

MEMORANDUM OF DECISION  
OF THE TOWN OF NEW PALTZ, NEW YORK  
HISTORIC PRESERVATION COMMISSION

The undersigned certifies that by decision issued June 15, 2016 by the Historic Preservation Commission of the Town of New Paltz, Ulster County, New York, acting pursuant to the provisions of Article XIV of Chapter 140 of the Code of the Town of New Paltz, the following resolution was adopted with respect to the proposed Mohonk Preserve Foothill site plan and subdivision plan.

Decision of the Town of New Paltz Historic Preservation Commission to Approve the Certificate of Appropriateness Application from Mohonk Preserve Inc., as Owner and Applicant for certain land use approval of an action known as the Mohonk Preserve Foothills Projects

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WHEREAS, Mohonk Preserve, Inc., (hereafter Owner), is the owner of an undivided parcel shown on the Tax Map of the Town of New Paltz as S/B/L 86.1-1-40.100 said property having been conveyed to Owner by deed recorded in the Office of the Ulster County Clerk in deed book Volm (Liber) 5178, Pg 289;

WHEREAS, the Owner has made application for land use approvals for a project known as the Mohonk Foothills project (the "Project");

WHEREAS, the Project is an action subject to the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Town of New Paltz Planning Board has assumed the responsibility of acting as the SEQRA Lead Agency with respect to the Project;

WHEREAS, the Project has been determined to be a Type I action;

WHEREAS, the Project incorporates existing elements of the Property with historic significance, including a portion of the support lands of the Lake Mohonk Historic Landmark District, including the Hasbrouck House and the Wawarsing Turnpike, and a portion of the land on which the Smiley Testimonial Gatehouse, a Town designated historic landmark, is located, as well as adjacent land and improvements that are part of the historic context of the Gatehouse

WHEREAS, Chapter 140 of the Town of New Paltz Code confers jurisdiction on the Commission to review applications for a Certificate of Appropriateness with respect to those aspects of that action, pursuant to the criteria set forth in Article XIV of the Town Code.

WHEREAS, the applicant made application in January, 2016 for a Certificate of Appropriateness for the following work:

1. modifications to the grounds adjacent to the existing structure known as the Mohonk Ceremonial Gatehouse (hereafter the Gatehouse), and shown more specifically on a certain site

plan titled "Mohonk Preserve Foothills Project Site Plan", dated May 2014, as last revised May 4<sup>th</sup> 2016 (hereafter the Gatehouse Property);

2. modifications to the use and the grounds adjacent to the existing structure known as the Hasbrouck (hereafter the Hasbrouck House) and the roadway known as the Wawarsing Turnpike, which are situated on another portion of the Property and located within the boundaries of the support lands included in the Lake Mohonk National Historic Landmark (hereafter the Historic Landmark property)

WHEREAS, the Planning Board also referred the land use applications to the Commission for its review and recommendations with respect to the impact, if any, of that proposed project on matters within the jurisdiction of the Commission, pursuant to Section 140-123.D. of the Town Code;

WHEREAS, the Commission review the aforesaid applications and the supporting documentation, which described the location of property; provided a detailed description of the proposed changes; include perspective and elevation drawings of the proposed buildings; and included information on the relationship of the proposed building to adjacent properties; include photographs of the property; and

WHEREAS, the Commission retained Larson Fisher Associates (LJA) to review the application, with respect to the potential for the proposed action to adversely impact the Town's historic resources, including the Historic Landmark district and the Testimonial Gatehouse, provide its recommendations with respect to the appropriateness of the proposed action, and identify potential modifications to the proposed action that could mitigate potential impacts on the Town's historic resources

WHEREAS, the Commission held a Public Hearing on January 20<sup>th</sup>, 2016 on the application of Mohonk Preserve, Inc. for a Certificate of Appropriateness for the proposed action, pursuant to Zoning Article XIV 140-122 of the New Paltz Code.

WHEREAS, public notice was given of that public hearing by means of a notice of public hearing published in the Town's official newspaper (New Paltz Times), by posting on the New Paltz Historic Preservation Commission website, and by giving abutter notification by postal mail; and

WHEREAS, representatives of the applicant appeared at the public hearing; and

WHEREAS, the applicant addressed concerns raised by the Commission and consultant Neil Larson, of Larson Fisher Associates, as follows:

A. Testimonial Gateway

1. Concern: Addition of a parking area for up to 90 cars with spaces for school busses or recreational vehicles, location of Services, and potential adverse visual impact. The potential adverse visual impacts the proposed parking area could have on the Testimonial Gateway were not adequately mitigated in the initial site plan. Potential mitigation measures were identified in the LFA report and discussed with the applicant, including shifting the congregating area and visitor services to one side or the other of the proposed site and out of direct view of the historic building,

re-routing the pathways leading to the Old Gatehouse Road, enhancing the buffer screening the parking area from the building, and using landscaping and other techniques to prevent trailblazing.

Response: The Preserve will shift the facilities to the east side of the reception space, including the vaulted toilet. In addition, to more effectively screening views of the reception area from the gate house, the Preserve will shift the western trail connection south and add appropriate vegetative screening towards the north so as to direct visitors to the trail entrances to Lenape Lane which provide more appropriate initial viewing vistas of the historic gatehouse.

Conclusion: The Preserve's revised site and planting design incorporates mitigation measures that will avoid or adequately mitigate any adverse visual impacts on the Testimonial Gateway (See Revised Plan Sheet G 1.1). Those proposed mitigation measures adequately addressed the concerns of the Commission

2. Concern: The road surface of the Pin Oak Allée and other roads and entrance drives should preserve the historic integrity of the features. A pervious surface, preferably a gravel with bluestone content, was recommended in earlier discussions.

Applicant Response: The applicant proposes to restore the surface of Lenape Lane consistent with the historic surfacing along the Oak Allée. The Preserve will utilize the proposed gravel surfacing and routine maintenance recommended in the "Restoration and Maintenance Manual for the Shawangunk Carriage Road Systems" (see Chapter 4, Pages 2&3 and Figure 1) as adopted by the Mohonk Mountain House, Mohonk Preserve, and Minnewaska State Park Preserve. Flexibility inherent in the design of the top course of the surface allows adjustments in the composition of the aggregates to comply with historic integrity of the surface. A wearing surface of crushed stone is proposed for the resurfacing of portions of Lenape Lane and that portion of the historic Wawarsing Turnpike that will continue to be used for auto travel.

Conclusion: The Preserve identified appropriate mitigation measures that will, when incorporated in the revised site and planting design, adequately addressed the concerns of the Commission.

3. Concern: Ponds on the property have returned to a natural state in recent decades and were used for nature education classes in the 1960s. The ponds should be maintained for their current ecological conditions. Pond-edge trails, as recommended in the Mohonk Preserve LAMP document (p. 103) were suggested.

Applicant Response: No improvements to the ponds are proposed as part of the Foothills project. The Phenology and nature discovery trail will be established with minimal disturbance and will be primarily a footpath through the upland wooded areas adjacent to the ponds. The majority of the associated trail improvement will be pruning of existing vegetation to create safe vertical clearances for the trail. In any areas where wetlands will need to be crossed to provide continuity in the trail system, the 'Phenology Trail' detail shown on sheet G 5.4 will be used. Restoration of the ponds for improvement of pond ecology or for other habitat conservation purposes could be considered in the future as a separate action.

Conclusion: The Preserve identified appropriate mitigation measures that will, when incorporated in the revised site and planting design, adequately address the concerns of the Commission.

**B. Wawarsing Turnpike**

1. Concern: Widening the road to convert it from a driveway to an access road will have a potential adverse impact on historic resources, as would the proposal to construct a 10-ft.-wide “dry swale” along the easterly side of the roadway. Every effort should be made to preserve the historic road materials and roadside features where possible to avoid those impacts, and to mitigate the potential adverse impacts of any road widening that is necessary. An alternative to the proposed paving is needed, as well as more detailed plans for the preservation of the roadside. The applicant should determine the feasibility of preserving as-is that portion of the roadway that is proposed to be bypassed by a new entry from Route 299, rather than “reclaimed as upland meadow.”

Applicant Response: The Preserve addressed the concern about impacts along the historic New Paltz & Wawarsing Turnpike right of way, in part, by clarifying that the design intent was to minimally widen the existing roadway by 2-3'. Using historical aerial photographs, the Preserve showed that the existing gravel surface limits approaching Hasbrouck House vary in width from about 17' to 18'. To provide for safe two-way passage of vehicles that will access the conservation educational facilities at Hasbrouck House, the drive is proposed to be restored to 20 feet in width, its width when it was a two-lane auto road until 1945.

The surface of this section of the historic Turnpike will be restored consistent with the Shawangunk Carriage Road Systems Manual, which will also guide the resurfacing of the Oak Allée (per Chapter 4, Pages 2&3 and Figure 1). The 10' wide dry swale is intended to address the storm water pollution prevention needs of the project and once constructed will be planted with the appropriate meadow plantings, thus restoring a consistent agricultural meadow appearance to the new edge of the roadway.

The Preserve is confident that the finished surface of the pavement and the plantings of the ‘dry swale’ will preserve the overall historic appearance of the restored New Paltz & Wawarsing Turnpike. As additional mitigation measures, the Preserve will preserve the remnant section of the New Paltz & Wawarsing Turnpike for pedestrians, bicyclists, and equestrians in as close to its current state as possible as a mowed agricultural foot trail, providing a more natural experience for visitors, and voluntarily provide interpretive signage at the trailhead providing access to this last remaining intact portion of the Turnpike with historic information about the history of the New Paltz & Wawarsing Turnpike.

Conclusion: The Preserve identified appropriate mitigation measures that will, when incorporated in the revised site and planting design, adequately address the concerns of the Commission.

2. Concern: Construction of a “new vehicle turnaround” at the northeasterly end of the Wawarsing Turnpike will also have a potential adverse impact on the integrity of the historic roadway. The need for the “turnaround” should be reconsidered. Removing it and preserving the scale, materials and

roadside characteristics would eliminate the need to mitigate this potential adverse impact. In addition, the “turnaround” is of a scale and design that have a potential adverse impact on the historic landscape. The parking area and access roads have a potential adverse impact to the landscape and meadow with associations to the Foothills’ agricultural heritage.

Applicant Response: The Preserve recognizes the concerns of the HPC regarding the proposed turnaround, however, the need for this facility arose in response to meetings with neighboring residents who requested that Foothills parking be dispersed and not concentrated at the Testimonial Gateway site. The Preserve has revised the proposed design in response to the Historic Preservation Commission’s concerns, including changes in surfacing, the inclusion of additional screening plant materials, reorientation of the facilities and other alternatives to help further mitigate the visual impact of the turnaround.

The new vehicle turnaround will be surfaced with a system that is compliant with the Shawangunk Carriage Road Systems Manual. To be more respectful of the history of the New Paltz & Wawarsing Turnpike, the site plan has been revised integrate the turnaround with the proposed parking area by creating a single entrance drive off the Turnpike (See Revised Plan Sheet G 2.2). Rather than appearing to be a termination or interruption of the Turnpike, the historic Turnpike alignment will be the visually dominant feature under this realignment and the thru-integrity of the Turnpike will be preserved.

As noted, the Preserve will provide an interpretive panel along the Turnpike that will provide historical information about the origins of the old Turnpike. The surface of the turnaround and parking facilities will be in compliance with the same standards that will be used for the Turnpike restoration.

The alternative alignment suggested for the entrance drive to the northeast proposed by the HPC was evaluated by the Preserve. The resulting realignment and new roadway would necessitate a new intersection with Route 299 that would be located in a steep embankment along the shoulder of Route 299. Creating a safe access point there would require regrading and tree removal to provide a clear sight triangle (30’ x 30’) for exiting traffic, and as a result could have an additional adverse visual impact. The current plans maintain the ‘status quo’ of the Wawarsing Turnpike and the house from a historical and aesthetic perspective.

Conclusion: As noted above, the Preserve identified appropriate mitigation measures that will, when incorporated in the revised site and planting design, adequately address the concerns of the Commission.

WHEREAS, other public comment was received concerning the proposed project, and closed on the same date;

WHEREAS, the Commission thereafter issued an advisory report to the Planning Board, by memorandum dated March 8, 2016, setting forth the concerns identified in the course of its review, the response of the applicant, and its conclusion with respect to the adequacy of that response to address its concerns;

WHEREAS, the Commission has received and reviewed the SEQRA determination of significance adopted by the Town of New Paltz Planning Board on May 23, 2016, which determined that the proposed action would not have a significant adverse environmental impact on the environment, for the reasons set forth therein, including the following reasons relevant to the jurisdiction of the Commission;

The applicant proposes to incorporate mitigation measures recommended by the LFA report into its land use plans, thereby mitigating potential impacts on the Town's historic resource, including:

1. The proposed structures will not impact historic resources because they are modest in size and designed and sited so as to blend in and conform to existing local character. Proposed restoration and maintenance of several key visual elements sited within the parcel is considered to be significant mitigation, including restoration of the iconic Testimonial Gateway building and grounds, restoration of the Oak Allee including the replacement of dead and dying trees, and replacement of the aerial portion of the Lenape Lane Bridge. Additional historically significant structures upon the parcel will also be maintained in order to preserve the visual integrity of the area.
2. All proposed improvements have been situated to avoid or minimize direct view from surrounding public highways, taking full advantage of existing natural features in order to limit their visibility, and do not appear to significantly impact the visual integrity of the area. Visibility of the proposed improvements, including the Testimonial Gateway parking facility, appears to be further mitigated by existing vegetative screening, topography, a significant rock outcrop and distance to potential receptors.
3. The bulk of the trails, as well as the parking facilities and Hasbrouck Lane, will be finished with a crushed stone surface consistent with the local and historic carriage roads. Such surfacing will limit visual impact as it blends in with the natural landscape, and as the parking areas will close no later than one hour after sunset, they will not be illuminated.
4. Restoration of the historic Gatehouse, removal of the Gatehouse Road end of Lenape Lane and the landscaping of this area, and restoration of the Oak Allee with resurfacing and replacement of dead and dying oak trees will benefit the aesthetic value of the Gateway area.
5. The Lenape Bridge restoration will replace the deteriorating overpass portion of the existing structure, facilitating the passage of emergency service and Town highway vehicles, maintaining the overall appearance of the bridge across Buttrville Road while providing significant aesthetic and safety improvements over existing conditions.
6. Those portions of the project improvements around the Testimonial Gateway area will not be in sharp visual contrast to existing condition, and will be screened, to the extent feasible from the area of the Gateway structure itself, preserving the vista of the historic allee leading to the Shawangunk Ridge.
7. The Foothills project addresses many elements of the New Paltz Open Space Plan, specifically the need for management of open areas to protect significant view sheds and the need to protect and expand access to scenic vistas and historical and cultural resources.

WHEREAS, the Commission concurs in the determination of the Planning Board with respect to the historic resources of the Town within and adjacent to the applicant's property, and with the reasons supporting that determination;

WHEREAS, the Commission has also considered the proposed Hillside lot that would be created by subdividing that parcel on the east side of Butternut Road from the larger Foothills property, and concurs in the determination of the Planning Board that the subdivision will not have any significant impact on the historic resources of the Town because the proposed lot is outside the Landmark district, and further that the proposed lot will be 19 acres in size, will be restricted from being further subdivided and will be subject to restrictions of record, including restrictions on building location, building colors and the area of disturbance permitted, in order to protect existing vegetation and buffer the visual impact of any proposed residential building on that lot from surrounding properties;

WHEREAS, the Commission has considered the application with due consideration of the criteria set forth in Section § 140-124 for approval of certificate of appropriateness.

NOW THEREFORE, BE IT RESOLVED that the Commission, on consideration of the application, the revised site plan and subdivision, the supporting documentation and the entire record before the Commission, finds and determines that:

1. the Mohonk Preserve Foothills Project has been carefully planned to avoid potential adverse impacts to historic resources within the Lake Mohonk Mountain House National Historic Landmark District and in particular the Mohonk Testimonial Gateway Property, a Locally Designated Historic Landmark.
2. the improvements proposed as part of the Foothills site plan will be consistent with the Historic Landmark district, will not adversely impact the historic features of the support lands that warranted inclusion in the Historic Landmark designation, and that the proposed buildings and improvements incorporate the character and scale of existing buildings in the Foothills. The Commission finds that the proposed improvements will minimally alter the appearance and character of the Testimonial Gateway and its surrounds.
3. the applicant has incorporated appropriate mitigation measures, identified in the March 8, 2016 advisory report from the Chairman of the Commission to the Town Planning Board, into the revised site and planting design, and that the revised plans satisfactorily address the concerns identified by the Commission, its historic preservation consultant, and the public about impacts on historic resources and visual impacts on the historic landscape and the Gatehouse, and that the revised plans will avoid, minimize or adequately mitigate any potential adverse impact on historic resources.
4. the revised site plan and subdivision plan, which voluntarily incorporates changes and mitigation measures made by the applicant in response to the concerns identified in the course of review, complies with the standards forth in Section § 140-124 for approval of certificate of appropriateness, and avoids or adequately mitigates any potential impacts identified in the course of review of this application.

NOW THEREFORE, BE IT FURTHER RESOLVED that by vote of the Commissioners attending the Town of New Paltz Historic Preservation Commission meeting on June 15, 2016, recorded below, the Commission approves the Certificate of Appropriateness for the reasons above.

On Motion of Member Caryn Sobel, Seconded by Member Dawn Elliott.

This decision shall be provided to the Town Clerk, the Town Building Department and a copy of the decision shall be sent by registered mail to the property owner.

Commission Member	Vote (Aye or Nay)
John Orfitelli, Chair	Aye
Helen Christie, Vice-Chair	Absent
Caryn Sobel	Aye
Dawn Elliott	Aye
Susan DeMark	Aye

This Record of the decision of the Commission is furnished for recording pursuant to the provisions contained at Subdivision D of Section 140-122, "Certificate of Appropriateness" of Article XIV of Chapter 140 of the Code of the Town of New Paltz.

This Certificate of Appropriateness is granted in addition to, and not in lieu of, any building permit or other land use approval that may be required.

Certified as correct this 15<sup>th</sup> day of June, 2016.



John Orfitelli, Chair  
Town of New Paltz Historic Preservation Commission