



## Greene County Watershed Assistance Program

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### **Mountain Community Resource Strategy**

A collaborative project involving the nine mountaintop communities, local businesses and regional agencies working together to improve outdoor recreation, tourism enhancements and coordination.

Full report can be found at <http://www.gcsxcd.com/wap/>

#### **Executive summary**

Situated in the northern Catskills State Park and the New York City Watershed, the Mountaintop region of Greene County is known for its scenic beauty, outdoor recreation and cultural and historical heritage. Tourism is the predominant industry which the small rural communities rely upon followed by a strong second homeowners market.

In order to keep up with changing economic times that influence the tourism market, it is important for the Mountaintop communities to work together to assess current resource attractions, identify where improvements are needed, develop a plan to address those needs, and begin implementing actions for the betterment of the Mountaintop as a whole. The Mountaintop Community Recreation, Cultural Resources and Scenic Quality Strategy is the culmination of such a collaborative effort. The Strategy provides a foundation for the communities to work individually and collectively on solutions to enhancing the region's outdoor recreational, historical and cultural resources, as well advance innovative ways to market the local tourism economy.

The project included research on previous planning documents which were used as a basis for prioritizing and implementing actions. A comprehensive inventory of resources across the Mountaintop was also conducted. Knowing what resources exist, where they are located, what concerns users may have, and how they are marketed helped identify where improvements are needed and what potential solutions exist to enhance the marketability and variety of resource attractions.

Community participation was the driving force throughout the project. A Project Advisory Team was organized to represent the public and private resource sectors including local businesses, community leaders, public agencies that own land, and organizations active in the project area. Working through the Project Advisory Team, projects were identified by reaching out to a wide variety of local and regional participants, organizing focus groups around specific resource areas, inventorying existing resources to know what exists and where, and finally prioritizing recommendations for immediate action.



Primary findings from the outreach identified inadequate event and program coordination among municipalities, chambers of commerce and organizations. Alternatives in year-round attractions and outdoor activities were also noted as lacking, as well as a comprehensive regional marketing strategy.

From the beginning, project participants voiced concern that not enough was being done to implement recommendations from past planning efforts. Responding to this input and drawing on community and regional plans, the MCRS facilitators organized subcommittees to advance recommendations around two key areas identified in the primary findings and prioritized by the PAT as needing the most attention – marketing and coordinating, and enhancing outdoor recreational opportunities.

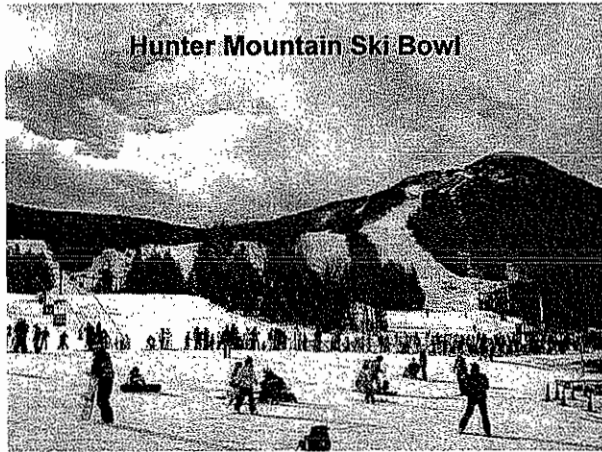
On the basis of the project findings, the following recommendations are made:

1. Create a Mountaintop recreation and event planner position, someone who would bring additional resources to the region and provide much needed assistance to volunteer Chambers of Commerce and organizations with event and program coordination and comprehensive marketing of all tourism attractions.
2. Coordinate events and programs across the Mountaintop to maximize attractions and minimize overlapping.
3. Enhance economic development potential to include marketing material such as a mountaintop resource map, a regularly updated calendar of events, and expanding internet marketing.
4. Improve outdoor recreational activities by focusing on projects that involve:
  - ❖ Developing multi-use trails conducive for families and casual walkers
  - ❖ Working with NYCDEP to create complementary trails on city-owned property
  - ❖ Improving access to streams, and
  - ❖ Creating bicycling lane designations &/or widening shoulders for bicycle riders.
5. Investigate feasibility and implications of an occupancy tax, a potential revenue source which would go towards tourism initiatives outlined in the report.
6. Coordinate resource initiatives with non-profit organizations and municipalities in areas of historic preservation, cultural programming and scenic attractions.



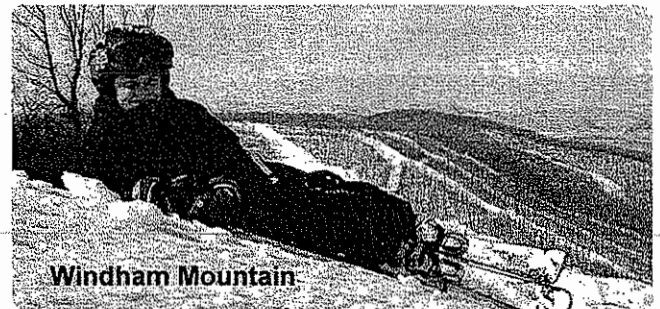
## Outdoor Recreation

Outdoor recreation is one of the largest draws that attracts people to the Mountaintop. Almost all of the land lies within the Catskill Park Forest Preserve, and there is an abundance of outdoor recreational activities, such as hiking, road and mountain biking, skiing (cross country and alpine), snowmobiling, horseback riding, and the passive activities of hunting, and fishing. A frequently cited reason why people move to the Mountaintop is because of the recreational activities and beautiful scenery.<sup>1</sup>



local communities and businesses deal with economic fluctuations and weather-dependent activities, such as skiing.

The Outdoor Recreation group was convened to look at improvements in outdoor recreation and education activities that are compatible with promoting the region, such as environmental programming, stream access, parking, signage, trail expansion & management, and municipal parks. The group (Figure 4.13) was comprised of hiking clubs, trail and biking enthusiasts, organizations providing environmental programming, and regulatory agencies that have oversight of the public lands (New York State Department of Environmental Conservation (NYSDEC) and NYCDEP).



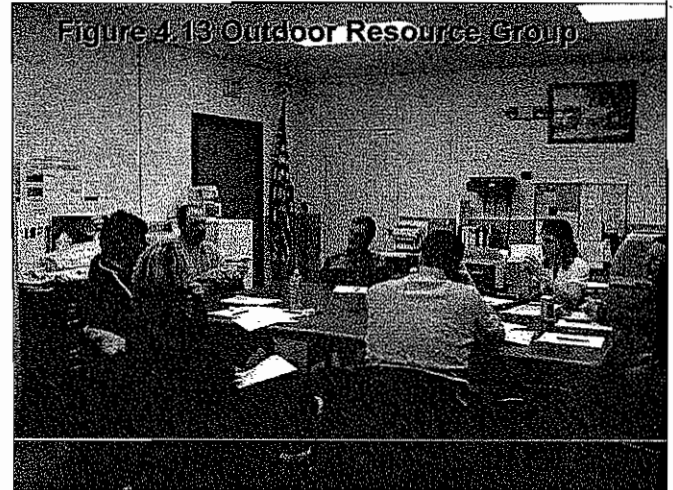
Overall, the group felt the Mountaintop region has great potential to become a premier outdoor resource destination, but has yet to reach its capacity in offering more alternatives in outdoor recreation. For example, the group felt the existing trail network was lacking in two areas – diversity (very few leisure, family-oriented trails) and limited trails and parking heads on NYC-owned land. It is not surprising the group identified multi-use trails as a means to promote the region by offering alternative year-round activities for people of all ages. In practically every community plan and survey,

<sup>1</sup> Greene County Consumer Preference Study, conducted as part of the Economic Development Plan  
**Mountaintop Community Resource Strategy, Greene County, NY**



residents and tourists have endorsed multi-use trails as an alternative to the strenuous, vertical trails on the state land.

There are very few short trails that are attractive to families and those not interested in extended hikes into the back country. (Catskill Park Public Access Plan, page 48)



A Mountaintop trail system that can link downtowns and villages together and offer tourists a year-round opportunity to experience the natural beauty of the mountains has enormous potential economically, educationally and physically in terms of promoting health benefits. Such a trail system would encourage people to be outdoors and exercise more and promote multiple benefits for:

- learning (educational kiosks, guide services, environmental classes)
- local businesses with offshoot trails to villages/hamlets/business districts
- a variety of outdoor experiences (bird watching, signage of natural features), and
- branding the mountaintop as a trail destination area (marketing)

Although it is easy to envision the possibilities of a trail system given the Mountaintop's scenic landscape, it can take years to develop and would require an exorbitant amount of money. As way of example, it took Stowe, Vermont over 12 years to construct a 5.3 mile multi-use path throughout the town, which cost \$680,000 in 1989. Stowe's Recreation Path, however, has become a beacon for attracting visitors to that community linking businesses with the Path and promoting the local economy.



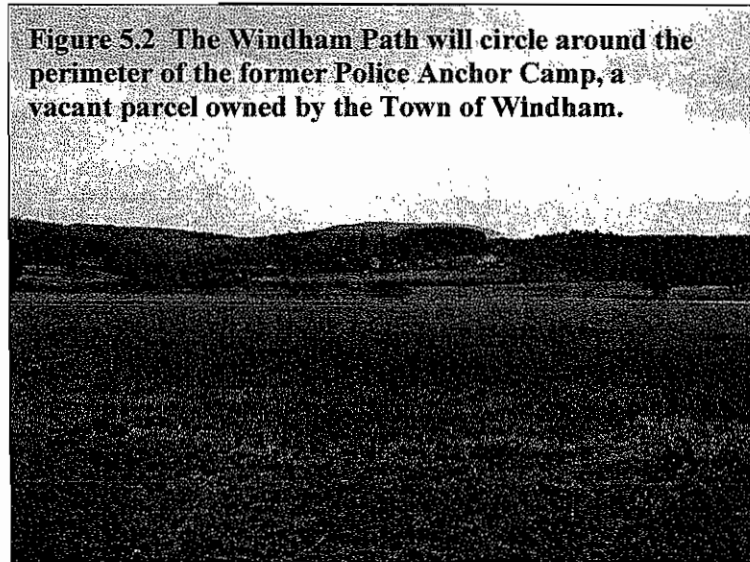
As with any good idea on a grand scale, small steps are needed first, and the Outdoor group saw an opportunity to revisit two multi-use path projects from the past in the towns of Windham and Hunter (Figure 4.14). Both are discussed in Section 5 under the *Outdoor Resource Infrastructure Projects*. In addition to multi-use trails, other improvements the group feels are within reach include bike lane designations/widening shoulders and

expanding recreational activities on NYC land that would benefit the region's economy, such as fishing and low impact trails.



## Windham Path

A group of dedicated business owners and residents laid the foundation for the Windham Path, a 1.5 mile loop trail that meanders along the Batavia Kill and circles around a large vacant parcel owned by the Town of Windham (Figure 5.2). Organized as the Windham Path committee, the group laid out the proposed route, met with property owners, and solicited trail easements in anticipation of applying for a grant – the Recreation Trails Program (RTP) administered by the Office of Park, Recreation and Historic Preservation (OPRHP). After much leg work pulling the information together, a grant was submitted by the Town of Windham, with the understanding the Windham Path Committee would be responsible for constructing and funding the trail. The proposed trail route is provided in Figure 5.3 below. If the grant is not approved, the Windham Path Committee is prepared to implement a fundraising strategy and will be meeting in the spring to layout a plan.



**Figure 5.2 The Windham Path will circle around the perimeter of the former Police Anchor Camp, a vacant parcel owned by the Town of Windham.**

**Table 4.7 Recommendations from the Outdoor Recreation Focus Group**

- Long-term goal – create a multi-use, family trail system across the mountaintop, linking communities, starting with small projects to generate success and momentum
  - Revisit multi-use trail projects in Windham and Hunter (Haines Falls)
  - Develop master plan for enhanced multi-use trail system
- Improve parking facilities and low impact trail access on City land
- Link outdoor recreation and natural resources to environmental education programming
  - Work with Greene County Cornell Cooperative Extension (GCCCE) and other educational organizations to develop a program that uses volunteers as Master Naturalists to work with schools, community groups and the tourist industry to promote the outdoors through facilitated educational sessions (note: GCCCE and Outdoor Pursuits (guide service) are working on initiatives like this)
  - Reach out to schools and students to determine what interests they have and build educational programming around that
- Work with the NYSDOT and County Highway Department to create bike lane designations or widen shoulders where feasible







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December 2, 2009

James D. Miltenberger, Acting Town Supervisor  
 Town of Windham  
 371 State Route 296  
 Hensonville, New York 12439

Re: **Town of Windham - Generic Draft EIS**  
**Town of Windham, Delaware County, NY**  
**DEP Log#: 2007-SC-0734-SQ.1**

Dear Mr. Miltenberger and Members of the Town Board:

The New York City Department of Environmental Protection (NYCDEP) has reviewed the Generic Draft Environmental Impact Statement (GDEIS) prepared by Sterling Environmental Engineering, P.C. dated May 5, 2009 and Supplemented October 1, 2009. NYCDEP hereby submits the following SEQRA comments for consideration and revision:

#### Executive Summary

The GDEIS states that as many as 1,000 additional residential units could be built in the Town. While this may only be an estimate, the GDEIS should provide the fundamental assumptions that were used to calculate this figure. Furthermore, if 1,000 residential units were added in the Town, this would be approximately 50% more residential units than currently exist. If such an increase in development remains a viable option or goal of the community, the DGEIS should clearly identify and quantify the impacts of this increase development on traffic, school population, quality of life, environment, etc.

#### Section 1.6 NYCDEP Watershed and Planning

The GDEIS claims that the *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources* (Watershed Regulations) are more stringent than the rest of the State. This statement should be omitted as there are municipalities with more stringent regulations than the Watershed Regulation.

The use of the SEQRA process to fully evaluate projects takes place statewide and is not unique to the NYC watershed.

Several rural areas have been in decline in NY and elsewhere for decades whether or not they were part of a watershed for drinking water supply. Moreover, on the contrary, the economic development funds provided by NYC and a wide range of NYCDEP-funded environmental infrastructure programs have contributed to the watershed economy.

### **Section 1.9 Topics Addressed in the GEIS**

According to item 4.a., topics to be addressed by the GEIS include a description of the conditions and locations of open spaces and sensitive lands, including wetlands. While Map 7 shows the location of New York State Department Environmental Conservation (NYSDEC) and National Wetland Inventory (NWI) wetlands, the report does not summarize the extent, types, or conditions of wetlands within the Town of Windham. At a minimum, the document should include an acreage summary of NYSDEC and NWI wetlands. NYSDEC wetlands could be further broken down by class, and NWI wetlands by cover type.

### **Section 2.4 Cumulative Impacts**

This section should be expanded to discuss cumulative impacts not only as they relate to individual projects but also to assess cumulative impacts for the Town of Windham as a whole over the span of the planning horizon. If not viewed in this way, multiple projects within a small geographic area are far more likely to have negative outcomes to water quality, wildlife habitat and other environmental concerns.

### **Section 3.1 Primary Limitation Analysis**

Discrepancies in steep slope threshold limits should be resolved and the reasoning why some regulatory thresholds are considered primary and others secondary should be clarified. Section 3.1 refers to slopes exceeding 20% as steep while section 3.2 indicates that steep slopes are those 15% and greater.

### **Section 5.1 Geology**

This section should include and describe what geologic and soil types and characteristics favor or limit certain types of development or activity.

#### **Section 5.3.1.1 Wetlands**

The statement that NYSDEC maps are more thorough than NWI maps due to field verification is not true and that statement should be deleted or corrected. Production of both NWI and NYSDEC maps relied primarily on interpretation of aerial photography with limited field verification due to resource constraints. In addition, the NWI maps were updated for the west of Hudson portions of the New York City Watershed in 2005 (including the Town of Windham) using 2003 imagery, while the Freshwater Wetland Maps for Greene County are largely based on 1980's photography and methodology. The limitations of the New York State Freshwater Wetlands maps can also be demonstrated by the revision that was undertaken between 2004 and 2006 for the portion of the New York City Watershed east of the Hudson River. This revision identified, largely through the use of NWI maps, an additional 7000 acres of wetlands that were missing from the original NYSDEC maps in this 400 square-mile area. The majority of this amended acreage was from reinterpreting the boundaries of previously mapped NYSDEC wetlands, and identifying additional 12.4 acre wetlands that were not included in the original Freshwater Wetland Maps.

Section 5.3.1.1 should also stress that, given the limitations of remote sensing, wetlands may be present in an area even though none are indicated in the NWI or NYSDEC wetland maps and that field verification is therefore required for any proposed project areas.

The statement in Chapter 5.3.1.1 that the Watershed Rules and Regulations prohibit 'certain activities from taking place within 100 feet of a watercourse or prohibit direct discharge to a wetland' should be corrected to state that certain activities are also prohibited within 100 feet of a watercourse or NYS- regulated wetland and of the wetlands covered by the Watershed Regulations, it includes those wetlands shown on NYSDEC's Freshwater Wetlands Maps.

### **Section 5.3.2.2 Wetlands**

The GDEIS should clarify that the hydric soil indicators listed are only a partial list of possible indicators, and that not all of the indicators need to be present to demonstrate the presence of hydric soils.

### **Section 5.4.1.1 Water Quality and Quantity**

The discussions of point and non-point sources of impacts to water quality and quantity should include those commonly associated with land development, including changes related to removal of forest cover and replacement with cover with lower interception, infiltration, and evapotranspiration rates; increased use of fertilizers and pesticides on lawns, road de-icing chemicals, etc.

### **Section 5.4.3 Recommended Mitigation Measures**

The DGEIS recommends that the existing septic rehabilitation program be expanded to include all "systems that need to be upgraded to meet the requirements of applicable to new systems." Please be advised that NYCDEP currently has no plans to modify the program rules to expand the geographic extent of the program or allow funding for systems that are not failing.

### **Section 5.5.1.1 Wetlands**

Please change 'decreasing' to 'decrease' in the following phrase "...wetlands remove excess nutrients and decreasing the velocity and erosive powers of runoff..."

### **Section 5.5.2 Detailed Description of Wildlife, Plants and Habitats**

This section could be greatly enhanced by the inclusion of additional information on the occurrence of threatened, endangered and species of special concern within the Town of Windham limits. Numerous protected bird species apparently occur in the area and their habitat protection cannot be considered without some knowledge of the species present. Spotted turtle habitat requirements should be provided within the document so that individual projects can be assessed in light of the potential impacts to turtle habitat. While rare plants and plant communities are, generally, not afforded the same protection as animals in development on private lands, each proposed project should be checked against the Environmental Resource

Mapper to determine if impacts are likely to occur. These impacts should be considered as part of the cumulative impacts to wildlife within the Town of Windham boundaries.

#### **Section 6.3.2.1 Regulation of Septic Systems**

It should also be noted in this section that NYSDEC is also a primary regulator for septic systems with a design flow over 1,000 gpd.

Many of the septic system technologies described in the DGEIS as not being allowed within the NYC Watershed boundaries are allowed and have been approved under the Watershed Regulations. Although these technologies are prohibited for new construction, these technologies are often employed in septic system repairs or as part of a variance application. Furthermore, NYSDOH in their proposed revisions to Appendix 75-A will be prohibiting evaporation-transpiration systems and/or further restricting the standards for these systems.

The DGEIS states that the inclusion of some form of mechanical pretreatment results in the system being regulated as a wastewater treatment system under section 18-36. Proposed revisions to the Watershed Regulations will allow mechanical pretreatment for septic systems without changing the treatment requirements.

The DGEIS states that outside of the NYC Watershed it is recommended that an additional area of 50% be set aside for future replacement or expansion. Please note that septic systems outside of the NYC watershed are under the jurisdiction of NYSDEC and NYSDOH and must have a 100% expansion or reserve area.

The DGEIS discussion on grandfathering of septic systems and alteration and modifications as defined by the Watershed Regulations should also describe Statewide restrictions which in many cases are nearly the same.

The DGEIS states that under the Watershed Regulations, a wastewater treatment plant is essentially any treatment system that requires a SPDES permit. Please revise accordingly as many new and existing septic systems with SPDES permits are not considered wastewater treatments plants under the Watershed Regulations.

The DGEIS states that the cost of operating a WWTP after upgrade increases between 100% and 300%. Since NYCDEP pays for upgrade costs of existing and public WWTPs and O&M, this claim may mislead the reader that wastewater users in the watershed face fees above those found elsewhere in the State. This statement should be revised accordingly.

#### **Section 6.3.2.2 NYSDOH Policies and Approval Procedures**

This discussion is oversimplified as NYSDOH has different requirements for residential septic systems and permitted facilities. Consultation with NYSDOH is recommended

#### **Section 6.3.2.3 Catskill Watershed Corporation (CWC) Programs**

This section has an emphasis on NYCDEP required maintenance and rehabilitation. A discussion of statewide requirements for septic system maintenance and replacement should be included in the DGEIS.

#### **Section 6.4.5 Recommended Mitigation Measures**

This section should also include non NYCDEP requirements as well. As noted in previous sections, NYSDOH and NYSDEC both regulate septic systems and the vast majority of the standards are similar.

#### **Section 8.7 Specific Mitigation Strategies**

This section should be expanded to provide guidance for assessing and mitigating impacts to a wide variety of resources. Section 8.7.g covers some reasonable mitigation measures for vegetation impacts but does not address how to assess forest fragmentation, habitat loss, etc. The potential for introduction of invasive exotic plants into the area during construction, both from undertaking specific landscaping projects and inadvertently through transport from other areas is not mentioned and no mitigative measures are proposed. More consideration should be given to this since Greene County currently suffers from somewhat less invasive species pressure than counties south and east of there and prevention is far less costly than eradication. The wording of the section regarding forest fragmentation resulting from forestry operations likely refers more to forest clearing that precedes development construction rather than forest management and should be re-stated to reflect that difference.

In part 8.7.c., third paragraph, change to *waters* of the US and indicate that this term also includes wetlands.

Table 29 should also note that a NYS Freshwater Wetlands Permit is also needed for the listed activities for designated wetland and their 100 foot adjacent area. It should also be noted that many activities are considered 'incompatible' with wetlands and may not be permitted.

The DGEIS should indicate the Watershed Regulations regulates certain activities within 100 feet of watercourses and NYS-regulated wetlands. The mitigation strategies presented in this section should include that wetlands are field-verified in proposed project areas, and that preference is given to avoid or minimize potential wetland impacts, even for those wetlands that are not regulated by the US Army Corps, NYSDEC, or NYCDEP. Mitigation should be provided for all unavoidable impacts.

#### **Section 9.0 Cumulative Impact Analysis**

The DGEIS suggests that the Cumulative Impact Analysis would be done as new projects are proposed. A document such as the DGEIS that is intended to assess the development capacities of the Town of Windham is the appropriate time to review community-wide goals and impacts.

The Severe Limitations analysis shown on Map 11 does not include NWI wetlands, while page 22 indicates that both NWI and DEC wetlands are to be part of this analysis.

Thank you for the opportunity to provide comments. Please contact Ms. Cynthia Garcia of my staff at (914) 773-4455 if you have any questions or care to discuss the matter further.

Sincerely,



Marilyn Shanahan  
SEQRA Coordination Section

xc: C. Garvey, Town of Windham Planning Board  
E. Diamante, Greene County Planning Department  
K. Sanders, New York State Department of Environmental Conservation – Region 4  
A. Lewis, New York State Department of Health  
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November 30, 2009

VIA FAX AND MAIL

Town Board  
c/o Carolyn Garvey, Town Clerk  
Town of Windham  
P.O. Box 96  
Hensonville, NY 12439

**RE: *Generic Environmental Impact Statement***

Dear Sirs:

This firm represents Tuck Eastside Partners, L.P., a real estate development company with significant landholdings in the Town of Windham managed by Tom Wilcock ("Tuck Eastside").

By letter dated July 30, 2009, we previously submitted to the Town Board three comments on the preliminary Draft Generic Environmental Impact Statement being considered by the Town Board at that time. We have since had an opportunity to review the final version of the Draft Generic Environmental Impact Statement ("Final DGEIS"), and note that two of the three comments made in our July 30 letter were not addressed in the Final DGEIS. We write at this time to restate the following comments for the Town's consideration in the preparation of the Final Generic Environmental Impact Statement:

1. Slope Limitations: The DGEIS uses conflicting language on the topic of slope limitations which ought to be revised to provide consistent guidance related to slopes. Moreover, any such guidance should be consistent with existing NYSDEC and NYCDEP requirements, as well as the Greene County Soil Survey (USDA SCS, 1993) so as not to lead to conflicts.

Specifically, Map 11, "Extremely Severe Limitations Analysis" lists Slopes >20%, while Map 5A, "Soil Slope Constraints," lists 16-25% as severe and >25% as extremely severe. Similarly, mitigation measures in regard to slopes are contradictory. Table 1, "Potential Project Mitigation Techniques by Land Use Activity," lists Limitations of Building on Slopes >15%, while Section 5.1.4, "Recommended Mitigation Measures" states special design or construction

techniques should be taken into consideration for building construction on slopes >20%.

We recommend that the DGEIS be revised to provide consistent guidance related to slopes in excess of 15 percent which ought to require the application of good engineering and design practices on parcels where slopes exceed 15 percent.

2. Windham Mountain Expansion Potential: DGEIS Section 7.2.6 states, in part, "The location within the Forest Preserve limits the potential for expansion at Windham Mountain." Windham Mountain, while located within the Catskill Park "blue line", is not located on Forest Preserve lands. Forest Preserve lands are lands owned by the State of New York and are subject to constitutional limits on their alteration. By contrast, Windham Mountain is located on privately-owned land. Further, as a privately-owned facility, there is no comparable limitation on the expansion potential because of any Catskill Park or Forest Preserve issues. Only State-run Ski Areas on Forest Preserve lands (Belleayre, Gore, and Whiteface) have limitations on ski trail lengths and widths established by the New York State Constitution.

We appreciate the opportunity to comment on the Final DGEIS, and look forward to reviewing the Town's responses in the Final Generic Environmental Impact Statement.

Respectfully submitted,

  
Daniel A. Ruzow

cc: Tom Wilcock  
Kevin M. Young, Esq. ✓