

From: Evelyn Raymond <evelynraymond@hotmail.com>
Sent: Tuesday, June 30, 2020 8:14 AM
To: planning@townofthompson.com
Subject: Gan Eden

!

Sent from [Mail](#) for Windows 10

Dear Town of Thompson Planning Board

I am a resident of the hamlet of Hurleyville for almost 40 years. I am extremely distressed over the environmental disaster of Gan Eden that will destroy our hamlet. If 89 2 family row houses are built, the drain to our water, wells and sewer run off will be a disaster by themselves. The traffic, energy drain, and loss of community character only add to the damage. We are surrounded by wetlands, flora and fauna that we love, and only our area will feel that negative impact of destruction. Town of Thompson may think Gan Eden can be beneficial, but the total loss will be for Hurleyville and Town of Fallsburg. How is that fair? At this point there are no mitigating factors to compensate for losses that may occur. Please do not let this happen. We want the small town character that has always been Hurleyville. I can be reached at 845-434-8856. Thank you for addressing my concerns.
Sincerely, Evelyn Raymond 113 Krum Rd Hurleyville, NY

From: John Barone <jbarone@tabllp.com>
Sent: Wednesday, June 10, 2020 3:39 PM
To: paulaelainekaylaw@gmail.com; planning@townofthompson.com
Cc: Peklaw@hvc.rr.com
Subject: Planning Board Meeting June 10, 2020 - Gan Eden Estates Scoping Document

Dear Ms. Kay, Chair Kiefer and the members of the Town of Thompson Planning Board:

As you are aware, this office represents Catskill Mountainkeeper and The Center for Discovery. We are writing concerning the Draft Scoping document submitted by Gan Eden ("Applicant") and scheduled for review at tonight's Planning Board meeting.

At the outset, can you please advise when the Draft Scoping document was received and whether the Town and Gan Eden are in agreement as to when the 60 day scoping period begins and ends.

If the Planning Board requests revisions to the Draft Scoping Document from the Applicant, we understand this may delay the scheduling of a public comment period and scoping session, however, there should be an agreement between the Planning Board and Gan Eden that the 60 day scoping period will not begin to run until the revised Draft Scoping Document is received back from the applicant by the Planning Board.

Further, on behalf of Catskill Mountainkeeper and The Center for Discovery, we request that the Planning Board explore a reasonable extension of the scoping period with the Applicant. By Administrative Order 202.38, the Governor extended the tolling of all statutes of limitations to July 6, 2020. Thus, we would like to request that the scoping period commence on July 6, 2020, and extend for 60 days thereafter. In light of the current constraints of Covid19, as well as the complexity of this project, we feel this is a reasonable request to allow for ample public participation, and for the Planning Board to review public comments to incorporate into the Final Scoping Document prior to the end of the 60 day scoping period. We acknowledge that the Applicant will need to agree to this suggested period and we believe it is in the interest of all parties that the public and the Planning Board have ample time to comment upon the Draft Scoping Document and prepare the Final Scoping Document, respectively.

Thank you.

John



John L. Barone, **Partner**
Robinson Square – 313 Hamilton Street
Albany, New York 12210
Phone: (518) 432-4100 ext. 3
Fax: (518) 432-4200
<https://www.tabllp.com/>

Please consider the environment before printing this email.

PRIVILEGE AND CONFIDENTIALITY NOTICE: This electronic mail transmission, including without limitation, any documents, files or e-mail messages attached hereto, may contain information that is privileged, confidential and exempt from any disclosure under applicable law as attorney client and work-product confidential or otherwise confidential communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use is strictly prohibited. Please delete it from your system without copying it, and notify the sender by reply e-mail or at the above telephone number.

CIRCULAR 230 DISCLOSURE NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

COLUMBIA HILL NEIGHBORHOOD ALLIANCE
Post Office Box 137
Hurleyville, New York 12747

www.columbiahill.org

July 10, 2020

VIA EMAIL (planning@townofthompson.com)
AND U.S. POSTAL SERVICE

Mr. Lou Kiefer
Chairman, Town of Thompson Planning Board
Thompson Town Hall
4052 Route 42
Monticello New York 12701

Re: Gan Eden Estates Development

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

The Columbia Hill Neighborhood Alliance (CHNA) was formed in 2012 as a grassroots group of alarmed Town of Thompson and Hurleyville residents upon first learning of this proposed development. CHNA has reviewed the following documents regarding the Gan Eden Estates project (the Project):

- Full Environmental Assessment Form (FEAF) Parts 1, 2 & 3 of January 29, 2020 prepared by Gan Eden Estates;
- Thompson Planning Board (PB) Resolution of April 22, 2020 establishing Lead Agency and SEQRA Positive Declaration status;
- Memo dated April 22, 2020 by Mary Beth Bianconi of Delaware Engineering prepared for the Town of Thompson Planning Board Support Staff; and
- Draft Scoping Document dated June 10, 2020 for Gan Eden Estates Draft Environmental Impact Statement (DEIS).

CHNA submits the following comments for inclusion in the record at the Project's Scoping Session before the Town of Thompson's Planning Board on July 8, 2020.

Comp Plan and Community Character

The Town of Thompson - Village of Monticello Joint Comprehensive Plan (Joint Comprehensive Plan) embraces a commitment to ensuring new development meets a higher standard which "reflects the community's commitment to preserve its natural environment and small town character" that are desirable to residents and visitors alike. Joint Comprehensive Plan, p.14, Section 2.1. The community character of the immediate area is rural and sparsely populated and local residents have repeatedly expressed their desire that it remain that way. This oversized project threatens to forever transform the community's way of life in all the ways that the Joint Comprehensive Plan sought to avoid, with

no upside for those people that cherish living here. Any potential benefits from the Project such as tax revenue, primarily accrue to the Town of Thompson; while the majority of disadvantages, including well problems, flooding, and traffic increase, will be borne by the Town of Fallsburg and, in particular, the hamlet of Hurleyville. The Draft Scoping Document does not adequately evaluate the Community Character and likely impacts from the development, choosing instead to focus on the questionable zoning of the property.¹ The Final Scope should require a comprehensive review of the elements that make up the small town community character of this area and how a residential development greater than the population of Hurleyville will permanently change that character.

Stormwater

Water and its respective sections in the applicant's FEAF and eventual DEIS constitute some of the most concerning aspects of this proposed development. The scoping document fails to address the historic problem of storm water runoff from this site which has plagued the downhill hamlet of Hurleyville for decades despite there being no structures or impervious surfaces on it at present. Placing 89 large structures, a community center, playgrounds, tennis courts, thousands of paved parking spaces and 2 miles of roads on the site will only exacerbate that situation. The applicant's contention that the use of retention ponds and vegetated swales will decrease the amount of such runoff fails to address the fact that these measures already exist on the site and have not diminished the problem.

Wastewater Discharge

A substantial error in the FEAF seems to be the repeated assertion that the Class B Stream the developer plans on discharging its treated wastewater into is "on site". A review of maps of the area delineating the property lines of Gan Eden Estates and its surrounding neighbors' lands clearly demonstrates this is not the case. In fact, an engineer representing Gan Eden Estates at a Thompson Planning Board meeting in July 2016 indicated that they did yet not have a general discharge route for its Wastewater Treatment Plant (WWTP). The Final Scope should require Gan Eden to provide detailed surveying of the Class B Stream's bed and banks to clearly establish whether the Class B Stream is in fact located on-site and for how far. The Town engineer expressed concern about obtaining an easement for that purpose and there is nothing in the scoping document to reflect that an easement has been obtained for that purpose. It is difficult to see how a project of this scale can proceed to obtain any of the numerous permits and approvals needed, while lacking this crucial component. The DEIS should determine whether an easement is necessary and possible.

It is still not clear as to the type of WWTP the Project will utilize. A large WWTP potentially will have performance problems with other on-site facilities both in function and longevity. Larger WWTP require a constant year-round flow in order to work correctly and the components are subject to failure if not operated and maintained diligently. When questioned by a Planning Board member in July 2016 about the expected life span of the WWTP components, the same engineer representing

¹ While understanding that it's a settled matter, we again feel it necessary to point out that, if not for the magnanimous zone changes from Rural Residential to Suburban Residential granted by a previous Thompson Town Board in 2005 and 2007 in what many local residents still consider a sneaky and improper fashion, this proposed development would be rendered moot. Nearby neighbors were never notified by mail of these actions and the new local law was never sent to Sullivan County for a Section 239 planning review as required.

Gan Eden indicated a five year lifespan. The DEIS should describe in detail the WWTP, provide examples of its use in similar settings, describe the anticipated daily, weekly, monthly, and yearly maintenance, and discuss the anticipated lifespan for the system.

Water Usage and Supply

In the FEAF there is a calculation on estimated water usage of 147,250 gallons per day (gpd) in the first phase. We note that to our knowledge, the developer has yet to complete the NYS DEC Water Conservation Program Form for Public Water Supply (https://www.dec.ny.gov/docs/water_pdf/wcpf.pdf) that requires an indication of the total population of the project. Providing usage figures without revealing projected density per unit fails to provide any meaningful information to the public or the Planning Board. The Project should be required to provide information regarding anticipated usage that is properly verified and sourced so that it can be effectively reviewed and evaluated.

The FEAF also states that Gan Eden's wells are capable of producing a sustained 205 gallons per minute. The town's own consultant, Miller Hydrogeologic Inc., has questioned the accuracy of the developer's 72 hour well testing done in October 2016 because the well test failed to follow established protocols and methodology. In preparing the DEIS, the developer should be compelled to redo the 72-hour well test during the peak summer season of July and August when the local population quadruples, to provide more accurate hydrological data than the 2016 pump test done in the fall months.

Safety

There is also insufficient information regarding the Project water system's ability to meet safety requirements, supply sprinkler systems and meet firefighting requirements. The Final Scope should require a detailed description of this system and require that the Hurleyville Fire Department be consulted and requested to weigh in on the adequacy of protective measures and water supply system at the Project site.

Water Tank and Aesthetics

The applicant should also be required to provide detailed engineering information about the proposed 400,000-gallon water tank, particularly as regards functionality and location, the risk and impact of failure, and its aesthetic impacts. This tank will be a prominent eyesore not only for local residents, but will also be a scar upon area viewscapes near and far. Scoping should include the aesthetic impact of a 109' structure situated on top of a 1600' altitude hill, as well as requiring the applicant to determine if the tower requires red blinking aviation warning lights and FAA review under the recent FAA guidelines modifications that apply to towers between 50 and 200 feet

Light

Another issue that needs to be addressed in the scoping document is light pollution from all outside lighting. Currently neighbors can view a star-filled sky, including the Milky Way, on cloudless nights. What will be the impact of 24/7 lighting and how can these impacts even be mitigated? Light impacts must be an issue assessed by the DEIS.

Traffic

Another matter requiring greater attention in the scoping document is the estimated additional 500 plus resident vehicles the Project will add to local traffic, not to mention delivery and sanitation trucks, taxis, contractors and others service vehicles on a regular basis. The three proposed exits have line of sight issues and require entering and exiting from already heavily travelled County Roads 103, 104, and 107 with speed limits of 55mph. Traffic signals and signage will be necessary to protect the public from these inevitable hazards of increased traffic, especially during the summer and winter months. The Sullivan County Department of Public Works and NYS Department of Transportation should be consulted and asked to provide input on these potential hazards.

Flora and Fauna

The nature of the flora and fauna on the site has been misrepresented and understated. Many more species than those listed in the FEAF are present or pass through this property. The scoping document should include an evaluation of the Project's interference with the migration and movement patterns for predominant species. The scoping document must include an evaluation of any clear cutting of any forested parts of this site and, the impacts upon the nesting of the Federal and New York State protected Northern Long-Eared Bat or any other protected species' habitat.

Other Issues

There are other concerns yet to be addressed sufficiently. The scoping document needs to include an evaluation of Project impacts on the local power grid and the potential for increased brownouts and or blackouts in the area. The scoping document needs to evaluate additional infrastructure requirements such as substation, transformers, and power lines as well as the environmental and community impacts of such additions.

The scoping document fails to include the impact of architectural features at the site. Certain building features and their impacts need to be evaluated: peaked or flat roof construction, extensive decks, awnings and enclosed porches, type of gutter systems, lawn watering systems, and finished basements. Will the heat retention properties of paved surfaces and asphalt roofing materials exacerbate and accelerate climate change conditions? Will sod lawns and decorative landscaping utilizing extensive fertilizer and pesticide application present problems of nitrogen loading and runoff? Such substances as well as the application of road salt in the winter can seep into the ground water polluting local wells and the Class B Stream.

The developer fails to acknowledge on the FEAF Part 1 that there are facilities serving children, the elderly, and people with disabilities within 1500 feet. The Center for Discovery has multiple sites within that parameter. Failure to acknowledge these facilities is also a failure to evaluate the impacts on these facilities. The DEIS should provide a comprehensive identification of all facilities serving children, the elderly, and people with disabilities within a quarter-mile. The DEIS should also evaluate the frequency of vehicle traffic transporting children, elderly, and people with disabilities between facilities along the roads that will be heavily impacted due to the Project.

The adjoining Loch Sheldrake- Hurleyville Rod and Gun Club's members have deer hunting blinds in trees along the boundary line between the two parcels. Hunting happens not only at a lower elevation as stated in the FEAF, but all along that boundary.

Conclusion

Thank you for your attention to these and the many other concerns that will have to be addressed before a decision can be made on this proposed development. A thorough and careful review is paramount given the scope and complexity of this Project and its impacts upon the community and the environment. Scant attention has been paid by the developer to many of the mitigation steps necessary to address our environmental impact concerns. The Town must be sure that sufficient mitigation measures are in place prior to any approval on this Project. The Town should also consider what enforcement mechanisms are available to ensure compliance with these mitigation measures prior to allowing this Project to move forward.

Respectfully yours,

Roger Betters

Donna Nestler

Co-Directors
Columbia Hill Neighborhood Alliance

Cc:

Mr. William Reiber,
Supervisor
Town of Thompson
4052 Route 42
Monticello, New York 12701

Mr. Steven Vegliante
Supervisor
Town of Fallsburg
PO Box 2019
South Fallsburg, New York
12779

Kelly Turturro
Regional Director
NYS DEC, Region III
21 South Putt Corners Road
New Paltz, New York 12561

Mr. Lou Kiefer
July 10, 2020

Page 6 of 6

Commissioner Basil Seggos
NYS DEC, Albany
625 Broadway
Albany, New York 12233-1750

NYS DOH
50 North Street, Suite 2
Monticello, New York 12701

Delaware River Basin
Commission
D-2017-002 CP-1
PO Box 7360
West Trenton, New Jersey 08628-
0360

Colonel Paul E. Owen
U.S. Army Corps of Engineers
New York District
26 Federal Plaza, Room 2113
New York, New York 10278

Ms. Freda Eisenberg
Commissioner
Sullivan County Planning
Department
100 North Street
Monticello, New York 12701

**CONGREGATION ANSCHEI – HURLEYVILLE
CEMETERY**

**P. O. Box 95
Hurleyville, NY 12747-0095**

July 8, 2020

To the Town of Thompson Planning Board:

This response is directed to the Environmental Review for Gan Eden Estates proposed at the top of Columbia Hill, C.R. 104 & 107, Hurleyville.

I am communicating as Treasurer and Manager of Cong. Anschei – Hurleyville Cemetery located on Cemetery Road off of Mongaup Road in Hurleyville.

There are two major concerns that we have for our cemetery which is over 100 years old.

First, is the rain run off that will change once the topography of Gan Eden Estates, if is built and the continued expansion of housing units beyond the stated size and scope as proposed.

There is a stream that is located behind the cemetery that the property line butts up against. With the additional water that will travel down the hill and into the watershed, that will swell the stream to the point of overflow and thereby raising the ground water level to the point of “floating” the caskets placed into the ground hampering the proper “religious” burial of our loved ones. We have had one case where the family exhumed they beloved member to be moved because of this issue. This took place in the spring time and it was not a particularly unusual winter.

We are afraid that this will occur on a much more frequent basis that will not be able to be mitigated once the project comes to fruition. The area surrounding the cemetery on some wet rainy days has very poor drainage. The additional rain water will only multiple and exacerbate the conditions to the point of eliminating any further burials there.

Our second concern is of a possible sewer run off from a potential treatment plant failure and/or abandonment of proper maintenance by the management. That has in fact happened several times in the Town of Thompson by the management of private enterprises just “walking away” from the responsibility of operating the plant. This runoff would SURELY end up in the stream behind our cemetery.

This possibility would then cause our cemetery to become a “leaching field”, if you will. This is NOT ACCEPTABLE for our loved ones. WOULD IT BE FOR YOURS?

We object to the current size and scope of this project and the historic future unplanned and unapproved expansion of this project.

After it is built and these issues become a reality, what would be able to be done to correct and mediate the aforementioned concerns that we have expressed here?

Thank you

Stuart S. Wizwer
MANAGER
TREASURER
CONG. ANSCHEI – HURLEYVILLE
CEMETARY

Mary Ann Geary-Halchak
PO Box 24
Hurleyville NY 12747
845-436-5418
jampond@hvc.rr.com

7/20/20

Mr. Lou Kiefer
Chairman, Town of Thompson Planning Board

Re: Gan Eden Estates Development

Please include the following comments in the record for the Project's Scoping Session.

Erosion & Runoff

The amount of acreage to be clear-cut for development should be addressed in the scoping document. That acreage should be minimalized & monitored to avoid massive erosion & storm-water runoff prior to, during & after construction.

Historically developers clear-cut far too much acreage for the construction of proposed roads, buildings, etc., which occupy a much smaller footprint when built. In fact, they have clear-cut land which may sit vacant & devoid of vegetation until a future construction phase occurs, which may take years if at all! The clear-cut site is subject to massive erosion & runoff in the interim. This devastating effect is heightened on Columbia Hill which has a steep grade and poor drainage. Everything flows downhill toward Hurleyville and into the E Mongaup River a Class B (T) stream.

At the other end after build-out how will unforeseen storm-water runoff & erosion be handled? When the proposed pathways for runoff fail who will be responsible for mitigating those problems? There needs to be a contingency plan making Gan Eden responsible for solving those problems.

In the scoping document, D.2 e iii, a detailed description of what Drainage Area 1, 2, 3 includes is needed. What are they made of, how do they work & what distance do they travel? The NYSDEC Class B (T) Stream referenced is NOT on site as stated.

How can storm-water runoff not flow to adjacent properties when they are downhill & how exactly are impervious surfaces minimalized?

The document needs to require specific, detailed answers.

Water Usage & Supply

Many more questions need to be asked & answered regarding the estimated daily demand for water & the availability of water.

The results of the 72 hour well test done for Gan Eden, in October 2016, are suspect according to the Town of Thompson's own consultant, Miller Hydrogeologic, Inc. The problems should be addressed with the stipulation that the test be repeated. For a more accurate picture the test should be conducted during the summer, July/August, reflecting the county's population increase to 300,000 from 80,000. The test must be repeated to assure validity of the results so the Town can make an informed, intelligent decision ensuring that the water supply is more than adequate year round for all current and proposed wells.

Additionally, a more thorough analysis of proposed water demand must be undertaken. Projected water usage must assume maximum occupancy and adjust water demand accordingly. A development of this size

may increase the population by 5,000+. Is there enough water to supply Gan Eden and the existing wells while ensuring everyone that their well will not run dry? Deeper analysis must be included.

Wastewater

Corrections and clarifications need be made regarding WWTP? Exactly what type of WWTP system will be used and how and who will provide year round maintenance? Many of these systems fail after a few years of inconsistent usage and maintenance. What are the specific plans to avoid failure and to fix the problem associated with failure in the future? Assuming the Town will take control is unacceptable.

The stream indicated to receive WWTP discharge is NOT on site as stated in the FEAF. What pathway will transport the discharge to the receiving stream? It seems there is no pathway available for that flow. How can any development be considered if the pathway for wastewater discharge is still an unanswered question?

Population

How many people will Gan Eden bring to the Hurleyville community? Hurleyville is the closest hamlet and will be greatly impacted by the roughly 5,000 additional people. Hurleyville has a population of +/- 800 residents. We do not have the facilities, infrastructure nor the desire to accommodate the many adjustments and modifications that would be required. We are a rural community and our rural character would be forever changed.

The notion of a need for improved housing seems ludicrous when our county is losing population as people move elsewhere. We do not offer that many jobs or have industries in Sullivan County that warrant the construction & habitation of 534 units. If such a need exists then the development should certainly be closer to the town centers where town water & sewer are available.

Traffic

The impact of traffic from such a large development will be extreme & dangerous. All 3 entrances to Gan Eden have line of sight issues. The 2 entrances on Rt. 104, Columbia Hill, are just above & below the crest of a hill, respectively. Neither entrance provides enough stopping distance once the hill is crested for the driver to react and prevent an accident. With the movement of +/- 1,000 additional cars daily on Columbia Hill this issue is compounded. Again, what's the need for 534 units in a location with such dangerous entrances?

Increased traffic and all that entails will be a strain on infrastructure and upkeep of roads and associated tasks. How will those additional costs be covered?

Energy

This section was left blank on the FEAF. Although this is not a commercial/industrial project the additional energy required needs to be addressed. Being that Gan Eden is not the only large development it stands to reason that all developments, collectively, regardless of size increase the demand for energy to a very large amount. The energy question needs to be addressed and answered sooner than later.

These are some of the many concerns I have regarding the Gan Eden Development. Clearly the need for such a large development in a rural area on a steep hill with poor drainage and a WWTP what lacks a pathway for discharge is not wise or necessary.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



**Department of
Environmental
Conservation**

February 28, 2020

Town of Thompson Planning Board
Thompson Town Hall
4052 Route 42
Monticello, NY 12701

Re: Gan Eden Estates
Town of Thompson, Sullivan County
CH# 8675
SEQR Response and Comments on Jurisdiction

Dear Town of Thompson Planning Board,

The Department of Environmental Conservation (DEC or Department) received a State Environmental Quality Review Act (SEQR) Lead Agency Coordination sent on your behalf by Waters, McPherson, McNeill on February 20, 2020. The proposed Gan Eden Estates project would involve construction of a 534-unit rowhouse rental community with a community clubhouse, trail network, roads, stormwater basins, and other associated amenities. The Department has no objection to the Town of Thompson Planning Board serving as lead agency for this project. Based on our review of the submitted Full Environmental Assessment Form (EAF) Part 1 and Preliminary Site Plans prepared by PS&S, we offer the following comments:

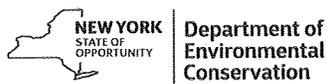
WATER WITHDRAWAL

The proposal involves withdrawal from wells to supply the rental units with water. According to the EAF, demand of the full build-out would be 147,250 gallons per day. With a pump capacity of 205 gallons per minute (295,200 gallons per day), the proposed withdrawal system exceeds the Department's regulatory threshold. However, the project is located within the Delaware River Basin and approvals to withdraw water would be required from the Delaware River Basin Commission (DRBC). If such approvals from DRBC are obtained, the proposal would be exempt from needing to obtain a Part 601 Water Withdrawal permit from DEC per 6 NYCRR Part 601.9(b).

If approvals from DRBC to withdraw water are not required, a Part 601 Water Withdrawal permit would be required from DEC for this project.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER

As the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the



Department issues all other necessary DEC permits. Please note, as the project site is not located within a Municipal Separate Storm Sewer System (MS4), should construction disturb 5 acres or more at any given time, an application for a 5-acre waiver would have to be submitted to the Department for review and approval.

For information on stormwater, the General Permit, 5-acre waivers, including how to seek coverage and submit a Notice of Intent, please contact Natalie Browne of the DEC Division of Water at natalie.browne@dec.ny.gov, and/or see the DEC website at <http://www.dec.ny.gov/chemical/43133.html>.

SPDES WASTEWATER

The proposal would involve discharge of the community's wastewater from an on-site wastewater treatment facility to the Class B stream on site, identified below. Construction and operation of a disposal system discharging wastewaters into surface waters of the State are regulated under Article 17 of the Environmental Conservation Law, and a SPDES permit would be required for the proposed discharge associated with this project. For more information and instructions on how to apply for this permit, please visit the DEC website at <http://www.dec.ny.gov/permits/6054.html>.

FRESHWATER WETLANDS

The project site contains DEC-regulated Freshwater Wetlands MO-5 and MO-19 (Class II and III, respectively). DEC Bureau of Ecosystem Health have reviewed and validated the wetland boundaries for this site as of 2019, as shown on the submitted Wetland Survey with NYSDEC Freshwater Wetland Boundary Validation signed by Mike Fraatz on July 15, 2019.

Based on the proposed disturbances shown on the preliminary site plans and as noted in the EAF submitted, a Freshwater Wetlands permit would be required for this project. In planning a project for this site, the project sponsor should be aware that all disturbances within the wetlands and their 100-foot adjacent areas must be avoided to the maximum extent practicable. The applicant will be required to demonstrate that the project meets the permit issuance standards contained in the Freshwater Wetlands regulations (6 NYCRR Part 663.5). This information was discussed with the applicant at a pre-application meeting with DEC staff in June 2019.

Department staff would provide further comment on the proposal's disturbances to Freshwater Wetlands and/or adjacent areas upon receipt of a permit application where more detailed information and smaller scale plans would be provided. This could include comments on both physical disturbances to regulated areas and the potential for any wells to drawdown nearby wetlands.

PROTECTION OF WATERS

The following waterbodies are located within the project site:

<u>Name</u>	<u>Class</u>	<u>DEC Water Index Number</u>	<u>Status</u>
Tributary of East Mongaup River and Unnamed Pond	B	D-10-29-1a and P153a	Protected

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any waterbodies identified above as "protected." It appears that the project would involve at least one roadway stream crossing. Similar to the above comments regarding freshwater wetlands, any proposed disturbances to regulated waterbodies would have to be avoided and minimized to the maximum practical extent and would have to meet the permit issuance standards in the Protection of Waters Regulations (6 NYCRR Part 608.8).

Department staff would provide further comment on the proposal's disturbances to protected streams and/or waterbodies upon receipt of a permit application where greater detail and smaller scale plans regarding disturbances would be provided.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

WATER QUALITY CERTIFICATION

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wqcnwp2017.pdf.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified by this review.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

OTHER

Re: Gan Eden Estates
CH #8675
SEQR Response and Comments on Jurisdiction

February 28, 2020

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, www.dec.ny.gov, under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

Please feel free to contact me at christopher.lang@dec.ny.gov or (845) 256-3096 if you have questions regarding the above information. Thank you.

Sincerely,



Chris Lang
Division of Environmental Permits

ecc: Daniel Horgan, Waters, McPherson, McNeill
Mike Fraatz, DEC Bureau of Ecosystem Health
Aparna Roy, DEC Division of Water
Natalie Browne, DEC Division of Water
Gan Eden Estates
Tom Dill, Atlantic RDC
David Kovach, DRBC
Brian Orzel, US Army Corps of Engineers
NYS DOH – Monticello
Town of Fallsburg