

**Action:**

**Village of Margaretville Comprehensive Land Use and Action Plan,  
Zoning Amendments, and Subdivision Law Adoption  
Draft Generic Environmental Impact Statement  
(DGEIS) November 17, 2008**

**Location:**

Village of Margaretville, Delaware County, New York

**Lead Agency and Contact Person:**

Village of Margaretville Board of Trustees

Village Hall PO Box 228 773 Main St. Gottfried Bldg

Margaretville, NY 12455

Contact: Honorable William H. Stanton, Mayor

(845) 586-4418

Lead Agency Acceptance Date: **November 17, 2008**

Date of Public Hearing: **January 15, 2009**

Deadline for Receipt of Comments: **January 31, 2009**

**Proposed Action:** Adoption of a Comprehensive Plan, Subdivision Regulations and Zoning Local Law Amendments for the Village of Margaretville, Delaware County, New York

**DGEIS Prepared by:**

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## **1. Executive Summary**

In 2006, the Village of Margaretville, its Mayor and Trustees decided that a comprehensive strategic community planning process should be undertaken in order to: provide a framework for future development, to assess community needs in the Village of Margaretville and to ultimately prepare revisions and supplemental land use laws implementing the Village's Comprehensive Plan. An engaged, enthusiastic and active citizenry participated in the development of the Comprehensive Plan. From the onset, the Village encouraged the participation of all interested groups in the community and invited them to the table throughout the planning process. A Comprehensive Plan Committee was formed from these interest groups and acted as the steering committee for the process, facilitated by a professional planner who provided advice, guidance, direction and writing services. Together they collected existing studies and data, inventoried and analyzed existing conditions, surveyed and interviewed the community, evaluated future trends, and ultimately made recommendations that support a plan of action to move the community forward over a fixed period of time. The community participated in establishing a vision of the village, providing continual input and review of the draft Plan. Each time public meetings were held, they were well attended. Community members contributed thoughtful comments and suggestions and were very committed to the vision and goals of the process.

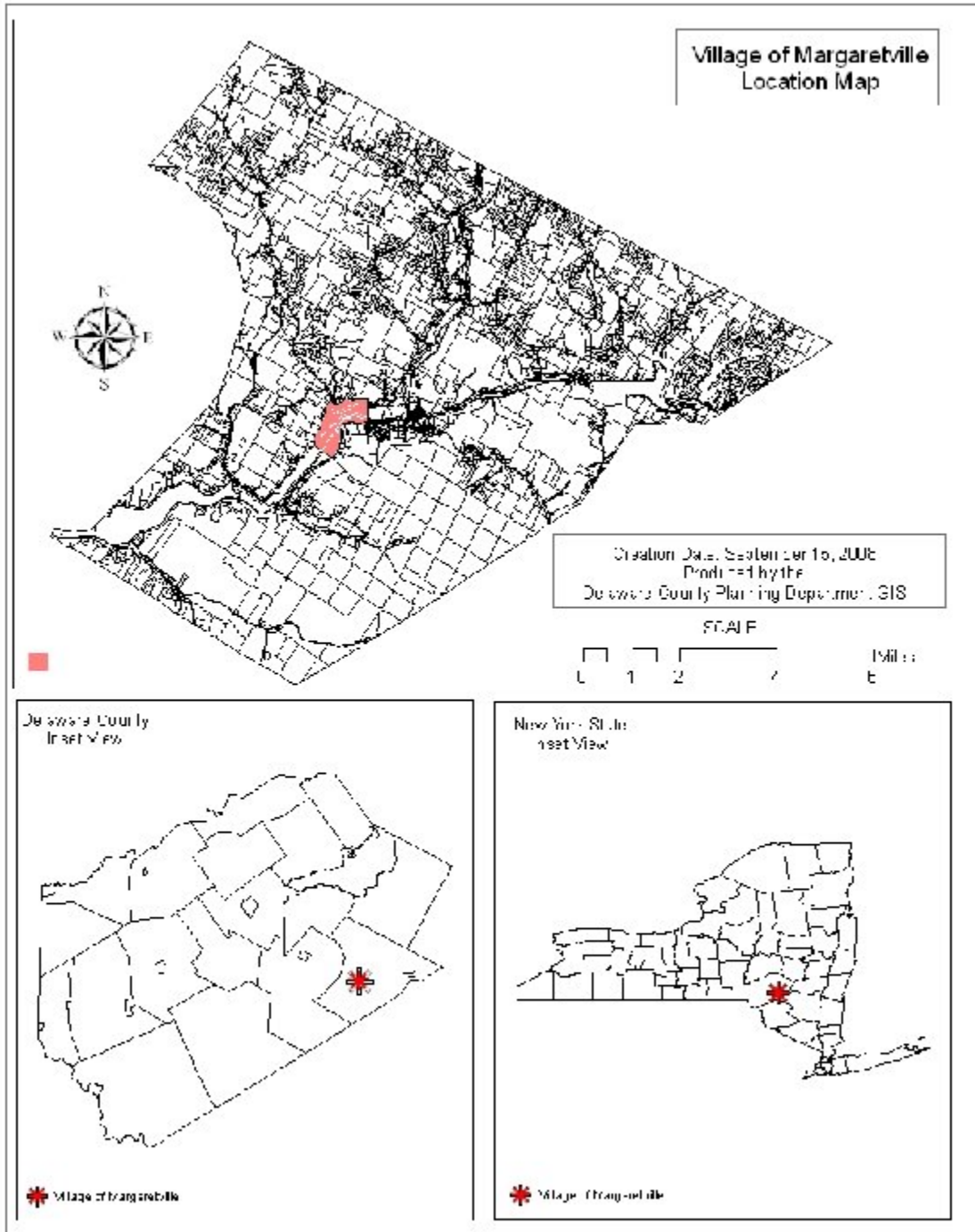
The Village Board, the authorized entity under New York State law, is considering adoption of the plan. In order to conform the Village's land use laws to the plan, the Village is also preparing a subdivision law and amendments to the zoning ordinance based upon the recommendations within the Comprehensive Plan. To complete the adoption process for the Comprehensive Plan and the implementing regulations, the Village is conducting an environmental review procedure of the impact of these actions on the Village environs. This review is conducted in compliance with Section 7-722 (8) of Village Law and the applicable provisions of the State Environmental Quality

Review Act (SEQRA) of New York. In conducting this review, the Village Board of the Village of Margaretville assumed the role of Lead Agency under the auspices of SEQRA on November 17, 2008 at which time the Village also made a determination that the proposed actions were a Type I action, would also have a Positive Declaration and require the preparation of a Generic Environmental Impact Statement.

## **2. Description of the Proposed Action**

Located at the intersection of State Routes 30 and 28, the Village of Margaretville in the Town of Middletown, Delaware County, New York lies on the northern border of the Catskill Park. A Small village of 643 people (2000 Census) with .7 square miles of land, Margaretville is nestled in a steep valley along the East Branch of the Delaware River in the New York City Watershed.

In 2006, pursuant to Village Law, the Village of Margaretville appointed the Margaretville Comprehensive Plan Committee and directed the members to prepare a comprehensive plan as prescribed by New York State Law. Over the course of the ensuing period, the committee held periodic public meetings, more than four public workshops and hearings before referring the Plan to the Village Board for adoption. The Village then moved forward with adoption proceedings according to the procedures prescribed by New York State Law, including the required consultations with the Delaware County Planning Board and the Town of Middletown before moving towards adoption of the plan.



The Comprehensive Land Use and Action Plan incorporates a year long (or more) community process and a product of inventory, analysis, civic input and envisioning. The committee, with consultations from citizens, government officials, organizations and experts thoroughly reviewed historical, existing, and future conditions and trends impacting the Village for a complete array of demographic, infrastructure, governmental, land use, economic, social, environmental, historical and cultural concerns. Surveys and studies were reviewed, key informant interviews were conducted, and public meetings were held to gather advice and suggestions. From these multiple sources, the committee framed recommendations for action around topic areas (important to a small regional commercial center), that the Village and its partners could implement, including recommendations for the zoning and subdivision laws.

The Comprehensive Land Use and Action Plan include the following key attributes which are discussed in detail in the plan and its supporting documentation:

- Economic Development
- Housing Development
- Natural Resource
- Smart Growth
- Land Use (including references to amending the Zoning, Site Plan Review and Subdivision Laws)
- Community Character
- Infrastructure
- Transportation
- Public Facilities and Services

The impact of the entire Comprehensive Planning process, and the implementation of the land use program and community development recommendations that flow from the process, is positively and constructively

mitigate Margaretville's future outlook and Village character in terms of physical, environmental, social and economic conditions and trends. In order to do so, the Comprehensive Plan Committee collected a wide range of historical, existing conditions and future trends data to establish a basis and context for analysis on Margaretville's social, economic and physical features (See Comprehensive Plan Bibliography and Existing Conditions Analysis). From this database, community members involved in plan development brainstormed and discussed multiple options and alternative actions. Each iteration of the plan document considered potential impacts and possible mitigation measures before making draft and final recommendations for action and implementation. A similar process will be carried out when implementing the zoning amendments and subdivision law implementation. The Village did not intend, by this blanket action relative to the Comprehensive Plan adoption, the amendments to the zoning law, and adoption of subdivision regulations, to limit any board or agency from conducting a site-specific SEQRA review of any application or activity associated with future development and/or proposed capital improvements.

This document (DGEIS):

- Reaffirms the Village's role as the Lead Agency for the environmental review under the SEQRA; and,
- Reaffirms the actions as a Type I action under the SEQRA Regulations; and,
- Incorporates by reference, the Village of Margaretville Comprehensive Land Use and Action Plan, and the related implementing land use laws (Zoning, Subdivision), as if the documents were set forth in their entirety, and the reader is encouraged to reference these documents.

### 3. Description of the Environmental Setting

Throughout its history, the Village of Margaretville was shaped by its location in a steep river valley. Standing at the center of the Village, the majesty and power of the mountains humbles humanity. The East Branch of the Delaware River, an important water source of the New York City Water Supply and a tributary of the Delaware River, runs southwest through the Village of Margaretville and empties into the Pepacton Reservoir. Two creeks, Bull Run Creek and Binnekill Creek, flow south and west respectively to the confluence of the Delaware near Bridge Street. The mountains, steep valleys, and confluence of large and small river systems created the platform for Margaretville's strategic location and historical focal point in the region.

Margaretville's development is physically constrained by the circle of mountains that surround it and by its political boundaries. While the Village is not fully built out, suitable land for development is limited. Active and fertile agricultural lands exist along the river within the Village and are, in fact, designated as part of the New York State Agricultural District Program. These lands provide important open spaces and scenic vistas in the Village. The Village's historical purpose evolved over time from farming center to regional center and weekend retreat for city dwellers and visitors. As a result, its vision, purpose and direction evolved. Downtown Margaretville is subject to the booms and busts of any fickle economy, yet lacks a coherent strategy and the solidarity to weather such events. Changing demographics, such as an aging population and shrinking school populations indicate future trends that affect growth.

The Delaware and its branches provide challenges. Because of the topography of rivers and mountains, flooding continues to be a periodic concern, creating dangers for residents and economic hardship. Past efforts include stream bank stabilization on the Bull Run Creek, hazard mitigation and flood clean up. The

dominance and influence of the river systems prompted the community to participate in the creation of a regional plan for stewardship of the East Branch.

The Village adopted traditional forms of regulation in an effort to protect the land use and natural resources, including the Site Plan Review, Zoning and Subdivision Ordinances. Recent proposed development and the development of this comprehensive plan raised concerns whether the existing regulations are working adequately or are even appropriate to protect the village in terms of design, siting, density and usage considerations.



Source: Village of Margaretville  
Comprehensive Plan Committee

#### **4. Statement/Evaluation of Potential Significant Adverse Environmental Impacts**

The Village of Margaretville Comprehensive Land Use and Action Plan was reviewed and adopted in conformance with New York State Village Law and the State Environmental Quality Review Act (SEQRA)

The evaluation that led to the preparation of the Generic Environmental Impact Statement identified no significant adverse environmental impacts associated with adopting and implementing the Village of Margaretville Comprehensive Land Use and Action Plan and the related land use laws accompanying the plan

document. The recommendations and actions proposed by the community of Margaretville promote a holistic, evenhanded and reasonable approach to concurrently protecting sensitive environmental features and improving community character. The physical constraints of the steep river valley, limited land base and small village footprint (.7 square miles), force the scale of development and re-development (both cumulative and incremental) in Margaretville to be slight and inconsiderable in environmental impact. The Plan does not propose significant changes to village land use patterns. It seeks to support and reinforce the community's traditional village scale.

The community, in preparing the plan and its accompanying regulations, considered the positive and negative impacts its recommendations would make on the use and protection of all natural, social, economic, and physical capital of the Village. A critical evaluation was made to recognize that the desired intensity level of development the community wishes cannot exceed the carrying capacity of the land. This is controlled to a large degree by the New York City Watershed Agreement and the ownership of the Village's wastewater system by the City of New York. As an outside force, beyond the control of the Village, development is significantly curtailed within the Village and adverse environmental impacts minimized respectively by limited opportunities for sewage connections. Nevertheless, plan recommendations reflect a policy of not wanting to exceed the carrying capacity of the land and incorporate specific recommendations for the implementing land use regulations to consider incorporating so as to mitigate any adverse impacts, however slight.

#### *Unavoidable Adverse Impacts*

A Comprehensive Plan, as a written document, compared to a development project, cannot result in a direct adverse environmental impact. The recommendations contained in the Plan were reviewed by the Village to minimize their consequences to cause unavoidable adverse impacts.

Periodic updating of the Comprehensive Plan can enable the recommendations within the document to change with conditions in Margaretville and the region, thus addressing changing impacts that may arise in the future.

*Irreversible and Irretrievable Commitment of Resources*

The Comprehensive Plan and the implementing regulations, as written documents, do not irreversibly or irretrievably:

- impact or commit Village resources (land or capital) by their development and adoption.
- Impact solid waste
- Involve physical changes or improvements to the Village.

New York State Law also obliges municipalities to conduct land use planning at the Village level and to adopt Comprehensive Plans, in order to guide the use of these resources and to identify the location and kinds of physical improvements to the Village. In the Village of Margaretville, resources and improvements would continue to be utilized by both the private and public sectors regardless of the presence of a land use planning program at the local level. The scale of development in Margaretville is so small that commitments of resources are respectively insignificant and minor. Development projects subject to the land use laws of the Village promulgated through this action will be subject to environmental review on a case by case basis and will be considered against the criteria of unavoidable adverse impact.

**Effects on the Use and Conservation of Energy**

The Comprehensive Plan and its land use regulations include many recommendations to promote an energy efficient and conservation conscious green community.

### **Effects on the Use or Protection of the Agricultural District**

The Village of Margaretville includes a small section of farmland included in Delaware County Farmland Protection Plan and part of the Delaware County Agricultural District. The Comprehensive Plan speaks specifically to the protection of this land (Page 57 of the Plan). This action will not irreversible or irretrievably adversely impact these designated lands.

### **Issues of Controversy**

The plan and its implementing regulations may cause some public controversy and concern to some individual property owners who may object or carry concerns about greater levels of public involvement and scrutiny in the review of individual permit applications. This is in part because land use laws and development pressure in the Village to date has been very limited. Development pressure is anticipated to increase and this is reflected in the plan. There may be concerns why the public interest should be served over private interests by preserving community character through review of site plans, and other forms of intervention in development and land use decisions. However, with limited infill and build-out opportunities, every land use decision in the Village is a critical decision for the community requiring careful consideration and input with the public interest in mind. On balance, the Village believes that choosing an appropriate intensity and character of development will benefit the community's well-being, create a stable tax base and increase overall property values.

The Comprehensive Plan and its implementing regulations are not a growth inducement, or a reaction to development underway; rather they establish a set of policies intended to provide a framework for managing preservation, protection, growth and development in the Village of Margaretville as required by the laws of the State of New York.

## 5. Description of Mitigation Measures

An exhaustive list of mitigation measures is not possible nor required by the SEQRA regulations for the purposes of the GEIS process for the adoption of a Comprehensive Plan and its implementing regulations. The Margaretville Comprehensive Land Use and Action Plan, Zoning and Subdivision Laws, combined with this DGEIS constitute a description of many, but not all of the mitigation measures available to the Village of Margaretville to minimize potential adverse impacts from future development.

In order to mitigate prospective projects and move through the review process more efficiently, project developers should review this materials DGEIS as well as the Comprehensive Plan and the implementing regulations. Proponents of a project should consider and identify potential negative environmental impacts. Evaluating the proposal from the public's perspective will enable a developer to prepare ahead for conditions that the public interest may require to mitigate impacts such as alternative: sites, technologies, scales or magnitude of use, project design, timing, hours, or phasing of the project.

The following mitigation measures will be considered regarding actions that may result from the recommendations identified in the Comprehensive Plan and the land use laws that constitute the Action described in this DGEIS:

### Aquifers and Wellhead Protection

The Comprehensive Plan includes specific reference and provision for protection of the Village of Margaretville water supply (Page 73 of the Plan).

### Cultural Resources

Project review under the Village's land use program should use the environmental assessment process under SEQRA and any site plan review powers to review and mitigate impacts to historic and archeological resources.

### Agricultural Resources

The Village of Margaretville contains a small portion of an Agricultural District that extends beyond the boundaries of the Village. The Comprehensive Plan includes a section devoted to the protection and mitigation of impacts on agricultural resources in the Village (Page 57 of the Plan). The following mitigation measures will be followed:

- Building on prime agricultural soils will be avoided.
- Locating buildings in the center of a field or in places that would interfere with equipment or the maximum use of remaining farmland will be discouraged.
- Access through right-of-ways to farm fields will be supported.
- Conservation easements to protect agricultural resource will be encouraged.

### Geology and Soils

- Identify, describe and evaluate site specific soil conditions during project review.
- Utilize appropriate engineering methods to address conditions of excessive wetness, poor drainage, compressibility and instability, shrinkage and swelling, susceptibility to erosion, lack of soil thickness, or poor texture.
- The purpose of mitigation should be to: protect groundwater from contamination, soils from erosion, surface water from sedimentation and building construction structural safety considerations.
- Examples of mitigations include, but are not limited to: placement of hay or cloth dikes for containment of water and soil, construction of impoundments and drainage ditches, seeding, netting, mulching and covering excavated soils or stockpiling soils.

- Limit the amount of disturbance to bedrock where it would result in significant bedrock disturbance.
- Require “terrain adaptive” housing in areas constrained by bedrock.
- Avoid development in areas with slopes in excess of 25 percent.
- Reducing the number of building lots to avoid extremely steep slopes.

### Surface Waters

- The Comprehensive Plan includes recommendations with regard to the mitigation and protection of surface waters within its jurisdiction (Page 49 of the Plan).
- New York State wetland regulations include a 100 foot set back. State regulations, Use and Protection of Waters, 6NYCRR, Part 608 require a permit from NYS DEC for all activities that: disturb protected streams, excavate or fill in navigable waters.

### Light Pollution and Dark Skies

- New development should reduce light emissions that focus upwards.
- With the exception of light needed for safety and security, lighting should be minimized.
- All lighting should be equipped with devices that redirect light downward such as shields, hoods or visors.
- Directional lights such as floodlights (especially in parking lots), spotlights or sign lights should be installed and aimed so that they illuminate only the task. They should not shine directly onto neighboring properties, roadways, or distribute light skyward.

### Visual Resources

Impacts on aesthetic and visual resources are required to be considered by the Village of Margaretville in its project review functions and to mitigate any impacts found through conditions imposed on the project. The Comprehensive Plan

process and document, and the DGEIS found that the citizens of Margaretville value the visual resources of the community and region. The connection between quality of life, economic health and visual integrity of the Village environs was clearly seen by the community. During project review, impacts to visual resources will be mitigated by the following:

- Inventory, assessment and evaluation of visual resources, including, properties listed on the National or State Register of Historic Places, publicly owned parks and preserves, state designated trails, scenic byways, and any locally identified visual resources, view sheds, and site specific scenic resources. Utilizing view shed maps and other techniques now considered standard in visual assessments, conduct an assessment and evaluation process in accordance in standard practice.
- Determine the significance of the visual resources impact.
- Identify and describe potential mitigation procedures. These can include: design and siting, screening, relocation, disguise, low profile, berms and buffers, downsizing, alternate technologies, lighting, and Offsets. Other mitigation options include locating buildings close to tree lines and edges, following topography for siting buildings and roads, and avoiding ridgelines. Unique and special cultural and natural features of a site should be protected and preserved. Projects should also reflect the architectural design, historic siting, and footprint patterns of area properties, including open space, road scale and shape.

#### Protecting Biodiversity

Although the Village represents a very small land area, development within its boundaries should avoid critical environmental areas. In doing so, habitat is protected. The following mitigation measures will be followed:

- Native vegetation will be recommended when landscaping.

- Vegetated buffers will be maintained along streams and creeks.
- Corridors between habitat types for wildlife travel will be recommended.
- Open space will be incorporated into each project.
- Fragmentation of existing forested areas will be avoided. Tree cutting will be discouraged and replanting will be encouraged.
- Migratory paths will be identified and avoided for development of any kind.
- Areas containing endangered or threatened species will be avoided.
- Critical habitat loss and noise will be avoided.

### Traffic

Traffic mitigation measures include the following:

- When roads are improved, pedestrian safety will be considered in the planning, including sidewalk improvement. Tree removal will be avoided and discouraged.
- In reviewing a project, the Village may consider the need for a developer to prepare a traffic impact study if a proposed land use expects to generate more than one hundred trips during a peak hour or there are concerns for congestion, public health or safety as a result of the project's development.
- Shared roadways and driveways will be encouraged to reduce and manage access to public roads.
- Properties will have limited access
- Commercial buildings will be sited with their parking areas in the rear and with landscaping used to separate parking lots, roads, sidewalks, etc.
- Landscaped parking lots will include islands, curbs and physical boundaries between roads, sidewalks, buildings and cars. Adequate pedestrian considerations will be included in the planning.
- All projects will include sidewalks in their planning

### Infrastructure

The Comprehensive Plan provides extensive recommendations with regard to mitigation impacts for infrastructure (Page 73 of Plan). Water conservation measures should also be encouraged in any new construction or rehabilitation projects in the Village.

### Air Resources

The Comprehensive Plan and implementing regulations do not propose any land use policies or propose a significant increase in development that would impair regional air quality.

### Community Services

The Comprehensive Plan and implementing regulations, as written documents, will not affect the population trends of the Village. Therefore the need for additional community services is not anticipated to change as a result of the plan. What will impact the community will be the aging of the existing and future population and the increased need for health care and ambulance services as a result of the demographic shift occurring throughout the United States. Specific mitigations for this future issue have not been determined at this time.

## **6. Description/Evaluation of Alternatives to the Action**

SEQRA requires that alternatives be examined as part of the environmental review process. The planning process and Plan document is an exercise in alternatives. The Village of Margaretville local land use planning program included a public process that allowed Village appointed committee members representing the community-at-large to engage in process that considered and balanced the protection and use of natural and artificial assets in a way that enabled the community to consider sustainably growing the Village through its land use program.

Margaretville is physically constrained in several dimensions and therefore its alternative scenarios are also limited in scale and in scope. The Village is constrained by the steep valley and riverbed terrain that creates a foreshortened footprint. The area of the Village is limited in size to less than three quarters of a square mile. Margaretville is also located within the New York City Watershed and cannot double or triple in population, businesses or buildings, thus severely limiting expansion and development opportunities. Geo-political and economic forces outside the purview of the people of the Village control many of the possible and realistic alternatives available to the Village relative to the protection of natural resources, community character and maintaining the economic viability of the community.

The Village of Margaretville considered the following alternatives when contemplating engaging in a local land use planning program:

- Taking no action and disbanding its planning work
- Taking nominal and symbolic action only
- Taking meaningful and substantive action to develop a comprehensive plan and then making incremental changes in the land use laws
- Taking meaningful and substantive action to develop a comprehensive plan and then making major modifications in the land use laws

The Village chose not to select the “no action” option since the consequences of inaction might aggravate the declining economic conditions in the Village, erode community morale and impact visual character. It was time to take the bull by the horns. Under this alternative, the community would not rally around a Comprehensive Planning process to share their views on the future of Margaretville and no future land use planning concepts would develop for the Village. Without a plan and vision, Margaretville might not compete well compared to other Catskill communities.

Nominal and symbolic action involved meeting the requirements of the laws of the State of New York, but not requiring further use or action from the Comprehensive Plan or making modifications to the land use laws of the Village. The Village chose not to select this action since the will of the people from the community participation process indicated that there was real interest in preparing and implementing the recommendations of the Comprehensive Plan and making modifications to the land use laws of the Village.

The Village chose to take meaningful and substantive action to develop a Comprehensive Plan and to consider changes to the land use laws of the Village that will implement the recommendations of the Comprehensive Plan. The community considered alternative land use, development options, transportation, main street and economic development issues, natural resource protection and enhancement as they drafted and re-drafted, and finally refined recommendations in the plan for:

- Economy and Community Amenities
- Land Use and Natural Resources
- Transportation and Public Facilities

The recommendations embodied in the Comprehensive Plan represent the alternatives preferred by the people of the Village through the public participation process. The preferred alternatives take into consideration the realities of physical, political and economic constraints, yet allow for build-out and infill that can be expected in a mature community such as Margaretville. As such, they represent a balance between what is best for the community after weighing the impact on the environment, the economy, the character of place, and the interests of the people.

## **7. Impact on Future Regulations and Developments in Regard to SEQRA**

Once the Comprehensive Plan and the implementing regulations are adopted, any land use actions that occur must be considered in accordance with this plan and current or future regulations. Since this GEIS is, by definition, generic and not site-specific, any future development proposal before the Planning Board or Village Board must fully address SEQRA. The Generic Environmental Impact Statement is not intended to inhibit any future SEQRA action by the Planning Board or Village Board of the Village of Margaretville in regard to future development proposals placed before them.

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## **9. Record of Substantive Public Comment and Response to Public Comment (Final GEIS)**

### **Appendices:**

**Village of Margaretville Comprehensive Land Use and Action Plan**

**Draft Subdivision Regulations**

**Existing Zoning Ordinance**