



## WOODSTOCK LAND CONSERVANCY

June 30, 2010

To: Jeff Moran, Supervisor, Town of Woodstock; Catherine Magarelli, Member,  
Woodstock Town Board

From: Woodstock Land Conservancy

Re: Upper Comeau Parking Lot Expansion Project

Dear Supervisor Moran, and Town Board members Magarelli, McKenna, Rosenblum, and Wenk:

### Introduction

#### Directors

Jim Bogner  
Michael DeWan  
Rosalind Dickinson  
John Garesché  
Patty Goodwin  
David Marell  
Sonya Shoptaugh  
Ronnie Shushan  
Kevin Smith  
Hank Starr  
Nadia Steinzor

The Woodstock Land Conservancy (WLC) received from Town Board member Ms. Catherine Magarelli the revised Upper Comeau Parking Lot Expansion Site Plans (hereafter the “Project” and the “Plans”) via US mail on May 10, 2010. The plans were sent to WLC for review pursuant to Sections 4.07 and 7.04 of the Deed of Conservation Easement dated November 16, 2009 (the “Deed of Conservation Easement” or “Easement”), of which WLC is the Grantee. On June 17, 2010, Town Board member Magarelli confirmed to WLC President Kevin Smith that the plans submitted by WLC were the same plans approved by the Town Planning Board. It is WLC’s understanding that the plans have been approved by all necessary parties under applicable law and are to be considered to be the final plans for the Upper Comeau Parking Lot Expansion Project, with one possible exception (see Signs and Lighting below).

Gay Leonhardt  
*President Emeritus*

John Winter  
*Executive Director*

It is WLC’s understanding that Town Board member, Ms. Catherine Magarelli, and in her absence, Town Board member Mr. Bill McKenna, serves as the representative of the Town of Woodstock as Grantor of the Deed of Conservation Easement for purposes of the Upper Comeau Parking Lot Expansion project. WLC has communicated with Ms. Magarelli and Mr. McKenna in reviewing this proposal, as well as with Town Board member and “Comeau Representative”, Ms. Terrie Rosenblum. WLC very much appreciates the efforts of the entire Town Board in this project and we thank you for the opportunity to review this proposal. We submit this letter to the Town Board via Supervisor Moran and Board representative Magarelli.

### Review Process

WLC’s review of the Upper Comeau parking lot expansion site plans involved a combination of conversations and site visits with Ms. Magarelli and Mr. McKenna and the analysis of the Existing Conditions Plan and Comeau Property Map: Proposed Parking Area Upper Comeau Drive, Town of Woodstock, sheets 1 through 6 prepared by Brinnier & Larios, P.C. of Kingston, NY, dated December 2009 through April 29, 2010. WLC representatives participating in the review included John Winter, Executive Director; Kevin

Smith, WLC Board President; and Hank Starr, boardmember. Dialogue with the Town Board served to identify specific details that WLC required for its review regarding both design and construction of the expanded parking area including erosion control, drainage, lighting, and signage, among others.

### Findings

This letter will serve as record that while WLC cannot opine on the entirety of the project in advance of construction, and subject to the provision to WLC of information concerning the lighting fixtures to be used in the Project as discussed below, the plans reviewed and conversations held with representatives of the Town Board for the project do not appear to reveal activities that conflict with the terms of the Deed of Conservation Easement.

Prior to installation, WLC requests the Town Board provide WLC with a “cut sheet” of the design of the lighting fixtures so that WLC can determine whether the lighting complies with Article 3.05 “Signs and Lighting” of the Deed which states that parking lot lighting should be placed and focused so as to minimize glare off the property.

It is WLC’s understanding that Town Highway Department Supervisor Mike Reynolds will serve as construction supervisor for the project. Since the Deed requires compliance during construction, WLC may, at its discretion, periodically visit the project site and confer with the construction supervisor as work progresses.

WLC understands that the nature of construction work can result in changes to the plans. Should changes be made during construction, WLC expects that the Town Board will provide Notice under the Deed to WLC concerning proposed changes to the plans prior to executing them. WLC will make every effort to expedite review of any proposed changes and will promptly notify the Town of its findings in writing.

### WLC Review of Project Activities under the Easement

**Notice (Articles 4.07 and 3.01)** WLC acknowledges that the Town has provided the required notification and related documentation for WLC to conduct its review under the terms of the Deed of Conservation Easement.

**Structures (Article 4.06A(ii))** WLC acknowledges that the easement expressly authorizes the expansion of the upper parking lot, assuming appropriate compliance with other applicable sections. Under the easement, additional parking to serve Government Area A may be constructed to the west of the access road north of Government Area A (i.e., Comeau Drive). That existing parking area, known hereunder as the Comeau upper parking lot may be expanded into the adjacent Open Area (i.e., Open Area Y in Schedule B of the easement) by not more than one additional acre. WLC understands the expansion will not exceed the one-acre limitation and that it is located within Open Area Y.

**Cutting of Timber (Article 3.06)** WLC acknowledges that the easement expressly authorizes tree cutting for the purposes of expanding the upper parking lot. As stated in the

easement, any such cutting or harvesting of trees shall be conducted so as to minimize soil erosion and adverse impacts on the property's streams and slopes.

**Excavation and Removal of Materials; Mining (Article 3.02)** WLC acknowledges that the removal of topsoil, sand, and other materials and changes to the topography of the property, while generally prohibited, are allowed for the parking lot expansion project. Such activities are also allowable, and in fact may be necessary, for purposes of proper erosion control and soil management.

**Signs and Lighting (Article 3.05)** WLC acknowledges that the town will add signage to the expanded parking lot and that this signage has been designed and the size of the signs minimized to comply with the easement and relevant town, state or federal laws. WLC has been informed by Town Board member Cathy Magarelli of a recent request to the Town Board from the Committee for Civic Design (CCD) to consider alternate, smaller signage more in keeping with the rustic nature of the property. If any subsequent significant changes are made to the signage as contained in the final plans WLC has reviewed per this letter, the Town will provide WLC with the new plans for the signage and the opportunity to review them prior to installation.

With regard to lighting, WLC understands that additional lighting will be installed at the expanded parking area. The new lighting is "down-lighting," and will be designed and placed to minimize glare off the property while at the same time complying with town regulatory requirements for lighting.

**Environmental Sensitivity During Construction (Article 4.06E)** WLC would like to underscore the importance of minimizing disturbances to areas adjacent to the parking lot expansion construction area. Under this article of the Deed of Conservation Easement, the Grantor shall employ erosion and sediment control measures to ensure storm water runoff does not carry deleterious materials to streams or wetland areas. Measures contained in the approved plans to be employed include: demarcating limit lines around the construction zone, minimal removal of vegetation, installation of silt fencing (as described in the plans), planting of grasses to create ground cover and minimize erosion, minimal movement of earth, and minimal clearance of access routes for construction vehicles.

WLC recommends that where new grasses are planted to create ground cover and minimize erosion, the installed silt fencing be maintained post-construction until such time as the grasses have established sufficient root systems to perform these functions long-term.

### Conclusion

In conclusion, WLC anticipates shortly receiving further information concerning the light fixtures proposed for the Project. We look forward to continuing to work with the Town on this project and we remain available to dialogue as needed and requested. Please do not hesitate to forward any questions from the Town Board members, through Ms. Magarelli or Mr. McKenna as the Town Board representatives, so as to ensure that our communications are efficient and productive.

Again, we thank you for the opportunity to review this proposal.

Sincerely Yours,

John Winter  
Executive Director

Kevin Smith  
President