

**Action:**

**Village of Margaretville Comprehensive Land Use and Action Plan, Zoning  
Amendments, and Subdivision Law Adoption  
Final Generic Environmental Impact Statement  
(FGEIS) March 27, 2009**

**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 John VanBenschoten, Mayor

(845) 586-4418

Lead Agency Acceptance Date: April 6, 2009

Consideration Period Ends: April 16, 2009

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

**FGEIS Prepared by:**

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## Executive Summary

The following is a Final Generic Environmental Impact Statement (FGEIS) for the Village of Margaretville Comprehensive Land Use and Action Plan, Zoning Amendments, and Subdivision Law Adoption pursuant to the State Environmental Quality Review Act (SEQRA). The proposed action is considered a Type 1 action. The purpose of this FGEIS is to catalogue and respond to all substantive comments provided by the public during the SEQRA comment period on the Draft Generic Environmental Impact Statement (DGEIS) associated with the adoption of the Village's Comprehensive Plan and update of the land use regulations in the Village. As a consequence of the comments received from the public hearing and public comment period for the DGEIS, the Village revised the DGEIS and Comprehensive Plan in response to comments and notifies the public accordingly through this FGEIS. The revised DGEIS is included as an appendix to the FGEIS and incorporated by reference to this document.

### I. Introduction I

#### A. Summary of Proposed Action, Impacts and Mitigation

To complete the adoption process for the Village of Margaretville Comprehensive Land Use and Action Plan and the implementing regulations, the Village is conducting an environmental review procedure of the impact of its 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. A Draft Generic Environmental Impact Statement was prepared and accepted by the Village on November 17, 2008. A public hearing was held on January 15, 2009 and the public comment period closed on

January 31, 2009. Public and review and comment yielded suggestions that resulted in modifications to both the DGEIS and the Comprehensive Plan, which are described in this FGEIS.

The Village of Margaretville Comprehensive Land Use and Action Plan was unanimously approved to be forwarded to the Village Board of Margaretville for adoption consideration in October of 2008 by the Comprehensive Plan Committee. A Comprehensive Plan serves as a general and flexible guide to implementing the community's vision, setting out broad recommendations that can respond to inevitable change at the project scale. Margaretville's plan document identifies a tiered community vision for Margaretville based upon the strengths, opportunities, constraints and resources of the Village. It was developed based upon a rigorous citizen-led process. All stakeholder interests who came forward were welcomed to the table. Citizens deliberated and evaluated existing conditions and trends on a wide range of topics and community issues selected by citizens. The vision is supported by a community-led implementation and action framework. This framework includes goals, objectives, and recommendations that are both regulatory and non-regulatory in nature.

The Comprehensive Plan recommendations consider the fragile nature of the natural, social, cultural and economic resource base of the Village and its environs and attempt to balance all interests with the least impact upon the environment. 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.

In preparing the FGEIS and considering the adoption of the Comprehensive Plan and its implementing regulations, the Village of Margaretville considered the following alternatives:

- 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, injure environmental conditions 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 or preserve the integrity of its existing natural and community assets.

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 revised 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.

The adoption of the Comprehensive Plan by the Village Board as a policy document is not anticipated to result in any significant adverse environmental or economic impacts to the Village or its environs. If considered, the guidelines and recommendations included in the plan will provide a greater degree of specificity with respect to protection of natural and cultural resources than currently exists within the Village land use regulations. Recommended mitigation strategies and guidelines are enumerated and proposed to be incorporated in the land use regulations. These can reduce project-specific impacts. The implementation of SmartGrowth and New Urbanism principles will enhance conservation of natural and cultural resources. Positive and constructive impacts are envisioned as a result of the adoption and implementation of the Comprehensive Plan and the implementing regulations.

## **B. SEQR Timeframes**

According to SEQRA, the 45/60 day timeframes are mandatory for the FGEIS, but according to documentation provided by the NYS DEC the courts recognize the need for flexibility in time frames. The SEQRA Handbook published by the NYS DEC Division of Regulatory Affairs, dated 11/1992, specifically page 88 section A. Time Frames, subdivision 2. Are the SEQR time frames mandatory states, "The courts have held that the time frames contained in SEQR are directory, [are] not mandatory. This means that they exist as a guide or goal but there are no provisions for default if the time frames are exceeded." Published by DEC, the timeframes have been considered flexible by the courts. In order to be responsive to the subjects considered, the Village needed additional time to consider, research and review sections of the Comprehensive plan and prepare responses to the comments made on the DGEIS. The public hearing held on 1/15/09 and the comment period ending 1/31/09 required research and collection of data from third party sources that took February and March to collect, analyze, draft and meet with village officials to review. The FGEIS could not be produced within the 45/60 day time frames, but was produced within a reasonable time frame thereafter. The Village maintains that SEQRA was carried out with a least procedural delay necessary to balance reasonable and adequate response to the comments with the timetable

required under SEQRA. The Village as Lead Agency is authorized under SEQRA to extend the time period for the preparation of the final EIS when it has been determined that additional time is needed to adequately prepare the statement.

### **C. Document Organization**

The FGEIS is divided into three major sections an Introduction , Response to Public Comment and Appendices. The Appendices include: the Draft Generic EIS with revisions noted, the written comments, the January 15, 2009 public hearing minutes, and the Comprehensive Plan with revisions noted. The appendices also include the land use regulations.

### **D. Future Actions**

Following the filing of this FGEIS, there will be a ten-day period provided for agencies and the public to consider the FGEIS. Such comments may be considered by the Village during preparation of the Findings Statement but the Village is not obligated to respond to these comments. Pursuant to 6 NYCRR 617.15(c)(1), no further SEQR compliance is required if subsequent proposed actions will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or Findings Statement.

## **II. Response to Public Comment**

### **A. Comments & Response on Draft Comprehensive Plan and DGEIS**

#### **1. Respondent: Delaware County Planning Board, Delhi, New York**

**Subject:** GML 239 Review, FGEIS Response

**Comment:**

“The Board commented that the Plan does not focus enough on important issues such as parking and is too detailed about issues less important. The Board also felt that the Plan should have mentioned more local communities as opposed to out of State communities. -motion by Don Kearney to approve with the recommendation that the

Village Planning Board review the specifics of the Plan to see how it coincides with the local communities, seconded by Pat Miele. Motion carried.”

From Kent Manuel, Delaware County Planning Department: “In anticipation of the January 31<sup>st</sup> comment deadline, I sent the County Planning Board copies of the Village Plan and requested that all comments be forwarded to me by this week. To date I have received feedback from a handful of members; in general, they all stated that the plan read well. The following specific comments were also provided:

2. Pg.20 concern over granting of façade easements; better to work with current owners on improvements w/o ownership transfers
3. Pg.36 Local examples are also available (Delhi Fair on the Square)
4. Pg.58 #7, last sentence: Remove “s” from “takings”
5. Pg.71, Resolve the safety problems with truck usage of the Route 28 Bridge; should this be Route 30?
6. Parking expressed as an issue throughout, and needs clear follow through into Goals & Strategies.”

### **Lead Agency Response**

1. Comment Noted. The plan’s selection of issues was developed using a diverse citizen based advisory group, multiple community meetings and intense involvement of community based organizations and reflects the interests and sentiments of the community. Parking is mentioned 27 times in the assessment of issues and recommendations (strategies) and reflects Margaretville’s role as a retail center.

The Comprehensive Plan advisory committee requested that Best Management Practices from outside the region be highlighted as case studies.

2. Comment Noted. Regarding facade easements, the language on page 20 states, “Consider” which means to think about or imagine as a possibility at a future time. Working with current owners on improvements in conventional way is always the better and traditional approach, but sometimes, more innovative approaches are needed and

the plan wants future readers to be thinking forward on this subject. The Comprehensive Plan doesn't require or mandate action by the Village or others to enact the specific recommendation.

3. Comment Noted. There may be many great regional examples of best practices. The Comprehensive Plan advisory committee requested that Best Management Practices from outside the region be highlighted as case studies.

4. Cannot find the reference

5. Corrected Page 71 to read Route 30 Bridge

6. Comment Noted. Parking is mentioned 27 times in the assessment of issues, and recommendations (strategies) and reflects Margaretville's role as a retail center. In anticipation of the January 31<sup>st</sup> comment deadline, I sent the County Planning Board copies of the Village Plan and requested that all comments be forwarded to me by this week. To date I have received feedback from a handful of members; in general, they all stated that the plan read well. The following specific comments were also provided:

2. Pg.20 -concern over granting of façade easements; better to work with current owners on improvements w/o ownership transfers

3. Pg.36 -Local examples are also available (Delhi Fair on the Square)

4. Pg.58 #7 - last sentence: Remove "s" from "takings"

5. Pg.71 -resolve the safety problems with truck usage of the Route 28 Bridge; should this be Route 30?

6. -parking expressed as an issue throughout, and needs clear follow through into Goals & Strategies

**2. Respondent: New York City Department of Environmental Protection, Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** Comprehensive Plan

**Comment:**

One of the goals expressed in the Comprehensive Plan is to increase tourism by promoting and enhancing recreational areas. The impact of increased visitation especially with regards to the increased amount of parking lots and impervious surfaces

located in the town and along the bordering waterways should be addressed. A drawing showing where the extra vehicle areas will be located and careful planning should be involved to avoid roads, sidewalks, or parking lots which run into wetland habitats and within 100 feet of such areas or watercourses. Additionally, to promote such uses, environmental and resource protection is necessary to provide sustainability and renewability. Water quality, habitat enhancement of trout populations, and fisheries provide for sustained economic benefits. It is important to provide for continuing environmental quality of both land and water to ensure that any sustainable growth will be consistent with the character, setting, and health of the community.

**Lead Agency Response:**

The Village will consider adding the following recommendation: In order to minimize environmental impacts, new parking facilities and reconstruction of existing parking facilities in the Village will be constructed in an environmentally sensitive manner, wherever possible and feasible incorporating green technologies. Where feasible, semi-pervious surfaces that improve management of storm water will be encouraged. In the planning work for these parking areas, natural vegetation along stream banks will not be removed through avoidance. The Village will make project planners aware of state regulations contained in 6NYCRR, Part 608 (Use and Protection of Waters) that require a permit from NYS DEC for all activities that disturb protected streams. While State laws regulate land use activities within a 100-foot buffer around wetlands and stream banks, the Village will make every reasonable effort to keep public parking areas planned in the future setback from stream banks and wetlands by at least 100 feet.

**3. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** Comprehensive Plan

**Comment:**

As outlined in Chapter 3, promoting water quality and protecting natural resources is consistent with the Comprehensive Plan vision. Since many of the recreational opportunities are directly tied or in close proximity to water resources, municipal

planning and protection of the resource should be strengthened by involving NYCDEP beyond city land-use permitting (e.g. including storm water protection and management). This would be accomplished through implementation of the recommendations of the Stormwater Inventory Report as outlined on page 48 of the Comprehensive Plan. Similarly, adoption of the Stream Corridor Management Plan is highly recommended.

**Lead Agency Response:**

Comment Noted

**4. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** Comprehensive Plan

**Comment:**

One of the recommendations in this Chapter is to "Develop a Green Infrastructure Plan." A bullet under this heading is to "Connect, interpret and develop a contiguous park and trail system within the Village" by instituting an "ongoing tree planting program to provide shade in the summer and to support a pedestrian-friendly environment." It is not stated whether there is an intention to use native tree species in this program, how these trees will be maintained in a healthy condition or what measures will be used in the event of insect or disease infestation or when trees near the end of their lives, thus becoming a safety hazard to pedestrians rather than a benefit to the Village. Non-native species, such as Norway maple or Norway spruce, can cause a kind of ecological pollution that is detrimental to habitats of wildlife and native understory plants and can become widespread in the environment as their seed; are carried off-site by wind, water, animals and humans. Consideration of such issues should be part of this plan and, the plan should specify the type of proposed trail surface.

**Lead Agency Response:**

The Village will add this recommendation to the Comprehensive Plan:

The Village intends to promote the use native tree and plant species in the Green Infrastructure Plan, as well as in any tree planting activities within the Village.

Comment Noted. As general operating procedure, it is a Village policy to steward the publically owned trees within the Village. In the event trees become diseased or decay and becomes a safety hazard, it is the policy of the Village to remove them. The Village doesn't feel it is necessary to state general instituted operational policies in the Comprehensive Plan.

Comment Noted. The Comprehensive Plan makes a general policy recommendation for a Green Infrastructure Plan, to be developed and does not outline the overall contents of the plan which will be left to an advisory committee with public input. When the Green Infrastructure Plan is developed, professional planning practice will be followed which includes specifying details, such as the types of plants and trail surfaces

**5. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** Comprehensive Plan

**Comment:**

Chapter 3, Section II: Smarter Growth and Land Use contains a recommendation to "Determine whether the Site Plan Review Law is consistent with the Comprehensive Plan." One of the objectives under that heading refers to promoting "landscaping of properties that are slated for construction activities," curbing the "removal of street trees," etc. More discussion should be given to when and how to apply such ideas. For example, invasive species or hazardous dead or dying street trees should not be given the same consideration for planting or retention on a site as healthy native and/or non-invasive trees or shrubs. "Planted buffers between uses" can serve to screen unsightly activities from public view but can also be traffic hazards or can be unsightly themselves if not properly maintained. Consider adoption of specific landscaping guidelines that will allow for appropriate uses without encouraging landowners to misuse plants or leave those trees that will be safety hazards or impact the surrounding native habitats.

**Lead Agency Response:**

Comment Noted. The Village will direct the Planning Board to consider adoption of specific landscaping guidelines within the Site Plan Review Law, allowing for appropriate uses without encouraging landowners to misuse plants or leave those trees that will be safety hazards or impact the surrounding native habitats.

**6. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** Comprehensive Plan

**Comment:**

Chapter 3, Section III: Building Community Character includes a recommendation to "Clean the Village up," provide additional language regarding planting trees and shrubs and to include in the recommendation that only native non-invasive species be used.

**Lead Agency Response:**

Village will amend the recommendation in this section to state:

The Village intends to promote the use native tree and plant species in any tree planting activities within the Village

**7. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** Comprehensive Plan

**Comment:**

In general, this section of the document provides little information about existing conditions of the natural resources and, while there are numerous recommendations about species enhancements to vegetation through planting trees, there is none or no reference to controlling incursion or expansion of invasive species, such as Japanese knotweed, or maintenance of existing resources through planned management. There is no mention of enhancement of wildlife or native plant habitats nor reference to rare species and how they might be protected and/or enhanced through the Comprehensive Plan. Please consider adding such concepts.

### Lead Agency Response:

Comment Noted. Village Law Section 7-722(3) States that the content of a village comprehensive plan “may include... topics at the level of detail adapted to the special requirements of the village.” In a Village setting, the topics chosen for in-depth analysis were selected by a consensus-driven community process and reflect the man-made/ built nature of the environment. Many topics were analyzed, some in greater detail than others. The Village chose to study prospectively specific natural resource topics in the Village that were highest on their priority list. Village life and the relationship with selected natural resources were addressed in the plan.

The Village will to add the following recommendations to the Comprehensive Plan: In order to minimize the amount of habitat loss in the Village, the Village should consider building into its land use regulations a process to discourage modification of land parcels in whole or in part that include critical habitats, including areas containing endangered or threatened species designated by fish and wildlife agencies. The placement of utilities in wildlife migratory paths or corridors will be avoided.

The Village should consider incorporating into its Site Plan Review Law, a process to encourage property owners and developers to landscape with native vegetation and to maintain buffers and corridors along waterways, wetlands, and various habitats used by wildlife for travel. Wherever possible, keep large trees and established shrubbery in place.

The Village should consider incorporating into its land use regulations a process to concentrate development on each parcel, incorporating a percentage of open space into each project. Wherever possible cluster development, to avoid fragmenting open parcels of land should be recommended.

**8. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** DGEIS

**Comment:**

Section 3, "Description of the Environmental Setting" does not discuss the presence of wetlands or the potential for rare plant and animal species (the NYSDEC Environmental Resource Mapper indicates the presence of several within the Village) and does not address potential impacts or mitigation efforts that might be used to protect these resources. These issues should be addressed.

**Lead Agency Response:**

The Village contacted the Natural Heritage Program database of the NYS DEC to determine the presence of rare or state-listed animals and plants, significant natural communities or other significant habitats, which their databases indicate occur or might occur in the Village of Margaretville. According to a March 3, 2009 response from Nicholas B. Conrad, Information Services, New York Natural Heritage Program, one animal and one plant were included in the report. Their identified locations were well outside the Village of Margaretville. The evidence provided in the March 3, 2009 report from DEC was determined to be adequate for planning purposes and did not support further study at this time. However, when evaluating specific development proposals in the future, the Village will consider recommending to the Planning Board that project applications check back with the New York Natural Heritage Program to determine if current or more precise information is available for the village.

With respect to wetlands, the Comprehensive Plan identifies National Wetland Inventory classified wetlands on the Natural Resource map included on Page 46. According to the Delaware County Planning Office, the amount of wetland acreage in the Village is 23.46 representing 6.4% of the land acres in the Village

Section 3, Description of the Environmental Setting will be modified to add comments about the presence of wetlands in the Village and the potential for rare plant and animal species.

Comment Noted. NYSDEP indicates that “the DGEIS ...does not address potential impacts or mitigation efforts that might be used to protect these resources.” Impacts and mitigation efforts for water resources are addressed in general in Section 4 Statement/Evaluation of Potential Significant Adverse Environmental Impacts and mitigation is specifically address in numerous approaches in Section 5 of the DGEIS as well on pages 47-49 of the plan document.

The Village Board will add the following recommendations (same as in #7 above.) In order to evaluate and minimize impacts to biotic resources within the Village, the following mitigative measures will be added to the Comprehensive Plan and referred to in the FGEIS:

In order to minimize the amount of habitat loss in the Village, the Village should consider building into its land use regulations a process to discourage modification of land parcels in whole or in part that include critical habitats, riparian buffers, and areas containing endangered or threatened species designated by fish and wildlife agencies. The placement of utilities in wildlife migratory paths or corridors will be avoided.

The Village should consider incorporating into its Site Plan Review Law, a process to encourage property owners and developers to landscape with native vegetation and to maintain buffers and corridors along waterways, wetlands, and various habitats used by wildlife for travel. Wherever possible, keep large trees and established shrubbery in place.

The Village should consider incorporating into its land use regulations a process to concentrate development on each parcel, incorporating a percentage of open space into

each project. Wherever possible cluster development, to avoid fragmenting open parcels of land should be recommended.

While 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.

**9. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** DGEIS

**Comment:**

Section 5, "Description of Mitigation Measures" storm water and sediment and erosion control measures have not been included in the section on Surface Waters on page 15. A method for enhancing the existing relationship between NYCDEP and the Village should be included. In addition, erosion control measures should be applied to all areas of disturbance along wetlands and streams. All soil stockpiles associated with construction should be as far away as possible from wetlands and watercourses. Soil stock piles and disturbed soils should be stabilized with a non-invasive species of perennial rye-grass.

**Lead Agency Response:**

Comment Noted. FGEIS Section 5 Description of Mitigative Measures will include storm water and sediment and erosion control measures in the section on Surface Waters. It will include a statement that erosion control measures should be applied to all areas of disturbance along wetlands and streams. All soil stockpiles associated with construction should be as far away as possible from wetlands and watercourses. Soil

stock piles and disturbed soils should be stabilized with a non-invasive species of perennial rye-grass.

The Village will make a reasonable effort to work with the NYC DEP on project-specific sediment and erosion control projects at the municipal level and when presented for project review to the Planning Board.

**10. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** DGEIS

**Comment:**

Tree and shrub planting lists should be provided. It should be encouraged that all plantings should be native and non-invasive and should match the existing soils present in Margaretville. Planting should occur in adequate growing seasons and conditions.

**Lead Agency Response:**

Section 5 will include a recommendation that plantings should be native and non-invasive and should match the existing soils present in Margaretville. Planting should occur in adequate growing seasons and conditions. A tree and shrub planting list matching will be suggested to the Planning Board for development as an administrative aide for permit seekers

**11. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** DGEIS

**Comment:**

An assessment of wetland types and size should be performed in the Village while there is planning for proposed development activity. Delineations of surrounding wetlands may be required to update defined and mapped areas.

**Lead Agency Response:**

Comment Noted. This activity is outside the scope of the comprehensive plan for the Village and not required by New York State comprehensive planning law. However if future funding is made available for this purpose, the Village is willing to consider conducting an assessment of wetland types and size to aid in future development review.

**12. Respondent: New York City Department of Environmental Protection Marilyn Shanahan, Chief SEQRA Coordination Section**

**Subject:** Zoning Law

**Comment:**

Consider amending the purpose to include "minimizing impacts to the environment".

1. Section 9.06 Swimming Pools - Since chlorinated pool water could affect stream biota if discharged to a stream or affect biological organisms at a wastewater treatment plant, consider adding a section on dewatering of swimming pools to require that chlorinated swimming pool water be de-chlorinated prior to any discharge.
2. Submission Requirements under Section 7.06-3 (i) (2) - water supply system should include a list of known tributaries in the NYC watershed including Waters Index Number from NYCRR.

**Lead Agency Response:**

The Village Board will forward the NYCDEP's comments on the zoning law to the Planning Board for inclusion in the cumulative list of zoning amendments to be considered.

**13. Respondent: State of New York Department of Transportation, Region 9, Binghamton, New York Pamela M. Eshbaugh, PE**

**Subject:** Comprehensive Plan

**Comment:**

A. The Comprehensive Plan, particularly the first recommendation in Chapter Four, discusses the “Route 28” bridge. This is actually the Route 30 Bridge ( BIN 1053430) The report should be revised accordingly. This bridge replacement is in the process of being added to the capital program and is anticipated to be let in 2015/2016.

B. Page 103 of the Comprehensive Plan, DOT is listed as a funding source. Village may wish to list Transportation Enhancement Program as a more specific DOT funding source.

C. Two capital projects are planned in the Margaretville area and DOT will work with the village and others on these:

D. PIN904464 Route 30 over Binnekill: Replace the bridge in Margaretville. Pedestrian facilities will be considered. The project is currently scheduled to be let in April 2014.

E. PIN 904455 Route 30 over Binnekill Creek. This project proposes to replace the bridge and approach slabs. The project is currently scheduled to be let in November of 2014.

**Lead Agency Response:**

A. Regarding the first point corrections are noted and made throughout document

D. This project, “Replace the bridge in Margaretville. Pedestrian facilities” was not listed in the Comprehensive Plan.

E. This last project is not in the Comprehensive Plan. It is in the Town of Middletown as per Village Clerk’s clarification with DOT.

**14. Respondent: Carolyn Konheim, Resident of Town of Middletown, New York.**

**Subject:** Comprehensive Plan

**Comment:**

“...The section on recommended actions makes a brief mention of coordination with the Town; there is no recognition of the importance of participation in the Town comprehensive planning process, as well as collaborating with a dozen other public and private initiatives that will greatly affect the village.”

**Lead Agency Response:**

The reference to “no recognition of the importance of participation in the Town Comprehensive planning process as well as collaborating with a dozen other public and private initiatives...” is not supported by the facts presented in the plan document. For example; Comprehensive Plan makes two major recommendations and several smaller recommendations as well regarding collaboration with the Town of Middletown:

Work cooperatively with the Town of Middletown to address sprawl on Route 28. Work with the Town to tackle the difficult land use, signage and landscaping issues surrounding the Route 28 corridor leading from Arkville to Margaretville. Explore annexation of part of the Route 28 strip into the Village in order to better zone or plan this area or develop a shared land-use-plan with the Town of Middletown. Conduct inter-municipal planning with the Town of Middletown and the Village of Fleischmanns to plan for the boundary areas surrounding the Village. Actively participate in the Town of Middletown Comprehensive Planning program.

Pages 83-109 of the Plan document detail the implementation of plan recommendations with over 25 public and private initiatives. This is in addition to those mentioned in the body of the plan.

**15. Respondent: Carolyn Konheim, Resident of Town of Middletown, New York.**

**Subject:** Comprehensive Plan

**Comment:**

A. "Margaretville can't be understood without considering the surrounding area on which it depends. While NYCDEP can not acquire land within villages and hamlets, its land acquisition in the surrounding area is depleting the full time population of the region, depriving Margaretville businesses and institutions of their client base. The pervasive impact of watershed restrictions is a structural deficiency of the area that the plan fails to address and consequently limits the Village's ability to realize the plan's Vision."

B. "The draft plan's 200 + Next Steps are a compendium of basically good big and small things to do, but they are not prioritized, probably in part, because they are so numerous they are difficult to grasp."

C. "The Vision statement is comprised of two feel good sentences that do not provide much direction. It is not translated into goals and objectives. Without a Needs Statement that defines obstacles and is the basis of Goals and Objectives, the plan provides no way to prioritize recommended measures. The bewildering array of Next Steps is not a plan. More work is needed to mold one."

D. "The draft plan does not react to the dramatic loss in the Village population from the 660 assumed in the plan to 555 (2007 census est.). That's a 1/6 loss of people; 105 fewer, which equates to 42 fewer households. But there are not 42 vacant homes in the village. Who make up the disappearing 105? Were their houses purchased by part-time residents, which the census doesn't count? Are they part of the imbalance of 50-60% second home sales that represent the second unaddressed structural deficiency of the area? The lack of attention to the consequences of this phenomenon jeopardizes the effectiveness of recommended actions. It may also result in missing opportunities of part-time residents."

E. "The draft plan does not provide location-specific policies to guide the review of zoning and proposed projects. A principal element of a comprehensive plan prescribed by State Village Law is: "(c) The existing and proposed location and intensity of land

uses.” There are similar location-specific requirements for housing, public facilities, recreation, schools, health care and transportation. The consultant to Margaretville, indeed, distributed a graphic of the 10 steps of a comprehensive plan that shows the intended product of the planning process is a land use plan. In fact, this draft plan defers evaluation of land use laws (zoning) to future studies. While the draft plan recommends enhancing housing options, it doesn’t say how much, where and what should be done. Thus, the draft plan does not articulate the location-specific land use policies that were anticipated to resolve whether a project is consistent with the comprehensive plan. Instead, the draft plan defers a land use plan to the smorgasbord of the 200+ action steps. The measures are also predominantly proactive economic and social measures that the current Village Planning Board adamantly insists are beyond its jurisdiction. (In fact, State law advises that comprehensive plans should include: “(l) Specific policies and strategies for improving the local economy in coordination with other plan topics.”)”

F. “In designating implementing responsibilities, the draft plan surprisingly calls for creating an LDC as if MARK has not provided that service for 25 years. However, in assigning tasks to MARK and any other entity, it should never be assumed, as the draft plan does, there is No Cost to the designated organization just because the task fits into its ongoing programs. An estimate should be made of the anticipated level of effort, whether salaried or volunteered, before asking for a commitment.”

**Lead Agency Response:**

A. The consequences of the NYCDEP presence and policies were discussed at length by the special board appointed by the Village to draft the Comprehensive Plan as well as a subject brought up during public meetings. The recommendations in the Comprehensive Plan represent the Village’s best efforts at balancing the realities and expectations of demographic changes that will in fact occur with the environmental protection measures that exist-- both in the Village and within the region. Margaretville’s ability to grow and serve its residents is dependent upon an

understanding between the Village of Margaretville, the surrounding communities and the DEP.

**B.** The Comprehensive Plan Committee after a rational and reflective discussion, deliberately chose not to prioritize the recommendations, since agency, opportunity, timeliness and concurrency might dominate choice of action over the 5-10 year implementation period. The Committee chose to organize the recommendations by subject and to allocate them in the Action Plan (pages 83-109) to various institutions for follow up.

**C.** The Existing Conditions Village of Margaretville Existing Conditions Working Paper, Item 85 in the Bibliography was developed and utilized by the Comprehensive Plan Committee as the process document for writing the summary assessments that comprise the introduction to the plan and each chapter. Existing conditions and trends assessment, dialogue and reflection, discussions with the public through community meetings and research constituted the process of building the plan document. The vision, goals, and recommendations flow from these activities. Standard planning practice involves writing one vision statement for an entire comprehensive plan document that serves as a overarching statement of direction. Margaretville chose to prepare four vision statements; one overarching statement and three specific statements for the major thematic directions of the plan. The Vision Statements drafted by the Committee and reviewed and approved by the community in two public meetings were prepared utilizing professional planning standards (bibliography available). The Vision Statements are followed in each chapter of the plan by a set of goals that relate directly to the vision statements. The attributable recommendations tie directly into both the goals and the vision. This pattern is consistently carried out throughout the plan.

**D.** The changing demographic within the Village and the region associated with the gentrification is discussed throughout the plan document. Its impact of the retail, social capital, health and public services, etc. is discussed.

E. Village Law establishes “The village comprehensive plan will include the following topics at the level of detail adapted to the special requirements of the village. Existing land uses are shown on mapping and aerial photographs provided on pages 14, 41, 42, 46 and 56. Existing locations of public facilities and services were not mapped as a separate illustration, but are shown on the aerial photographs included in the plan. Proposed locations and intensities of future land uses were provided in descriptive format throughout the document as specific recommendations, where known. In other cases, recognizing that Margaretville is part of a larger region, the Committee did not specify locations because projects may not reside within the Village limits yet might serve Village needs. Future land use regulatory amendments and recommendations discussed by the Committee were also identified in narrative form (see Chapter 3). Developable lands were mapped and identified on page 56, as were targeted improvements to entranceways (page 64). Both regulatory and non-regulatory implementation measures are recommended. Regulatory recommendations are within the purview of the Planning Board to implement either as amendments to the zoning, site plan and subdivision regulations or by adopting wholesale new approaches to land use regulations such as SmartCodes or hybridized form based codes. A key step for the Village to comply with the Conformance Doctrine is to interpret the recommendations of the Plan when rewriting the land use regulations of the Village and to properly bridge the regulatory and administrative process to the Comprehensive Plan. The Plan identified the major issues, opportunities, and constraints facing the Village. A vision and associated goals and objectives were established. However, the Plan recommendations and the list of future actions do not, for the most part, call for major land use changes and related policy.

F. M-ARK, Executive Director served on the Committee and assisted in its writing. Correction was made to the plan to delete reference to “no costs” and to replace with “to be determined.”

## Oral Comments at the 1/15/09 Public Hearing:

### 16. Respondent: Doug Hinkley, Citizen

**Subject:** General Comprehensive Plan

**Comment:**

-Wondered if one could assume, after looking at the plan, that there would be no impact on the environment.

Doug Hinkley noted that if this Comprehensive Plan document is adopted that all boards involved need to become familiar with it so they are aware of what the intent is and use it as a working document. The Zoning Board of Appeals and the Planning Board should use it as a guideline with all their work.

### Lead Agency Response:

Comment Noted. The Conformance Doctrine directs the Village to reconcile the adopted Comprehensive Plan to the land use regulations. This is accomplished by either the Planning Board or a special board appointed by the Village Board. They study all the regulatory recommendations and determine how they impact the land use laws in the Village

### 17. Respondent: Cathy Hinkley, Citizen, Member of the Comprehensive Plan Committee

**Subject:** General Comprehensive Plan

**Comment:**

-asked if comments had been received by any of the agencies that had been contacted.

-that it is a very ambitious plan, and covers a wide variety of aspects of the village. -that the comment has consistently come up that this type of project has been done before and the document that was created was put on the bottom shelf. As a former Plan committee member, she does not want to see this happen, does not want to see all the work that went into this document to be in vain.

**Lead Agency Response:**

The FGEIS will document the comments and responses.

Comment Noted.

**18. Respondent: Iris Mead, Village Trustee and member of the Comprehensive Plan Committee**

**Subject:** General Comprehensive Plan

**Comment:**

-added that the village board should break the action plan items down in the order of most importance. Trustee Mead commented that this Plan sets down suggestions, not laws.

**Lead Agency Response:**

The Regulatory and Non Regulatory Items can be coded, divided and sent their separate ways through the Action Plan, which is in an Excel spreadsheet and can be maintained as an access database. That is why we set it up the way we did.

**19. Respondent: Carol O'Beirne, Central Catskill Chamber of Commerce.**

**Subject:** General Comprehensive Plan

**Comment:**

A. -commented that many things noted in the Plan are already being implemented such as the Main Street façade work, and the purchase of the Mirabito lot. Carol O'Beirne commented that there are a lot of expectations noted in the Plan for the M-ARK Group, the Chamber of Commerce and the Village Board. This document should be a good tool for these agencies to use in their attempts to obtain funding for various projects.

B. Carol O'Beirne asked what the next steps are toward the adoption of the proposed Plan.

C. Carol O'Beirne commented on the suggestion in the Plan that addresses additional parking needs, and the potential for having a double-decker parking garage. There was also a comment about building up. She felt that should be in the zoning ordinance

**Lead Agency Response:**

A. See note in 18 above about the access database and excel spreadsheet to manage the implementation process.

C. The Comprehensive Plan calls for a parking plan for the Village. Such a plan can address additional parking needs.

C. Increasing density by increasing height limits in the zoning ordinance was not brought up during the plan process.

**20. Respondent: John VanBenschoten, Village Trustee**

**Subject:** General Comprehensive Plan

**Comment:**

-asked if the last Comprehensive Plan that was done for the village was adopted

**Lead Agency Response:**

Mayor Stanton indicated that the original plan was not adopted.

**21. Respondent: Mike Porter, Citizen**

**Subject:** General Comprehensive Plan

**Comment:**

A. -asked how drastically zoning and subdivision laws would have to be changed once the Comprehensive Plan is enacted, and if it would be exclusionary to the normal activity and development that the village has been experiencing so far. Mike Porter commented that zoning will have to conform to this document so it will set down laws.

B. He also asked if this Plan would limit development in the village. The document states that professional business should be limited to Main Street, which would not allow him to put an office in his home without possibly going through a variance process.

**Lead Agency Response:**

A. The Conformance Doctrine directs the Village to reconcile the adopted Comprehensive Plan to the land use regulations. This is accomplished by either the Planning Board or a special board appointed by the Village Board. They study all the regulatory recommendations and determine how (and to what degree) they impact the land use laws in the Village.

B. The Comprehensive Plan addresses in-home businesses with mitigation measures to limit their negative impact on residential neighborhoods while promoting their occupancy in the central business district.

**22. Respondent: Becky Porter, Citizen**

**Subject:** General Comprehensive Plan

**Comment:**

-asked what Smart Code was. Becky Porter commented that translation of this (in home businesses) would depend on how the Zoning Law is written

**Lead Agency Response:**

The SmartCode is a model transect-based development code available for all scales of planning, from the region to the community to the block and building. The code is intended for local calibration to your town or neighborhood. As a form-based code, the SmartCode keeps towns compact and rural lands open, while reforming the destructive sprawl-producing patterns of separated use zoning. <http://www.smartcodecentral.org/>

**23. Respondent: David Budin, Village Trustee**

**Subject:** General Comprehensive Plan

**Comment:**

-asked for an example of an upstate or small community that uses Smart Code. David Budin commented that part of the beauty of what we have now is the variance process that can be used.

**Lead Agency Response:**

SmartCodes are being used in Dover, New Hampshire, Montpelier, Vermont. Form Based Codes are being used in Saratoga Springs, Syracuse and Onondaga County, NY.

**24. Respondent: Phil O'Beirne, Citizen**

**Subject:** General Comprehensive Plan

**Comment:**

-asked for Ms. Holland's opinion about whether the Family Dollar and the Freshtown projects could have been made easier, taken less time and been less contentious if Smart Code had been adopted before they had applied for permits. Phil O'Beirne commented that the Plan should not say this (in home offices) shouldn't be allowed.

**Lead Agency Response:**

Comment Noted.

**25. Respondent: William Stanton, Mayor, Village of Margaretville**

**Subject:** General Comprehensive Plan

**Comment:**

What do we say about the Hospital and School?

**Lead Agency Response:**

Pages 6,7 & 8 of the Plan provide a description of the hospital and the school.

### III. Appendices

#### A. DGEIS with Revisions **noted in bold, underlined and in RED**

**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**  
**With REVISIONS 3/24/09****

**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.

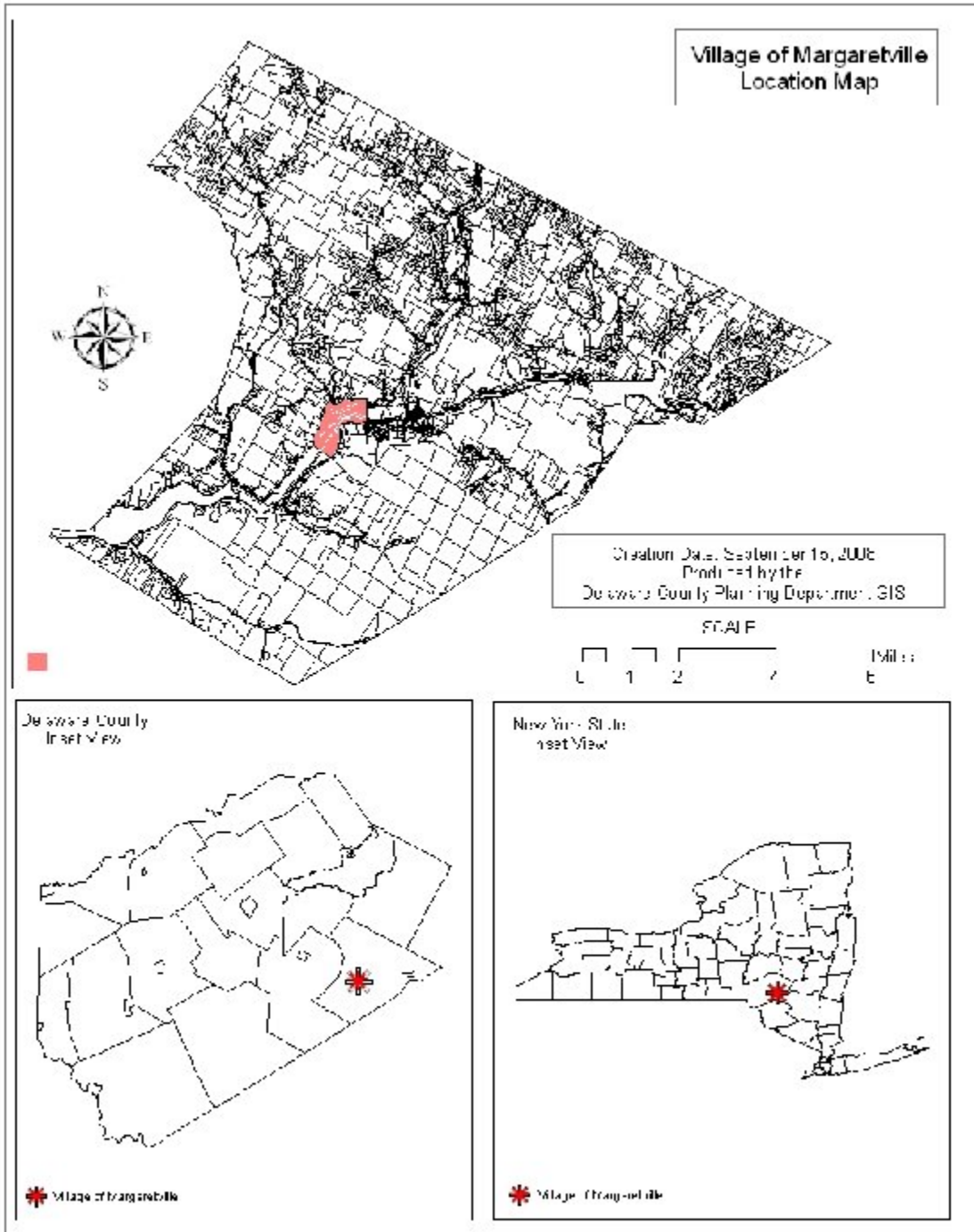
The Village Board, the authorized entity under New York State law, is considering adoption of the plan. In order to conform the Village's land use laws to the plan, the Village is also preparing a subdivision law and amendments to the zoning ordinance based upon the recommendations within the Comprehensive 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 amount of wetland acreage in the Village is 23.46 acres, representing 6.4% of the Village acreage . With respect to wetlands, the Comprehensive Plan identifies National Wetland Inventory classified wetlands on the Natural Resource map included on Page 46. 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.

The Village contacted the Natural Heritage Program database of the NYS DEC to determine the presence of rare or state-listed animals and plants, significant natural communities or other significant habitats, which their databases indicate occur or might occur in the Village of Margaretville. According to a March 3, 2009 response from Nicholas B. Conrad, Information Services, New York Natural Heritage Program, one animal and one plant were included in the report. Their identified locations were well outside the Village of Margaretville. The evidence provided in the March 3, 2009 report from DEC was determined to be adequate for planning purposes and did not support further study at this time. However, when evaluating specific development proposals in the future, the Village will consider recommending to the Planning Board that project applications check back with the New York Natural Heritage Program to determine if current or more precise information is available for the village.

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.
- **Erosion control measures should be applied to all areas of disturbance along wetlands and streams.**
- **All soil stockpiles associated with construction should be as far away as possible from wetlands and watercourses. Soil stock piles and disturbed soils should be stabilized with a non-invasive species of perennial rye-grass.**

### 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.
- Native and non-invasive and should match the existing soils present in Margaretville.
- Planting should occur in adequate growing seasons and conditions.
- A tree and shrub planting list matching will be suggested to the Planning Board for development as an administrative aide for permit seekers.
- 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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Appendix B. Planned Revisions to the Comprehensive Plan as a result of the GEIS  
Process

**VILLAGE OF MARGARETVILLE**  
**COMPREHENSIVE LAND USE**  
**AND**  
**ACTION PLAN**

**Prepared by the Village of Margaretville Comprehensive Plan Committee:**

*Kent Brown – Chairman*

*Joan Lawrence-Bauer*

*Iris Mead*

*John Riedl*

*David France*

*Gary Rosa*

*Henry Friedman*

*Cathy Hinkley*

*Dorothy Maffei*

*John Van Benschoten, Mayor*

*Iris Mead, Trustee*

*Fred Miller, Trustee*

*Karen McMurray, Village Clerk*

*Wallace Patterson, Trustee*

*David Budin, Trustee*

**March 27, 2009 Planned Revisions to October 20, 2008 Document marked in  
Bold, Underlined and Italics**

*With the assistance of:*

*Ann Ruzow Holland, Community Planning Advisor*

*Willsboro, New York*

*aholland@willex.com*

**Recommendations to be Added to the Comprehensive Plan Document dated October 20, 2009:**

**Page 19:**

**Recommendation:**

Develop the business infrastructure that supports a strong downtown economy.

ADD:

**In order to minimize environmental impacts, new parking facilities and reconstruction of existing parking facilities in the Village will be constructed in an environmentally sensitive manner, wherever possible and feasible incorporating green technologies. Where feasible, semi-pervious surfaces that improve management of storm water will be encouraged. In the planning work for these parking areas, natural vegetation along stream banks will not be removed through avoidance. The Village will make project planners aware of state regulations contained in 6NYCRR, Part 608 (Use and Protection of Waters) that require a permit from NYS DEC for all activities that disturb protected streams. While State laws regulate land use activities within a 100-foot buffer around wetlands and stream banks, the Village will make every reasonable effort to keep public parking areas planned in the future setback from stream banks and wetlands by at least 100 feet.**

**Page 44:**

**Recommendation:**

**Develop a Green Infrastructure Plan**

Connect, interpret and develop a contiguous park and trail system within the Village.

ADD:

**The Village intends to promote the use native tree and plant species in the Green Infrastructure Plan, as well as in any tree planting activities within the Village.**

**Page 54:**

**Recommendation:**

**More traditional recommendations include:**

ADD:

**In order to minimize the amount of habitat loss in the Village, the Village should consider building into its land use regulations a process to discourage modification of land parcels in whole or in part that include critical habitats, including areas containing endangered or threatened species designated by fish and wildlife agencies. The placement of utilities in wildlife migratory paths or corridors will be avoided.**

*The Village should consider incorporating into its land use regulations a process to concentrate development on each parcel, incorporating a percentage of open space into each project. Wherever possible cluster development, to avoid fragmenting open parcels of land should be recommended.*

**Page 54:**

**Recommendation:**

**Determine whether the Site Plan Review Law is consistent with the Comprehensive Plan.**

Re-examine the Site Plan Review Law in detail, as well as the variance and permit granting history, to determine whether in its content, standards, enforcement or permitting process, it is consistent with the Comprehensive Plan.

ADD:

*The Village should consider incorporating into its Site Plan Review Law, a process to encourage property owners and developers to landscape with native vegetation and to maintain buffers and corridors along waterways, wetlands, and various habitats used by wildlife for travel. Wherever possible, keep large trees and established shrubbery in place.*

**Page 64:**

**Recommendation:**

**Clean the Village up.**

Plant trees and shrubs immediately.

ADD:

*The Village intends to promote the use native tree and plant species in any tree planting activities within the Village.*

