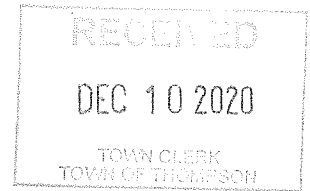


**TOWN OF THOMPSON PLANNING BOARD
RESOLUTION OF SEQR NEGATIVE DECLARATION
BBIS AUTO AUCTION**



Project Name: BBIS Auto Auction

Location: NYS Route 17B and Kaufman Road, Thompson,
New York (Tax ID: 12-1-54.1& 55)

SEQRA Status: Type I XX Unlisted _____

Determination of
Significance: Negative Declaration XX Positive Declaration __

WHEREAS, Series 11 A Separate Series of BBIS Investment 767, LLC ("BBIS") submitted an application ("Application") seeking to construct an auto auction facility which includes the construction of vehicle drop-off and pick up areas, construction of a vehicle storage for approximately 11,000 vehicles and construction of an 8,275 sq. ft. business office and inside vehicle inventory area (the "Project") on two adjoining parcels totaling approximately 153.32 acres of land located on the northwest side of the intersection of New York State Route 17B and Kaufman Road, Town of Thompson, Sullivan County, New York (the "Land"). In conjunction with the Application, BBIS also submitted Part I of a Full Environmental Assessment Form together with an expanded Part 3 to the Town of Thompson Planning Board; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the Town of Thompson Planning Board must satisfy the requirements contained in SEQRA prior to making a final determination whether to issue certain approvals required for the Project; and

WHEREAS, pursuant to SEQRA, to aid the Town of Thompson Planning Board in determining whether the Project may have a significant adverse impact upon the environment, the Town of Thompson Planning Board has completed, received and/or reviewed (1) Part 1 of the EAF, dated September 13, 2019 as revised April 22, ; and the expanded Part 3 October 19,2020 prepared in response to the part 2 completed by the Planning Board (2) the Application; (collectively, parts 1, 2 and 3 shall be referred to as the "Environmental Information"); and

WHEREAS, pursuant to SEQRA, the Town of Thompson Planning Board desires to conduct a review of the Project to determine whether the Project may have a significant adverse impact on the environment and whether an Environmental Impact Statement must be prepared with respect to the Project; and

WHEREAS, the Town of Thompson Planning Board was Lead Agency for the Project and undertook a coordinated review pursuant to 6 N.Y.C.R.R. 617.6(b)(3) of the Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF THOMPSON PLANNING BOARD AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the Environmental Information and upon the Town of Thompson Planning Board's knowledge of the area surrounding the Land and such further investigation of the Project and its environmental effects as the Town of Thompson Planning Board has deemed appropriate, the Town of Thompson Planning Board makes the following findings with respect to the Project:

- (1) The Town of Thompson Planning Board is undertaking a Coordinated review of the Project in accordance with the requirements of SEQRA;
- (2) Prior to making a determination about the potential environmental significance of the Project, the Town of Thompson Planning Board has reviewed the Application, the Environmental Information, and the supporting studies and materials referenced in the EAF, received the advice of its consultants, and has considered the list of activities which are Type I Actions outlined in Section 617.4 of the Regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the Regulations, and the criteria for and has considered significance outlined in Section 617.7 of the Regulations; and
- (3) In doing so, the Town of Thompson Planning Board determined that the Project is Type I Action pursuant to SEQRA.
- (4) The Town of Thompson Planning Board further determines that there are no potentially significant adverse impacts on the environment that have not been appropriately mitigated by project design as noted in the Environmental Information and as summarized below.

Section 2. Based upon the foregoing investigations of the potential environmental impacts of the Project the Town of Thompson Planning Board reviewed and consider all areas of potential environmental concern and identified eight specific areas of potential environmental concern and considered both the magnitude and importance of each such environmental impact so identified, based upon such review, the Town of Thompson Planning Board has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land.

The total land area of the Project Site comprising the Proposed Action is 153.3 acres and consists primarily of woods, wetland areas and abandoned hay fields. The land is primarily undeveloped, with the exception of an abandoned farmhouse along NYS Route 17B and an abandoned commercial building at the corner of Kaufman Road and NYS Route 17B. This includes 125.47 acres of woods, 13.43 acres of wetlands, 11.8 acres of meadows and 2.6 acres of impervious surface. There are 13 types of soils type present on the projects site which were included and discussed in the expanded part 3. The Project Site contains slopes that vary from gentle on the south and central portions of the site to steeper in the northern portion. The

majority of the site, 83.2% contains slopes from 0-10% with 10.2% of the site having slopes of 10-15% and 6.6% of the site containing slopes greater than 15%. Based upon the most recent data neither the Project Site nor any of the surrounding properties are included in a County Agricultural District.

The construction of the Project will result in disturbance of soils and physical alteration of soils and topography. A detailed Cut and Fill analysis was provided and discussed in the Expanded Part 3 which included a phasing plan to limit the size of the area of disturbance. Some blasting of rock may be necessary, however the applicant has committed to first attempt to remove any rock by mechanical means. If necessary, any blasting must be performed by a licensed contractor in conformance with the Town of Thompson blasting requirements set forth in Chapter 113 Article 3 of the Town Code.

The applicant has submitted full Erosion and Sediment Control and Storm Water Pollution Prevention Plans (SWPPP) prepared in accordance with NYS DEC guidelines.

The Erosion and Sediment Control Plan will require a waiver from the NYS DEC from the five-acre disturbance limitation due to the size of the project. The Applicant has proposed the following mitigation measures to appropriately minimize and mitigate any potential impacts associated with such waiver;

1. All disturbed areas to remain idle for more than 14 days will be stabilized within 48 hours and before any forecasted rainfall. Stabilization measures could include straw, mulch or geosynthetic material
2. Temporary erosion control measure such as silt fencing, hydroseeding, berms and diversion swales will be used extensively to prevent erosion.
3. Catch basin inlet protection and sediment basins will be used to remove any sediment that is conveyed by runoff from the Project Site.
4. To minimize stockpiling of soils, earthwork cuts and fills shall be balanced, to the greatest extent practicable, within each phase.
5. As necessary, stormwater laden with colloidal soils will be treated with chemical flocculants prior to discharge from the site. If used, the type and quantity of flocculants will be approved by the NYSDEC.

In addition, that Erosion and Sediment Plan incorporates and meets all required NYSDEC standards and Construction Best Management Practices as detailed in the Expanded Part 3.

Based upon the measures and protections discussed above, the project will not to create any potentially significant adverse impacts to land resources or land use that have not been appropriately mitigated by the project as designed.

2. Impact on Surface Water.

Surface water resources located on the Project Site include both natural and manmade drainageways, a United States Army Corps of Engineers (USACOE) designated wetlands, and NYSDEC designated wetlands. The on-site surface water resources are shown on the on the site plan for the proposed action.

There are four natural drainageways that traverse the site from east to west. These drainageways were discussed in the Expanded Part 3.

There are seven freshwater wetland areas that encompass the lowest lying areas of the Site. The wetlands are all believed to be federally regulated under the jurisdiction of the United States Army Corps of Engineers (USACOE). Only one of the seven wetland areas is under the jurisdiction of the NYSDEC. The wetlands were delineated in the field by Peter D.

Torgersen in July 2018 and September 2019, and the wetland flags were located by Engineering & Surveying Properties, P.C. on a map entitled NYSDEC Wetland Delineation Plan dated February 25, 2020, which is included in the Expanded Part 3.

The wetlands were delineated in compliance with criteria set forth in the 1987 United States Army Corps of Engineers Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1). The on-site area of Wetland "A" is 8.150 acres, Wetland "B1" is 2.930 acres, Wetland "B2" is 1.488 acres, Wetland "C" is 0.694 acres, Wetland "D1" is 0.257 acres, Wetland "D2" is 0.507 acres and Wetland "E" is 0.436 acres.

The wetlands delineation was also submitted to the NYSDEC on February 25, 2020 and a site walk was conducted with the NYSDEC on June 3, 2020. Wetland areas "B1" and "B2" were determined to also be under the jurisdiction of the NYSDEC. The NYSDEC accepted and signed the delineation on September 11, 2020.

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared by Engineering & Surveying Properties, P.C. to analyze existing stormwater discharges from the Site. The full SWPPP was included in the Expanded Part 3 together with a full description of said plan and was reviewed and amended in response to comments from the Town of Thompson Planning Board Consultants. The Project Site is not located within a NYSDEC Division of Water's regulated Municipal Separate Storm Sewer System (MS4) area.

The Town of Thompson Planning Board identified areas of environmental concern with respect to surface waters include wetland disturbance, soil erosion, stormwater runoff, and water quality.

WETLANDS

Construction of the proposed Project will result in the disturbance of 0.064 acres of USACOE jurisdictional Wetland "A", which is less than the 0.1-acre threshold requiring an individual wetlands disturbance permit. Approximately 0.030 acres of the wetland disturbance will result from the proposed eastern access drive to Phase 3 and 0.019 acres will result from the proposed western access drive to Phase 3 and 0.015 will result from a stormwater pond outlet servicing phase 3.

EROSION & SEDIMENTATION

Due to disturbance of on-site soils during construction, it is anticipated that erosion and sedimentation are potential impacts to surface water resources. Potential impacts produced by erosion and sedimentation are discussed in the section on disturbance of land above.

STORMWATER

The increased area of impervious surface proposed as part of the Project has the potential to degrade water quality both onsite and downstream from the Site. The Project will create approximately 74.2 acres of impervious surface area consisting of buildings, driveways, parking lots and vehicle storage areas. To analyze the post-development stormwater condition, watershed area "A" was divided into five subareas, watershed area "B" was divided into three subareas, watershed

area “C” was divided into two subareas and watershed area “D” was divided into three subareas as detailed in the SWPPP. The SWPPP also describes 18 stormwater quality, pre-treatment facilities and eight stormwater ponds that are incorporated into the Site’s stormwater management design. The stormwater facilities are designed to detain stormwater from developed areas to treat sediment and pollutants from proposed vehicle storage areas, buildings, driveways, and parking areas by allowing sufficient time for pollutant settlement and filtration before the stormwater discharges from the facility. As the Site is considered a potential stormwater “hotspot”, each of the eight stormwater facilities will be preceded by two stormwater quality treatment facilities. The stormwater treatment facilities consist of a water quality pond and a sand filter for each drainage area. Stormwater quantity will be addressed by the eight wet extended detention ponds. The stormwater facilities will be owned and maintained by the landowner. Regular inspection and maintenance of the proposed stormwater management practices (SMP’s) is required to ensure their long-term function and effectiveness and is discussed more fully in the SWPPP.

WATER QUALITY

To ensure proper treatment of post-development sedimentation and pollutant loading resulting from the newly constructed impervious areas, the stormwater management practices have been designed to handle the required Water Quality Volume (“WQv”) as defined by the NYSDEC. Each of the proposed practices provide adequate storage of the required WQv, ensuring that NYSDEC post-development pollutant removal goals are met. Green infrastructure will be utilized on the Project Site. Green Technologies are incorporated to effectively treat water quality and infiltrate runoff into the ground to the maximum extent possible. The types of green technologies incorporated into the SWPPP include conservation of natural areas and sand filters. As the Project Site is not located within a NYSDEC Division of Water regulated MS4 area, a Municipal Separate Storm Sewer System (MS4) approval is not required from Town of Thompson.

To reduce the potential impacts that the Proposed Action may have on existing surface water resources, several mitigation measures are incorporated into the project design. These measures include a properly planned and implemented Erosion and Sediment Control Plan to address the construction phase impacts of the Project, and a Stormwater Pollution Prevention Plan (SWPPP) which is designed to mitigate peak stormwater runoff flows and water quality, and includes green infrastructure to address potential long-term project impacts.

Therefore the Town of Thompson Planning Board determines that although the Proposed Action involves land grading, increased amounts of impervious surfaces, modification of on-site stormwater runoff patterns, and minor disturbances to federal wetland areas, the implementation of erosion and sediment control measures and a Stormwater Pollution Prevention Plan, as outlined above and in the Expanded Part 3, will eliminate potential significant adverse environmental impacts to surface waters that may result from the construction and operation of the Project.

3. Impact on Plants, Animals and Open Space

The site is mostly undeveloped apart from an abandoned farmhouse along NYS Route 17B and an abandoned commercial building on the corner of NYS Route 17B and Kaufman Road. The land cover is primarily mature forest habitat having dominant upland tree species consisting primarily of white pine, red maple, sugar maple, eastern hemlock, black birch, white ash, and American beech. Forested wetland habitat exists in the wetland corridor that runs through the Site.

Offsite, the parcel is bordered by a state highway on the south, a manufactured home park on the west, woodlands and an overhead power transmission line on the north, and a county road on the east. Existing impacts to plant and animal habitats near the Site are limited to noises and activities related residential activities of the nearby manufactured home communities and commercial traffic on nearby State and County roadways. The property is located in an area noted for potentially having certain threatened or endangered species. The United States Fish and Wildlife Service (USFWS) lists the Threatened Northern Long Eared Bat as being potentially present in the area of the Site. However, the New York State Department of Conservation (NYSDEC) indicates in their letter dated February 4, 2020 that according to the State's Natural Heritage records, there are no state-listed endangered or threatened species or other significant habitats on or adjacent to the Site.

In response to those concerns a site specific Wildlife Habitat Assessment dated July 20, 2020 was prepared by Ecological Analysis, LLC to further analyze the potential impacts to wildlife and wildlife habitat. This assessment was included in the Expanded Part 3 which assessment was reviewed by the Town of Thompson Planning Board and its consultants. In addition to the potential impacts to the Northern Long-eared Bat, the assessment reviewed the potential for impacts to other threatened and endangered species including the Bog Turtle, Mud Turtle, Eastern Tiger Salamander, Northern Cricket Frog, Indiana Bat, Northern Fence Lizard and Timber Rattlesnake. Habitat was also evaluated for several species of special concern including the Eastern Box Turtle, Wood Turtle, Spotted Turtle, Eastern Hognose Snake, Worm Snake, and three Mole Salamander species. Based on this assessment it is expected that some temporary displacement of on-site wildlife will occur due to the construction of the Proposed Action. The development plan shows that corridors for wildlife movement will remain connected to adjacent off-site tracts of land and the undisturbed wetland areas on and adjacent to the site will allow for free movement of species through the site as well as onto adjacent lands. Therefore, the Proposed Project is not expected to cause any adverse impacts to threatened and endangered species or other wildlife species of special concern. However, in order to protect the Northern Long Eared bat, tree removal at the site will be limited to November 1st until March 31st.

The Town of Thompson Planning determines that based upon the mitigation measures incorporated into the project design that there are no adverse impacts to plant and animal expected from the Proposed Action

4. Impact on Agricultural Resources.

According to the map issued by the Sullivan County Planning Department entitled Agricultural Districts Sullivan County, NY, dated October 13, 2017, the project parcels are not currently included in either of the county's two agricultural districts. While portions of the Project Site have been historically used for agricultural practices, as is evidenced by the stone walls and approximately 12 acres of abandon field areas onsite, a review of historical photos shows that the Site has not been actively utilized for agriculture in over 20 years. The remaining portions of the Site are comprised of forested areas and wetlands.

The Proposed Action will result in the permanent transformation of approximately 77.7 acres of designated agricultural soils into an auto auction facility. The Site represents a very small portion of the agricultural soils within the Town of Thompson, and Sullivan County. The parcels are also of relatively low agricultural use quality because of their proximity to heavily commercialized portions of the Town of the Thompson. As the Project Site represents only a small fraction of the County's

agricultural lands and has not been used for agricultural purposes in many years, there are no mitigation measures proposed. Therefore, the Town of Thompson Planning Board determines that the project is not anticipated to create any potentially significant adverse impacts to Agricultural Resources.

5. Impact on Aesthetic Resources.

The Proposed Action is located in a largely commercial portion of the Town of Thompson. While the Project Site is primarily vacant, an abandoned farmhouse and small commercial building occupy the site's frontage along NYS Route 17B. The Site is adjacent to the Monticello Casino and Raceway, an electrical substation to the east on Kaufman Road, an abandoned night club, Dynasty Cottages and Kinnebrook manufactured home community to the south across NYS Route 17B, Brookside Mobile Home Park and vacant woodlands to the west, and a large overhead power transmission line and vacant woodlands to the north. Views into the Project Site from adjacent roadways are mostly shielded by vegetation and trees on all sides, except for the area on the western NYS Route 17B frontage. To assess the visual impact of the Project on motorists traveling along NYS Route 17B, the Town of Thompson Planning Board required that a view shed analysis be prepared analyzing five locations along the Site's frontage on NYS Route 17B. The full analysis with maps and renderings overlaying the facilities into the project and depicting the existing and proposed vegetation and tree cover is included in the Expanded Part 3.

The viewshed analysis disclosed that with the implementation of the mitigation measures proposed the project will not significantly alter the aesthetic character of surrounding area within the Town, as the Project is consistent with adjacent land uses to the east. The project will incorporate a large berm with evergreen plantings to shield views from the south along NYS Route 17B where existing mature woods do not exist as natural screening. In addition, a decorative stone wall and berm along with the planting of additional landscape trees is proposed. The proposed landscaping will create a visually pleasing view shielding the proposed vehicle storage areas and stormwater ponds from the viewpoints along NYS Route 17B.

Finally the site plan was revised to remove the vehicles proposed near the existing manufactured home community to the west of the project ensuring that no vehicles will be stored within 500 of the closet existing residence.

Based upon the above the Town of Thompson Planning Board determines that any potential adverse impacts associated with the project have been mitigated by the project as designed.

6. Impact on Transportation.

At the direction of the Town of Thompson Planning Board the Applicant engaged the engineering and consulting firm Creighton Manning to prepare a Traffic Impact Study (TIS) for the Proposed Action. The purpose of the study was to evaluate the existing road network and intersections in the immediate vicinity of the Project Site. The study considered the potential impacts the Proposed Action may have on the current transportation system. The complete Traffic Impact Study dated August 6, 2020, is included in the Expanded Part 3. The Traffic Impact Study was reviewed and commented on by the Town of Thompson Planning Board, its Consultants and the NYS Department of Transportation.

The Traffic Impact Study studied two intersections, NYS Route 17B and Kaufman Road (County Road 59) and Kaufman Road (County Road 59 and Benmosche Road. The site is

expected to generate 34 trips during the weekday AM and PM peak hours. Although the Proposed Action will slightly increase the number of vehicles travelling on the surrounding roadways, the

increase will not adversely impact any of the studied roadway or intersections. The Traffic Impact Study did recommend mitigation measures proposed will further improve traffic flow on local roadways. To improve traffic flow at the intersection of NYS Route 17B and Kaufman additional signage will be installed to alert drivers that the right lane is a dedicated turn lane at the intersection with no through movement permitted. Additionally, at the Kaufman Road/Benmosche Road Intersection the shoulder area be reinforced to better facilitate right turning movements of car carriers that are headed onto the east bound NYS Route 17 on-ramp. Finally, it is recommended that a directional sign be placed opposite the site driveway along Kaufman road to direct exiting drivers traveling to NYS Route 17 East to make a left turn onto Kaufman Road.

Based upon the above the Town of Thompson Planning Board determines that there are no adverse impacts to transportation associated with this project that are not mitigated by the project as designed

7. Impact on Environmental Health.

As the Site is currently vacant, there are no existing contaminant sources on the property. The existing abandon residence and the existing abandon commercial building will be razed and all fuel tanks and building materials will be disposed of in accordance with NYSDEC and Town of Thompson requirements.

The Proposed Action requires the storage of vehicles, including fleet vehicles, repossessed vehicles, flood damaged vehicles, and vehicles that were damaged in an accident. Damaged vehicles that are delivered to the site have the potential to contaminate ground and surface water if fluid leaks are not identified and repaired, and any spills are not properly cleaned.

Damaged vehicles create the greatest potential for environmental health hazards. To ensure that potential environmental health hazards are addressed the following protocols must be used:

1. Damaged vehicles are initially picked up by the towing company and brought to independent service shops where they are assessed and processed. During this inspection, it is expected that the independent service shops address leaking fluids before delivery to the storage facility site.

2. Vehicles are then loaded on a car carrier and brought to the site where the delivery is limited to the vehicle drop area. Before vehicles can be off-loaded, they are inspected by the site staff for fluid leaks. For any vehicle that is discharging fluid, the leak is immediately fixed, and any spill is cleaned in accordance with the Facility Operators Program Manual (FOPM) included in the Expanded Part 3.

3. Once onsite in the drop area, vehicles are brought inside for inventory and photos where they are again inspected for fluid spills. If a leak is found the vehicle leak is fixed immediately. If the leak cannot be fixed the vehicle is emptied of all fluid.

4. As the drop area has the highest likelihood of an accidental leakage of fluids this area is inspected daily. In the unlikely event that spillage or leakage were to occur, trained operators remediate the spillage immediately in accordance with the FOPM.

5. Once inspected, photographed and inventoried, vehicles are brought to the vehicle storage area via loader where they are stored in the order that they arrive at the site. Storage of vehicles is typically no longer than 90 days while they are waiting to be retitled. The vehicle storage area is inspected on a regular basis where site staff review the conditions of the vehicles and the area surrounding to identify if any leakage has materialized. Once stored onsite, leaks are a rare occurrence, however in the rare situation that one occurs, the staff will address the clean-up by following the procedures and guidelines within FOPM.

6. Once retitled, vehicles are auctioned online daily and once weekly on site. Vehicles being auctioned are brought to the load out area. Cars in the load out may be inspected by registered bidders and are picked up on car carriers by individual purchasers. Once the vehicles are removed, the area is checked for any fluid leaks.

Based upon the committed conformance to the protocols outlined above and the Facility Operators Spill Manual included in the Expanded Part 3, the potential for impact to Environmental Health is properly mitigated by the project as designed.

8. Impact on Community Plans.

The Proposed Action complies with the Town of Thompson Zoning Law, and will meet all the conditions of the Special Use Permit as set forth in the Expanded Part 3. Additionally, to ensure the site is not visible from NYS Route 17B a stone wall and berm will be constructed to visually buffer the site as discussed in detail in the Expanded Part 3. The Project will enhance the d County's Comprehensive Plan, therefore, the Town of Thompson determines that there are no negative impacts from the Project relating to community plans.

Considering all of the above, the Project will not have a significant adverse impact upon the environment and a negative declaration pursuant to SEQRA is hereby issued.

Section 3. This Resolution, which was adopted by a majority vote of the Town of Thompson Planning Board, was prepared in compliance with the requirements of SEQRA.

Section 4. Town of Thompson Planning Board relied upon, as support for this Negative Declaration, the Application and supporting documents, the Environmental Information and such other information as the Town of Thompson Planning Board deemed appropriate, including its knowledge of the area surrounding the Land.

Section 5. Town of Thompson Planning Board hereby authorizes and directs appropriate personnel for the Town of Thompson to distribute appropriate notice of this Resolution to all entities as specified in N.Y.C.R.R. 617.12 (b) as well as publish notice in connection with the same as set forth in N.Y.C.R.R. 617.12 (c).

Section 6. This Resolution shall take effect immediately.

On a motion by James Barnicle, seconded by Matthew Sush, the foregoing resolution was adopted by a vote of 5 Ayes, 0 Nays.

Dated: December 9, 2020

**For Further Information Contact:
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Town of Thompson Planning
Board
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