

DEVELOPMENT CAPACITIES OF THE TOWN OF WINDHAM
TOWN OF WINDHAM, GREENE COUNTY, NEW YORK

FINAL ENVIRONMENTAL IMPACT STATEMENT

This Final Environmental Impact Statement ("FEIS") has been prepared for the Town of Windham ("Town") in accordance with the requirements of the New York State Environmental Quality Review Act and its implementing regulations ("SEQRA"). It summarizes public and involved agency comments on the Draft Environmental Impact Statement ("DEIS") and provides a response to them. The DEIS upon which comments were submitted is incorporated by reference in this FEIS.

The Project is described in detail in the DEIS. The Town of Windham, as a local government, is responsible to plan for and oversee the sustainability of its community (including potential growth) while ensuring that this generation of residents protects our natural resources for the next generation. The Town desires to create a sustainable community primarily through the creation of a diverse economy. The key to a sustainable community is stable employment that provides a livable wage. A community needs a nucleus of permanent residence to support the basic services necessary for those residents to have a high quality of life. To realize these goals, the Town must expand its tourism industry to become a full four season destination community and must attract other small business that can survive and prosper in a beautiful mountaintop setting. The present tourism based local economy is reliant on the ski industry and related businesses serving Windham Mountain. The resulting economy is therefore susceptible to weather and economic downtimes affecting the ski industry. More diverse tourism and private sector employment are envisioned.

Substantive comments were received relating to the following categories covered in the DEIS: increased residential development, NYCDEP Watershed and Planning, open spaces and sensitive lands, wetlands, cumulative impacts, primary limitation analysis, geology, water quality and quantity, mitigation measures and strategies, wildlife, plants and habitats, septic systems, NYSDOH policies and procedures, Catskill Watershed Corporation programs and slope limitations.

Substantive comments were received relating to the following categories of impacts not covered in the DEIS: expansion potential with regards to forest preserve lands.

This FEIS responds to all substantive environmental-related comments. This FEIS does not respond to comments that were not substantive or were outside the proper scope of SEQRA.

This FEIS is intended to identify all relevant potential environmental impacts relating to the Project.

The following general findings of the DEIS are clarified in this FEIS:

1. Windham Mountain and Second Home Construction

The significant most important economic factor in the town is the Windham Ski Mountain. While the ski mountain brings thousands of skiers and snowboarders to the Town during winter weekends, the more critical impact is the generation of second home construction and part time residents. The ski mountain generates significant demand for second homes with access to the ski area. During the past 30 years, most of the new construction within the Town has been in the second home market.

The second home market creates mortgage recording taxes, real property taxes (with minimal demand for services), part time residents and their associated economic activity, service jobs, construction jobs.

2. Full Time Residents and Employment

The Town needs more, and a steady amount, of full time residents in order to survive and buy services. In order to have full time residents, the Town residents need access to jobs paying a livable wage. Full time residents are necessary for a sense of community and to provide the volunteers needed to maintain a community (e.g., EMS, fire department, staff the boys and girls scouts, seniors).

For the foreseeable future, the full time residents are expected to find employment working in nearby urban areas (Kingston, Catskill, Albany), in services (hotels, restaurants, recreational activities), government related jobs (Greene County and State of New York), and jobs related to or indirectly generated by the ski mountain (e.g., construction and maintenance of second homes, real estate sales).

Given its remote location on top of the mountain, it is unlikely that the town will experience or generate a significant number of jobs in manufacturing and white collar business (such as back office).

3. Significant Advantages Over Nearby Towns

The town has a significant advantages over nearby town and other rural towns within New York State including the following: (1) a new public sewer system that is reasonably priced and adequately funded; (2) adequate public water supply with the ability to expand and consolidate; (3) spectacular views; (4) clean water and streams; (5) a good school system; (6) low crime; and (7) access to recreational facilities (golf, bike paths, hiking, walking, skiing, ice skating, cross country skiing, ball fields, small lake, hunting, fishing, outstanding restaurants, access to cultural activities).

The town does not have any local colleges or junior colleges, local medical facilities, grocery stores and good cell coverage. Access to broadband internet is generally available but needs to be improved.

4. Real Estate Development

Real estate development within the town has been experienced boom and bust during the past 30 years. Most of the larger housing projects (50 homes or more) took an extended period of time to reach completion and, more than half of the projects, experienced severe financial difficulties (e.g. Crystal Pond, Windham Mountain Village, Windham Ridge, Quad, etc).

For the foreseeable future, developers are going to find it more and more difficult to obtain financing for new real estate ventures. Lenders are going to require more certainty regarding the obtaining approvals with reasonable conditions in time to capture and take advantage of the real estate market before it goes back into a recession. Developers and lenders will avoid communities that have long drawn out approval process; that have uncertainty regarding approvals and conditions and are not welcoming to new development.

The development potential (i.e., the demand) is the land in close proximity to the ski mountain with outstanding views. That same land (due to steep slopes and potential visual impacts) requires care in siting and in construction methods.

5. Real Property Taxes

Real property taxes in New York State are a significant deterrent to second home development. As a result, the town will continue to use its best efforts to control local taxes while maintaining services.

6. Median Household Income

The full time residents of the town have an annual household income that is below the state median household income. Local residents have to work outside the town in order to obtain higher paying (in excess of \$100,000) employment.

7. Health Insurance

Health insurance is also very expensive in comparison to rural communities in other states. The cost of health insurance is an added burden to those employers that provide health coverage. The majority of the small business within the town do not provide and cannot afford to provide health insurance to their employees.

8. Aging Population

Like the rest of the country, the population in the town is getting older with the percentage of those 55 and over increasing rapidly. The average age of the town's population is increasing at a faster rate than the state median due to the high percentage of couples and individuals moving to Windham to retire and the lack of job opportunities for young college and high school graduates. An aging population will provide the need for more services and thus opportunities for employment. The employment opportunities are likely, however, in lower paying service jobs.

9. Overlapping Regulatory Programs

Development within the Town is burdened with overlapping regulatory constraints. Regulatory programs exist for and are adequate to protect the majority of environmental and natural resources. The town should streamline the site plan and subdivision process and coordinate that process with stormwater regulation and other environmental regulations. The Town Board (and/or the Planning Board) should seek lead agency status under SEQRA for any significant development project within the town.

10. Priorities

The Town Board and the Planning Board need to identify the aspect of the planning process that is critical to the town and its continued growth and development. For example, protecting the view shed, ensuring funding for stormwater management and preserving capacity of the sewer and water systems should be given priority in the local planning process.

11. Stormwater Management

The Town Board should pursue area wide stormwater management plan for South Street rather than a project by project solution. A central detention pond could serve multiple purposes (i.e., water supply for snow making, summer pond as part of a walking/biking path around the heart of the community, potential ice skating during the winter). In lieu of each project constructing a separate stormwater treatment system, future project would have to contribute to the cost of the area solution.

12. Water Supply

In order to ensure an adequate water supply and to maximize existing resources, the town should arrange to inter connect existing water systems/supplies.

13. Streamline the Planning Process

The Town Board has determined that the future development of second homes is critical to the sustain ability of the community and to ensure a sufficient number of full time residents to have a vibrant community. The Town Board expects during the next 30 years, that there will be more and more competition for the second home market and that financing will be a long term obstacle to new construction in resort communities. In order to compete, the Town Board should eliminate as much uncertainty and delay in the local review process and the related regulatory approvals. The Town Board should update its site plan law and local subdivision law to provide strict time schedules for the Planning Board to implement and clear guidance on the approval criteria. Though an escrow account funded by the applicant, the Planning Board should retain experts to assist the Planning Board in the local review process. The Planning Board, through their outside experts, should coordinate with the other regulators (NYSDEC and NYCDEP) to ensure that the long term stormwater management measures are being developed in a manner consistent with the Town's objectives and plans.

14. Cell Coverage

The Town Board should conduct a supplemental GEIS to develop a plan for attracting better cell coverage within the Town. Cell coverage is an important tool for both the full time residents and the visitors to the Town.

15. Non-Native Species (Plants and Wildlife)

The Town Board should request the Planning Board to review the DEC report entitled: *A Regulatory System for Non-Native Species* and to incorporate DEC's findings into the local SEQRA review.

16. Sewage Treatment Capacity

The Town Board should instruct the operator of the sewer system to monitor and track inflow and infiltration to the sewer system and to advise the Board regarding any developments. The capacity of the waste water treatment plant should not be wasted on treating stormwater and groundwater.

17. Community Bike Path

The Town Board should work with Greene County and its agencies and departments to search for grant funding for the community bike path.

18. Stormwater Retrofit Project

The Town Board should work with CWC to identify potential storm water retrofit projects to improve storm water quality with third party funding.

19. Batavia Kill Stream Management Plan

The Town Board should assign one of its Board members to be active in the implementation and administration of the Batavia Kill Stream Management Plan and to report to the Board on a regular basis on the status of the implementation of that plan and its funding.

20. Septic Maintenance District

The Town Board should consider allocating some funding for the formation of a septic maintenance district. The septic maintenance district would initially focus on those properties that are within the priority area for CWC Septic Rehabilitation Program. The town would arrange for those septic systems to be inventoried and inspected. Those systems that are failing or likely to fail would apply to CWC for funding for repairs or replacement and would agree to participate in any CWC funded maintenance program. The capital cost of any repair or replacement of a septic system that is part of the septic maintenance district (if not funded by CWC) would be the responsibility of the property owner. The District could fund the repair and then charge back over time as part of a real property tax assessment the cost of the repair to the property owner. As a public system, any incremental cost incurred due to the City Watershed Rules and Regulations that would not otherwise have been incurred under State Law are subject to reimbursement from NYC under Section 1104 of the Public Health Law.

21. Cultural History

In order to preserve the cultural and historical history of the Town, the Town Board should arrange to collect and maintain a library of all the Phase I and II Cultural Resource Assessments performed for properties within the Town, including those performed by or for DEP as part of the Land Acquisition Program.

22. Sand and Gravel Reserves

The Town Board should request that the Greene County Soil and Water Conservation District identify within the Town, using existing available soil data, those parcels within the Town that may have significant reserves of sand and gravel. The Town Board may want to implement some safeguards to ensure that those resources remain accessible to future generations.

In addition to these general findings and recommendations, a copy of the draft SEQRA Impact Specific Findings is attached hereto as Part VI(B). These draft Findings and Recommendations are being included in the FEIS in order to give the Applicant and the public an opportunity to review them and to make comments.

The Final Environmental Impact Statement

The Board received written and oral comments from members of the public and from involved and interested agencies. Each comment received is reproduced as FEIS Part IV. All substantive comments are summarized in this FEIS and responded to as appropriate.

This FEIS consists of the following items: (1) a complete copy of the DEIS on CD-ROM; (2) revised pages of the DEIS; (3) public hearing transcripts; (4) written public comments, as received; (5) a breakdown of all substantive comments received from involved and interested agencies and members of the public, with responses; (6) draft general and impact specific findings; and (7) Attachments containing environmental law/statutes related to endangered and rare species protection, New York State Department of Environmental Conservation Final Report - A Regulatory System for Non-Native Species, June 10, 2010, SPDES General Permit for Stormwater Discharges Permit No. GP-0-10-001, and City of New York, Department of Environmental Protection, New York City Watershed Land Acquisition Program Document, excerpt from Chapter 4 addressing Town of Windham.

The DEIS is referred to throughout this FEIS, but is incorporated into and made a part of this FEIS by reference only.