

VILLAGE OF COXSACKIE VILLAGE BOARD  
119 Mansion Street  
Coxsackie, NY 12051

Resolution No. 162024

SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT  
COMPLETENESS REVIEW  
MOUNTAIN VIEW ESTATES PROJECT

WHEREAS, on or about June 8, 2022, the Village Board of the Village of Coxsackie received a Petition pursuant to New York General Municipal Law Article 17 from UMH of Coxsackie, LLC (the "Applicant") seeking annexation of certain property located in the Town of Coxsackie into the Village of Coxsackie, identified as Tax Map Nos. 56.00-2-4.1 and 56.00-3-1 (the "Proposed Annexation"); and

WHEREAS, the Proposed Annexation is being made in connection with the proposed construction of 360 manufactured homes and related site amenities, referred to as the Mountain View Estates Manufactured Home Park (or the "Project"); and

WHEREAS, by submission dated June 6, 2022, the Applicant submitted an Application for Sketch Plan Review of the Mountain View Estates Manufactured Home Park to the Village's Code Enforcement Officer; and

WHEREAS, the Project is being advanced pursuant to the Village of Coxsackie Village Code, the New York State Village Law, the New York State General Municipal Law, the New York State Environmental Quality Review act and a Consent Decree between the Applicant and the Village in Case No. 18-cv-01182-GLS-ATB, filed as of January 12, 2022 in the United States District Court, Northern District of New York (the "Consent Decree"); and

WHEREAS, a previous iteration of the Mountain View Estate Manufactured Home Park, consisting, among other things, of fewer units on less land, was the subject of a Findings Statement

issued pursuant to the New York State Environmental Quality Review Act ("SEQRA") in 2009; and

**WHEREAS**, the Village Board determined that the Project, as amended, will require further SEQRA review and that the Project is a Type I Action pursuant to 6 NYCRR Part 617.4 because the Project proposes to construct 360 manufactured homes, which exceed the applicable threshold contained in 6 NYCRR Part 617.4(b)(5); and

**WHEREAS**, the Village Board issued a Notice of Intent to Designate itself SEQRA Lead Agency on October 7, 2022 to all Interested and Involved Agencies; and

**WHEREAS**, the New York State Department of Environmental Conservation responded by letter dated October 26, 2022, providing comments and indicating that it has no objection to the Village Board assuming Lead Agency Status for the Project; and

**WHEREAS**, the New York State Department of Health responded by letter dated October 27, 2022, providing comments and indicating that it has no interest in being SEQRA Lead Agency; and

**WHEREAS**, no other Interested or Involved Agency objected to the Village Board assuming Lead Agency status; and

**WHEREAS**, the Village Board declared itself lead agency for a coordinated review pursuant to SEQRA at its regularly scheduled meeting held on December 12, 2022; and

**WHEREAS**, the Village Board notes that the proposed changes to the Project include an increase in the number of housing units from 280 to 360 and annexation of Town land into the Village to accommodate the increased number of housing units;

**WHEREAS**, Village Board noted that the Consent Decree required UMH to prepare a Supplemental Draft Environmental Impact Statement ("SDEIS") and further noted that the Project, as amended, meets the threshold contained at 6 NYCRR 617.9 (a) (7) (i) (a) for requiring a SDEIS in light of the proposed changes to the Project; and

**WHEREAS**, the Village Board required the preparation of an SDEIS for the Project, as amended, noting that the Project as currently proposed includes changes that were not addressed in the prior adopted FEIS and Findings Statement; and

**WHEREAS**, notwithstanding that the SEQRA regulations located at 6 NYCRR Part 617.8(a) provide that scoping is not required for an SDEIS, the Village Board required that the SDEIS for the Project, as amended, be subject to SEQRA Scoping; and

**WHEREAS**, the Village Board hosted a public hearing on the draft scoping document on May 1, 2023 and approved the Scoping Document June 19, 2023; and

**WHEREAS**, on or about January 26<sup>th</sup>, 2024, the Village Board received the SDEIS from the Applicant, which it subsequently reviewed with the Village's technical professionals; and

**WHEREAS**, based on the January 26<sup>th</sup>, 2024 submission, Delaware Engineering D.P.C issued a letter dated February 18, 2024 that identified outstanding issues to be addressed in the SDIES (the "Delaware Review Letter"); and

**WHEREAS**, the Village Board reviewed the Delaware Review Letter and by resolution dated March 18, 2024, determined that the SDEIS was not adequate with respect to scope and content for the purpose of commencing public review, for the reasons set forth in the Delaware Review Letter, and requested that the Applicant submit additional information fully addressing the Delaware Review Letter; and

**WHEREAS**, on August 9<sup>th</sup>, 2024, the Applicant resubmitted the SDEIS; and

**WHEREAS**, based on a review of the SDEIS, the Village Board has determined pursuant to 6 NYCRR 617.9(a)(2)(ii) that the SDEIS is complete with respect to scope and content for the purpose of commencing public review.

**NOW, THEREFORE, BE IT RESOLVED**, the Village Board determines that the SDEIS is complete with respect to scope and content for the purpose of commencing public review and directs

that a Notice of Completion be prepared identifying the location where copies of the SDEIS can be obtained and reviewed, indicating that the public shall have 45 days from the date of filing and circulating the Notice of Completion during which written comments will be accepted by the Village Board as lead agency, subject to the provisions of 617.9(a)(4)(iii); and

**BE IT FURTHER RESOLVED**, that the Village Board directs the Village Clerk to publish, file and circulate the Notice of Completion and SDEIS pursuant to 6 NYCRR 617.9(a)(3); and

**BE IT FURTHER RESOLVED**, that the Village Clerk shall accept and compile comments from the public for submission to the Village Board; and

**BE IT FURTHER RESOLVED**, that the Village Board has determined a public hearing on the SDEIS is appropriate, pursuant to 6 NYCRR 617.9(a)(4), and will endeavor to schedule such hearing for a date in September 2024, subject to the requirements of 6 NYCRR 617.9(a)(4)(i-iii); and

**BE IT FURTHER RESOLVED**, that the Village Board will endeavor to schedule the public hearing required for the annexation petition as hereinabove described, to be held jointly with the Town Board of the Town of Coxsackie, pursuant to Article 17 of the New York General Municipal Law, with such public hearing to be held concurrently with the public hearing on the SDEIS for this action.

The vote:

Mayor Mark R. Evans

Trustee Donald Daoust

Trustee Katlyn Irwin

Trustee Rodney Levine

Trustee Deidre Meier

The Resolution was declared adopted.

I, the undersigned Clerk of the Village of Coxsackie do hereby certify that the above is a resolution duly adopted by the Village Board of Trustees on August 20, 2024.

SEAL

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Nikki Bereznak, Village Clerk