impacts could have large-scale, lasting negative impacts on the environment without additional study and the identification of mitigation measures designed to reduce or eliminate impacts.
6. Therefore, the Lead Agency hereby adopts a Positive Declaration for the Gan Eden Estates project.
7. Scoping of the Environmental Impact Statement (EIS) shall be conducted in conformance with 6 NYCRR Part 617 including an opportunity for public involvement. The applicant is directed to prepare a draft scoping document for submission to the Lead Agency.
8. A DEIS shall be prepared by the applicant and submitted to the Lead Agency for review after a Final Scoping Document is adopted.
9. This resolution shall take effect immediately.

Resolution Offered by: Michael Croissant

Resolution Seconded by: Matthew Sush

Resolution Adopted or Defeated by Voice Vote

Adopted by Michael Croissant, Matthew Sush, Jim Barnicle, Michael Hoyt and Chairman Lou Kiefer