

TOWN OF GOSHEN
ENVIRONMENTAL REVIEW BOARD
July 13, 2016

The regular meeting of the Environmental Review Board of the Town of Goshen was called to order at 6:30 p.m. on Wednesday, July 13, 2016 at Town Hall.

Present: Neal Halloran, Building Inspector
Marty Holmes
Carol Laskos
Diana Lupinski
Cynthia Hand
Tom Burnham
Sue _____

Also Present: Dominic Cordisco, Esq. Drake Loeb, PLLC for Legoland
Phil Royle, Merlin Entertainment
Christie _____ Lanc and Tully Engineers

Merlin Entertainments Group/LEGOLAND New York – 11-1-45, 46, 49.2 & 15-1-59:
Application for site plan, special permit and subdivision for a resort, hotel and theme park complex on 523 +/- acres (total holdings) along Harriman Drive, Arcadia Road and Conklingtown Road in the RU and HR Districts with AQ-3, Scenic Road, Floodplain & Ponding and Stream Corridor & Reservoir Overlay Districts.

The first person to speak was Sue _____ regarding air quality and air regulations. She asked the applicants if they could address what impact the project would have on the air and come up with a mitigation plan. She is in favor of open space and perhaps a bike path that would connect into the park from the Heritage Trail.

Mr. Cordisco responded that air impacts relating to traffic and generators is a possible chapter in the EIS. They would propose charging stations for electric vehicles. Golf carts would be electric and push bikes used for team members to traverse the park.

Mr. Royle stated in other Legoland parks solar panels are used as well as vegetables farms.

Mr. Cordisco stated that Legoland was interested in buying food locally sourced versus trucking in as much as possible.

Sue asked the applicant to come up with a number of vehicle trips per day and address the air impact based on those number of trips with calculations.

Ms. Lupinski stated she would like to see a plan for Reservoir Road as she felt local patrons would use that road to travel into Warwick and Sussex County, New Jersey and that local road is not adequate for heavy travel.

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Mr. Halloran asked if there was consideration for shuttle busses to bus stations, airports and hotels to ease road traffic and therefore air emissions.

Mr. Royle stated that in the Florida park they did offer shuttles.

Ms. Lupinski asked the applicants who they were considering for employees.

Mr. Royle stated that employees would be locals in a mix of age ranges depending on what the job was.

Mr. Holmes asked about foreign Visa employees. Mr. Royle stated that was not planned.

Ms. Lupinski asked about the phasing of the plan. Mr. Royle stated Phase 2 was a planned interactive aquarium. There was no water park planned for this application.

Ms. Lupinski then asked about the exchanges on the highway and how the applicant planned to deal with directing traffic to the park.

Mr. Cordisco stated Exit 124 would be upgraded going west on Rt. 17. There would be two dedicated right-turn lanes toward South Street. The South Street bridge would be modified to be a three-lane bridge. There would be a dedicated left-turn lane onto Harriman Drive and a roundabout at Exit 125 getting onto Rt. 17 eastbound.

Mr. Holmes asked that applicant include in its traffic study the projects that are currently under construction in the nearby area such as the casino in Sullivan County, the new development going in on Old Chester Road and the new church also going in on Old Chester Road as these projects will create their own traffic concerns which have not yet materialized as the projects are not complete.

On the topic of water, Mr. Cordisco stated there was no plan to use on-site water. The applicant was looking to the Village of Goshen and it was under review. Ms. Hand stated she was very concerned about water. It was stated the Village of Goshen had the capacity to handle the waste and it could reduce the sewer costs for the Village. It was uncertain whether the Village had the capacity for supplying water at 236,000 gallons a day in the high season. Mr. Cordisco stated the property had two existing wells. The plan is to connect them to Arcadia Hills. The applicant stated they would not use those wells.

On the topic of special services, the park would employ its own EMTs and park rangers would serve as security. Fire services would have to be provided by the local fire districts. Those districts would receive the full amount of money from taxes regardless of the PILOT program.

Ms. Hand suggested the applicants prepare a fact sheet for the public that could help answer the most frequently asked questions and dispel the rumors that are currently circulating. It was

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responded that it was currently being prepared and that a welcome center was planned in the Village of Goshen for the project.

Mr. Halloran asked who inspects the attractions and rides. Mr. Royle stated a site team and maintenance technicians. It was requested that the applicant find this out for a fact for New York State.

Ms. Lupinski asked if this was going to be, in fact, the largest Legoland. It would not be. That would either be the parks in Dubai or South Korea.

Ms. Hand asked how much of the park would be visible from Rt. 17. She stated the Town liked a neutral color pallet and a country feel for projects. Mr. Cordisco stated the portion visible from Rt. 17 would actually be the “back of house” of the project which were more office-type buildings. The ride attractions would be sunken below ground and the rides could be classified as “pink knuckle” rides meaning they are low level. No rides go upside down or high into the air. The patch that could be seen would be screened with trees and landscaping and the exterior of buildings would be complimentary to the landscape. The signage leading to the park would be regular DOT signage.

Mr. Halloran asked about the height of the hotel. It was answered that the footprint of the hotel would be expanded in order to lower the height of the building. The hotel would have two restaurants. One would be buffet-style dining and the other a regular restaurant. All rooms in the hotel are highly-themed such as Adventure, Lego Friends or Kingdoms.

Ms. Lupinski asked about the food sources. Mr. Royle stated in other parks it is locally sourced as much as possible. The restaurants offer craft beers from local breweries and every one of four items available was a healthy-choice option such as fruit instead of French fries. A visitor’s booth would be placed outside the gate to the park to support local tourism.

The ERB suggested that the EIS emphasize energy offsets such as solar panel usage. It was also suggested that educational trips be emphasized for the local schools. Perhaps the applicant would put in place a program to help employ BOCES students with disabilities or STEM program students. The applicant stated they have educational presentations for school children.

Mr. Halloran asked about handicap accessibility. Legoland will have an ADA concierge service whereby a visitor to the park would get a personal callback within 48 of inquiry addressing the specific ADA requirements of that visitor to help plan the most accessible visit to the park. The entire park would be ADA accessible. The callback is a step beyond a typical FAQ, so that each visitor requiring accommodation be provided with information specific to their needs.

Landscaping was planned for the entire park. It is intended to blend with the natural features of the land, not be overlaid entirely with concrete.

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ATTACHMENTS

Please note attached to these minutes are submissions by ERB members assigned to different sections of the draft DEIS. These attachments are in addition to the points brought up during the meeting.

Quickway Imports, Inc., 24-1-109: Application for a commercial warehouse on 9.1 acres along Pulaski Highway, County Route 6 in the AI District within AK-3 and Flood Plain Ponding Overlay Zone. Special use permit.

The ERB did not have any comments on this project aside from perhaps lighting and signage on the site.

Orchard at Towner Farms, LLC – 12-1-103: Application for amended special permit and site plan for expansion of existing storage dock and additional storage tanks at the intersection of NYS Route 17M and Musket Court in the I District with AQ-3 overlay.

The ERB mentioned it would still like an explanation on the intention of screening. Would a curving tree line be installed to provide screening, yet allow for site distance?

The species of trees was also questioned. The ERB felt that white pines may not be the ideal tree and asked that the applicant reconsider tree species choice.

Adjournment

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by Tanya McPhee
Attachments Imbedded

Attachment # 1

LEGOLAND

1. Where is the water coming from? The application states Village of Goshen supply, but I did hear that a new water source was sited during a presentation made by Merlin at the Palacio? Can someone speak to the specifics of what was said during that presentation regarding water?
2. The 1st page of the application states that there are two proposed parcels? The following SBLs are listed: 11-1-45; 11-1-49.2; 11-1-58; 11-1-46; 15-1-59. How will the property be divided? Is the second parcel exclusive to the telecommunications tower? How will the second parcel be zoned?

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3. Adopted land use: Does the comprehensive plan include specific recommendations for this site? The application states "No", is this a fact? This caught my eye after reading the concerned citizen's letter regarding green space and preserving rural character.

4. Please define "Resort Overlay District".

5. LEGOLAND is a vibrant space with many bold colors, what will the signs look like? Will the park be visible from 17? If yes, will Merlin plan to conform to the rural character of our Town as seen from 17.

6. The aquarium is part of the 2nd phase, what will be built in place of the aquarium during phase 1? Will it be green space?

7. Why is it necessary to disturb a half acre of wetlands?

8. Has Merlin met with Arden Hill/Elant and BOCES to speak to them directly regarding their proposed plan? The application states that it will be within 1500 feet of these facilities.

Attachment #2

Observations of LEGOLAND's documents

The EAF;

Pg. 4 Acknowledges disturbance of wetlands but doesn't give specifics or plans for mitigation.

Pg. 6, If a zoning change takes place for the parcel(s) in question, what will it be re-zoned to? This will affect the amount of allowable impervious surface.

Page 6 proposes 75.6 out of 524 (14.6%) acres impervious but page 9 states 103.6 acres out of 524 (19.7%) as impervious?

How many garbage trucks per day will be travelling in and out of the park?

The energy portion doesn't mention natural gas, will they be using it, how much will they need, will a main extension or a new gate station be necessary?

Pg. 12 states there are no endangered, threatened or special concern wildlife. Unless they've conducted a survey the answer should be TBD. Also it states no hunting or trapping takes place on this or adjoining properties, this doesn't seem likely.

Their traffic study needs to be thorough and comprehensive, including all other projects under construction, and proposed, the new residential sub-division on Old Chester Rd, the small sub-division in front of Elant that was started but never completed, the new casino etc.

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Where do they anticipate their work force will come from and live? Do they anticipate foreign workers, do they have them in Fla and Ca, where will they live?

What is the Village's WWTP's capacity, what is its current volume now and what will the volume be when Legoland is up and running?

Attachment #3

Response to LEGOLAND proposed Scope

Page 3: US Fish and Wildlife Service should be listed as an involved or interested agency

Page 5 III, A.1. Schorr Depalma identified a rock outcrop that is reported to be a significant recharge are for the watershed that includes the Arcadia wells

Page 6 C.2. Should study the potential quantity impacts to the Village's reservoirs

Page 6 C.3. Should also discuss the need to build or mitigate wetlands impacts.

Page 7 E.1. This is the same concern as on page 5, OCWA may also have the report

Page 7 E.3. Irrigation of landscape should be by subsurface system, possibly use grey water

Should consider recharge enhancement to compensate for the loss of impervious surface. Perhaps locate Storm water ponds to maximize recharge, use more green infrastructure, curbing to encourage recharge not eliminate.

Page 8 F.1. Locate and identify existing/unused infrastructure on the Lone Oak site

Page 8 F.3. Consider separate greywater system, include plans to make the unused infrastructure safe

Page 8 G.3. See page 7 E.3.

Page 8 H.1. Suggest Route 17 at Woodbury interchange

Route 17A at Hatfield lane

Route 17M at exit 123 entrance and exit (this is planned for an upgrade but when)

Heritage trail intersections from the Village to Knoell Road

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Should include summer peak load on 17 on Fridays and Sundays

Village of Chester has requested that the three signalized intersections in their Village be considered for the summer peak travel.

Consider the benefit of preplanning alternate routes for the summer peak times.

Consider traffic impact for the BOCES campus, particularly for the mid-day changes (bus)

Page 9 H.2. Consider the time and size of delivery vehicles during the season, possibly require off hour times.

Page 9 H.3. Use the impacts observed in Florida and California

Suggest off-site improvements that would help even if not proposed to be completed by applicant (signage, striping, etc.)

Page 10 H.4. Consider the possible use of s shuttle bus from train station and airport to Hotel/park

Consider the encouragement of bicycles by adding appropriate lanes on any road/bridge upgrades as well as supplying or renting bikes at the Hotel for the guests to ride into the village or use the Heritage Trail

Page 10 I.1. Consider a measurement Acadia for background noise to document that new noise does not float over trees to get there.

Page 10 I.3. Discuss the unavoidable impact of noise from the increase in traffic.

Page 10 J.1. Discuss existing on site waste sites (farm dumps and old restaurant site)

Page 10 J.3. Number of solid waste trips per day and timing

Potential to recycle and/or use non-disposable containers (purchase one container for unlimited refills that day)

Page 10 K.2. Parking lot design standard may need a variance (97-48)

Maximum height may need a variance unless superseded in an overlay zone

Maximum impervious lot coverage may need a variance unless lots are merged or an overlay zone supersedes the underlying zone limitations.

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The prohibition of amusement parks in 97-10 C. will need to be removed or the case made as to why this use is not an amusement park. (gray at best)

Page 11 L.3. Will there be on site EMS, medical staff, first responders? Fire brigade to handle lesser calls.

Page 11 M.2. Consider onsite and off site

Page 11 M.3. What are the likely local/county/regional economic benefits?

What are the likely businesses to be built or expanded as the result of this project?

What potential is there for local sourcing of materials, supplies, personnel, food items

Page 11 N.1. Consider adding one or two locations on Route 17M between Acadia Road and South Street. Also on the Acadia Road bridge.

Page 12 N.2. Discuss colors of what might be seen from off site.

Page 12 P.3. Discuss and consider the local sourcing for food. (similar to page 11 M.3.)

Page 12 Q.1. The last two days and at least one or two recently have had ozone alerts, whether they are considered serious or not should be discussed, but people are going to be concerned.

Page 13 Q.2. What are the anticipated idling times while waiting to park and that impact? Discuss the limits on idling buses and trucks and compliance with applicable laws.

Page 13 Q.3. Apparently the most serious air quality time is the summer. Is there a method to plug in or otherwise cool buses prior to occupying for the trip home?

Page 13 V.B. Consider the build out if water from outside of the town is provided under the current zoning.

Page 14 VIII. See Page 11 M.3.

What are the probable impacts to other existing tourist attractions? Other businesses used by tourists? What additional businesses will be needed just to meet the needs of the project visitors?

Attachment #4

LEGOLAND
Draft Scoping Document – Comments
Thomas J. Burnham

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July 8, 2016

I am generally pleased to see an organized, prepared presentation that for the most part does a good job of initiating the conversations needed to analyze a project as massive as the proposed Legoland project.

Below are my comments on their proposed scoping document.

Pg 2 5th Bullet:

Common language AND technical language should be included in all cases. Not one or the other. I believe that is what is suggested but I wanted to make that clear.

Pg 3:

Orange County Partnership might also be listed as an involved agency and Orange County DOT and/or DPW and Village of Goshen and Village of Goshen Police should also be listed as interested agencies.

Pg 5:

II Project Description:

It would be helpful and possibly avoid future conflicts/misunderstandings if the developer could include in this section "Why this particular site was chosen." For instance, is it the access to Route 17 and the NYC Metro Markets, Visibility or lack of visibility from route 17, site specific attributes, regional attributes etc....

Given that this type of project may seem to some to be out-of-scale or character with the existing community this kind of understanding will help this board and others better evaluate this proposal and the effects on the community and why it should happen in Goshen as opposed to elsewhere.

Pg 5:

II Project Description

C. Project Need and Benefit:

A discussion of the reasoning/benefits of the proposed 30 Year Pilot Request would be important to evaluating the benefits of this proposal to the community.

Pg 7:

D. Vegetation and Wildlife 1. 1st Bullet:

The definition of "Habitat" should also include where a plant or animal ***potentially*** lives not just actually.

D. 3.

Analysis of buffer zones and corridors for wildlife should be included in the mitigation efforts.

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E. Groundwater/ Water Supply

3 Proposed Mitigation

An analysis of what capital improvements that would need to be made to the Village of Goshen Water District, the costs associated, and how fees/bonds would pay for these costs to the district. This should not limit mitigation/costs of mitigating adverse environmental impacts.

F. Wastewater Management

3. Proposed Mitigation

An analysis of what capital improvements that would need to be made to the Village of Goshen Wastewater District, the costs associated, and how fees/bonds would pay for these costs to the district. This should not limit mitigation/costs of mitigating adverse environmental impacts.

G. Storm water Management

Should include an analysis of the potential of flooding impacts to Route 17/US 6. As the region's most vital traffic artery all impacts (if any) should be evaluated and mitigated.

H. Traffic

1. Existing Conditions 2nd Bullet

Any analysis should specifically address current conditions on Route 17/US 6 on Friday and Sunday afternoons and evenings. This study should also evaluate the overflow conditions that occur on route 17M and other ancillary roads that vehicles frequent to avoid congestion.

Given the potential high volumes of traffic created by the proposed project a study of other routes suggested by various GPS or web based navigation systems should be included to avoid unforeseen problems that would need to be mitigated.

A review of the impact on the Harriman Tolls should be conducted as part of any traffic study because of the direct implications on the Town of Goshen's roadways.

Included in future projects should be some acknowledgement of future construction at "Good Time Park".

A realistic review of the potential for public transportation should be included.

4. Proposed Mitigation 2nd Bullet

In addition to who will be responsible for funding the traffic mitigation measures an analysis and project of what funding mechanisms and timelines associated any public funding or construction should be clearly detailed.

I Noise

Fireworks? Timing and Duration

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K. Land Use and Zoning

A review of why this site was chosen over others would be helpful. Also detailing the specific attributes which make this site appropriate for a zoning change. Will this site be intentionally visible from roadways, or other locations?

L. Community Services

2. Potential Impacts

Detail number, frequency and nature of responses by Fire, Ambulance and Police at all existing locations. This should be broken down over a period of time that assists in understanding trends. (2, 3 4 years???)

M. Fiscal Impacts

2. 2nd Bullet

Sources of data should be clearly referenced in a way that they information can be confirmed. Any number of Full-Time Equivalent (FTE) Jobs should be identified as seasonal or year round and if several part-time jobs are combined to make one FTE it should be noted. Sources of projected multipliers and other economic forecasting tools should be clearly cited and referenceable for authentication.

N. Visual Resources

Is the intent of this project site to be visible? A discussion of the proposed intentions of the developer should be detailed.

Listing of sites for view analysis is FAR TOO LIMITED.

Is Walnut Court a high point why there?

Several Points on Route 17/US6

Any/All Reservoir Road locations where the project will be visible

Locations in Arcadia Hills

Glen Arden

Review should include visual depictions of the evening and night visual impacts. A project of this scope has the potential to dramatically alter the night sky visibility of the entire area. Possibly they could include simulations of the night sky impacts.

How will signs be illuminated?

P. Agriculture

If agricultural lands are used for the purpose of this project or rezoned away from Agriculture is there a possibility of creating additional agricultural lands or protecting other lands elsewhere in the town?

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Q. Air Quality

Projections of Future Air Quality impacts should be realistic and not rely on un-predictable future improvements in technologies that are not sound, realistic or identifiable at the submission of this document. Any and all projections and assessments of future air quality based on science, confirmable data and models that are specific to this project and not conjecture.