



TOWN OF GOSHEN COMPREHENSIVE PLAN UPDATE AND ASSOCIATED  
ZONING AND TOWN CODE AMENDMENTS

TOWN OF GOSHEN  
ORANGE COUNTY, NEW YORK

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

January 12, 2009

**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT  
(FGEIS)**

**TOWN OF GOSHEN COMPREHENSIVE PLAN UPDATE AND  
ASSOCIATED ZONING AND TOWN CODE AMENDMENTS**

**Town of Goshen  
Orange County, New York**

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Direct Action by Town of Goshen Town Board

**DATE DGEIS ACCEPTED:** July 24, 2008  
**DATE OF PUBLIC HEARING:** August 13, 2008  
**CLOSING DATE OF COMMENT PERIOD:** August 25, 2008  
**DATE FGEIS ACCEPTED:** January 12, 2009

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## **I. INTRODUCTION**

This Final Generic Environmental Impact Statement (“FGEIS”) has been prepared pursuant to Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act (SEQRA), its implementing regulations (6 NYCRR Part 617) and the body of case law establishing the manner in which the adoption of comprehensive plans and the rezoning of large areas of land undergo a generic environmental review. Generic Environmental Impact Statements are “broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. ... They may be based on conceptual information in some cases ... [and] may discuss in general terms the constraints and consequences of any narrowing of future options.” 6 NYCRR § 617.10(a). Generic EISs are prepared when a proposed action represents a comprehensive program having wide application and defining the range of future projects in the affected area.

Following the adoption of the Updated Comprehensive Plan and the implementation of any recommendations or associated actions (including zoning text and map changes) subdivision and site plans affected by such actions will be subject to the SEQRA regulations, and where necessary site specific environmental analyses will be prepared. While impacts resulting from the Plan recommendations and Associated Zoning and Town Code Amendments (“Associated Amendments”) have been evaluated in a generic fashion herein, any reference to them is not intended to be a substitute for site-specific review on a case-by-case basis.

The Town of Goshen Town Board, in its capacity as Lead Agency, prepared a Draft Environmental Impact Statement (“DGEIS”), which was accepted as adequate for public review on July 24, 2008. The public comment period on the DGEIS began on July 25, 2008, and extended until August 25, 2008. A public hearing on the DGEIS was held on August 13, 2008, and written comments were received from the public and involved and interested agencies. (Copies of the transcript from the public hearing and written comments received on the DGEIS are provided in this FGEIS as Appendix A.) Subsequently, this FGEIS was prepared to respond to all substantive comments regarding the DGEIS. The DGEIS is incorporated into this FGEIS by reference, as well as the Town of Goshen Updated Comprehensive Plan and Associated Zoning and Town Code Amendments, constituting the Environmental Impact Statement for the Proposed Action.

In response to comments received on the DGEIS, Comprehensive Plan Update and Associated Amendments, the Town Board has made a number of revisions to the proposed action to address and respond to concerns raised by members of the public

and representatives of involved and interested agencies. The Comprehensive Plan Update and Associated Amendments have been revised to reflect the proposed revisions. None of these revisions rose to the level necessary to trigger a supplemental environmental impact statement under SEQRA regulations.

This FGEIS is organized into four sections: Section I describes the review process to date; Section II describes the project location and environmental setting; Section III describes the changes that have been made to the proposed action in response to issues and concerns raised during the public comment period; and Section IV contains a summary of all public hearing and written comments and provides responses to each of those comments. Comments and responses have been categorized by commenter.

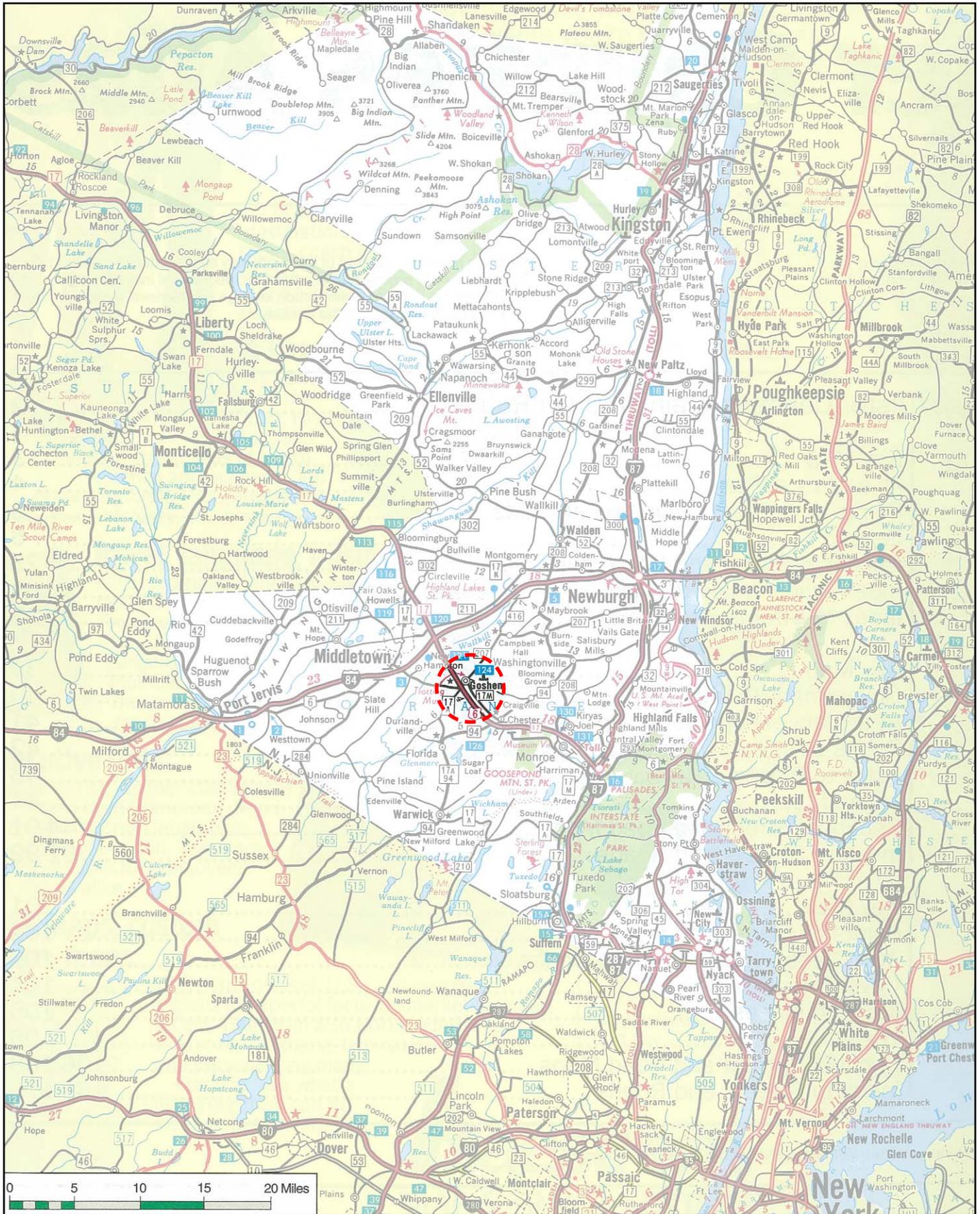
## **II. PROJECT LOCATION AND ENVIRONMENTAL SETTING**

The Town of Goshen, comprised of 42.56 square miles, including Villages, is located in central Orange County and surrounds the incorporated Village of Goshen (see Figure 1: Regional Location Map). The Town is bordered by the Towns of Wallkill, Wawayanda, Warwick, Chester, Blooming Grove and Hamptonburgh, and the Wallkill River. The southern area of the Town is comprised of prime agricultural farmland, known as the “black dirt” area. The Town also contains two major surface water bodies, namely the Prospect Lake and Green Hill Reservoirs, both of which are owned by and service the Village of Goshen. The Villages of Florida and Chester border the Town of Goshen to the south and southeast. It should be noted that both of these villages have land inside the Town and are rapidly growing with central services that may expand farther into adjacent areas in the future.

Goshen is located south of Interstate 84 (I-84) and west of the NY Thruway (Interstate 87). New York State Route 17 (NY 17), a limited access highway, runs directly through Goshen, and is due to be upgraded to Interstate 86 in the coming years. NY 17 connects to I-84 just 5 miles northwest of Goshen and connects to I-87 within 15 miles to the southeast. Goshen’s location affords exceptional accessibility to the north, south, east and west.

The Town of Goshen has seven primary zoning classifications, and five overlay districts (see Figures 2: Existing Zoning Map and 4: Overlay Districts). The land use zoning districts include: Rural (RU), Agricultural-Industrial (AI), Highway Commercial (HC), Commercial/Office Mixed-Use (CO), Industrial (I), Hamlet Residential (HR) and Hamlet Mixed-Use (HM). The overlay districts include: Flood Plain and Ponding Area (FP), Stream Corridor and Reservoir Watershed (SC), Aquifer (AQ), Soil Mining (SM) and Scenic Road Corridor (SR).

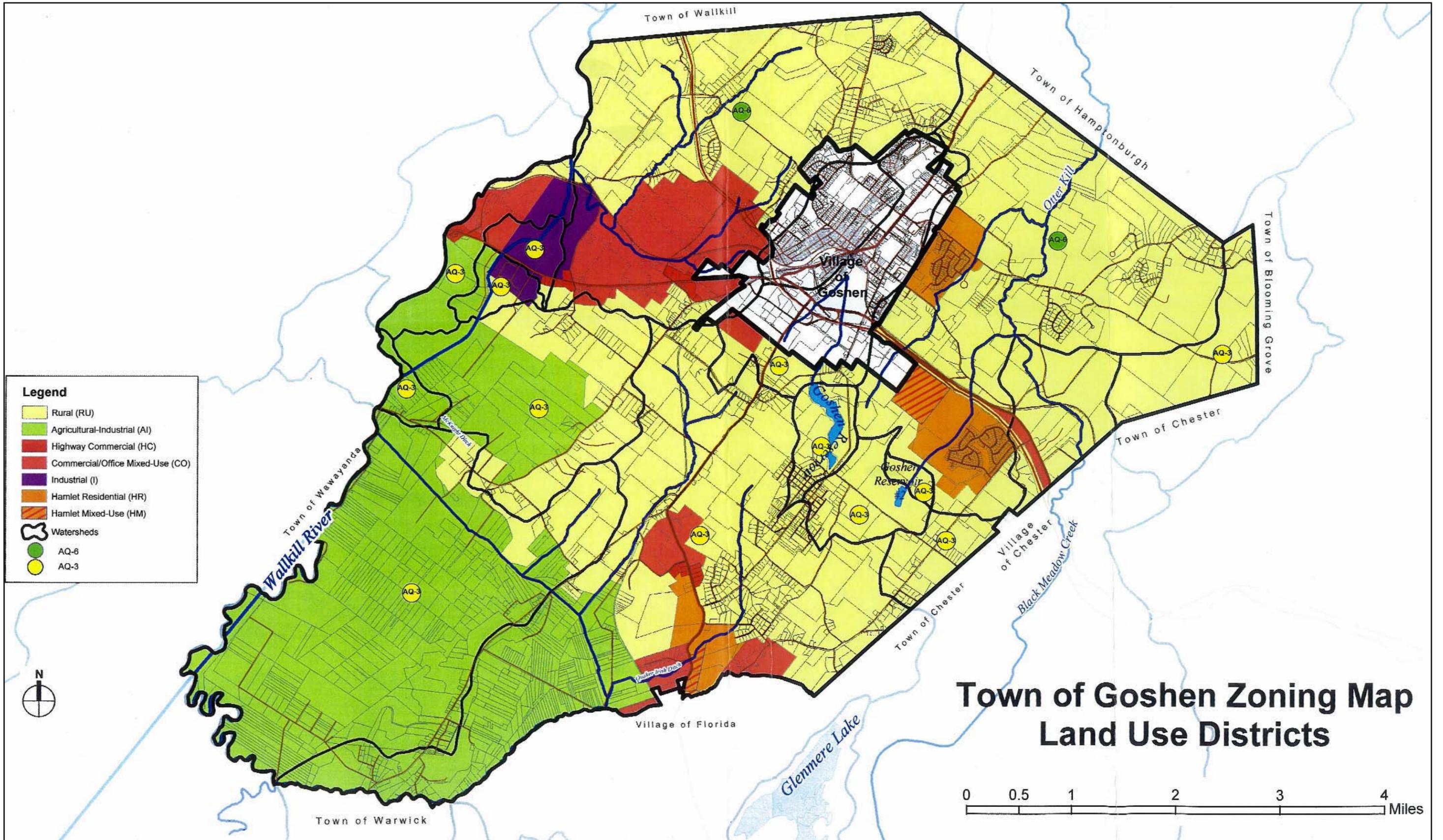
The Town of Goshen is rich in natural features. The Town has portions of the Wallkill River, Quaker, Black Meadow, Otterkill, Rio Grande and Cheechunk Creeks running through it. In general, the Town’s topography can be characterized as “rolling” with small hills and steep slopes, with the exception of the very flat “black dirt” area in the south western portion of the Town; slopes within the Town increase to the north and east (see Figure 4: Topographical Map). The Town also contains numerous Federal and State designated wetlands scattered throughout it (see Figure 5: Wetlands Map).

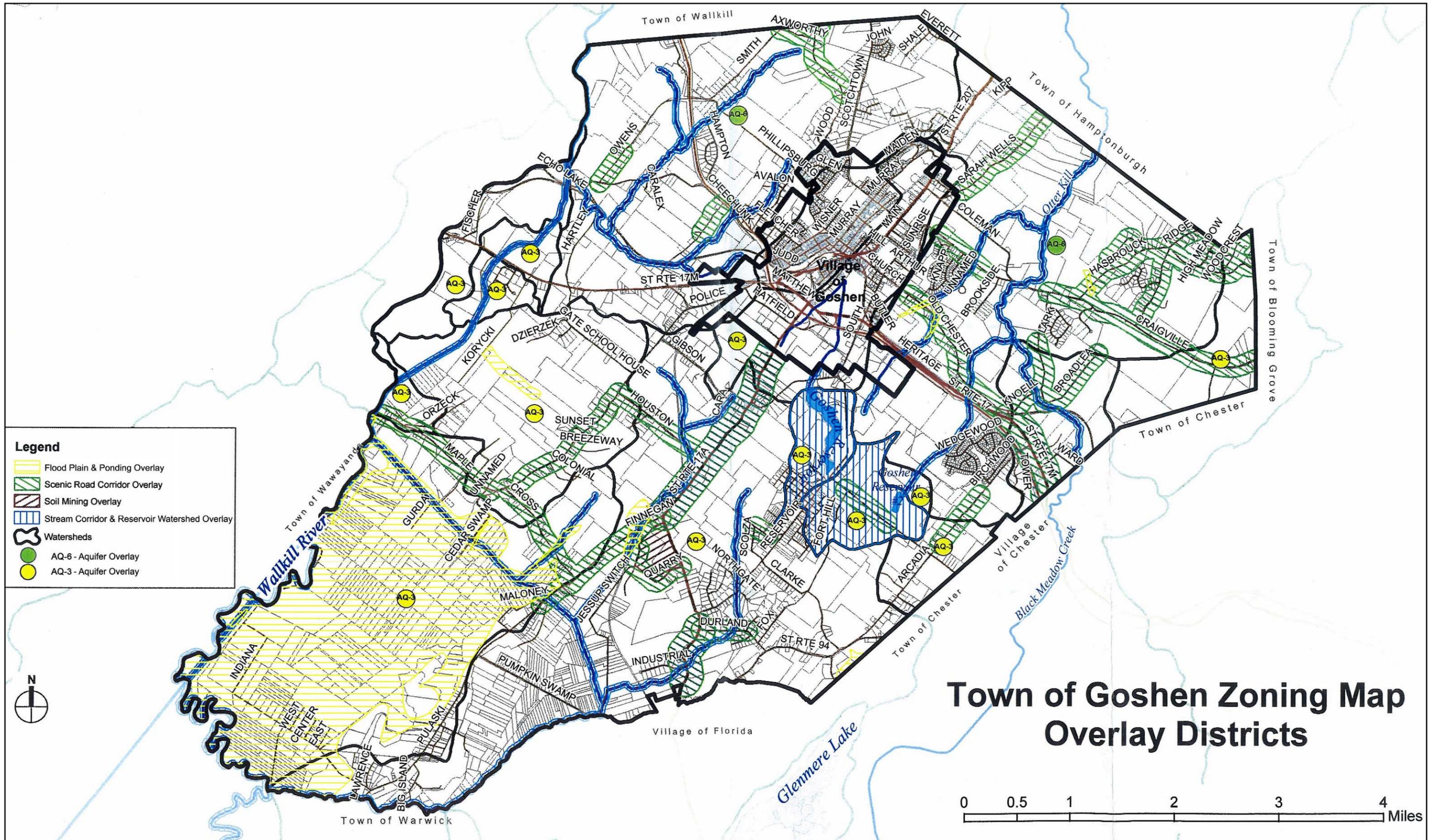


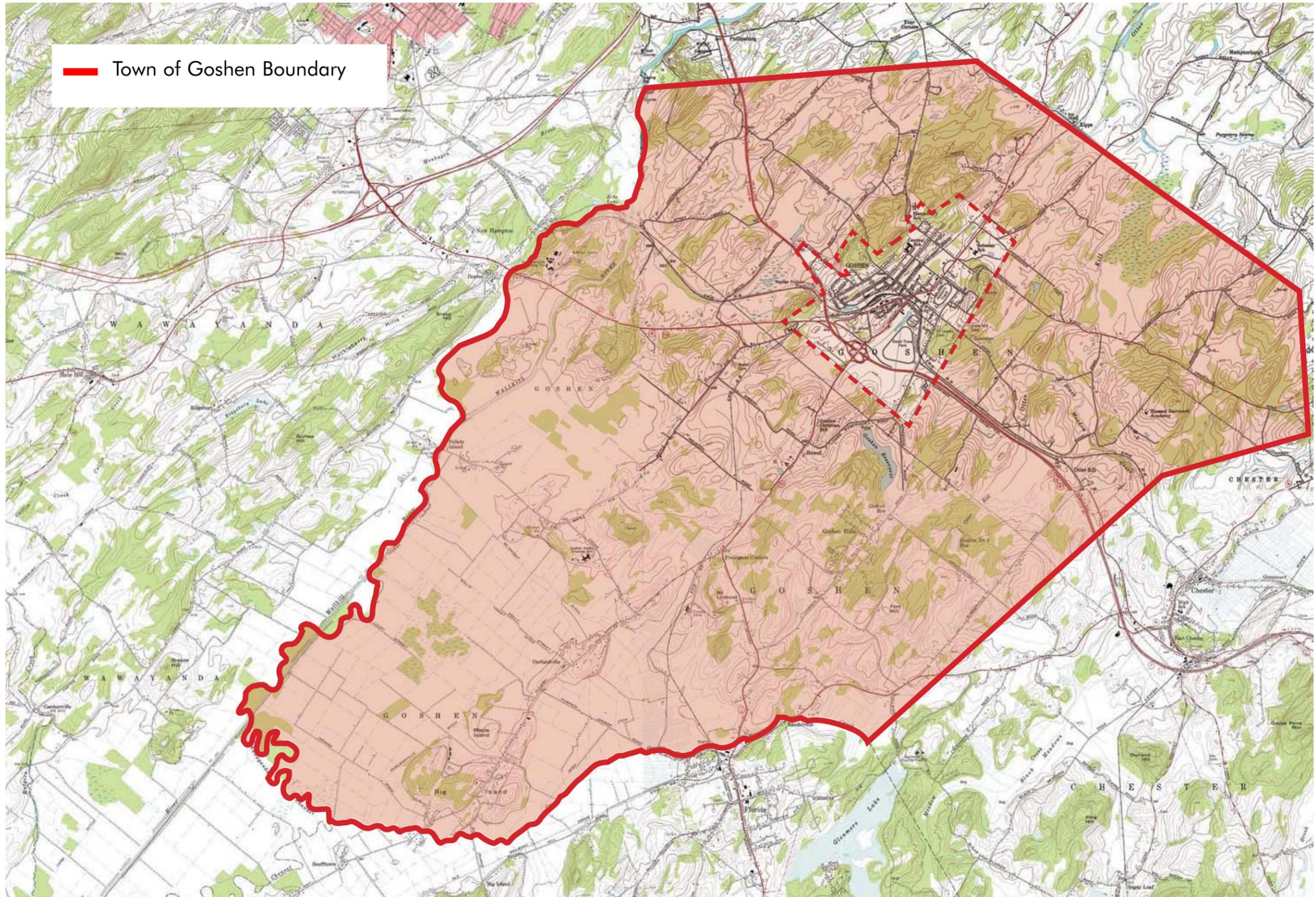
TOWN OF GOSHEN

FIGURE 1: REGIONAL LOCATION





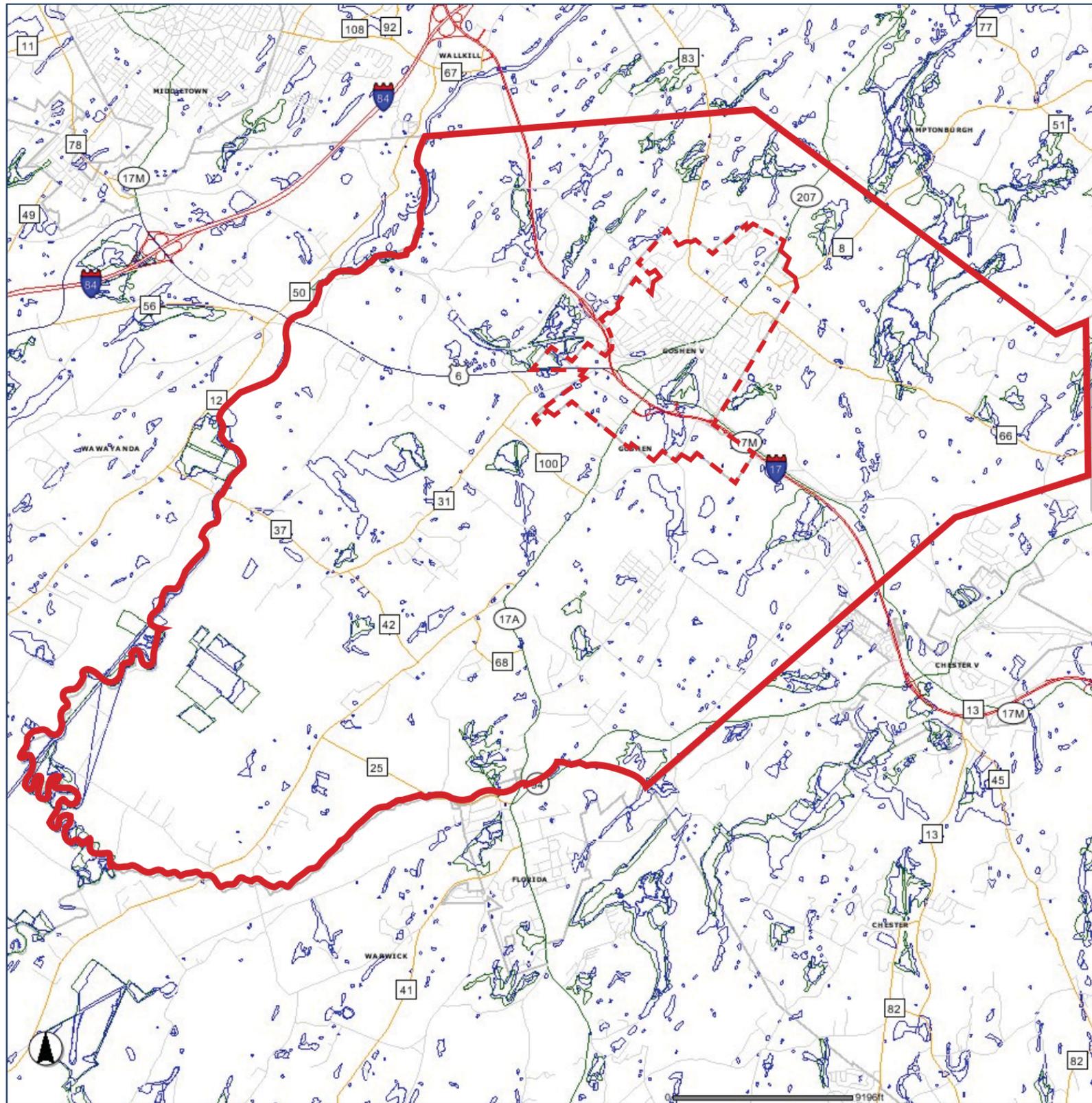




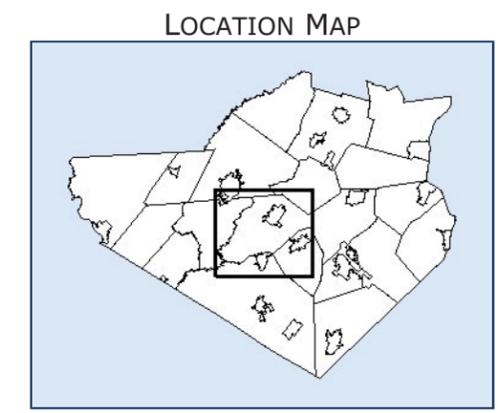
TOWN OF GOSHEN

FIGURE 4: USGS TOPOGRAPHICAL MAP





- LEGEND**
- Roads
  - Town of Goshen Boundary
  - - - Village of Goshen Boundary
  - DEC Wetlands
  - Federal Wetlands



TOWN OF GOSHEN

FIGURE 5: WETLANDS MAP

III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS

A. *Introduction*

In response to public comments on the DGEIS, the Town Board has performed an extensive review of its draft Comprehensive Plan Update and the Associated Amendments. The Board has revised the Plan, Map and Code to address the concerns, including but not limited to traffic, allowable development densities, viability of commercial and industrial development and provisions for multi-family housing, raised by the public and interested agencies during the 30-day public review period. These revisions are intended to reduce the potential for significant adverse environmental impacts as a result of the adoption of the Plan and implementation of the Plan recommendations through the Zoning and Town Code Amendments. The Town Board views these revisions as still meeting the overall goals and objectives set forth in the Plan (see revised Updated Comprehensive Plan Section 3.1).

B. *Changes to the Proposed Action - Text*

Based upon the comments received on the DGEIS, Comprehensive Plan Update and Associated Amendments, the Town Board has proposed certain changes and clarifications to each of these documents. These amendments are summarized below.

1. **Exemption** – As part of the public review process on the DGEIS, several comments were made regarding the fairness of mandating that all applications currently before the Town of Goshen Planning Board for the residential development of 20 or more units be subject to the proposed Zoning and Town Code Amendments regardless of the time and/or money spent in good faith by a project applicant. The Town has explored recognizing an exemption to allow projects that have reached a certain point in the regulatory process to proceed under the existing zoning, rather than having to comply with any amendments adopted at the conclusion of this process. The Town Board has determined that all projects having received Preliminary Approval or Conditional Preliminary or Final Approval from the Town of Goshen Planning Board (see DGEIS Table 1: Town of Goshen Proposed Development Projects) prior to the effective date of Local Law #1 of 2008 entitled “Local Law Instituting a Moratorium on Certain Residential Subdivision and Zoning Approvals in the Town of Goshen,” having properly requested all extensions of any such approval, may proceed under the zoning

### III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS

regulations existing or applicable at the effective date of Local Law #1 of 2008.

There are eight projects subject to the moratorium currently in effect that have received Preliminary Approval or Conditional Preliminary or Final Approval from the Town of Goshen Planning Board which are permitted to proceed under the then-existing zoning as a result of this determination (see DGEIS Table 1: Town of Goshen Proposed Development Projects, page 33). Provided proper extensions were requested by the applicants, those projects are:

- Hambletonian Park – Section F (38 units) on Magic Circle Terrace;
- Hendler Subdivision (5 units) on 6 ½ Station Road and Cheechunk Road;
- Heritage Estates (81 units) on Old Chester Road and Brookside Drive;
- Meadows of Goshen Subdivision<sup>1</sup> (34 units) on Gate School House Road;
- Persoon Subdivision (21 units) on Maple Avenue, Winners Circle and Breezeway Lane;
- Traskus (Elm Hill Farms) Subdivision (38 units) on Arcadia Road;
- Zalunski Subdivision (20 units) on Pulaski Highway and Cross Road;
- and
- A & L Acres (29 units) on Houston Road and Route 17A.

2. **Updated Comprehensive Plan Goals and Objectives** – The draft Comprehensive Plan Update (subsection 3.1) articulates seven (7) goals and the coinciding objectives to be achieved through the implementation of the Plan. Based on comments received on the draft Plan and the DGEIS, the Town Board has made the following revisions to Goals 1, 2, 3, 5 and 7 of the proposed Comprehensive Plan (shown in red):

***Goal #1 Protect and enhance the agricultural activities and rural character of the Town.***

- **Encourage appropriate rural residential development**

***Goal #2 Support existing Village centers and foster Town clusters***

- Promote subdivision designs and layouts that create connected street patterns where appropriate.

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<sup>1</sup> The Meadows of Goshen application has received Preliminary Approval from the Goshen Planning Board; however, it has vested in the zoning regulations in effect prior to the current Zoning Code.

- Allow cluster development in order to encourage open space preservation, pedestrian activity and the reduction of car dependence for all trip generated activity.
- Allow group water and wastewater systems in cluster developments in order to maintain environmental stability where appropriate.
- Encourage development that strengthens the development of the Village of Goshen as the development center of the Town.

***Goal #3 Provide a range of housing alternatives that will meet the housing needs for a range of socio-economic groups.***

- Provide for the development of affordable/multi-family and senior/adult housing units at appropriate locations.

***Goal #5 Protect and enhance open space and public space.***

- Actively utilize conservation easements through zoning and the purchase of farmland and other open space.
- Ensure that land designated for public open space requirements is primarily high-quality, usable space and not wetland or steep slopes.
- Preserve the Town's mature forests and natural terrain to the greatest extent practicable.

***Goal #7 Encourage appropriately sited development & protect environmental assets.***

- Ensure that development proposals are appropriately sited considering the surrounding and natural topography (including factors such as soil type, elevation, natural terrain and adjacent development) and available/appropriate infrastructure.
- Protect wetlands, including, but not limited to, DEC and Army Corps Wetlands.

3. **AQ-3 and AQ-6 Maximum Permitted Densities** – The draft Comprehensive Plan Update included a recommendation that the permitted development density within the Aquifer Overlay Districts (AQ) be revised to eliminate density bonuses and mandate that the maximum permitted density within the AQ-3 and AQ-6 not exceed 3 acres and 6 acres, respectively. The Plan has been revised to reinstate the existing allowable increase to maximum permitted densities within the AQ-3 and AQ-6 districts as specified in Zoning Code §97-27(B) (see text below) provided an applicant can demonstrate that the project will not adversely affect the supply and quality of potable water, using the Town-Wide Water Testing Protocols (see

Appendix B of this FGEIS). Applicants will be able to achieve maximum densities of one unit per two acres in the AQ-3 and one unit per three acres in the AQ-6.

§97-27. Aquifer Overlay District

B. The maximum densities referred to in Subsection A above may be increased if an applicant can show, through site-specific hydrological analysis and project design measures, that the particular proposed project will not adversely affect the supply and quality of potable water, using the water testing protocols described in Subsection D below and Appendix C. Densities shall not be permitted to be increased to a degree that is greater than one unit per two acres in the AQ-3 district or one unit per three acres in the AQ-6 district. The applicant may propose design measures to reduce impacts on potable water, which shall be considered by the Planning Board in determining an alternative allowable density. Such measures may include, without limitation, minimization of impervious surfaces, minimization of lawns and water-consumptive gardens, prohibition of or use of moisture meters on lawn sprinkler systems, use of gray water recycling, advanced subsurface wastewater discharge systems, and use of water-saving plumbing fixtures that are more efficient than required by applicable building and plumbing codes.

In addition, to reflect the changes to the Zoning Code described above, §97-20 is proposed to be amended as follows:

§97-20. Standards for open space development

A. Density calculation. The maximum allowable density (i.e., the maximum number of dwelling units) in an open space development is described below. However, this density cannot under any circumstances exceed the density parameters of the Aquifer Overlay District described in § 97-27. The maximum density permissible in an open space development is therefore the lesser of the density allowed by § 97-27 or the density allowed by the following formula based upon the acreage of "constrained" and "unconstrained" land on the property. An example of how this density might be calculated on a sample parcel is noted in Appendix A. However, to the extent that the Appendix A example conflicts with this Section, the provisions of this Section control.

**III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS**

- (1) To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed development parcel the acreage of constrained land as defined in §97-84. Fractional units of 0.5 or less shall be rounded down and fractional units greater than 0.5 shall be rounded up.
- (2) The "base" number of allowable residential units on the site is 33% of the number of unconstrained acres on the property in the AQ-6 Overlay District. ~~However, in no case shall the density exceed 1 unit per 6 acres in the AQ-6 Overlay District.~~ The "base" number of allowable residential units on the site is 50% of the number of unconstrained acres on the property in the AQ-3 Overlay District. ~~However, in no case shall the density exceed 1 unit per 3 acres in the AQ-3 Overlay District.~~ This is the base number of units that can be built on the property (if allowed by § 97-27).

This reinstatement of the existing allowable increase to maximum permitted densities within the AQ-3 and AQ-6 districts allows applicants to increase the permitted density on property in relation to the water available, with a cap on density levels that will not unreasonably restrict property owners or detract from the rural nature of the Town.

4. **Impervious Surface Commercial/Industrial Coverage Ratios** – Based on several comments received on the Draft GEIS, the maximum impervious surface coverage requirements contained in Zoning Code § 97-14(A) are proposed to be revised as shown below (see Appendix B).

Zone	Maximum Impervious Surface Coverage	
	Existing	<u>Proposed</u>
HC	60%	<u>70%</u>
CO	40%	<u>70%</u>
I	30%	<u>70%</u>

5. **Affordable Housing** –Comments were received on the DGEIS regarding the Town’s ability to adequately provide its fair share of more affordable housing to meet its own and regional needs and in furtherance of Plan Goal #3 (provide a range of housing alternatives...for a range of socio-economic groups). To address these concerns, the Town Board has decided to take a two-pronged approach: (1) require mandatory affordable housing in the RU

### *III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS*

district for new residential developments of 10 units or more, and (2) allow multifamily housing as of right in more zones throughout the Town.

The Town Board proposes to require additional affordable housing units as part of residential developments. The RU zoning district regulations (see § 97-18 of Appendix B) shall be amended to require that 10% of all units in new residential developments of 10 or more units be affordable housing units as described in § 97-24 of the Zoning Code. This requirement is in addition to the existing mandate for 10% and 15% affordable housing units within HR and PAC developments, respectively.

In order to adequately provide for its share of more affordable housing, the Town Board concluded that, in addition, multifamily housing needed to be available as of right in more zones within the Town to aid in providing for a range of socio-economic groups. Therefore, the Use Table (see below) of the Zoning Code is proposed to be amended to permit multifamily housing as an allowed use within the RU [multifamily dwelling conversion and accessory apartment], HR (multifamily dwelling new and conversion and accessory apartment), HC (accessory apartment and upper-floor apartments in mixed-use building), and CO (multi-family dwelling conversion, accessory apartment, and upper-floor apartments in mixed-use building) by right, subject to site plan review by the Planning Board instead of by Special Permit. This amendment to the Use Table would expand and streamline the approval process for a range of multifamily housing types in the Town. The relevant proposed revisions to the Zoning Code Use Table are outlined below.

**Use Table**

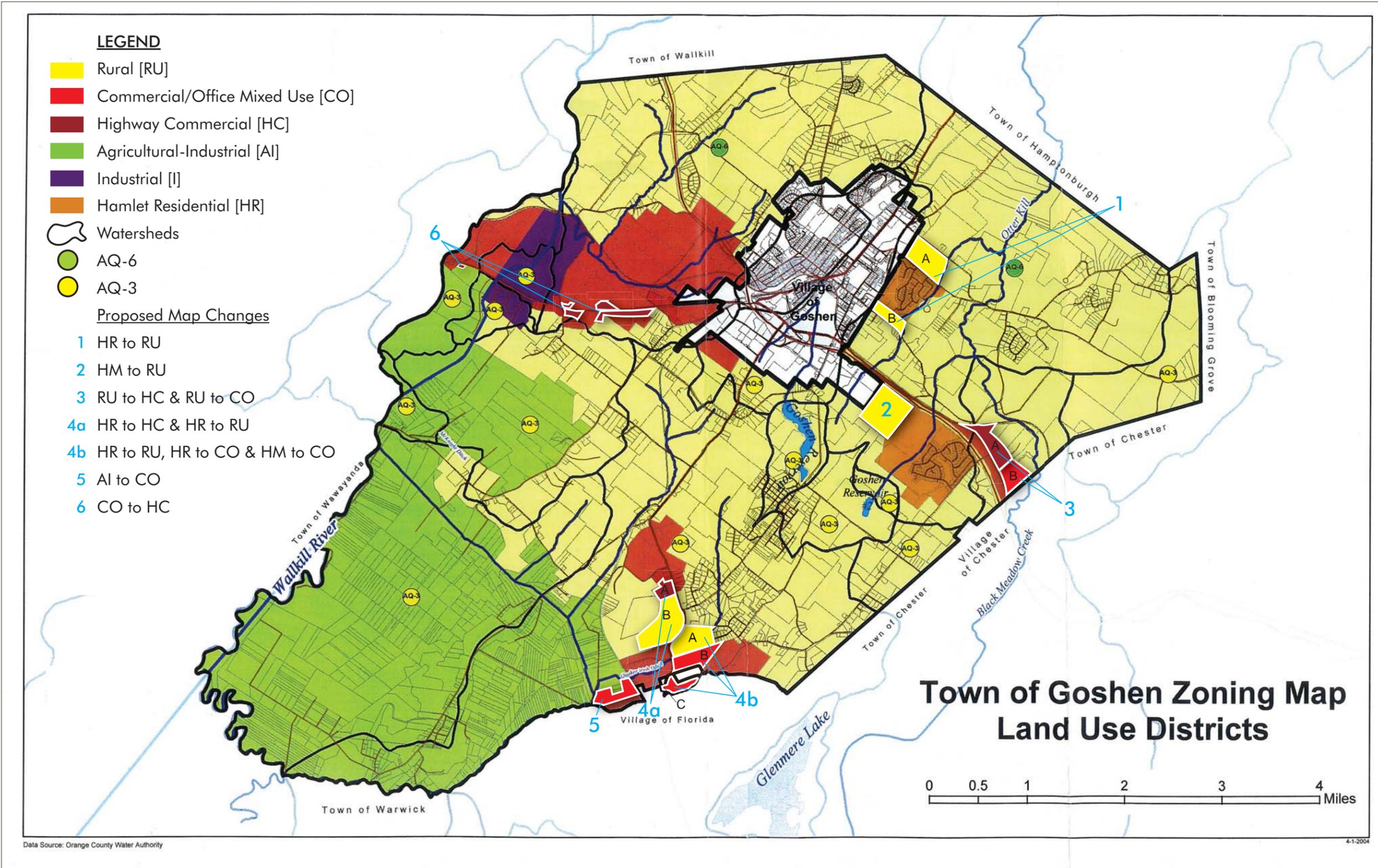
Use Category	Land Use Districts (see § 97-13 for AI District)					Section Reference
	RU	HR	HC	CO	I	
<b>RESIDENTIAL USES</b>						
Single-family dwelling	P	P	S	S	--	
Two-family dwelling	P	P	S	S	--	
Multifamily dwelling (conversion)	P*	P*	--	P*	--	§ 97-12(B)
Multifamily dwelling (new)	P*	P*	--	P*	--	§ 97-20(D)
Accessory apartment	P*	P*	P*	P*	--	§ 97-12(A)
Upper-floor apartments in mixed-use building	--	P*	P	P	--	
Residential care facility	S	--	--	--	--	§ 97-60
Planned adult community	S	S	--	--	--	§ 97-15(P)

**NOTES:**

- P Designates a use permitted by right. Usually requires a zoning permit or a building permit and a certificate of occupancy from the Code Enforcement Officer, but does not require review by any municipal board.
- P\* Designates a use permitted by right, subject to site plan review by the Planning Board (see § 97-75 et seq.).
- S Designates a use permitted by special permit issued by the Planning Board (see § 97-70 et seq.).
- Designates a prohibited use.

***C. Changes to the Proposed Action - Map***

The number and extent of the potential Zoning Map changes have been reduced in response to public comments received on the DGEIS. Comprehensive Plan Figure 5.1 (see FGEIS Figure 6) illustrating the potential zoning map changes has been revised accordingly. Figure 7 shows the revised proposed zoning map changes. In addition, in response to comments received, the zoning changes have been renumbered so that each rezoning “area” is numbered consecutively. Below is a brief summary of each change:



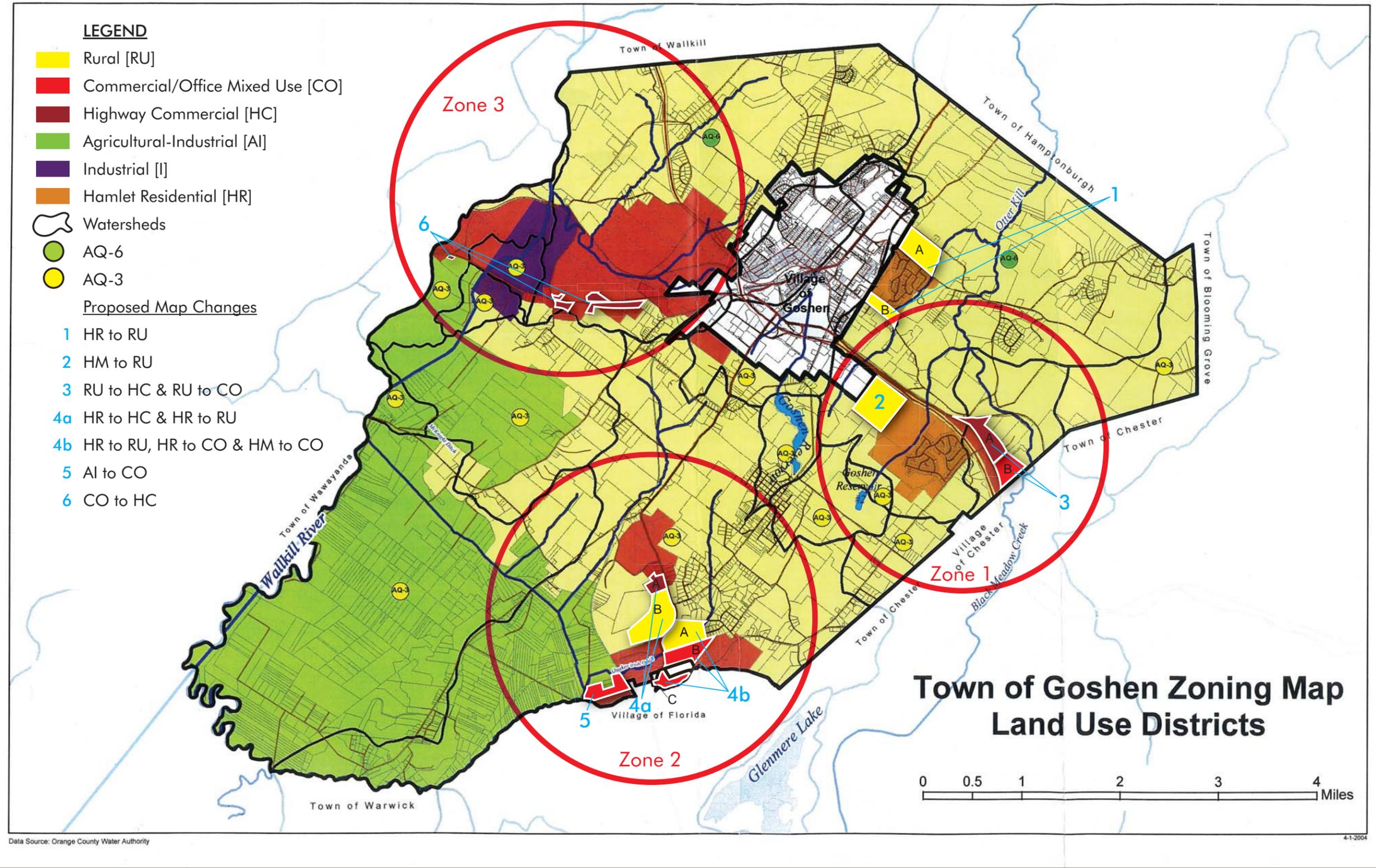
TOWN OF GOSHEN

FIGURE 7: PROPOSED ZONING MAP

FINAL GENERIC EIS

SOURCE: GARLING ASSOCIATES; BASE MAP FROM ORANGE COUNTY





1. **Hamlet Mixed Use District on Harriman Drive** – The draft Comprehensive Plan Update proposed to eliminate the approximately 141 acre Hamlet Mixed Use (HM) area on Harriman Drive and proposed to rezone the area to Commercial/Office Mixed Use (approximately 84 acres) and Rural (RU) (approximately 57 acres). The Plan has been revised to recommend that the proposed CO zone (approximately 84 acres) be divided into RU (approximately 57 acres) and Hamlet Residential (HR)<sup>2</sup> (approximately 27 acres). This results in the entire area shown as Area 2 on Figure 6 to be rezoned to RU.

This change will avoid the placement of a commercial use, producing a highway and/or heavy traffic, adjacent to an approved residential development in the Village of Goshen and a proposed development in the Town of Goshen.

2. **Hamlet Residential Area west of Route 17A, north of Florida** – The draft Comprehensive Plan Update recommended that the approximately 125 acre Hamlet Residential (HR) area west of Route 17A, north of Florida be rezoned to a mix of Highway Commercial (HC) and Commercial/Office Mixed Use (CO). To address concerns over the projected increase in traffic and possible visual impacts in the area resulting from the Plan recommendations (see also, *Analysis of Changes to Proposed Action*), the Plan has been revised to rezone of Area 4a-B on Figure 6 (approximately 104 acres) from CO to RU. The Plan maintains its recommendation that the remaining 24 acres be rezoned from HR to HC.

This proposed change was made to eliminate commercial uses along a curved road on land containing significant wetlands, water courses and steep terrain. This change would also reduce the future potential traffic along Route 17A in an area where sight distances are severely limited.

3. **Commercial/Office Mixed Use Area northwest of the Village of Goshen** – The draft Comprehensive Plan Update recommended that the approximately 56 acre area northwest of the Village of Goshen be rezoned from RU to CO. In light of the recent acquisition of the majority of this property by the New York Arch Diocese of the Catholic Church for the

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<sup>2</sup> The Draft Updated Comprehensive Plan proposes to amalgamate the Hamlet Residential (HR) and Hamlet Mixed-Use (HM) Districts to form one district – Hamlet Residential District (HR).

expansion of the John S. Burke High School facilities, the Plan has been revised to eliminate the recommendation that this area be rezoned from RU to CO as the acquisition of the property for school use precludes the expansion of CO uses in this area. The zoning in this area shall remain RU.

4. **RU District south of Industrial lands on Route 17M to the northwest of the Town of Goshen** – The draft Comprehensive Plan Update recommended that this approximately 111 acre area be rezoned from RU to Industrial (I). In order to address concerns over the projected increase in traffic in the area resulting from this recommendation, the Plan has been revised to eliminate the rezoning of this property. The zoning in this area shall remain RU.

***D. Impact Analysis of Final Recommended Plan***

The following section provides a generic, rather than site specific, analysis of the changes to the Proposed Action identified above. This level of analysis is consistent with the SEQRA regulations (§ 617.10). In addition, the changes to the Proposed Action will not result in additional significant adverse environmental impacts not previously analyzed in the DGEIS.

- **Exemptions**

There are eight projects<sup>3</sup> that have Preliminary Approval or Conditional Preliminary or Final Approval from the Town of Goshen Planning Board that have the potential to continue in the application process under the then existing Code without being subject to any revisions adopted by the Town Board. By the Town Board exempting projects that have requested proper extensions of such approvals, there are no additional environmental impacts that were not already anticipated and studied both at the time of the adoption of the 2004 Comprehensive Plan and Town Code and in the No Action Alternative.

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<sup>3</sup> The Meadows of Goshen application has vested, and is permitted to continue under the prior zoning regulations.

- **Updated Comprehensive Plan Goals and Objectives**

The revisions to the goals and objectives in the Comprehensive Plan, listed above, are consistent with the Town Board's vision for the Town of Goshen. These revisions continue to adhere to the general principles of the Orange County Comprehensive Plan, which depicts the Town as predominantly agricultural and residential, and supports the maintenance of agriculture, forests and other natural features in rural areas. The revisions will not result in any new adverse environmental impacts because to have effect, they must be implemented by zoning laws.

- **Reinstate Existing AQ-3 and AQ-6 Maximum Permitted Densities**

The Town Board purports to reinstate the existing allowable increases in the maximum permitted densities in the AQ-3 and AQ-6 Aquifer Overlay districts. The proposal includes a cap in the maximum permitted density of one unit per two acres in the AQ-3 district and one unit per three acres in the AQ-6 district.

As provided in the 2003 Schoor-DePalma Study, the Town of Goshen is entirely dependent on groundwater for its source of water, deriving its potable water from bedrock aquifers. In its analysis, the Study determined that the least constrained watershed could provide for no more than one unit per three acres.

Town experience in implementing its existing zoning has shown that this constraint is not an unvarying constant throughout the Town. Certain areas continue to struggle with water quality and quantity, while other areas of the Town appear to have water resources above the corresponding aquifer designations. As a result, the Town Board found it to be appropriate to permit applicants to demonstrate whether their property had a surplus capacity of water for the density permitted in that district, but also to put a limit on the additional density an applicant could obtain in an effort to maintain and achieve the goal of preserving the Town's rural character and water resources. In addition, the Town revised its Water Testing Protocols to provide better assurance that there is an adequate water supply on the property, but that its use would not significantly impact neighboring parcels. Consequently, no adverse environmental impacts are anticipated.

- **Impervious Surface Commercial/Industrial Coverage Ratios**

The proposed commercial coverage ratios presented above (see page 11) are comparable to the commercial coverage requirements for other Orange County municipalities. A comparison of coverage ratio requirements for various districts in other Orange County municipalities is shown below in Table 1.

It is noted that in several of the Orange County municipalities coverage requirements change for different uses within the same district. In addition, since impervious surfaces are defined more inclusively in Goshen than in most of the municipalities cited below and since the coverage ratios exclude wetlands and floodplains, a higher coverage ratio or percentage as compared to some other communities is recommended.

The following are the applicable definitions revised for inclusion in the Zoning Code:

“IMPERVIOUS SURFACE – Any structure, surface or material that substantially reduces or prevents absorption of stormwater into the ground.”

“IMPERVIOUS SURFACE COVERAGE – The ratio between impervious surface and total land area of a lot (excluding wetlands, watercourses, waterbodies and floodplains) expressed as the percentage of land covered by impervious surfaces.”

The term “waterbodies” shall be added to the definition of impervious surface coverage as waterbodies, watercourses and wetlands can be interpreted as three different water features.

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**TABLE 1: Town of Goshen - Coverage Comparisons for Comparable District In Surrounding Municipalities**

Town/Village and Districts	Maximum Percentage Coverage	
	Buildings	Total Impervious Area
<b>Town of Goshen (Existing)</b>		
I	----	30
CO	----	40
HC	----	60
<b>Town of Goshen (Proposed)</b>		
I	----	<u>70</u>
CO	----	<u>70</u>
HC	----	<u>70</u>
<b>Town of Wallkill</b>		
ENT	40	70
ENT-L	40	60
O/R	40	60
<b>Town of Hamptonburgh</b>		
I	30	70
OHC	20	50
IP	25	70
<b>Town of Crawford</b>		
I	35	—
<b>Town of Montgomery</b>		
HC	50	—
OP	30	—
ID	40	—
I-1/I-2	30	—
I-3/I-4	40	—
<b>Town of Chester</b>		
GC	25-30	—
OP	20-30	—
IP	40	—
I	40	—

TABLE 1: Town of Goshen - Coverage Comparisons for Comparable District In Surrounding Municipalities, Continued

Town/Village and Districts	Maximum Percentage Coverage	
	Buildings	Total Impervious Area
<b>Town of Crawford</b>		
I	35	—
<b>Town of Montgomery</b>		
HC	50	—
OP	30	—
ID	40	—
I-1/I-2	30	—
I-3/I-4	40	—
<b>Town of Chester</b>		
GC	25-30	—
OP	20-30	—
IP	40	—
I	40	—
<b>Village of Chester</b>		
M-1	50	—
M-2	60	—
<b>Town of Newburgh</b>		
B	25-40	50-80
IB	20-40	50-80
I	20-40	50-80
<b>Village of Goshen</b>		
DS	25	65
IP	30	65
I	40	80

Source: Garling Associates, 2008

In order to determine the potential impacts associated with the proposed increase in the impervious surface coverage ratios, the following assumptions were made:

1. Net Acreage

To determine the potential increase in development square footage associated with the proposed increases in the impervious surface coverage ratios and from the proposed zoning map changes, it was first necessary to determine the existing gross acreage, Town-wide, of each of the commercial and industrial zoning districts shown on Figure 2 in Section I of this FGEIS. The

### III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS

existing gross area of each zoning district (I, HC, and CO) was calculated (see Gross Area column in Table 2) using Town of Goshen *Geographical Information Systems (GIS)* data provided by the Town of Goshen. In order to provide a realistic estimate of the net acreage available for future commercial/industrial development, Town Planner Edwin Garling surveyed the commercial and industrial properties in the Town to determine approximately what percentage of the existing I, HC, and CO zones are currently built out. Based on the Town Planner's survey, it was determined that within the Industrial (I) zone approximately 20% of the land is built-out and another 25% consists of landfill (65% net land area); approximately 90% of the land in the Highway Commercial (HC) zone is built-out (10% net land area), and within the Commercial/Office Mixed Use (CO) zone approximately 50% of the land is built-out and another 15% is wetlands or areas with steep slopes (45% net land area). In addition, it is assumed that as a result of the increase in the coverage ratios, some of the existing commercial/industrial uses may seek to expand their existing buildings; therefore, the net land area assumptions have been discounted by 5% to account for possible future expansions.

The existing net acreage (column 3 in Table 2) is assumed at:

Industrial (I)	60%
Highway Commercial (HC)	15%
Commercial/Office Mixed Use (CO)	40%

After the existing gross and net acreages were determined the proposed gross and net acreages were calculated. The proposed gross area of the six zoning map changes are included as a separate column in Table 2 and were calculated using Town of Goshen Tax Maps. The proposed net area consists of the existing net acreage (see above) plus the net acreage of the proposed rezoning sites<sup>4</sup>. After the proposed gross acreage of the six zoning map changes was calculated, an estimated area of future roads, design inefficiencies and environmentally constrained lands were subtracted to determine the net proposed acreages for the six zoning map changes only. Generally, on a parcel of any significant size, internal roads must be built to support future development. These usually take between 10% and 15% of a site depending on the parcel size and site configuration and another 5% of the

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<sup>4</sup> The six rezoning sites are currently vacant, whereas the majority of the land within the existing I, HC, and CO zones is currently built out; therefore, different assumptions have been made to calculate net acreage.

### III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS

land area was assumed to be environmentally constrained. Thus, the net acreage that is developable within the six rezoning sites is assumed at 80% of the gross acreage of the lands within the rezoning sites.

The proposed net acreage (column 9 in Table 2) is assumed at:

- Industrial (I): 60% for existing commercial areas and 80% of the proposed rezoned area
- Highway Commercial (HC): 15% for existing commercial areas and 80% of the proposed rezoned area
- Commercial/Office Mixed Use (CO): 40% for existing commercial areas and 80% of the proposed rezoned area

#### 2. Development Square Footage

The development square footage varies by zoning district and is controlled by two basic parameters within the HC, CO and I zones: (1) total impervious surface, and (2) parking. The existing and proposed coverage ratios are as follows:

	<i>Existing</i>	<i>Proposed</i>
Industrial (I)	30%	<u>70%</u>
Highway Commercial (HC)	60%	<u>70%</u>
Commercial/Office Mixed Use (CO)	40%	<u>70%</u>

The amount of impervious surfaces was assumed as the maximum development area within each zone. Then parking requirements were assumed to be met with at-grade parking at 350 square feet per car. Real estate values in Goshen do not currently support structured parking. When these assumptions are considered, the resulting floor area is approximately:

	<i>Existing</i>	<i>Proposed</i>
Industrial (I) <sup>5</sup>	7,000 SF/ac	16,500 SF/Ac
Highway Commercial (HC) <sup>6</sup>	11,000 SF/ac	13,500 SF/Ac
Commercial/Office Mixed Use (CO) <sup>6</sup>	9,000 SF/ac	13,500 SF/Ac

<sup>5</sup> The floor area calculation for Industrial (I) assumes a one-story building.

<sup>6</sup> The floor area calculation for Highway Commercial (HC) and Commercial/Office Mixed Use assumes a two-story building.

**Table 2: Increase in Commercial/Industrial Square Footage from Proposed Impervious Surface Coverage Ratios and Proposed Zoning Map Changes**

Zoning	Existing					Proposed						Increase	
	Gross Area (Ac)	Net Area~ (Ac)	Coverage ratio	GSF/Ac*	Area (TGFA) SF	Gross Area (Ac)	Gross Area - Prposed Rezoning Area	Net Area~ (Ac)	Coverage ratio	GSF/ Ac*	Area (TGFA) SF	GSF/Ac*	Area (TGFA) SF
Industrial (I)	431	259	30%	7,000	1,810	431	0	259	70%	16,500	4,267	9,500	2,457
Highway Commercial (HC)	105	16	60%	11,000	173	105	137	125	70%	13,500	1,692	2,500	1,519
Commercial/Office Mixed Use (CO)	1,792	717	40%	9,000	6,451	1,792	82	782	70%	13,500	10,562	4,500	4,111
<b>Total</b>					<b>8,434</b>						<b>16,521</b>		<b>8,087</b>

Notes:

~Existing Net Area (Ac) that is developable is assumed at:

(I) - 60%

(HC) - 15%

(CO) - 40%

Proposed Net Acreage is assumed at:

(I) - 60% for existing commercial areas and 80% of the proposed rezoned area

(HC) - 15% for existing commercial areas and 80% of the proposed rezoned area

(CO) - 40% for existing commercial areas and 80% of the proposed rezoned area

\*Gross square footage (GSF) per acre assumes a 1 story building in the I zone; GSF per acre assumes 2 story building in HC and CO zones

TGFA: Thousand Square-feet of Gross Floor Area

As shown in Table 2 above, the proposed increase in the maximum impervious surface coverage ratios, combined with the six zoning map changes presented in Figures 6 and 7 above, could potentially result in approximately 6.9 million gross square feet of new floor area within the Town of Goshen's existing I, HC, and CO zoning districts. Specifically, the increased coverage ratios, combined with the proposed zoning map changes, could result in approximately 2.46 million gross square feet of new industrial floor area, approximately 1.5 million gross square feet of highway commercial uses, and approximately 4.1 million gross square feet of commercial/office floor area.

**Economic Analysis of Increase in Coverage Ratios**

Amending the Zoning Code to increase commercial and industrial coverage ratios, as well as acreage from the proposed zoning map changes, in the Town of Goshen will have long-term positive impacts on property tax revenues and employment growth when development and occupancy occur. Table 3 illustrates the impact of expansion on County/Town and school district taxes in 2008 constant dollars, as well as the potential for additional employment given full occupancy. This shows a full commercial/industrial build out scenario which would take 30-40 years to achieve. Any build out analysis shows a theoretical maximum; its actual achievement depends on market absorption. As Table 2 above shows, with the expansion of gross floor area by up to approximately 8 million square feet, an estimated \$39 million in additional property taxes could be created and the added space could accommodate approximately 17,000 more workers under full occupancy.

*Expanded Tax Base*

The assumptions that underlie this projection pertain to the value of additional property improvements and their occupancy per worker. For County/Town taxes the Town of Goshen assesses commercial property at 55 percent of market value, while for school district taxes, market value is enhanced by 10 percent and property is assessed at 50 percent of enhanced value. Current tax rates are as follows per thousand dollars of assessed value:

**TABLE 3: Tax Liability and Employment Impact of Increase In Commercial/Industrial Square Footage**

TAX LIABILITY								
Zoning	Increase	Construction Cost \$ PSF	Construction Cost in \$2008	Assessment Value School District	Assessment Value County/Town	Times:		Combined School/County/Town Tax Liability
	Area (TGFA)					Tax Rate School District	Tax Rate County/Town	
Industrial (I)	2,457	\$125	\$307,125,000	\$168,918,750	\$168,918,750	\$4,899,766	\$2,310,251	\$7,210,017
Highway Commercial (HC)	1,519	\$225	\$341,775,000	\$187,976,250	\$187,976,250	\$5,452,560	\$2,570,895	\$8,023,454
Commercial/Office Mixed Use (CO)	4,111	\$250	\$1,027,750,000	\$565,262,500	\$565,262,500	\$16,396,366	\$7,730,926	\$24,127,292
Total	8,087		\$1,676,650,000	\$922,157,500	\$922,157,500	\$26,748,692	\$12,612,071	\$39,360,763

EMPLOYMENT IMPACT					
Zoning	Increase	Employment Per GSF	Employment Capacity	GSF Less: 6% Vacancy	Employment At Standard Occupancy
	Area (TGFA)				
Industrial (I)	2,457	600	4,095	2,310	3,849
Highway Commercial (HC)	1,519	500	3,038	1,428	2,856
Commercial/Office Mixed Use (CO)	4,111	375	10,963	3,86	10,305
Total	8,087		18,096		17,010

\*Assumes 50% office, 50% commercial occupancy

Source: Urbanomics, based on Town of Goshen tax and equalization rates.

### III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS

#### County/Town Taxes:

- County \$6.1027
- Town \$1.8640
- Open Space \$0.18510
- Highway \$2.18820
- PT Town \$1.37890
- Goshen Fire \$1.95780

#### School District Taxes:

- Goshen \$28.117957
- Library \$0.888684

The market value of potential commercial development is estimated at \$1.4 billion based upon the assumed construction costs reported in current dollars in Table 3. The assessed value of approximately 8 million additional square feet of commercial and industrial floor space at current rates of equalization is \$922 million. Application of the appropriate tax rates per thousand dollars of assessment yields \$7.2 million in industrial tax liability, \$8.0 million in highway commercial tax liability, and \$24.1 million in highway commercial/office mixed use tax liability, should all expanded capacity be developed.

#### Opportunity for Additional Employment

Given 6.9 million square feet of additional commercial and industrial development, at accepted rates of gross floor area per worker by industry some 17,000 more employment opportunities could be accommodated. Adjusted for standard rates of occupancy, which assume 6 percent average vacancy as Table 3 shows, the employment impact would amount to approximately 17,000 jobs at full occupancy of the development capacity.

#### Market Feasibility Assessment

The potential for development of approximately 8 million additional square feet of commercial and industrial floor space in the Town of Goshen is not expected in the near future. According to the long term employment forecasts of the New York Metropolitan Transportation Council (NYMTC), the official metropolitan planning organization for the New York Region, the payroll employment growth anticipated for Orange County amounts to 29,300 new jobs for the period 2005 to 2030. Given competing areas of development within the County, such as the demand for new

industrial space around Stewart International Airport or the commercial waterfront development of Newburgh, the market share that Goshen can potentially capture to support some 17,000 new jobs would suggest at least a 30 year timeframe.

**Traffic Analysis**

The following traffic impact analysis of the changes to the Proposed Action (i.e. increased coverage ratios and revised potential zoning map changes) are based on the assumptions described above on pages 22-24 and as summarized for clarity below:

1. *Net Acreage*

The existing and proposed net acreage used in the traffic analysis of the increased commercial coverage ratios is assumed at (see Page 23 above for more detail):

Industrial (I)	60%
Highway Commercial (HC)	15%
Commercial/Office Mixed Use (CO)	40%

The existing and proposed net acreage that is developable used in the traffic analysis of the six zoning map changes is assumed at 80% of the gross acreage of the lands within the rezoning sites (see Page 24 above for more detail).

2. *Development Square Footage*

The development square footage varies by zoning district and is controlled by two basic parameters within the HC, CO, and I zones: (1) total impervious surface and (2) parking. The existing and proposed coverage ratios used in both the increased coverage ratio analysis and the zoning map change analysis are as follows:

	<i>Existing</i>	<i>Proposed</i>
Industrial (I)	30%	<u>70%</u>
Highway Commercial (HC)	60%	<u>70%</u>
Commercial/Office Mixed Use (CO)	40%	<u>70%</u>

The amount of impervious surface was assumed as the maximum development area within each zone. Parking requirements were assumed to

### III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS

be met with at-grade parking at 350 square feet per car. Real estate values in Goshen do not currently support structured parking. When these assumptions are considered, the resulting floor area is approximately:

	<i>Existing</i>	<i>Proposed</i>
Industrial (I) <sup>7</sup>	7,000 SF/Ac	16,500 SF/Ac
Highway Commercial (HC) <sup>8</sup>	11,000 SF/ac	13,500 SF/Ac
Commercial/Office Mixed Use (CO) <sup>8</sup>	9,000 SF/ac	13,500 SF/Ac

#### 3. Trip Generation

Vehicular trip generation rates were applied to total square footage based upon standard trip generation rates contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Report (7<sup>th</sup> Edition)*.

#### **Proposed Increase in Impervious Surface Coverage Ratios**

The proposed increase in the impervious surface coverage ratios only affects land located within the Industrial (I) zone, Highway Commercial (HC) zone and the Commercial/Office Mixed Use (CO) zone. The I, HC, and CO zones are concentrated in three general areas within the Town. Figure 8 below shows the location of the three "traffic analysis zones." The first traffic analysis zone is located in the eastern portion of the Town and includes a strip of CO along State Route 17M; no HC or I lands are located in this area. The second traffic analysis zone is located in the south central portion of the Town, just north of the Village of Florida and includes CO and HC lands along State Route 17A and State Route 94; no I lands are located in this area. The third traffic analysis zone is located to the west of the Village of Goshen and includes a swath of CO, HC, and I uses along State Route 17M.

As shown in Table 4, the comparison of the traffic generation for these three traffic analysis zones shows an increase in traffic generation in all three zones as a result of the increase in the impervious surface coverage ratios. Each zone is discussed below:

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<sup>7</sup> The floor area calculation for Industrial (I) assumes a one-story building.

<sup>8</sup> The floor area calculation for Highway Commercial (HC) and Commercial/Office Mixed Use assumes a two-story building.

**Insert Figure 8: Traffic Analysis Zones**

**Table 4: Traffic Impact of Increased Coverage Ratios on Commercial and Industrial Zones  
Town of Goshen, NY**

Zoning District by Traffic Analysis Zone	Existing						Proposed						Increased Due to the Proposed Action		
	Gross Area (Ac)	Net Area (Ac)	Coverage ratio	GSF/Ac*	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)	Gross Area (Ac)	Net Area (Ac)	Coverage ratio	GSF/Ac*	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)	GSF/Ac*	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)
Analysis Zone 1															
Industrial (I)	0	0	30%	7,000	0	0	0	0	70%	16,500	0	0	9,500	0	0
Highway Commercial (HC)	0	0	60%	11,000	0	0	0	0	70%	13,500	0	0	2,500	0	0
Commercial/ Office Mixed Use (CO)	52	21	40%	9,000	187	416	52	21	70%	13,500	281	626	4,500	234	210
<b>Total</b>						416						626			210

Zoning	Existing						Proposed						Increased Due to the Proposed Action		
	Gross Area (Ac)	Net Area (Ac)	Coverage ratio	GSF/Ac*	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)	Gross Area (Ac)	Net Area (Ac)	Coverage ratio	GSF/Ac*	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)	FAR/Acre (SF/Ac*)	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)
Analysis Zone 2															
Industrial (I)	0	0	30%	7,000	0	0	0	0	70%	16,500	0	0	9,500	0	0
Highway Commercial (HC)	28	4	60%	11,000	46	147	28	4	70%	13,500	57	182	2,500	70	35
Commercial/ Office Mixed Use (CO)	411	164	40%	9,000	1,480	3,296	411	164	70%	13,500	2,219	4,942	4,500	1,850	1,646
<b>Total</b>						3,443						5,124			1,681

Zoning	Existing						Proposed						Increased Due to the Proposed Action		
	Gross Area (Ac)	Net Area (Ac)	Coverage ratio	GSF/Ac*	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)	Gross Area (Ac)	Net Area (Ac)	Coverage ratio	GSF/Ac*	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)	FAR/Acre (SF/Ac*)	Area (TGFA) SF	Traffic PM Peak Hour (Veh/h)
Analysis Zone 3															
Industrial (I)	431	259	30%	7,000	1,810	1,138	431	259	70%	16,500	4,267	2,684	9,500	4,095	1,546
Highway Commercial (HC)	77	12	60%	11,000	127	405	77	12	70%	13,500	156	497	2,500	193	92
Commercial/ Office Mixed Use (CO)	1,329	532	40%	9,000	4,784	10,654	1,329	532	70%	13,500	7,177	15,983	4,500	5,981	5,329
<b>Total</b>						12,197						19,164			6,967

Notes:

\*Gross square footgae (GSF) per acre assumes a 1 story building in the I zone; GSF per acre assumes 2 story building in HC and CO zones

TGFA: Thousand Square-foot Gross Floor Area

Net (Developable) Acreage:

- I 60%
- HC 15%
- CO 40%

**Traffic Analysis Zone 1** - Within analysis zone 1, only 210 PM peak hour trips are projected at full build out which is projected to take 30 to 40 years (see coverage ratio analysis above). Traffic analysis zone 1 also includes two of the proposed zoning map changes (see Figure 8). As shown in the traffic analysis of the proposed zoning map changes below (see Table 6) these two rezoning areas (Areas 2 and 3) have the potential to generate an additional 1,637 PM peak hour trips. As discussed in the DGEIS, PM peak hour trips within traffic analysis zone 1 will be mitigated in part by a new interchange for Rte 17/I-86 in that area.

**Traffic Analysis Zone 2** – Within analysis zone 2, approximately 1,681 PM peak hour trips are projected at full build out which is projected to take 30 to 40 years (see coverage ratio analysis above). Traffic analysis zone 2 includes two of the proposed zoning map changes (Areas 4a, 4b, and 5). As shown in the traffic analysis of the proposed zoning map changes below (see Table 6) these two rezoning areas have the potential to generate an additional 2,412 PM peak hour trips. The total PM peak hour trips for this zone are 4,093 which is only 887 trips higher than was previously studied in the DGEIS and approximately 41% of the trips currently projected for this zone are predicated on a 30-40 year build out. In addition, as described in the DGEIS, the increased traffic generation in the area can be mitigated by increased highway capacities that are proposed to be implemented in those areas.

**Traffic Analysis Zone 3** – Within analysis zone 3, approximately 5,329 PM peak hour trips are projected at full build out which is projected to take 30 to 40 years (see coverage ratio analysis above). Traffic analysis zone 3 includes one of the proposed zoning map changes (Area 6). As shown in the traffic analysis of the proposed zoning map changes below (see Table 5) this rezoning area will have the potential to generate an additional 549 PM peak hour trips. Also, as described in the DGEIS, this area is located along Rte 17M which has reserve capacity to accommodate additional future trips.

It is important to realize that traffic generation is only one measurement of the traffic impacts related to the proposed increase in impervious surface coverage ratios. It describes only the number of vehicles entering or exiting a development site, and does not reflect the potential changes in travel behavior (travel destinations) and vehicle miles of travel that occur as a result of the new uses.

Whereas new residential developments show relatively low traffic generation, the new vehicle trips reflect new traffic growth, new trips from home to work, new trips from home to school, new trips from home to shopping, etc. The addition of retail

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uses in the Town of Goshen does not mean that the Goshen residents will suddenly shop more (although that may happen to a very small degree, because shopping became more convenient). The addition of retail uses in the Town primarily means that some shopping trips that are being made by Goshen residents today to retail destinations further away (in Woodbury, Harriman, etc.) will shift to retail destinations in the Town. Similarly, today, a significant portion of Goshen residents commute to jobs outside the Town. This is largely due to the fact that employment opportunities in the Town are limited. As more jobs are added inside the Town more residents will opt to work within closer proximity to home.

All these shifts caused by the additional commercial square footage and the better balance of land uses within the Town will result in shorter trips and reduced vehicle miles of travel. In those areas close to new commercial uses some trips may actually change from the automobile to walking and bicycling. These may include trips coming out of an office and going shopping or going to a residence nearby. The above shifts in travel will be further encouraged by the increasing price of fuel. Many residents will search for ways to reduce their vehicle miles and will attempt to do their shopping closer to home or will look for a job closer to home. We expect that the market driving these new commercial developments will respond to these demands.

To conclude, the negative impacts caused by the greater traffic generation around the existing and proposed commercial/industrial zones as a result of the increases coverage ratios will be offset to some degree by reduced vehicle miles (and reduced pollution and fuel consumption) on a larger scale. The new commercial developments will provide opportunities for shorter auto trips and to a small degree for some trips to be made by bicycle and by foot. In addition, traffic calming, access management and improved intersection performance measures recommended in the Traffic Analysis section of the Updated Comprehensive Plan, will likely have a positive impact on the traffic and transportation performance within the Town and would serve to off-set the impacts of the increased traffic generation.

It is also important to note that the full impact of the increased coverage ratios will not be felt for more than 30 years. Further, the upgrading of Route 17 to I-86, as well as other New York State Department of Transportation (NYSDOT) roadway improvements, should also have a positive impact on the levels of congestion experienced in Goshen now and in the future, as through traffic will not impact on the area. See Appendix E: Design Proposal Drawings of this FGEIS for the proposed NYSDOT upgrade work that will affect the Town of Goshen and immediately surrounding area. However, the proposed mitigation measures contained in the DGEIS to alleviate future traffic issues in the Town will still apply. Given the

generic nature of the analysis contained in this FGEIS, in accordance with the SEQR regulations (§ 617.10), detailed traffic impact studies will need to be undertaken for future site-specific developments within the I, HC and CO zones to determine the local traffic impacts and develop site-specific mitigation measures as needed.

- **Affordable Housing**

As described above, the Town Board has revised the proposed Zoning Code changes to provide a range of housing alternatives that meet local and regional needs. A study, entitled “Dutchess, Orange, and Ulster County Regional Housing Needs Assessment, An Overview of the Study and Preliminary Findings” (June 11, 2008) was used to determine the Town’s share of affordable housing units. The figure used in the Housing Needs Assessment was calculated using both population and land area.

**Population**

According to the Regional Housing Needs Assessment, Orange County’s population is 341,367.<sup>9</sup> This population count can be updated based on an October 2008 study entitled, “The New York State Division of Housing and Community Renewal: Statewide Affordable Housing Needs Study: Mid-Hudson Regional Report,” which provided the population of Orange County in 2006 as 376,392. The Town of Goshen has an estimated 2006 population of 8,442, which represents approximately 2.24% of the County.

The Orange County study noted that the County as a whole has 31,272 less affordable units (including owner units and rental units) than existing demand. If we allocate to the Town of Goshen a percentage of the affordability gap for Orange County based on population, then the Town of Goshen (excluding the Village of Goshen) has a demand deficit of approximately 750 units, based upon 2006 data.<sup>10</sup>

**Area**

Orange County is 816.38 square miles. The land area of the Town of Goshen, outside of the Villages of Goshen, Chester and Florida, is 40.0 square miles. If the

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<sup>9</sup> U.S. Census Population data dated April 1, 2000 as provided by the Orange County Planning Department.

<sup>10</sup> According to the study this demand deficit, if uncorrected, will rise relatively modestly through 2010, at which time new census numbers will begin to be made available, and the Town of Goshen will be nearing the time when its Comprehensive Plan should be given an additional review.

Town's required portion of the affordability housing gap were based on area, the Town of Goshen would be responsible for approximately 4.9 percent of the deficit, or 1,532 units.

**Impact of Proposed Changes**

The Town Board has proposed to modify the Zoning Code to provide for additional mandatory affordable housing requirements. Any residential development in the Rural (RU) zone greater than 10 units will be required to make 10% of those units affordable, as per § 97-24 of the Zoning Code. This mandate is in addition to the 10% requirement in the Hamlet Residential (HR) zone, and the 15% requirement in Planned Adult Communities (PACs). This requirement will provide for a total of 269 mandatory affordable units.

In addition, the Town Board concluded that multifamily housing needed to be permitted in more zones within the Town to aid in providing a range of socio-economic groups. As a result, the Town Board revised the Use Table (See Appendix B) to permit, subject to site plan approval by the Planning Board, new multifamily dwellings, multifamily conversion dwellings and accessory apartments in the HR, RU and Commercial/Office Mixed-Use (CO) districts.

Assuming that 85% of all existing and potential single-family dwelling units had adequate water and sewer capacity, this would permit 2,028 accessory apartments. As mentioned in the DGEIS, it is generally accepted in New York law that the zoning availability for multifamily homes equates to affordable housing opportunities. This creates the requirement that the Town of Goshen's rezoning have at least the zoning opportunity for approximately 1,532 additional multifamily homes to address appropriately the regional needs for such housing.

**Proposed Zoning Map Changes**

The potential zoning map changes have been reduced both in terms of the number and type of proposed changes (see Figure 6 and 7 of the FGEIS); the DGEIS included eight potential changes and based on comments received on the DGEIS, six changes are currently proposed. In addition, based on concerns raised by the public, several areas that were previously proposed to be rezoned to Commercial (CO) and Industrial (I) have either been eliminated or are now proposed to be rezoned to Rural (RU) instead (see discussion of proposed zoning map changes above). Based

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on the traffic assumptions presented above, Tables 5<sup>11</sup> and 6<sup>12</sup> below present the traffic generation that could be expected during the afternoon (PM) peak hour under the proposed future zoning as presented in the DGEIS (Table 5) and as proposed in this FGEIS (Table 6).

These tables are used to compare the DGEIS potential zoning map changes to the proposed future zoning map changes as revised based on the DGEIS public comment period and included in the FGEIS. The DGEIS (pages 40-45) included a detailed analysis of the traffic impacts associated with the potential zoning map changes.

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<sup>11</sup> Table 5: The development square footage for both the existing and proposed PM peak hour traffic generation assumes the existing coverage ratios as the coverage ratios were not proposed to be revised as part of the DGEIS analysis.

<sup>12</sup> Table 6: The development square footage for the existing zoning is based on the existing coverage ratios and the proposed zoning analysis is based on the proposed coverage ratios.

**Table 5- Traffic Generation Comparison of Zoning Map Changes Proposed in the DGEIS  
Town of Goshen, NY**

Zone	Existing Zoning									Proposed Zoning									Δ PM Net Traffic	
	Gross Area (Acre)	Net Area (Acre)	Existing Zoning	ITE #	Qua.	Unit	PM Peak Hour	% Pass-By	PM Net Traffic	Area (Acre)	Net Area (Acre)	Proposed Zoning	ITE #	Qua.	Unit	PM Peak Hour	% Pass-By	PM Net Traffic		
1	104.3	83.4	HR	230	250	D.U.	130	0%	130	104.3	83.4	RU	230	17	D.U.	17	0%	17	-113	
2	114.6	91.7	HM	230	344	D.U.	179	0%	179	84.0	67.2	CO	820&710	605	TGLA (SF)	1,585	18%	1,308	+1129	
				820	10	TGLA (SF)	38	35%	25	57.3		RU	230	10	D.U.	10	0%	10	-15	
3	104.0	83.2	RU	230	17	D.U.	9	0%	9	64.7	51.8	HC	820	569	TGLA (SF)	2,134	35%	1,387	+1860	
										39.3		CO	820&710	283	TGLA (SF)	741	35%	482		
Sub-total (2 & 5)									213	Sub-total (2 & 5)									3,187	+2974
4a	124.6	99.7	HR	230	374	D.U.	194	0%	194	20.8	16.6	HC	820	183	TGLA (SF)	686	30%	480	+1949	
										103.8		CO	820&710	747	TGLA (SF)	1,957	15%	1,663		
4b	64.0	51.2	HR	230	192	D.U.	100	0%	100	64.0	51.2	RU	230	11	D.U.	11	0%	11	-89	
	40.0	32.0	HR	230	120	D.U.	62	0%	62	40.0	32.0	CO	820&710	288	TGLA (SF)	755	15%	642	+580	
	10.0	8.0	HM	230	30	D.U.	16	0%	16	10.0	8.0	CO	820&710	72	TGLA (SF)	189	15%	161	+118	
820				10	TGLA (SF)	38	30%	27												
5	44.0		AI	170	44	Acre	58	0%	58	44.0		CO	820&710	317	TGLA (SF)	831	15%	706	+648	
Sub-total (3a, 3b & 7)									457	Sub-total (3a, 3b & 7)									3,663	+3206
7	55.7	44.6	RU	230	9	D.U.	9	0%	9	55.7	44.6	CO	820&710	401	TGLA (SF)	1,051	18%	867	+858	
6	51.0	40.8	CO	820&710	367	TGLA (SF)	962	18%	794	51.0	40.8	HC	820	449	TGLA (SF)	1,684	35%	1,095	+301	
8	110.8	88.6	RU	230	18	D.U.	18	0%	18	110.8	88.6	I	140	620	TGLA (SF)	459	0%	459	+441	
Sub-total (6 & 8)									812	Sub-total (6 & 8)									1,554	+742

Net Acreage = 80% \* Acreage  
 Commercial/ Office Mixed Use [CO] = 9,000 Sq. Ft. / Acre (50% office + 50% Retail)  
 Highway Commercial [HC] = 11,000 Sq. Ft. / Acre  
 Industrial [I] = 7,000 Sq. Ft. / Acre  
 Agricultural [AI]  
     [HR] = 3 D.U. (Townhouses) / Acre  
     [HM] = 3 D.U. (Townhouses) / Acre + 10,000 Sq. Ft. Commercial / lot  
     Rural [RU] = 0.17 D.U. (Single Family) / Acre (1 Unit / 6 Acre)  
 Agricultural [AI]

**Table 6- Traffic Generation Comparison of Zoning Map Changes Proposed in the FGEIS  
Town of Goshen, NY**

Zone	Existing Zoning									Proposed Zoning								Δ PM Net Traffic	
	Gross Area (Acre)	Net Area (Acre)	Existing Zoning	ITE #	Qua.	Unit	PM Peak Hour	% Pass-By	PM Net Traffic	Area (Acre)	Proposed Zoning	ITE #	Qua.	Unit	PM Peak Hour	% Pass-By	PM Net Traffic		
1	104.3	83.4	HR	230	250	D.U.	130	0%	130	104.3	RU	230	17	D.U.	17	0%	17	-113	
2	108.0	86.4	HM	820	324	TGLA (SF)	1,215	35%	790	57.3	RU	230	10	D.U.	10	0%	10	-780	
3	104.0	83.2	RU	230	17	D.U.	9	0%	9	64.7	HC	820	699	TGLA (SF)	2,621	35%	1,704	+2417	
										39.3	CO	820&710	424	TGLA (SF)	1,111	35%	722		
Sub-total (2 & 3)									799	Sub-total (2 & 3)								2,436	+1637
4a	124.6	99.7	HR	230	374	D.U.	194	0%	194	20.8	HC	820	225	TGLA (SF)	844	30%	591	+414	
										103.8	RU	230	17	D.U.	17	0%	17		
4b	64.0	51.2	HR	230	192	D.U.	100	0%	100	64.0	RU	230	11	D.U.	11	0%	11	-89	
	40.0	32.0	HR	230	120	D.U.	62	0%	62	40.0	CO	820&710	432	TGLA (SF)	1,132	15%	962	+900	
	10.0	8.0	HM	230	30	D.U.	16	0%	16	10.0	CO	820&710	108	TGLA (SF)	283	15%	241	+187	
				820	10	TGLA (SF)	38	0%	38										
5	44.0	35.2	AI	170	44	Acre	58	0%	58	44.0	CO	820&710	475	TGLA (SF)	1,245	15%	1,058	+1000	
Sub-total (4 & 5)									468	Sub-total (4 & 5)								2,880	+2412
6	51.0	40.8	CO	820&710	367	TGLA (SF)	962	18%	794	51.0	HC	820	551	TGLA (SF)	2,066	35%	1,343	+549	

Net Acreage = 80% \* Acreage

Existing Coverage Ratios:

Commercial/ Office Mixed Use [CO] = 9,000 Sq. Ft. / Acre (50% office + 50% Retail)

Highway Commercial [HC] = 11,000 Sq. Ft. / Acre

Industrial [I] = 7,000 Sq. Ft. / Acre

Proposed Coverage Ratios:

Commercial/ Office Mixed Use [CO] = 13,500 Sq. Ft. / Acre (50% office + 50% Retail) (2 Floors) - Proposed Zoning

Highway Commercial [HC] = 13,500 Sq. Ft. / Acre - Proposed Zoning

Industrial [I] = 16,500 Sq. Ft. / Acre - Proposed Zoning

Agricultural [AI]

[HR] = 3 D.U. (Townhouses) / Acre

[HM] = 3 D.U. (Townhouses) / Acre + 10,000 Sq. Ft. Commercial / lot

Rural [RU] = 0.17 D.U. (Single Family) / Acre (1 Unit / 6 Acre)

Agricultural [AI]

### *III. FINAL RECOMMENDED PLAN AND RELATED IMPACT ANALYSIS*

The rows of both tables are organized and sub-totaled according to the areas within the Town where zoning changes are proposed as illustrated in Figures 6 and 7:

- **Area 1:** Hambletonian Park Hamlet Residential Area located northeast of the Village
- **Areas 2:** Hamlet Mixed Use District on Harriman Drive (Hamlet at Goshen) and **Area 3:** Arcadia Road to Ward Road on Route 17 M both located to the southeast of the Village
- **Area 4a** and **4b:** Hamlet Residential Areas west and east of Route 17A (Prospect Hill), north of the Village of Florida and **Area 5:** AI District north of CO District near Village of Florida, both in the southern part of the Town
- **Area 6:** CO District along both sides of Route 17M, between Town of Wawayanda and Maple Avenue/61/2 Station Road located west of the Village

As presented above, the following Areas have been eliminated from the potential zoning map changes and therefore only appear on Table 3:

- **Area 7:** Proposed CO area located near John S. Burke High School located to the northwest of the Village
- **Area 8:** RU District south of Industrial lands on Route 17M located west of the Village

The proposed changes to the potential zoning map, as outlined above, will result in an approximately 42% decrease in traffic generation as compared to the zoning map changes analyzed in the DGEIS. The Town Board's decision to eliminate two of the areas proposed for commercial rezoning, one proposed for the Hamlet at Goshen property (Area 2) and the other at the Prospect Hill property (Area 4a) and instead rezone these areas to RU (from HR) significantly alleviates concerns over future traffic generation in these areas. In addition, the Town Board's decision to eliminate the proposed commercial area located near John S. Burke High School (Area 7) and the proposed industrial area located to the west of the Village off of Route 17M (Area 8) also eliminated concerns over increased traffic in these areas. The following provides a comparison of the traffic generation estimated under both the DGEIS and FGEIS zoning map proposals for each of the identified rezoning areas:

**Area 1** (Hambletonian Park Area) – The Town Board proposes to rezone this area to RU from HR under both the DGEIS and FGEIS; therefore, within Area 1 the net traffic generation remains a decrease of 113 PM peak hour trips over the existing conditions. As concluded in the DGEIS, for Area 1, traffic generation and resulting impacts will be reduced because the number of homes in that Area will be reduced.

**Area 2 (Hamlet at Goshen) and Area 3 (Arcadia Road to Ward Road on Route 17 M)** – The proposed CO portion of Area 2 has been eliminated and the approximately 104-acre area (Area 2) known as the Hamlet at Goshen is proposed to be rezoned to RU; Area 3 remains the same under both the DGEIS and FGEIS proposals. The Town Board’s proposed amendments to this area will result in a 45% reduction in traffic generation as compared to the DGEIS proposed zoning map changes. In addition, the reduced increase in PM peak hour trips in the area will be mitigated in part by a new interchange for Rte 17/I-86 in that area. The Town Board’s revised zoning map changes represent a significant improvement in future traffic conditions as compared to the previous rezoning proposal and as analyzed in the DGEIS.

**Area 4a (Prospect Hill), 4b, and 5** - The proposed 104-acre CO portion of Area 4a (Prospect Hill) has been eliminated and is now proposed to be rezoned to RU. This change is proposed by the Town Board to address concerns over the projected increase in traffic in the area; the changes for Areas 4b and 5 remain the same. The Town Board’s proposed amendments will result in a 79% reduction in traffic generation within Area 4a alone and a 25% reduction across the three combined areas as compared to the DGEIS proposed zoning map changes. In addition, as described in the DGEIS, the increased traffic generation in the area can be mitigated by increased highway capacities that are currently in those areas or that are proposed to be implemented. The Town Board’s revised zoning map changes represent a significant improvement in future traffic conditions, particularly within Area 4b, as compared to the previous rezoning proposal and as analyzed in the DGEIS.

**Area 6** – The Town Board’s recommendation that this Area be rezoned from CO to HC remains in place. The increase in maximum impervious surface coverage ratios would result in an increase of approximately 549 PM peak hour trips; see analysis of traffic impacts resulting from the increase in maximum impervious surface ratios above. Also, as described in the DGEIS, this area is located along Rte 17M which has reserve capacity to accommodate additional future trips.

**Area 7 (Proposed CO area near John S. Burke High School)** – The rezoning of this area from RU to CO would have resulted in approximately 858 new PM peak hour trips (using the existing maximum impervious surface coverage ratios). The Town Board is no longer proposing to rezone this area; therefore, no new peak hour trips will occur in this area as a result of the zoning map changes presented in this FGEIS. The Town Board’s elimination of this area from the rezoning proposal

represents a significant improvement in this area in future traffic conditions as compared to the previous rezoning proposal and as analyzed in the DGEIS.

**Area 8 (Proposed Industrial area south of Industrial lands on Route 17M) –**

The rezoning of this area from RU to I would have resulted in approximately 441 new PM Peak Hour trips (using the existing maximum impervious surface coverage ratios). The Town Board is no longer proposing to rezone this area; therefore, no new peak hour trips will occur in this area as a result of the zoning map changes presented in this FGEIS. The Town Board’s elimination of this area from the rezoning proposal represents a significant improvement in this area in future traffic conditions as compared to the previous rezoning proposal and as analyzed in the DGEIS.

The proposed revisions to the potential zoning map changes included in the FGEIS would result in an improvement in traffic generation Town-wide as compared to the potential zoning map changes analyzed in the DGEIS. Area-wide significant improvements in traffic generation can be seen in Area 2 and Area 4b and the DGEIS projected increase in traffic generation in Areas 7 and 8 will be eliminated. However, the proposed mitigation measures contained in the DGEIS to alleviate future traffic issues in the Town will still apply. Further, given the generic nature of the analysis contained in this FGEIS, in accordance with the SEQR regulations (§617.10), detailed traffic impact studies will need to be undertaken for future site-specific developments within each of the potential rezoning areas to determine the local traffic impacts and develop site-specific mitigation measures as needed.

IV. COMMENTS AND RESPONSES

INTRODUCTION

This section of the Final Generic Environmental Impact Statement (FGEIS) addresses the substantive comments received on the July 2008 Draft Generic Environmental Impact Statement (DGEIS). Comments include those presented at the DGEIS public hearing held at 7 p.m. on Wednesday, August 13, 2008, at Town of Goshen Town Hall in Goshen, New York, and written comments submitted to the Town of Goshen Town Board during DGEIS public review period held from July 24, 2008 to August 25, 2008. Copies of all comments received, including transcripts from the public hearing, can be found in Appendix A

Table 7 presents a list of individuals and agencies that submitted written comments during the DGEIS public review period or commented at the DGEIS public hearing.

**Table 7: Written and Verbal Comments Received on the DGEIS**

<b>Letter Author/Commenter</b>	<b>Author/Commenter Affiliation</b>	<b>Date of Letter</b>
<b>Written DGEIS Comment Letters</b>		
1. Lee Bergus	Planning Board	August 11, 2008
2. Mary Israelski	Planning Board	August 20, 2008
3. Susan Cleaver	Planning Board	August 21, 2008
4. Richard Cantor	Teahan & Constantino	August 14, 2008
5. Richard Cantor	Teahan & Constantino	September 12, 2008 (by incorporation)
6. Henry Hocherman	Hocherman, Tortorella & Wekstein	August 11, 2008 (2 letters)
7. Orange County Partnership	Office of Economic Development	August 12, 2008
8. Philip and Priscilla Gersbeck	Goshen Residents	August 13, 2008
9. The Builders Association of the Hudson Valley	The Builders Association of the Hudson Valley	August 12, 2008
10. James Sweeney	James G. Sweeney, P.C.	August 11, 2008
11. Olivia N. Serdarevic	Goshen Resident	August 25, 2008
12. The Torelli Family	Unknown	August 13, 2008
13. Michael D. Zarin	Zarin & Steinmetz	August 25, 2008
14. Michael D. Zarin	Zarin & Steinmetz	August 28, 2008
15. Alliance for Balanced Growth	Alliance for Balanced Growth	August 13, 2008
16. Steven E. Rieger	Rieger Homes, Inc.	August 13, 2008
17. John Higgins	Village of Goshen Trustee	August 25, 2008
18. Philip J. Grealy	John Collins Engineers, P.C.	August 28, 2007
19. Robert Weinberger	Village of Goshen Mayor	August 12, 2008
20. John F. Ward	Town of Wallkill Supervisor	August 21, 2008
21. Adam L. Wekstein	Hocherman, Totorella, & Wekstein	August 22, 2008 (2 letters)

**Table 7: Written and Verbal Comments Received on the DGEIS Con't**

Letter Author/Commenter	Author/Commenter Affiliation	Date of Letter
<b>Public Hearing Comments (Town of Goshen Town Hall, (August 13, 2008)</b>		
22. Marcia Mattheus	Goshen Resident	NA
23. Philip Gersbeck	Goshen Resident	NA
24. Michael Allen	Behan Planning Associates	NA
25. Irving Zuckerman	Alliance for Balanced Growth	NA
26. John Lavelle	Alliance for Balanced Growth	NA
27. Steven Rieger	Rieger Homes	NA
28. Jody Cross	Zarin & Steinmetz	NA
29. Michael Walker	Heritage at Goshen- Heritage Estates	NA
30. Olivia Serdarevic	Goshen Resident	NA
31. Dr. Michael Edelstein	Orange Environment	NA

The following section summarizes and responds to the comments; (DGEIS Written Comments and Public Hearing Transcripts). A summary of the comments made in each of the above referenced comment letters and public testimony is presented and a response to each comment listed is provided below.

**Written Comments**

**1. Lee Bergus, Planning Board, August 11, 2008**

1-1 *Comment:* §83-15(D)(1) states that common driveways are not permitted in any district, yet §97-19(F)(4) appears to allow common driveways for no more than four lots. §97-40(C) also mentions common driveways.

1-1 *Response:* Comment noted. The Town Board is proposing to eliminate the use of common driveways in all districts. All references to “common driveways” in §97-19(F) and 97-40(C) of the proposed Zoning Code shall be eliminated. Please refer to Appendix B of this FGEIS to review the proposed Zoning Code amendments.

1-2 *Comment:* § 83-29(F) does not consider two times the average daily demand or maximum day on a well if 450 gpd is considered for public well analyses.

1-2 *Response:* Comment noted. The Town Board has decided that Appendix C: Water Protocols of the Town Code shall be amended to include the following requirement:

*“Establish Water Demand using New York State Department of Environmental Conservation (NYS DEC), New York State Department of Health (NYS DOH) or Orange County Health Department requirements, whichever is most stringent.”*

This revision permits any future requirements of the NYS DEC, NYS DOH or Orange County Health Department that may be more stringent than currently exist to be automatically incorporated and required to be utilized by Applicants following the Town Water Protocols.

1-3 *Comment:* § 83-30(J) does not consider the need for larger diameter service lines, e.g. high demand customers, fire protection (sprinklers) homes on a hill or at a great distance from the main, where losses may be too great through a ¾” line.

1-3 *Response:* This comment is correct, and the Town Board has decided to revise this section of the Code as follows:

*“All service lines to buildings shall be a minimum of 3/4 inch type K copper tubing equal to that manufactured by Chase Brass, or such larger size as is required by the Water Superintendent based on site specific conditions such as service pipe length, elevation of structure, etc.”*

1-4 *Comment:* §97-12(A)(2) indicates that accessory apartments or residential structures shall not be counted as a residential unit for purposes of calculating density. How about for analyzing adequacy of water supply for housing developments on public water (not for individual wells)?

1-4 *Response:* This section requires a certification of the adequacy of an onsite well and septic system, but does not require such certification for a public water supply connection. The Town Board proposes to include the following language in § 97-12(A)(2):

*“No permit shall be granted for an accessory apartment nor residential structure without certification of the adequacy of the public water supply and water supply service connection or, for onsite systems, the well and septic system servicing both the principle residence and the accessory apartment or residential structure.”*

- 1-5 *Comment:* §97-46(C) and 97-84 appear to have different definitions of “steep slopes.” Also, the definition of “unconstrained land” has a different definition of steep slopes.
- 1-5 *Response:* The Town Board has reviewed the aforementioned sections of the Town Code, and while there is no definition of “steep slopes” in §97-84, the Board agrees that §97-46 and the definitions of “constrained land” and “unconstrained land” are not in agreement with each other. Therefore, §97-46, containing the steep slope regulations shall be revised to include the following language, “...only contiguous slopes containing at least 2,000 square feet of steep slopes with at least 10 feet of continuous horizontal width perpendicular to the slope shall be considered.”.
- 1-6 *Comment:* In § 97-84, the definitions suggest that a “gazebo” does not have screened walls. Many gazebos have such screening. How are they classified?
- 1-6 *Response:* A “gazebo” is defined in the Zoning Code as “an unenclosed structure not exceeding 12 feet in height without solid walls, screens, electricity, or plumbing.” The Town Board is not proposing any modifications to this definition. Gazebos and similar structures would likely be classified as “accessory structures” under the Zoning Code; however, it should be noted that all interpretations of the Zoning Code are to be made by the Town Building Inspector.
- 1-7 *Comment:* In Appendix C, Well Testing Protocols, the recovery period in Section 4 should allow for recovery faster than 8 hours. The Recommended Standard states that 90% recovery should take place within 24 hours. If recovery takes longer, safe yield must be scaled back.
- 1-7 *Response:* The Section on Recovery Monitoring Period of proposed Zoning Code Appendix C, Well Testing Protocols has been revised as follows:

*“Recovery Monitoring Period*

*Water level recovery in the pumping and observations wells must be measured. Unless otherwise specified, the recovery-monitoring period must last a minimum of eight hours or until water levels have recovered within 95% of drawdown. Recovery shall be monitored intensely immediately after the test well pump has been turned off. All observations points shall be observed at six-hour intervals or shorter where appropriate. If recovery is less than 90%*

*within 24 hours, safe yield must be scaled back or the test rerun at a reduced rate as required by the Town Engineer.”*

Please refer to Appendix B of this FGEIS for the revised Zoning and Town Code Amendments.

1-8 *Comment:* In the Comprehensive Plan, the abbreviations in Table 2.4 “PDO” and “N/R” should be defined.

1-8 *Response:* Comment noted. The definitions of PDO “Property Damage Only” and N/R “Type of Accident Not Reported” have been added as a footnote to Table 2.4 in the Updated Town of Goshen Comprehensive Plan.

**2. *Mary Israelski, Planning Board, August 20, 2008***

2-1 *Comment:* In the Comprehensive Plan, Goal #5 should include the preservation of dense and/or mature forest land. Forests are scarce in the Town of Goshen, and trees enable better air quality. Forests must be considered a primary resource and preserved through less density and smaller building envelopes. Consider the last remaining forest along Craigville Road. Although I think this land should not be developed, if this is not possible, then the zoning should be changed in the area to allow only 1 unit per 10 acres to preserve the last forest resource in Goshen.

2-1 *Response:* Comments noted. The Town Board has added the following objective to Goal #5 in the Updated Town of Goshen Comprehensive Plan:

- *“Preserve the Town’s mature forests to the greatest extent practicable.”*

In addition, the intent of Comprehensive Plan Goal #5 is achieved through current or proposed revisions to the Zoning Code (see Appendix B of this FGEIS). Natural features and open space are encouraged to be retained through active farmland usage, clustered development of housing, and acquisition of conservation easements by land trusts and other appropriate agencies. The Zoning Code and proposed amendments address the issue of preservation of scarce environmental resources in the Town through a number of provisions related to the density and form (i.e. cluster development, open space developments and conservation density developments) of future development in the RU and HR zoning districts (see

§ 97-15 and § 97-20), and their relationship to the preservation of open space and the procurement of adequate potable water.

Under the Zoning Code and proposed amendments, applicants are required to provide the Planning Board with a Conservation Analysis (see § 97-20(B)), the purpose of which is to describe the importance and conservation value of all the land on the site. Among the land features to be shown are unfragmented forest land and trees 12 dbh or larger. It is then up to the Planning Board to indicate to the applicants which of the lands identified as being of conservation value are most important to preserve, and that determination shall be incorporated into the approved sketch plan. However, under each type of development requiring a conservation analysis, there are different percentages that must be preserved. For example, under the “open space development” regulations, only 50% of land is required to be preserved by a conservation easement.

In addition, the Zoning Code also mandates open or undeveloped green space within the I, CO, and HC zones in an effort to protect the Town’s treasured scenic and rural qualities (§ 97-14).

2-2 *Comment:* Mature trees larger than 12 inches in diameter should be preserved wherever possible.

2-2 *Response:* See Response 2-2.

2-3 *Comment:* In the Comprehensive Plan, Goal #7 should include:

- a. Protect and enhance waterways to provide provisions of recreational use (fishing and hiking) and enjoyment.
- b. Provide landscape design onto street and at entrances of streets access or entering new development.
- c. Provide street trees.
- d. Where practicable, preserve and rebuild rock walls, as this feature has historically defined space and was widely used in the rural areas in Orange County. Rock walls are characteristically significant to the natural topography in Orange County.
- e. Provide natural and/or manmade buffers and screens to separate and protect one land use from another.

2-3 *Response:* The Updated Comprehensive Plan is comprehensive in its scope, not in its detail. It is intended to integrate many related issues so that their

connections are clear and understandable (see Sections 1.1 and 1.2 of the revised Updated Comprehensive Plan). The key to realizing the vision set forth in the Plan goals and objectives is through its implementation as outlined in Section 4.0 of the revised Updated Comprehensive Plan. The principal tool for implementing the Plan is the Zoning Code and Town Subdivision Regulations. The items listed in the above comment are items that are all currently addressed in the Zoning Code and are more appropriately addressed, given their level of specificity, in the Zoning Code rather than in a Comprehensive Plan goal and/or objective. (See § 97-20(B) and § 97-41 in Appendix B.)

The protection and enhancement of waterways to provide provisions of recreational use (fishing and hiking) and enjoyment can be found in § 97-20(B), requiring applicant show land exhibiting present or potential future recreational value as part of the Conservation Analysis. An applicant also must show stone walls and land exhibiting present or potential historic, scenic or other natural resource value. See, § 97-20(B). It is left in the discretion of the Planning Board to determine which lands have the greatest conservation value and are the most important to preserve. Additionally, the subdivision regulations require that before a plat containing residential units is approved, if the Planning Board finds that a proper case exists for a park, one must be shown for recreational purposes or a “recreation fee” must be paid. See, § 83-16.

Street trees are required by the Planning Board for all lots fronting on existing and new streets. See, §§ 83-19 and 83-25. A specific requirement for a “landscape design” at the entrance to a development is not contained in the current Code; however, nothing in the Code prohibits an applicant from placing self-imposed restrictions not in violation of the Code on its property. See, § 83-8.

Requirements for natural and/or manmade buffers and screens to separate and protect one land use from another are found throughout the Zoning Code and Subdivision Regulations. Specific buffer yard requirements are found in § 97-75(D)(2). (“Landscaped buffer yards . . . shall be provided between uses that may be incompatible or need to be screened, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forest land or forest created through natural succession.” § 97-75(D)(2)(a).)

- 2-4 *Comment:* In the Comprehensive Plan, the goals should include:
- a. Promotion of pedestrian and non-motorized travel to and from neighborhoods, village centers, schools and parks by mandating pedestrian pathways in all subdivisions to interconnect one to the other. This will promote healthy and non-dependent living.
  - b. New streets that connect to preexisting Town roads should consider designs to blend the old with the new. Painted bike lanes from new streets should be continued onto preexisting Town roads to connect the old with the new.
  - c. Planting street trees, building roundabouts and other designs should be considered at the junctions and connections of old and new streets. Blending the old streets with the new by design should be a provision in the Code.

2-4 *Response:* Comments noted. The comments expressed above are addressed and included in the Updated Comprehensive Plan Goal #2 and its associated objectives (see Section 3.1, Page 51 of the revised Updated Comprehensive Plan). Goal #2 is to support existing Village centers and foster Town clusters. Its associated objectives are to promote subdivision design and layouts that create connected street patterns, allow cluster developments in order to encourage pedestrian activity and reduce car dependence. In addition, as stated above in Response 2-3, the these comments are more appropriately addressed, given their level of specificity, in the Zoning Code. Street layout and design standards, including requirements for pedestrian walkways, street connectivity, street trees and landscaping standards are included in the Town's Subdivision regulations (see, §§ 83-13 and 83-19). In addition, the Zoning Code also contains additional standards for the layout and design of new commercial and residential development that is consistent with Goal #2 and its stated objectives (see, §§97-14, 97-15, and 97-20(B)). Further, site specific issues relating to traffic safety, road layout and connectivity, stormwater management, and any associated mitigation measures would be publically vetted as part of the Town's required site plan review process (see §97-75).

- 2-5 *Comment:* The Comprehensive Plan should contain a provision that will protect the Town's infrastructure:
- a. Where new development will use existing Town roads, improvements should be made to the Town road by means of landscape, re-pavement or whatever is needed to the older street that may become impaired by the new development.

Existing road conditions should be identified and within reasonable limits, improvements must be planned and dedicated.

- b. Where a new development connects to an existing development, the interconnection must be made to be so that roads and their entrances are appropriately improved, thus mitigating the impact of trucks, noise and lack of aesthetics.
- c. Stormwater management should encourage techniques to allow recharge. Stormwater ponds should be mandated to be aesthetically pleasing. Visual water movement should be enhanced to provide an awareness of this valuable and scarce resource. Water resources should be prized and used not only to recharge, but also to provide quality enjoyment as water provides a cooling of the environment and is refreshing to the body and soul.

2-5 *Response:* Town infrastructure is addressed in both the Updated Comprehensive Plan (see Plan Goals # 2, #6, and #7 and Section 3.0 of the Plan for infrastructure recommendations – page 66) and in the Associated Amendments. Standards for new roads, existing roadway improvements, road connectivity, landscaping standards and stormwater management techniques are included in the Town’s Subdivision regulations (see §§ 83-13, 83-14, and 83-19). In addition, the Zoning Code also contains additional standards to regulate roadway design, connectivity, landscaping, and layout, as well stormwater management and water quantity and quality issues consistent with Plan Goals #2, #6, and #7 and their stated objectives (see § § 97-14, 97-15, 97-18, 97-20(B) and §97-75). Further, site specific issues relating to traffic safety, road layout and connectivity, stormwater management, and any associated mitigation measures would be publically vetted as part of the Town’s required site plan review process (see §97-75). Under State law, the Town cannot require offsite improvements, such as the improvement of public roads. However, should an applicant propose offsite improvements, they must be with the permission of the offsite property owner.

2-6 *Comment:* All revisions to the Comprehensive Plan should be included in the Zoning Code so the Planning Board has the leverage to mandate improvements, thus putting the cost of development on the developer.

- 2-6 *Response:* Comment noted. The Updated Comprehensive Plan is comprehensive in its scope, not in its detail. It is intended to integrate many related issues so that their connections are clear and understandable (see Sections 1.1 and 1.2 of the revised Updated Comprehensive Plan).

A Comprehensive Plan is not the law. It is a general statement of a community's land use goals that takes into consideration the growth, scale, location, intensity, and diversity of development desired, and strategies for the location of commercial and industrial uses to improve the local economy. It sets forth recommendations for achieving these goals, and lists goals that give the Town a clear sense of direction. In reading and using the Updated Comprehensive Plan, it is important to understand that the Plan is not intended to be a detailed instruction manual that tells the Town exactly what to do or what will happen. It does not predict the future, although it does look ahead and expresses the Town's goals for the future.

In contrast, the key to realizing the vision set forth in the Plan goals and objectives is through its implementation as outlined in Section 4.0 of the revised Updated Comprehensive Plan. The principal tools for implementing the Plan are the Zoning Code and the Town Code.

All too often, communities think they have gained control over their future merely by adopting a Comprehensive Plan. Although they have taken a major step in the right direction, the adoption of a Plan does not change anything. For this reason, the Town Board has undertaken the Updated Comprehensive Plan and revisions to the Zoning Law simultaneously and has included specific revisions to the Zoning and Town Code necessary to implement the vision set forth on the Plan. This will help ensure that the Town's land use regulations are in accordance with the Plan, as required by State law.

- 2-7 *Comment:* There should be a provision added to the language that provides that the areas along Route 17 being rezoned to HC and CO are either well-buffered to minimize the visual impact or are built with architectural specifications that will enhance the historic character of the landscape.

- 2-7 *Response:* The Zoning Code contains provisions addressing the issues of buffering, landscaping, and architectural design within the I, HC, and CO zones (see § 97-14(D) contained in Appendix B of this FGEIS).

2-8 *Comment:* What does the Zone Change #8, Industrial Zone, back up onto?

2-8 *Response:* Proposed Zone Change #8 was adjacent to property located on Cannon Hill Drive that recently received re-subdivision, site plan and special permit approval from the Planning Board for a truck trailer service business, and further out on Cannon Hill Drive towards Route 17M, there is an existing self-storage facility.

The Draft Comprehensive Plan Update has been revised to eliminate the recommendation that Area #8 (RU District south of Industrial lands on Route 17M to the northwest of the Town of Goshen) be rezoned from RU, as it currently exists, to I. The Town of Goshen Zoning Map will continue to show Area #8 as RU; no revisions to the map will be made in this area. (See Section III and Figures 6 and 7 of this FGEIS for further detail.)

2-9 *Comment:* In the RU district, restaurants not associated with agricultural use should be permitted along State or County roads only by special permit.

2-9 *Response:* Restaurants are currently only allowed by special permit within the RU zoning district if they are associated with an agricultural use. This is not proposed to be revised by the Town Board.

2-10 *Comment:* Light commercial uses such as offices and retail services should be permitted along State or County roads by special permit in the RU zone.

2-10 *Response:* Many light commercial uses are permitted by special permit within the RU zoning district so long as they comply with the standards of § 97-18(C) described above. The Town Board believes that light commercial uses above 5,000 square feet in floor area are an inappropriate use within the RU zoning district because they would lead to strip-style development along State and County roads throughout the Town; thereby serving to undermine the Town vision set forth in the Updated Comprehensive Plan.

**3. Susan Cleaver, Planning Board, August 21, 2008**

3-1 *Comment:* How does the new zoning correspond with the Town being part of the Hudson River Valley Greenway?

3-1 *Response:* The Hudson River Valley Greenway is a state agency created to facilitate the development of a voluntary regional strategy for preserving

scenic, natural, historic, cultural and recreational resources, while encouraging compatible economic development. Its planning program provides communities in the Hudson River Valley with technical assistance and funding for local land use planning projects.

The new zoning, which reduces density and fosters Town clusters through encouragement of open space developments in the RU zone and clusters within the HR zone, will support development at a scale that is more appropriate to the rural character of the Town of Goshen. The new zoning will also increase open space requirements and support preservation of natural resources. This is consistent with the Hudson River Valley Greenway's grant programs, which provide funding for municipal partners focused on conservation of natural and cultural resources and on best management practices and sound municipal planning.

3-2 *Comment:* In the Hamlet district, developers should have to purchase development rights from other property to gain density. Why give density?

3-2 *Response:* The Updated Comprehensive Plan recommends that all discretionary density bonuses, including the transfer of development rights, be eliminated within the RU and HR zones. These discretionary bonuses are proposed to be eliminated because the Town Board believes that the proposed densities within the RU and HR zones are appropriate without the additional density that such discretionary bonuses would engender. This eliminates a significant uncertainty about what ultimate densities will actually be throughout the Town. It should be noted that the Plan also recommends that several of the HR and former HM zones as currently mapped (see Figure 2: Existing Zoning Map of this FGEIS), adjacent to the Town of Florida and the Village of Goshen be eliminated (see Figures 7 and 8 of this FGEIS). In addition, the Plan recommends that the HR zone be developed at low to medium density, maintaining a maximum density of no more than 3 units per acre. The Zoning Code has been amended to reflect these Plan recommendations (see § 97-20).

3-3 *Comment:* Orange County Veteran's cemetery should be added to the list in the Code.

3-3 *Response:* Comment noted. The Orange County Veteran's Cemetery is currently listed under §97-54. Burial ground and cemetery protection in the Town of Goshen Zoning Code.

3-4 *Comment:* The MCA Biodiversity Study and Map should be included in the Comprehensive Plan.

3-4 *Response:* The Metropolitan Conservation Alliance's (MCA) Southern Wallkill Biodiversity Plan (2005) emerged from a partnership between Wildlife Conservation Service/MCA, the NYS DEC Hudson River Estuary Program, and the Towns of Chester, Goshen and Warwick, including villages and hamlets within these Towns. The Biodiversity Plan provides policy and planning recommendations to support the establishment of a regional, multi-town approach to the conservation of wildlife and habitats.

While certain recommendations of the Biodiversity Plan are consistent with the Town Board's Comprehensive Plan, such as placing conservation easements over open space reservations and revising the formulas to calculate housing density yields, the Biodiversity Plan was not prepared in association with the Town of Goshen Comprehensive Plan nor was it ever intended to be incorporated into the Town of Goshen Updated Comprehensive Plan.

**4. *Richard Cantor, Teahan & Constantino, August 14, 2008***

4-1 *Comment:* Incorporates by reference the comments offered by the speakers at the August 13, 2008 public hearing concerning the questions about the DGEIS and the deficiencies in the DGEIS.

4-1 *Response:* Comment noted. The complete transcript from the August 13, 2008 public hearing is contained in Appendix A.

4-2 *Comment:* The DGEIS and the proposed amendments refer to a revised HR zone with a requirement for 30% of a site to include "usable open space." What does the term "usable" mean in the context of "usable open space"? What uses are contemplated for "usable open space"? What is the theory behind this concept of "usable open space"? It seems to be a device to further reduce density; is there some other purpose to this requirement.

4-2 *Response:* The proposed Zoning Code has been revised to require that a minimum of 30% of the site area in an HR district be protected as "undeveloped open space, which may include public greens, parks, playing

fields, playgrounds or portions of large private residential or nonresidential lots set aside as open space and preserved with a conservation easement.... ” (§ 97-15(B)(6). In addition, § 97-15(B)(6) goes on to state that the preserved open space area may not include wetlands or other constrained lands. “Constrained land” is defined as “lands consisting of wetlands, water bodies, watercourses, one-hundred year floodplains, cemeteries, easements and rights of way restricting land use or slopes over 25 percent which contain 2,000 square feet or more of at least ten foot wide contiguous sloped areas.” (See § 97-84.)

The term “usable open space” refers to land in the HR district that can be utilized as “undeveloped open space” as described above. The purpose of this requirement is to ensure that the land that is being set aside as open space as part of future developments is of high quality and can be used for active or passive recreation consistent with § 97-15(B)(6) rather than land that is constrained or would already require preservation under State law.

4-3 *Comment:* The provisions for so-called PAC projects allow the projects in residential zones with the proviso that the land is connected to Town water, Town sewer and that there is direct access to a State or County highway, arterial or collector road. The DGEIS should identify those parcels that are located in residential zones and that have the ability to connect to Town water and Town sewer and that have the stated access. The issue is whether there are any such properties or whether this is an illusory provision that effectively eliminates the concept of PAC or reduces it to one or two properties.

4-3 *Response:* Comments noted. The Comprehensive Plan Update recommends that Planned Adult Communities (PACs) be permitted in the Rural (RU) and Hamlet Residential (HR) district by special permit from the Planning Board, and no longer be permitted in the Commercial/Office Mixed-Use (CO) district. The parameters within which PACs are permitted has been revised in the Associated Amendments to permit PACs in both residential districts, provided they are connected to existing Town water and sewer districts, an extension thereof approved by the Town Board, or a new water and sewer districts created by the Town. The maximum density of a PAC has been reduced to 3 units per acre of unconstrained land, with a maximum of 200 units in any one PAC (see Updated Comprehensive Plan Goal #1).

The Updated Comprehensive Plan further recommends that PACs be located with direct access to a State or County highway or arterial or collector route, and should be developed on topography with no predevelopment slopes over 15%. The Zoning Code has been amended to reflect these Plan recommendations (see § 97-15(P)). It should also be noted that the Zoning Code currently requires that a minimum of 15 percent of the units in a PAC be considered affordable (affordable has been defined in § 97-24 of the Zoning Code as between 60 to 150 percent of the Orange County median income).

Based on the Town Board's desired criteria, a residential build-out analysis was prepared for the Town of Goshen, which included an analysis of possible future PAC developments within the RU and HR zones. (This analysis is included as Appendix C of this FGEIS.) It was estimated that future PACs would likely be found around the Villages of Goshen and Florida, more specifically in corridors along Craigville Road and Coleman Road, Route 17 to the Orange and Rockland/Con-Ed power lines, from the Village of Goshen to the Village of Chester, and Route 17A between the Village of Florida and Quarry Road.

Within the areas cited above it was determined that up to ten PACs could potentially be developed. While more could be developed in the future, it is unlikely to anticipate that the adult housing market could generate demand for more PAC projects in the Goshen (Town/Village) or central Orange County area. The ten potential PACs are located between Craigville and Coleman Roads, between Arcadia Hills and the Village of Goshen and between Industrial Drive and County facilities south of Route 17A. Ten new PAC projects having a maximum of 200 dwellings per project, the Town anticipates approximately 1,900 new units.

4-4 *Comment:* One of the stated goals is to protect and enhance open space. One hundred homes on three acre sized lots will produce one hundred large homes sprawled over three hundred acre with attendant additional roads, driving requirements and infrastructure requirements. One hundred homes in a denser configuration will produce smaller homes, less sprawl, more open space, less driving and less infrastructure. The DGEIS does not begin to discuss or consider the impacts of these two alternatives.

4-4 *Response:* A comparative analysis is not provided, nor is one necessary, for the impacts of a cluster subdivision and a conventional subdivision. A goal of the Comprehensive Plan Update is the protection and enhancement of open

space (see Goal #5). as well as the fostering of Town clusters (see Goal #2). and the Plan states a clear preference of the continuation of small scale developments, open space development, clusters, and conservation density developments over conventional subdivisions. The Updated Plan supports this recommendation by stating that Conventional subdivisions, which create the form popularly known as “suburban sprawl,” with building lots of relatively uniform size and no significant protected open space, are not consistent with maintaining the Town of Goshen’s rural character. The Zoning Code and proposed Amendments support this Plan recommendation by requiring certain percentages of open space that must be preserved.

An Open Space Development in the RU district requires that 50 percent of the total acreage of a site be set aside as open space and protected by a conservation easement. Within the HR district, the requirement for open space requirement is 50 percent, but the Associated Amendment propose that to be reduced to 30 percent (See § 97-15). Under the current zoning, the 50 percent requirement could have been achieved by including wetlands and other constrained land. The revised requirements provide that the open space cannot consist of wetlands or other constrained land. Therefore, the reduction in the open space requirement from 50 percent to 30 percent does not necessarily produce less overall open space; rather it guarantees that the required open space that is set aside is usable and of high quality.

4-5 *Comment:* There is no substantive discussion on the impacts of the cost of housing from the proposed changes, nor any analysis of the affordability of such housing for the residents of the Town of Goshen and the residents of surrounding communities.

4-5 *Response:* The DGEIS provided a substantive analysis of the impact on affordable housing from the proposed amendments to the Zoning Code (see DGEIS page 30-34). Affordable housing is further discussed in the residential build-out analysis prepared by Town Planner Edwin Garling contained in Appendix C of this FGEIS. The analysis of affordable housing has been updated herein to reflect proposed revisions to the proposed Zoning Code. In addition, the Comprehensive Plan Update includes “Provide a range of housing alternatives that will meet the housing needs for a range of socio-economic groups” as Goal #3, which has “Provide for the development of both affordable and senior/adult housing units at appropriate locations” as its objective.

Currently, affordable housing is mandated in the Zoning Code, which requires 15% of all units in a PAC be affordable and 10% of all units in the HR zone be as affordable, as provided in § 97-24. As part of the Associated Amendments, the Town Board has decided to mandate affordable housing within the RU zone, requiring 10% of all units in developments greater than 10 units be affordable housing units. All affordable housing within the Town will be affordable consistent with § 97-24 of the Zoning Code. This section defines affordable as between 60 to 150 percent of the Orange County median income.

As noted above, the DGEIS included an analysis to ensure that the Town of Goshen will be able to provide its fair share of regional and community needs for multifamily and other affordable housing units based on the proposed Comprehensive Plan Update and Associated Amendments. With respect to regional and community needs for affordable housing, the DGEIS referenced the *“Dutchess, Orange, and Ulster County Regional Housing Needs Assessment, An Overview of the Study and Preliminary Findings”* (June 11, 2008) study to gauge the environmental impact of the rezoning on such housing. In this study the Counties noted were analyzed on the concept of their respective “affordability gaps,” i.e., the difference between housing units considered by the study as affordable that exist (based on 2006 data), and the demand for the same type of units. The affordability of the units studied was indexed as those units that could reasonably be purchased or rented at income levels at less than 120% of the median household income.

The study noted that Orange County as a whole has 31,272 less affordable units than existing demand. If the Town of Goshen was allocated a percentage of the affordability gap for Orange County based on population, then the Town of Goshen (excluding the Village of Goshen) has a demand deficit of 700 units, based upon 2006<sup>1</sup> data. In addition, a study prepared by the Office of Policy Research and Development entitled *“New York State Division of Housing and Community Renewal Statewide Affordable Housing Needs Study – Mid-Hudson Regional Report”* (October 2008) was also reviewed as it pertains to the regional provision of affordable housing in the Town of Goshen. The State study corresponded with the general conclusions and themes of the County study and confirmed that the demand for

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<sup>1</sup> According to the study this demand deficit, if uncorrected, will rise relatively modestly through 2010, at which time new census numbers will begin to be made available, and the Town of Goshen will be nearing the time when its Comprehensive Plan should be given an additional review.

affordable housing has increased significantly within Orange County since 2000 and based on anecdotal evidence there is a general lack of diversity in the housing stock, particularly a paucity of multi-family housing.

If the Town of Goshen utilizes the yardstick generally accepted in New York law that the zoning availability for multifamily homes equates to affordable housing opportunities because multifamily housing provides a different type of housing alternative to the traditional single-family home and tends to be rental housing and therefore more affordable as compared to a single-family home, then the Town of Goshen's rezoning proposal as proposed, as demonstrated by the build out analysis, will result in the potential opportunity for approximately 269 mandatory affordable housing units (as defined in § 97-24) and approximately 2,213 additional multifamily homes, not including accessory apartments. The Town Board has also effectively increased the potential for multifamily housing in the Town by permitting accessory apartments, and both new and converted multifamily dwellings, subject only to site plan approval, in the RU, HR and CO districts. Accessory apartments are also permitted subject to site plan approval in the Highway Commercial (HC) district. The potential for these various housing units more than address appropriately the local and regional needs for such housing as presented in the County and State studies.

4-6 *Comment:* There is no in-depth look at the impacts of the proposed changes. The DGEIS is so lacking in substantive information that the DGEIS process should continue and a revised amplified version of the DGEIS satisfying the hard look requirement should be provided. A further public hearing should be held, and only then should the FGEIS process move forward.

4-6 *Response:* The Town Board made a decision that the DGEIS was prepared in accordance with the SEQR requirements for the preparation of a generic environmental impact statement (see 6 NYCRR Part 617.10) and accepted the document as adequate for public review [§617.(a)(2)] on July 24, 2008. Further, the Town Board held a public hearing on the Updated Comprehensive Plan and DGEIS on August 13, 2008. No additional public hearing is required or warranted on the proposed DGEIS or FGEIS. This FGEIS provides additional information and clarification as required to address the changes made to the Proposed Action based on comments received on the FGEIS and to adequately respond to all comments made on the DGEIS.

5. ***Richard Cantor, Teahan & Constantino, September 12, 2007 (by incorporation)***

5-1 *Comment:* A proper hard look must identify, study and come to reasoned conclusions on many issues such as:

- a. The need for housing within the Town of Goshen (*See Response 4-5 above*);
- b. The need for housing within the region in which the Town of Goshen is located (*See Response 4-5 above*);
- c. The income of the residents of Goshen and their ability to afford housing (*See Response 5-1 below*);
- d. The income of the residents of the region in which the Town of Goshen is located and their ability to afford housing (*See Response 5-1 below*);
- e. An identification of the sale prices over the last reasonable number of years for housing in the Town of Goshen (*See Response 5-1 below*);
- f. An identification of the sale prices over the last reasonable number of years for housing in the region in which the Town of Goshen is located (*See Response 5-1 below*);
- g. The geographic origin of the buyers of residential units of the residents over the last reasonable number of years including whether the buyers are residents of Goshen or local towns, or buyers who come from out of the immediate area (*See Response 5-1 below*);
- h. How many of the buyers have purchased residences for primary homes as opposed to second homes? (*See Response 5-1 below*);
- i. Can local residents with the identified incomes afford lots and houses in the Town of Goshen now? (*See Response 5-1 below*);
- j. Can local residents with the identified incomes afford lots and houses in the region in which the Town of Goshen is located in now? (*See Response 5-1 below*);
- k. How will the zoning amendments impact the affordability of housing? (*See Response 4-5 above*)
- l. What are the assessments that will be generated by a build out under the current zoning and how will the proposed Local Laws change these assessments? (*See Response 5-1 below*);
- m. How will the zoning amendments impact the taxable income and tax rates for the Town of Goshen and the school district? (*See Response 5-1 below*);

- n. How many subdivision maps have been filed for the Town of Goshen over the last reasonable number of years (including the number of lots created)? (See DGEIS Section III. A.)
- o. How many housing units have been built in the Town of Goshen over the last reasonable number of years? (See Response 5-1 below);
- p. What is the price distribution of the housing built in the Town of Goshen over the last reasonable number of years and how do these prices relate to the economic ability of persons within the Town and in the region to afford these housing units? (See Response 5-1 below);
- q. What is the economic and racial diversity of the Town of Goshen at the present time? (See Response 5-1 below);
- r. How will the zoning amendments impact economic and racial diversity of the Town of Goshen? (See Response 5-1 below);
- s. How will the zoning amendments impact per capita student aid received by the school district from New York State - increased property values and increased family income lower per capita student aid? (See Response 5-1 below);

5-1 *Response:* The Updated Comprehensive Plan is not intended to serve as a Town-wide housing study (see Response 2-6 above) and has therefore not addressed, nor is it required to address, many of the comments pertaining to housing and socioeconomic impacts identified above. In addition, SEQRA does not require that an environmental impact statement include an analysis of socioeconomic/fiscal impacts (6 NYCRR Part 617). It requires that a hard look be taken at potential significant adverse environmental impacts. Furthermore, the socioeconomic and fiscal impacts you have requested are competitive in nature, not environmental concerns and thus are beyond the scope of SEQRA.

In any event, the Updated Comprehensive Plan does contain an existing conditions chapter which includes a section on demographics that includes basic population, income, and employment data (Section 2.4; page 24) and an existing land use section (Section 2.5; page 25) and the DGEIS did include a detailed analysis of the proposed impacts on affordable housing resulting from the Proposed Action (see DGEIS 30-34). In addition, as part of the Comprehensive Plan Update only minor changes were made to the demographics section since the 2004 Plan update. A comprehensive update to the Comprehensive Plan demographics chapter will be undertaken during the next plan update to incorporate 2010 census data. However, as discussed above in Responses 4-3 and 4-5, both the DGEIS and the FGEIS include a

detailed analysis of many of the items listed above. Further, a build-out analysis was prepared and is contained in Appendix C of this FGEIS, which provides a comparison of the impact on the provision of housing under the proposed zoning amendments, the zoning amendments analyzed in the DGEIS and the existing condition. Residential build out under the existing Zoning Code would have produced approximately 4,249 residential units. The proposed zoning analyzed in the DGEIS had the potential to produce approximately 3,708 units, and the zoning as presently proposed and addressed in the FGEIS has the potential to produce approximately 4,132 units.

**6. Henry Hocherman, Hocherman, Tortorella & Wekstein, August 11, 2008 (two letters)**

6-1 *Comment:* Request that the public hearing be kept open for a period of time sufficient to allow the preparation of written comments on the DGEIS.

6-1 *Response:* Comment noted. The DGEIS public comment period was kept open from July 25, 2008 (the date of the filing of the DGEIS Notice of Completion) until August 25, 2008 for a total of 32 calendar days. The DGEIS comment period was kept open for 12 calendar days following the August 13, 2008 public hearing in accordance with the SEQR regulations [6 NYCRR Part 617.9(a)(4)(iii)].

**7. Orange County Partnership, Office of Economic Development, August 12, 2008**

7-1 *Comment:* The Partnership has concerns regarding the 30% coverage ratio and its affect on future commercial and industrial development:

- a. The lower coverage ratios on projects will mean less commercial development in the Town of Goshen.
- b. It will decrease the amount of tax ratables possible for any given project and, therefore, have a direct impact on the residential taxpayer in terms of increased tax payments.
- c. Smaller buildings mean fewer employees and less space for manufacturing or service.
- d. This will result in a decrease in job creation.
- e. This proposed coverage ratio will not only hinder new development, it will also cause serious restrictions on the ability of existing businesses to expand.

- f. The proposed coverage ratio creates sprawl. More land is needed for the same project. Higher density per site reduces sprawl.
- g. The Town of Goshen desperately needs tax ratables. This will put the Town at a competitive disadvantage when compared to neighboring municipalities with average coverage ratios between 50-60% that provide for reasonable and sound development.

7-1 *Response:* In response to public comments on the DGEIS, the Proposed Action has been modified in this FGEIS to provide for a recommended increase in impervious coverage ratios. As discussed in Section III of this FGEIS, maximum impervious surface coverage ratios are recommended to be increased by 10% in the Highway Commercial (HC) zone, 30% in the Commercial/Office Mixed-Use (CO) zone and 40% in the Industrial (I) zone as follows:

<u>Zone</u>	<u>Existing Max. Coverage</u>	<u>Proposed Max. Coverage</u>
HC	60%	70%
CO	40%	70%
I	30%	70%

If adopted, this will create up to approximately 6.9 million gross square feet of additional commercial/industrial space in Goshen, which will have a significant positive impact on the ability of the Town to attract tax ratable. A detailed analysis of the economic impact of the proposed increase in coverage ratios is contained in Section III of this FGEIS and concludes that the increase in coverage ratios could result in an estimated \$39 million in additional property taxes and up to 17,000 new jobs based on a 30-40 year build-out scenario. This change is consistent with the Updated Comprehensive Plan Goal #4 which is to develop a strong and balanced economic base.

**8. Philip and Priscilla Gersbeck, Goshen Residents, August 13, 2008**

8-1 *Comment:* They are the owners of the property shown as #8 in DGEIS Figure 5.1 (S/B/L 16-1-2.22). Of the 127.85 acres that they own, what purpose does the white “cut-out” square on Figure 5.1 serve?

8-1 *Response:* The white cut out square is lot 16-1-2.1. This lot is a residential lot owned by others with access only from a narrow private driveway. The

purpose served is to show that this parcel (lot 16-1-2.1) would not be rezoned to Industrial (I) and that it would remain as it currently exists within the RU district. However, the Comprehensive Plan Update has been revised to eliminate the recommendation that Area #8 (RU District south of Industrial lands on Route 17M to the northwest of the Town of Goshen) be rezoned from RU, as it currently exists, to I.

8-2 *Comment:* Exactly where on this property is the cut off for the proposed Industrial use?

8-2 *Response:* The area previously proposed to be rezoned to I (DGEIS Figure 6; Area #8), which has now been eliminated as a recommendation of the Plan Update, went to the edge of the black dirt or wetland area. No zoning map changes are currently proposed for this area. (See Section III and Figures 6 and 7 of this FGEIS, and Response 8-1 above for additional information.)

8-3 *Comment:* Are the 43.6 acres of black dirt included in this new zoning? If not, the impact on the value of the 43.6 acres will be totally negative. They need more information to know how the new zoning will impact the entire parcel.

8-3 *Response:* Comment noted. The area previously proposed to be rezoned to I (DGEIS Figure 6; Area #8), which has now been eliminated as a recommendation of the draft Plan Update, did not include the black dirt or wetland area. See Responses 8-1 and 8-2 above for additional information.

8-4 *Comment:* If the black dirt portion is *not* included in the new zoning, what does the Town propose they do with it?

8-4 *Response:* See Response 8-1, 8-2, and 8-3 above. The black dirt area remains in the RU zone and can be farmed.

8-5 *Comment:* This property can only be accessed via a private narrow road with a deeded easement. This road does not meet the requirements for a Town road. What are the plans for an access road to our property if the Industrial zone is implemented?

8-5 *Response:* According to Edwin Garling, Town Planner, Cannon Hill Drive could be extended onto the property (Area #8), connecting it to Route 17M. The developers of the North Jersey Trailer & Truck Services, Inc. facility received "Re-subdivision, Site Plan and Special Permit Approval" from the

Planning Board to construct a new road to the Gersbeck property line. The road is proposed to be offered to the Town for dedication and acceptance. It was, in part, for that reason that the Gersbeck property (DGEIS Figure 6; Area #8) was proposed to be rezoned from RU to I. The Comprehensive Plan Update no longer recommends that the Gersbeck parcel be rezoned from RU to I. See Response 8-1 above.

8-6 *Comment:* Will we be able to sell the existing dwelling to someone who is not in the agriculture business? Please explain what effect this will have on the existing house and the surrounding buildings.

8-6 *Response:* See Responses 8-1 and 8-5. As previously stated, the recommendation to rezone DGEIS Figure 6 Area #8 to I has been eliminated. Therefore, the proposed Comprehensive Plan Update and Associated Amendments should not impact the future sale of the house. It will be up to the property owner to determine whether to keep the property in the agricultural business.

8-7 *Comment:* Can this parcel be subdivided for two separate agriculture uses?

8-7 *Response:* As long as the parcel can be subdivided in accordance with Town Code Chapters 83, Subdivision of Land and 97, Zoning, there appears to be no reason why an existing conforming agricultural use could not be subdivided and sold for two separate agricultural uses.

8-8 *Comment:* The proposed change of our farm property from RU to I will hinder options for future uses. The location of this property has no road frontage, and has lands of black dirt. It is bordered by the Wallkill River and a wooded area on top of a slate mountain. Permitted Industrial uses would limit the benefits this parcel can be used for, and they thereby object to the change.

8-8 *Response:* See Responses 8-1 and 8-5.

**9. *The Builders Association of the Hudson Valley, August 12, 2008***

9-1 *Comment:* Throughout the DGEIS, the Town claims to want to provide their “fair share of the regional and community needs for multi-family and other affordable housing,” and indicates that these amendments will satisfy the County’s recommendation of Goshen’s 700 affordable unit burden. However, the ramifications of these regulations are that there will be substantially less

affordable units produced than if the Town continued to operate under the widely applauded and consensus-based 2004 Comprehensive Plan.

- 9-1 *Response:* Please refer to Response 4-3, 4-5, and 5-1. In addition, please refer to the discussion of mandatory affordable housing and multifamily housing provisions in Section III of this FGEIS and to the residential build-out analysis contained in Appendix C of the FGEIS.

The Town of Goshen cannot guarantee that multifamily units will be developed, it can only increase the locations that they are permitted. To provide for a range of socioeconomic housing, the Town Board has permitted multifamily units and accessory apartments in more districts than under the current Code. Previously, many of the multifamily housing options were required to go through the separate process of receiving a special permit from the Planning Board to be developed. Additionally, the Town Board is requiring that 10% of all residential developments containing 10 or more units be affordable, pursuant to § 97-24. These revisions reveal that there will be more, not less, affordable units produced under the proposed Plan.

- 9-2 *Comment:* We firmly recommend that the Town reconsider its usage of the “yardstick generally accepted in New York law that the zoning availability for multi-family homes equates to affordable housing opportunities.” What will provide the affordable housing opportunities that you are seeking is a dedication to providing municipal infrastructure - such as sewer and water - as well as land use guidelines that are realistic, inclusionary and unrestrictive.

- 9-2 *Response:* Comment noted. Please refer to Response 4-3, 4-5, and 5-1 above. In addition, please refer to the residential build-out analysis contained in Appendix C of the FGEIS.

Any such dedication to providing municipal infrastructure provides no greater guarantee than the proposed plan that affordable multifamily housing will be developed. Zoning opportunities are all that can be accomplished. Further, affordable housing opportunities can be accomplished without resorting to municipal water and wastewater services. Also, the proposed Comprehensive Plan, and zoning text and map changes, clearly provide realistic and inclusionary policies, consistent with New York law. Finally, unrestrictive land use guidelines do not further such goals.

9-3 *Comment:* The proposed 3-acre and 6-acre density requirements are not only burdensome, but they are elitist and exclusionary. Requiring such a low density of units per acre will only drive up the cost of land and make housing even less attainable for the young professionals who want to stay in the beautiful town they grew up in. These regulations will effectively make all future housing in the Town of Goshen only attainable to the rich.

9-3 *Response:* Comments noted, although the assertion that the proposed regulations effectively relegate all future housing in Goshen only to those that are rich has no foundation in economic realities, or even in economic theory, and is belied by any reasonable analysis of the proposed regulations that, among other things, provides for the opportunity for many hundreds of multifamily dwellings, and mandates certain strict affordable housing guidelines. In response to public comments on the DGEIS, the Proposed Action has been modified to reinstate existing allowable increases to maximum permitted density within the AQ-3 and AQ-6 overlay districts that are currently provided for in the Town's Zoning Code. This zoning text, which includes provisions that require an applicant to demonstrate that a project will not adversely affect the supply and quality of potable water, allow for increased residential density in appropriate areas consistent with the Town's environmental preservation and economic development goals. The Town Board has limited the additional density to one unit per two acres in the AQ-3 district and one unit per three acres in the AQ-6 district, although clustering could significantly increase the actual per acre density of the developed area of a site.

**10. *James Sweeney, James G. Sweeney, P.C., August 11, 2008***

10-1 *Comment:* The July 17, 2008 "updated" plan continues to eviscerate the 2004 open space plan by setting a density ceiling in the AQ-3 zone at one unit per three acres and in the AQ-6 zone at one unit per six acres with no ability to average parcels that are split by the zone line as is the Heritage parcel. The allowable density for the Heritage proposal will be scaled back significantly.

10-1 *Response:* See Response 9-3. Further, it is not correct that the allowable density for the referenced Heritage proposal would be scaled back significantly as a result of the proposed plan and zone changes, even if the Heritage application were subject to these changes. However, under the current proposal the Heritage application may be exempt from these changes in any event.

10-2 *Comment:* This, when combined with the elimination of density bonuses, will actually lead to a loss of open space as the development community will scrap any clustering plans and try to maximize their development area using conventional lots that will “pockmark” the hillsides of Goshen.

10-2 *Response:* Comment noted. See Responses 2-1, 3-2, 4-4, and 9.3. The discretionary bonuses are proposed to be eliminated because the Town Board believes that the existing and proposed densities within the RU and HR zones are appropriate without the additional density that such discretionary bonuses would engender. In addition, natural features and open space are encouraged to be retained through active farmland usage, clustered development of housing, and acquisition of conservation easements by land trusts and other appropriate agencies. The Zoning Code and proposed amendments address the issue of preservation of scarce environmental resources in the Town through a number of provisions related to the density and form (i.e. cluster development, open space developments, and conservation density developments) of future development in the RU and HR zoning districts (see § 97-15 and § 97-20) and their relationship to the preservation of open space and the procurement of adequate potable water.

10-3 *Comment:* Under the new approach, there will be no incentive to preserve natural open space.

10-3 *Response:* See Responses 4-2, 4-4 and 10-2 above. The granting of density bonus units under the now existing zoning is entirely within the discretion of the Planning Board. In reviewing the projects that have proceeded through this discretionary process before the Town of Goshen Planning Board, only two have received consideration for any such units -- the Heritage subdivision application and the Hendler subdivision application. Further, given the results noted below, the process has not yielded in practice any great incentive to preserve natural open space not otherwise provided as a result of the planning process generally.

Heritage had a permitted base density of 69 units that could be developed on 249.86 acres of land. Under existing § 97-20(a)(3)(a), an additional 50% of bonus density units could potentially be awarded if the applicant allows public access to the protected open space on the property, and the Planning Board finds that such public access provides a significant recreational benefit to the Town, such as a trail connector or access to an important natural area.

The Planning Board determined that the public access to the preserved open space did not provide a significant recreational benefit to the Town, and granted no additional bonus density units. Under existing § 97-20(A)(3)(d), if an applicant preserves as permanent open space more than 50% of land, a maximum of 10% density bonus per additional 5% of the parcel preserved as open space may be awarded. Owing to the Heritage applicant preserving approximately 164.58 acres of open space, representing 15.87% of land in excess of 50% of the subdivision area open space requirement under the Code, for a total of 65.87% of the property, the Planning Board granted only 12 bonus density units. The Board found that no additional units were warranted.

The Hendler subdivision was entitled to a base density of five units. The Planning Board conducted the appropriate analysis for granting bonus density units and determined that the application warranted no additional units under any of the five density bonus options.

**11. Olivia N. Serdarevic, Goshen Resident, August 25, 2008**

11-1 *Comment:* I object to the zoning, as currently proposed, that would adversely affect about 141 acres of the Hamlet at Goshen project on my property. The development of the property will not be economically viable under the new zoning proposal. The proposed changes would preclude construction of the Hamlet at Goshen project, which would have contributed to fulfillment of all seven Goals of the proposed Comprehensive Plan within a few years.

11-1 *Response:* In response to comments on the DGEIS, proposed zoning described in the Plan has been modified. As discussed in Section III of this FGEIS, the subject property is now proposed to be zoned RU. In the DGEIS, this property was proposed to be zoned partly RU and partly CO. It was determined that CO zoning was not appropriate for this area as it would generate too much traffic and would have a negative impact on the viability of commercial uses in the adjacent Village of Goshen village center.

Given its location adjacent to the Village of Goshen village center and environmental constraints on the site, including steep slopes and substantial wetlands, the site is an appropriate location for RU zoning. This zoning is consistent with existing zoning of adjacent properties to the north, east and west of the site.

A site-specific evaluation of this project and whether it meets the goals of the Comprehensive Plan Update is not appropriate at this time, and is a topic that would be broached by the Planning Board during its analysis and review in accordance with the Zoning Code.

- 11-2 *Comment:* The problems with rezoning the front portion of S/B/L 11-1-46 from HM and HR to CO and the back to RU include:
- a. Several individuals have stated that the parcel would never be developed with zoning restricted to commercial. In any event, that area would not be a commercial tax ratable for at least the next generation. *(See FGEIS Section III and Response 11-2 below)*
  - b. There are reportedly at least 1 million square feet of vacant office space in the Hudson Valley area. *(Comments noted)*
  - c. Relocation of Arden Hill Hospital to Wallkill completely obviates the need for additional healthcare related office space and will leave vacancies in existing office buildings as services and medical professionals relocate to follow the hospital to Wallkill. *(See FGEIS Section III and Response 11-2 below)*
  - d. Office tenants desiring walking access to the Orange County Government Center, along with attorneys and legal professionals desiring close access to the County Courts, would prefer to locate within the newly built office buildings in the Village Center. Moreover, Goal #2 of the Comprehensive Plan is to support the existing Village Center. *(See FGEIS Section III and Response 11-2 below)*
  - e. Commercial developers desiring close highway access would first focus on the Village land between South Street and Route 17A that is already zoned for up to 700,000 square feet of office space (with automatic Village water and sewer hookup by right), and is adjacent to the already existing Village office/industrial parks. *(See FGEIS Section III and Response 11-2 below)*
  - f. Commercial office developers would not develop on spec without water and sewer hookups by right. *(Comments noted)*
  - g. There already exists a proposal for additional 1 million square feet of industrial warehouse/back-office space to be located in the Echo Lake part of the Town of Goshen. *(Comments noted)*
  - h. The Town has stated that it does not want any “big box,” e.g., Home Depot, commercial-type developments that would require highway visibility and engender very high traffic density. *(Comments noted)*

- i. The commercial development of the entire front portion of the parcel 11-1-46 would compromise Goal #1 and #7 of the Comprehensive Plan because it would not protect and enhance the character of the Town and would not encourage appropriately sited development. Large scale commercial structures would adversely impact the visual gateway character of the Town and Village, and the residential character of Glen Arden. (See FGEIS Section III and Response 11-2 below)
- j. Rezoning part of the Hamlet at Goshen project and the tiny part of the Lone Oak project as commercial would be spot zoning because those segments would be surrounded by the residential communities of Glen Arden/Elant, Lone Oak and Arcadia Hills. As David Church, Commissioner of Planning, Orange County wrote on 9/27/07, "Section 3.3-Our opinion is that for this sizeable area (parcel 11-1-46) may prove to be the best place, as these lots are strategically located to serve the mixed use community with additional bolstering from the current density in Arcadia Hills, proposed Lone Oak residential development, current and future Elant development, Arden Hill Hospital conversions and nearby Route 17 highway access. (See FGEIS Section III and Response 11-2 below)
- k. The proposed new Route 17/Interstate 86 interchange would further segregate the residential Glen Arden/Elant/Arcadia Hills area from the Arden Hill site and other Village commercial areas. This interchange would also highlight the inadequacy of road access to any solely commercial project. Should the zoning remain HM or HR, the developer of the Hamlet at Goshen would obviously upgrade Harriman Drive. (See FGEIS Section III and Response 11-2 below)
- l. Lack of development of this parcel would prevent additional vehicular and pedestrian connectivity between residential Glen Arden, Lone Oak and Arcadia Hills. (See FGEIS Section III and Response 11-2 below)

11-2 *Response:* In response to public comments received on the DGEIS, the Plan has been revised to recommend that the 84-acres proposed to be rezoned CO be rezoned to RU. This would result in the entire area shown as Area 2 on Figure 6 in this FGEIS to be rezoned to RU. This proposed change was made to avoid commercial use with a highway or heavy traffic orientation adjacent to an approved residential development in the Village of Goshen and proposed development in the Town of Goshen. The rezoning of this site from a CO zone to an RU zone will also better support Plan Goal #2 which is to

support existing Village centers and foster Town clusters because it will not be locating additional and possibly competing commercial uses adjacent to the Village and open space development (cluster development) would be encouraged on the site. Also a portion of the area to be rezoned contains a substantial wetland and is better suited for low-density residential development. It remains a decision of the property owner and the developer as to the design of a piece of property. This Comprehensive Plan Update and the Associated Amendments will merely provide the guidelines for applicants to follow.

11-3 *Comment:* The benefits of HR or HM zoning of approximately 150 acres of the Serdarevic property as part of the “Arcadia Hamlet Area” and the Hamlet at Goshen development are:

- a. The construction of the Hamlet at Goshen would, upon completion, positively address and even fulfill all of the stated Goals of the Comprehensive Plan.
- b. Goal #1: It would enable preservation of roughly 200 acres for agriculture and maintain the character of the Town by having residential density along Harriman Drive consistent with adjacent Glen Arden and Arcadia Hills.
- c. Goal #2: It would provide for a varied population that would support the existing Village center economically without encumbering traffic patterns, due to immediate access to Route 17 and pedestrian connectivity between the planned project and adjacent properties. It would also foster Town clustering since it would lead to a build out of only approximately 100 acres of the total 500 acre property with the clustering planned adjacent to the current residential clusters.
- d. Goal #3: It would provide for a complete range of housing types for all age groups and economic profiles. According to the Comprehensive Plan, there is an existing demand in the Town, excluding the Village, based on the 2006 census, of 700 multifamily units to fulfill New York State law regarding affordable housing. Currently, according to the Town of Goshen Tax Assessor’s office, there are only 163 two-family units and only 15 three-family units. According to the Realtors MLS, there are no multifamily units for sale. The newly proposed Hamlet areas would provide for no more than about 20 affordable units. Any development of PACs would provide housing only for seniors and therefore, only one out of eleven different population criteria for affordable housing. Development of the Hamlet at Goshen would provide significantly more affordable units. Also, the Comprehensive

Plan states that there is a demand for smaller townhouse units, and the Hamlet at Goshen plans to have a large majority of 2B house units, which would not have any school aged children.

- e. Goal #4: It would provide a 40,000 square foot retail/office complex to serve the adjacent areas and complement the Village commercial activities. The projected tax ratables for this development would be in excess of \$5 million per year. (See FGEIS Section III and Response 7-1)
- f. Goal #5: It would protect approximately 400 acres of open space, enhance scenic appeal of the wetland area along Harriman Drive in the front of the property, provide the only Town swimming pool complex, provide ball fields and a potential school site adjacent to Arcadia Hills, and provide condominium maintained biking/hiking trails among Glen Arden, Lone Oak and Arcadia Hills.
- g. Goal #6: It would have enough water to satisfy the requirements of the proposed water protocols and to supply additional water and upgrade water and sewer infrastructure for Arcadia Hills, allowing for a reduction of Arcadia Hills' sewer rates.
- h. Goal #7: It would allow for the protection of the Village of Goshen's watershed and a large area of the environmentally sensitive Southern Wallkill diversity region.

11-3 *Response:* In response to comments on the DGEIS, the CO zoning that was originally proposed for a portion of this property has been eliminated and the entire area is now proposed to be zoned Rural (RU). The RU designation is consistent with the goals of the Comprehensive Plan and the Town's overall goal of preserving its rural character as follows:

Goal #1: It will provide for low-density residential development patterns that support preservation of open space and the rural character of the Town of Goshen. Conservation areas must be usable open space.

Goal #2: Rural development would provide for additional residences within close proximity to the Village of Goshen village center. The RU zoning designation will foster cluster development (open space development) patterns and additional residents will enhance the viability of existing commercial uses in the village center.

Goal #3: The RU zoning designation allows for the development of senior/adult housing in a PAC development where there is a requirement for

15% of the units to be affordable housing units, and now mandates that all new developments of 10 or more units in the RU district contain 10% affordable housing units.

Goal #4: The Town Board believes that Goal #4 is better met by increasing the commercial coverage ratios in the existing I, HC, and CO zones rather than rezoning land immediately adjacent to the Village of Goshen for additional retail/commercial development. The increase in the commercial coverage ratios has the potential to result in up to \$39 million in additional property taxes.

Goal #5: The RU zoning designation supports the development of cluster subdivisions that provide areas preserved by conservation easements.

Goal #6: The RU zoning designation provides for low density, residential development consistent with the Town's water conservation objectives.

Goal #7: The RU zoning designation provides for cluster development, which encourages development patterns that are sensitive to site topography and wetland areas.

**12. *The Torelli Family, Unknown, August 13, 2008***

12-1 *Comment:* The definition of coverage ratios should be the amount of building square footage as compared to total lot square footage AND the amount of impervious surface square footage as compared to total lot square footage. Having the coverage ratios too low reduces the amount of development, thus reducing the amount of future tax ratables and jobs to be created. Lot ratios encourage Commercial/Industrial sprawl. Increasing the coverage ratios to 50% will put Goshen in line with its surrounding communities; without changes, Goshen will be at a competitive disadvantage.

12-1 *Response:* See Response 7-1 above. In response to public comment on the DGEIS, the Proposed Action has been modified in this FGEIS to provide for an increase in coverage ratios and will allow for maximum impervious coverage of 70% in the Highway Commercial (HC) zone, 70% in the Commercial/Office Mixed-Use (CO) zone and 70% in the Industrial (I) zone. Section III of this FGEIS provides an analysis of coverage comparisons for comparable districts in surrounding municipalities and demonstrates that the proposed ratios are consistent with those used in neighboring areas. This

will create approximately 6.9 million square feet of additional commercial/industrial space (projected build out of 30-40 years) and is expected to have a positive impact on the Town's ability to attract investment relative to neighboring communities. The potential expansion of gross floor area by up to 6.9 million square feet could result in an estimated \$39 million in additional property taxes and could potentially accommodate up to 17,000 more workers under full occupancy (30 to 40 years).

**13. Michael D. Zarin, Zarin & Steinmetz, August 25, 2008**

13-1 *Comment:* The DGEIS states that the purpose of rezoning Site 3A to CO is that it would be “in line with the zoning to the north and south.” This phrase is entirely ambiguous. At a minimum, the DGEIS should provide a map of the Proposed Zoning Amendments in the context of the existing zoning.

13-1 *Response:* Figure 7 of this FGEIS provides a map of the potential zoning map changes in context of existing zoning. As shown on this figure, Site 4a-A (formerly Site 3a-A in the DGEIS) is proposed to be rezoned to Highway Commercial (HC) and Site 4A-b (formerly Site 3a-A in the DGEIS), based on comments received on the DGEIS is now proposed to be rezoned to Rural (RU) instead of Commercial/Office Mixed-Use (CO) as proposed in the DGEIS. Site 3a-A, which is proposed to be rezoned from HR to HC is adjacent to State Route 17A to the east and existing commercially zoned properties to the north and east. Site 4a-B, which is proposed to be rezoned from HR to RU, is surrounded an existing RU zone to the east and west.

13-2 *Comment:* The DGEIS fails to adequately analyze fundamental potential impacts in areas associated with traffic, affordable housing, aesthetics and socio-economic impacts.

13-2 *Response:* The DGEIS contained an analysis of traffic impacts (see DGEIS page 40-45), affordable housing (DGEIS pages 30-33, 34-35), cultural and visual resources (see DGEIS page 46), and socioeconomic impacts (see DGEIS pages 48-49). However, in response to comments received on the DGEIS and based on the changes made to the Proposed Action, this FGEIS (see Section III and Appendix C) does provide additional analysis of Town wide impacts of the Proposed Action on affordable housing, traffic, and fiscal impacts. As discussed in Section I of this FGEIS, this is a generic EIS, a detailed, or site-specific analysis of impacts was not provided in the DGEIS as such impacts would be specific to a particular site or group of sites. As such, this type of

analysis would be part of a review of site-specific impacts as particular parcels are developed in the future. See also, Response 5-1.

13-3 *Comment:* The DGEIS fails to address meaningful mitigation regarding potential significant traffic impacts.

- a. The Proposed Comprehensive Plan does not contain any articulation of a goal to mitigate traffic impacts of development in the Town. There is also no reference to the 2006 Traffic Study, its conclusions and recommendations.
- b. The primary rationale for the Zoning Code Amendments, stated by the Town Board, was to respond to traffic concerns and an influx of applications for development proposals. As set forth in the DGEIS, there is *an over 10-fold increase* in traffic at certain critical intersections resulting from the rezoning of property from HR to CO.
- c. The DGEIS fails to provide any data for the a.m. peak hour.
- d. The NYS Department of Transportation is not even on the interested/involved agency list.
- e. The DGEIS concludes, without any empirical data, that there Proposed Plan Update “will likely have a positive impact on the traffic and transportation performance within the town.” (DGEIS at 40-41).
- f. The DGEIS offers no real mitigation of the impact on the existing transportation system, but improperly defers analysis to site-specific review.
- g. It is unclear what rational basis the Town has evoked for suddenly abandoning its goals to address traffic impacts from future development in the Town, and what substantial evidence would support such an about-face in its primary goals.

13-3 *Response:* Comments noted. Traffic concerns are articulated in the objectives of Plan Goal #2. The traffic analysis section of the Updated Comprehensive Plan (see Section 2.7, page 34) contains an inventory of existing roadway conditions within the Town of Goshen, including roadway classifications, traffic volumes, accident data, and level of service calculations. In addition, the traffic section specifically lists strategies and recommendation to improve traffic conditions in the Town. Section 2.7 of the Updated Comprehensive Plan is based on the Goshen Town Wide Traffic Analysis prepared by BFJ Planning in August 2008. The 2008 study was an update to the Goshen Town Wide Traffic Study conducted by Stantec in December 2006. A note to that effect has been added to Section 2.7 of the revised Updated Comprehensive Plan and the 2008 Goshen Town Wide Traffic Analysis has

been included in the revised Updated Plan as an appendix. While the DGEIS was not explicit in its reliance on the 2008 Town Wide Traffic Analysis, the DGEIS statement referenced above that the Plan “will likely have a positive impact on the traffic and transportation performance within the town,” is fully supported by the data contained in the 2008 Town Wide Traffic Analysis. The statements made regarding the need for future study and mitigation measures is in reference to the zoning map changes only. The DGEIS does provide traffic generation data (which has been revised – see Section III of this FGEIS) and a discussion of vehicle miles travelled for the proposed rezoning sites. The analysis contained in the DGEIS and this FGEIS rely on the PM peak hour rather than both the AM and PM peak hour, because the PM peak hour tends to be a better predictor of traffic generation impacts resulting from commercial/retail development.

The DGEIS contains general mitigation language in reference to the rezoning sites, but does not speculate as to the particular use or combination of uses that could or would occur on each of the various rezoning sites nor does it provide site specific mitigation measures based on speculative scenarios. The DGEIS appropriately defers the development of site specific mitigation measures until specific development proposals are advanced at some point in the future. The type of analysis provided in the DGEIS and FGEIS is consistent with a generic type of EIS review as specified in the SEQR regulations (§ 617.10).

As discussed in Section III of this FGEIS, in response to concerns over increases in traffic resulting from the proposed changes of certain HR areas to CO, the Town has modified its proposed zoning map changes and is currently proposing to rezone several of the HR areas to RU rather than CO. Specifically, the rezoning of the 104-acre portion of the Prospect Hill development site from CO, as previously proposed, to RU will result in a 78% reduction in traffic generation for the site as compared to the CO proposed in the DGEIS (see traffic analysis in Section III). While the Town’s overall justification for the zoning changes Town wide certainly is related in part to concerns over increased traffic Town Wide, it is not sole or even primary justification for such changes, and an influx of development proposals, the Town recognizes the need to achieve balanced growth and development and also seeks to achieve other Plan goals and objectives, including the need to attract a diverse and economic base that provides tax ratable and the need to attract tax positive commercial development. The Town Board had originally proposed to achieve its economic goals through the rezoning of certain

properties to CO, but based on extensive comments from the development community, it believes that these goals can better be met through increasing the coverage ratios in the existing commercial/industrial zones (see Response 7-1) and it can address traffic issues and Plan preservation goals by rezoning those properties previously proposed for CO to RU.

- 13-4 *Comment:* The DGEIS fails to adequately study the impact on diverse and affordable housing.
- a. The DGEIS states that the Proposed Zoning Amendments would permit the development of 1,583 additional multifamily units. There is no evidence to support this calculation or conclusion. It includes absolutely no meaningful data to demonstrate that the development of 1,583 multifamily units is physically or financially feasible.
  - b. The DGEIS contains a faulty and inconclusive analysis of the affordable housing needs in the community, using 2006 population data for the County's municipalities.
  - c. There is no source provided for the conclusion that "new housing development tends to push housing prices up throughout the housing supply." (Draft Plan Update at 57).
  - d. The DGEIS and the Draft Plan Update also fail to provide a socioeconomic analysis of the Proposed Plan Update and Zoning Amendments. The analysis does not include any discussion of the housing needs of the Town of Goshen, using demographic data specific to the unincorporated area (since the Town does not control land use in the Village). No quantifiable analysis of income levels, existing housing patterns, types and market values, and the impacts of Proposed Zoning Amendments on the availability of affordable housing is provided.
  - e. There is no indication as to what types of multifamily housing the Town is referring to, and offers no impact analysis as to whether these changes would eliminate realistic opportunities to construct affordable housing. There is no consideration as to the impact of the elimination of density bonuses in the RU district. There is no buildout analysis provided of the potential number of affordable housing units that could be constructed pre- and post-zoning amendments.
  - f. The DGEIS fails to explain why PACs are "better suited to residential zones," and are therefore, no longer "suited" for the CO District, which continues to allow accessory residential uses.
  - g. No data is provided to demonstrate how many of the PACs could feasibly be developed in the Town, based upon the need for water and

sewer, or a possible impermissible restriction of their development on properties with slopes greater than 15%.

- h. The DGEIS should contain a map of the existing Town water and sewer districts, or areas planned for extension, topography maps demonstrating potential properties on which PACs could be developed, and a critical fundamental analysis.
- i. The DGEIS does not address how the Proposed Zoning Amendments would address the local community need for more diverse and affordable work-force housing, since PACs are necessarily age restricted.
- j. PAC provisions are absent from the Proposed Zoning Amendments.

13-4 *Response:* Comments noted. The proposed PAC provisions (see § 97-15(P)) were inadvertently omitted from the draft Zoning Code amendments, and those provisions have been added into the revised Associated Amendments and are included within Appendix B of this FGEIS. The commenter is referred to Response 4-3 which provides a detailed discussion of PACs and Response 4-5 which provides a detailed discussion of affordable housing, including the basis for the regional need for affordable housing and the Town's fair share, as well as the number of affordable multifamily and rental units that could potentially be developed. The analyses contained in these two responses are based on the build out analysis contained in Appendix C.

The build out analysis was prepared on a lot by lot basis and takes into account site constraints. It includes specific information as to where PACs could potentially be located within the Town after meeting the criteria set forth in § 97-15(P) of the Zoning Code. The Town Board believes that large-scale residential developments, such as PACs which permit up to 200 units per development, are inconsistent with the stated purpose of the commercial zoning district and do not make the best use of the limited commercial zones in the Town. The RU district is by far the most extensive zone in terms of land area within the Town and would therefore, and as supported by the build out analysis, provide the opportunity for approximately 1,900 PAC units town wide. The Zoning Code does continue to allow residential units within the CO zone; however, these units are accessory to the primary commercial use rather than allowed as the primary use. See also, Response 5-1.

13-5 *Comment:* The DGEIS does not adequately analyze alternatives.

- a. Although the DGEIS indicates that the Town considered numerous alternatives, the only alternative addressed is the “no action” alternative, and only in the most cursory fashion at best.
- b. The “no action” alternative lacks any empirical or substantive evidence to support its conclusion. No calculations are provided with regard to the development buildout pre- and post-zoning changes. There is no discussion regarding comparison between existing and projected traffic, socioeconomic or visual impacts. There is no discussion as to how the Town determined after *only four years* that the Existing Zoning Code cannot meet the goals of the Proposed Plan Update.
- c. The Board must undertake an analysis of any feasible alternatives to the Proposed Plan Update, including the “no action” alternative.

13-5 *Response:* The alternative studied in the DGEIS was the No Action Alternative, which assumes no updates or amendments to the current Comprehensive Plan and Zoning Code. A comparative analysis was not provided for the various alternatives to the Zoning Code that were considered by the Town Board. Many were suggested by the public during pre-DGEIS public hearings conducted by the Town Board for that purpose, including:

- 1. Not re-zoning the parcel south of Industrial lands on Route 17M to the west of the Town (#8 in DGEIS Figure 6 of the Comprehensive Plan) to Industrial from Rural.
- 2. PACs as a Floating Zone within the CO, HR, HM or RU Districts, to be approved by the Town Board providing it satisfied the various conditions.
- 3. Modifying the definitions of constrained and unconstrained land as follows:
  - a. Constrained Land - Lands consisting of wetlands, water bodies, watercourses, one-hundred year floodplains, cemeteries, easements and rights of way restricting land use and slopes over 25 percent which contain 2,000 square feet or more of at least ten foot wide contiguous slopes.
  - b. Unconstrained Land - Land that does not include or is not wetlands, water bodies, watercourses, one-hundred year floodplains, cemeteries, easements and rights of way restricting land use and slopes over 25 percent which contain 2,000 square feet or more of at least ten foot wide contiguous slope areas.

4. Not removing the HM District in its entirety.
5. Not revising the water protocols.
6. Permitting density transfers by special permit from the Town Board.

Of the alternative zoning proposals considered by the Town Board, two of the items considered above (items #1 and #3) have been incorporated into the proposed Zoning Code amendments (Alternative 3, discussed below) and have been studied herein. All of the other items listed above were considered by the Town Board but were determined by the Town Board to be infeasible because they did not appropriately advance the Updated Comprehensive Plan Goals and Objectives as outlined in Response 13-6 below, and therefore required no further study.

As stated above, the only feasible alternatives to the Proposed Action advanced in the DGEIS were the No Action Alternative (Alternative 1) and the Proposed Action alternative studied in the DGEIS (Alternative 2). Based on comments received on the DGEIS, a third alternative (Proposed Plan studied in the FGEIS) is analyzed in this FGEIS, which is a hybrid of Alternative 1 and Alternative 2, incorporating various elements of each. A detailed build out analysis examining at each of the three identified alternatives can be found in Appendix C. These alternatives are discussed below:

**Alternative 1 – No Action.** The Town Board is under no legal obligation to approve the revised Comprehensive Plan and associated Code amendments, and the No Action Alternative represents the option of going forward with the existing 2004 Plan. Without the updated Comprehensive Plan, the Town of Goshen would continue to face the many subdivision and site plan applications requesting high density residential developments that could have an adverse effect on ground water supply, traffic and the rural character of the Town.

PACs are proposed to be eliminated from the CO district because the Town Board believes that large-scale residential developments, such as PACs which permit up to 250 units per PAC development, are inconsistent with the stated purpose of the commercial zoning district and do not make the best use of the limited commercial zones in the Town. Based on the residential build out

analysis, the No Action alternative has the potential to produce approximately 3,535 units of housing, and there is the potential for 1,033 PAC units.

**Alternative 2 – Proposed Plan Presented in DGEIS.** This alternative development eliminates the HM district and some HR districts, eliminates PACs in the CO District and allows them in the RU and HR districts. RU density was changed to a maximum of 1 unit per 3 or 6 acres depending on the applicable Aquifer Overlay District. CO areas were also located along Harriman Drive and Route 17A in former residential areas. Where CO uses were proposed, residential development was eliminated. Alternative 2 has the potential to result in approximately 2,449 units.

If all PACs are added to the ten lots (identified in the build out analysis) there would be 1,662 PAC units, 15% of which are required to be affordable as defined by § 97-24 of the Zoning Code.

**Alternative 3 – Proposed Plan studied in the FGEIS.** RU development density remains the same as in Alternate 1, with the exception that bonus densities have been removed and the Town Board has instituted a density cap of one unit per two acres in the AQ-3 and one unit per three acres in the AQ-6. The Town Board proposes a 10% mandatory affordable housing requirement within the RU zone for all developments of 10 units or more. The HR district revisions and PACs remain as they were in Alternate 2, and some CO areas have been rezoned RU. Alternative 3 has the potential to result in approximately 2,958 units.

If PACs are added to ten lots (identified in the build out analysis) and the units previously calculated for those lots are eliminated then there would be 1,904 PAC units, 15% of which are required to be affordable as defined by § 97-24 of the Zoning Code.

In addition, in order to better meet the Town's goal of developing a strong and balanced economic base, the Town has chosen to increase the impervious surface coverage ratios in the I, HC and CO zones. This proposal was not included in Alternatives 1 or 2. As analyzed in Section III of this FGEIS, the increase in commercial coverage ratios could result in up to an additional 6.9 million gross square feet of commercial/industrial floor area Town wide and could generate an estimated \$39 million in additional property taxes and

accommodate 17,000 more workers under full occupancy; full build out is anticipated to take 30-40 years to achieve.

The proposed Plan (Alternative 3) was carefully designed to appropriately balance the needs of the Town with effective, yet flexible controls which would promote both residential and commercial development, while assuring the maintenance and promotion of the public interest in areas such as residential and economic development, in addition to the protection of agricultural land, scenic and historic resources, and critical natural and environmental resources. In addition, Alternative 3, the Proposed Action, best meets the Town Board's goals and objectives as specified in the Updated Comprehensive Plan (and discussed in Response 13-6 below) when compared to Alternatives 1 and 2.

Both the Comprehensive Plan Update (see Section 4.3) and the 2004 Comprehensive Plan state that the Plan must reflect current Town planning goals and policies if it is to be respected and regularly used. The 2004 Plan goes on to recommend that a re-examination of the Plan be undertaken at least once every three (3) years. The current update to the 2004 Plan is being undertaken in accordance with the planning process recommended in the Comprehensive Plan itself.

13-6 *Comment:* The Proposed Zoning Amendments do not meet the objectives of the Proposed Plan Update. The Proposed Zoning Amendments do not appear to have a rational nexus to goals set forth in the Proposed Plan Update.

13-6 *Response:* The amendments to the Zoning Code not only serve to further the goals and objectives set forth in the Updated Comprehensive Plan, but also recognize that there are various methods for achieving this vision. The Town Board is proposing to only amend key sections of the Zoning Code in order to better achieve the Plan goals, and acknowledges that much of the existing Code already supports the stated goals and objectives of the Plan. Each of the Plan goals is discussed in the context of Zoning Code amendments below:

Goal #1: Protect and enhance the agricultural activities and character of the Town.

The Zoning Code amendments provide for low density residential development patterns (i.e. density reductions in the HR and PAC developments, and the expansion of the RU zoning district) that support

preservation of open space and the rural character of the Town. The Zoning Code amendments mandate that 30% of a site located in the HR district be protected as undeveloped open space. The open space cannot contain wetlands or other constrained lands. The RU district requires a minimum of 50% of a site to be preserved under the open space development requirements, further protecting the rural nature of the Town.

Goal #2: Support existing Village center and foster Town clusters.

The proposed amendments to the Zoning Code and Zoning Map support the existing village center by reducing the permitted density within the HR zone and by also eliminating several of the HR zones that are located in close proximity to the Villages of Goshen and Florida (see Section III and Figures 6 and 7 of this FGEIS). They support cluster development within both the HR and RU zones through its open space development provisions, and the requirement for at least 50% of a site to be preserved by a conservation easement.

Goal #3: Provide a range of housing alternatives that will meet the housing needs for a range of socioeconomic groups.

The proposed amendments to the Zoning Code meet the Town's goal of providing a range of housing alternatives in the Town (see Response 4-3 and 4-5). The Town Board has increased mandatory affordable housing by including a requirement for 10% of all residential developments in the RU district that are 10 units or more to be affordable. This requirement is in addition to the existing mandatory affordable housing provisions for PACs and for developments in the HR zone, which provide the opportunity for development of affordable housing, while the relocation of PAC developments to the RU zone will allow for up to 1,904 PAC units thereby providing the opportunity for senior/adult housing units.

The Zoning Code has been amended to streamline the approval of multifamily units by permitting more multifamily housing options as allowed uses by right, subject to site plan review by the Planning Board instead of by Special Permit. An estimated 2,213 units of multifamily housing could be developed Town wide.

Goal #4: Develop a strong and balanced economic base.

The Town Board seeks to achieve Goal #4 by increasing the permitted impervious surface coverage ratios in the I, HC, and CO zones rather than rezoning land immediately adjacent to the Village of Goshen for additional retail/commercial development. The increase in the commercial coverage ratios has the potential to result in up to \$39 million in additional property taxes.

Goal #5: Protect and enhance open space and public space.

The Associated Amendments address the issue of protecting and enhancing public open space resources in the Town through a number of provisions related to the density and form (i.e. small-scale developments, open space developments, and conservation density developments) of future residential development. (See § 97-15 and § 97-20). These developments are required to preserve a percentage of the property as open space. The density permitted is limited, and can only be increased if applicants can demonstrate adequate potable water. Within the HR district, the 30% required open space cannot include wetlands or other constrained lands. This helps to enhance the public use of the areas preserved.

Goal #6: Ensure a development pattern that will provide for sustainable water use.

The proposed revisions to the Zoning Code achieve the intent of Plan Goal #6. Permitted densities within the RU zoning district are tied to the demonstration of adequate water. Densities within the RU can be increased to one unit per two acres in the AQ-3 and one unit per three acres in the AQ-6 as long as it can be shown that a project will not adversely affect the supply and quality of potable water, using the Town Wide Water Testing Protocols. The water testing protocols have been revised to ensure that new wells can provide enough water for the proposed developments, while not negatively impacting neighboring wells.

Goal #7: Encourage appropriately sited development and protect environmental assets.

The Zoning Code provides for cluster development patterns, which encourages sensitivity to site topography and wetland areas. The Zoning Code amendments require that open space areas in the HR district consist of unconstrained land that is usable for open space purposes, rather than

constrained land that would otherwise be unusable for development/open space purposes. In addition, PACs have been removed from the CO zone, and are permitted in the HR and RU districts only on pre-development slopes of less than 15% to preserve the natural topography, including the environmental assets.

13-7 *Comment:* The Proposed Zoning Amendments do not provide “higher quality” open space.

- a. A primary objective of the Proposed Plan Update is to provide “high quality” open space. This is an entirely subjective standard with no definition whatsoever.

13-7 *Response:* See Response 4-2.

13-8 *Comment:* The Prospect Hill site can be developed in accordance with the goals and objectives of the Proposed Plan Update.

- a. As support for rezoning the HR portion of the Prospect Hill site, the DGEIS and Proposed Plan Update summarily determine that the property is “unsuitable for hamlet residential development” and that portions of the property have “limited value for almost any development.” The DGEIS makes no attempt to define what the Town considers “unsuitable” for development, nor is any empirical or substantial evidence provided to support this threshold serious conclusion. Nor is there any analysis as to why a commercial/office development would be any more protective of the sensitive features onsite.
- b. There is no discussion as to what the location based criteria that a TND should be able to satisfy is comprised of.
- c. The Town needs to provide a rational basis and an analysis, supported by substantial empirical evidence, before determining that property, such as the Prospect Hill site, is undevelopable.

13-8 *Response:* As stated above in Response 13-6, the Town Board believes that the revised Zoning Code amendments serve to further the goals and objectives set forth in the Updated Comprehensive Plan, but also recognizes that there are various methods for achieving this vision. In rezoning a 104 acre portion of the Prospect Hill property to CO from HR the Town was attempting to achieve two of the Plan goals; Goal #1 to enhance and protect the rural character of the Village and Goal #4 to develop a strong economic base.

The Town Board is proposing, however, that the goals of the Plan are better met through the rezoning of the 104 acre site to RU instead of CO and by increasing the commercial coverage ratios Town-wide. The site does consist of wetlands and rugged terrain, and the Town Board believes that these environmental resources can be best protected under the RU district regulations. Based on the lot by lot residential build out analysis, the Prospect Hill site appears to be comprised of approximately 56 acres of constrained land and 54 acres of unconstrained land, as defined in § 97-84 of the Zoning Code. Therefore, more than 50% of the site may be deemed unsuitable for development.

- 13-9 *Comment:* The Proposed Zoning Amendments would result in adverse visual impacts. There is no discussion of any analysis to determine whether the action will result in adverse visual impacts utilizing the standards DEC has promulgated, nor does the DGEIS establish what methodology was utilized to reach such a conclusion.

*Response:* The DGEIS contained a brief, but sufficient, analysis of cultural and visual resources, which is not required under SEQRA to be conducted in accordance with the DEC standards. In addition, such a level of analysis in the case of a Town-wide comprehensive plan would be speculative and ineffectual at best. As discussed in Section I of this FGEIS, this is a generic EIS, a detailed, or site-specific analysis of visual impacts would be part of a review of site-specific impacts as particular parcels are developed in the future.

- 13-10 *Comment:* The analysis of the Town's infrastructure is inadequate.

- 13-10 *Response:* The Town of Goshen's infrastructure, for the purpose of this response, is composed of roads, water systems and sewer systems. The future expansion of these systems will be determined by the Town Board and Town Highway Superintendent relative to their areas of responsibility.

Roadways owned by the Town of Goshen consist of 68.56 miles of road. These roads and their mileages are listed in Appendix D of the FGEIS. Additional roads to be added to this 2005 list are Angela's Way, Avalon Drive, new roads at Sawyers Peak, Danielle Court, Jessica Court and Allyson Court. Roads will be added to the list as they are offered to and accepted by the Town Board. The hierarchy of roads including Town collector and local road

classifications begins on page 35 of the proposed Updated Comprehensive Plan. At this time, there are plans to repave certain roads, but not to build or extend new roads.

An Official Map is provided for under New York State Law, but the Town of Goshen, similar to most, if not all towns, cities and villages in Orange County, does not have an Official Map. An Official Map, if properly prepared and adopted, could allow for the mapping of existing and proposed Town roads, the land for which could then be acquired by the Town and new roads built.

Water systems owned by the Town of Goshen include the four water districts described on page 23 of the proposed Updated Comprehensive Plan. There are no plans to expand these districts to serve adjacent areas. Indeed, water quantity in each of the four districts is limited, and is only able to sustain the existing residential developments or the dwellings that they serve. The maintenance and upgrading of water lines and tanks within each district is being studied, and the service and repairs to the systems are made as needed.

Sewer systems owned by the Town of Goshen are limited to the sewer lines and pump stations in Hambletonian Park and Arcadia Hills along with sewer force mains from those developments into the Village of Goshen, which provides sewage treatment for these two districts. Expansion of sewer service in these districts is not being considered at this time. The Village of Goshen controls the ability to expand treatment service, and currently the official Village policy is to not service outside users.

The Village of Florida and Orange County have contracted to run water and sewer lines from the Village of Florida's water system and sewer plant through the Town of Goshen along an old rail bed/right-of-way to Gibson Road and then along public roads to the Orange County Jail and Emergency Services Building. Access to that right-of-way and the utility service lines is controlled jointly by Orange County and the Village of Florida. The Village of Florida is growing, and no excess capacity is anticipated to become available. The Town of Goshen has no plans to tap into either of these utility lines or to request permission to do so.

New systems for commercial, industrial and residential developments will be evaluated as they are proposed, and will need to meet municipal and public health standards. Whenever these systems can demonstrate adequate

capacity and are proximate to existing services, the Town will review such plans for the possibility of interconnecting these utilities where a benefit to the Town and special district is provided.

Since the Town will evaluate new utilities when and where proposed, the Comprehensive Plan has no significant adverse impact on utilities provided by the town and no mitigation is required.

13-11 *Comment:* It is unclear why the Town has decided rezoning all but two of the HR and HM zoning districts is necessary due to lack of infrastructure. No analysis was undertaken how the existence of said infrastructure would affect developable area. No maps are provided in the DGEIS demonstrating where existing and known future infrastructure is located.

- a. No discussion is provided as to whether municipal water and sewer service can be made available to areas adjoining the Village of Florida.
- b. The Proposed Plan Updates states that the “Town discourages small packaged sewer treatment plants, for both environmental and long-term maintenance concerns.” (Proposed Plan Update at 19). The environmental concerns are not disclosed in the text. Also, this statement is inconsistent with Goal #2 stating, “Allow group water and waste systems in cluster developments in order to maintain environmental stability where appropriate.” (Id. at 51). It is not apparent why group water and sewer systems are supported for cluster developments, which may occur anywhere in the RU Zoning District of the Town, but not allowed in HR Zoning Districts, which are more likely to be served by existing infrastructure in the Villages.

13-11 *Response:* See Response 13-10.

The HR district, both under the current and the proposed Zoning Code, lie in areas through or near which existing sewer lines extend into the Villages of Florida or Goshen. It has been the Town’s philosophy for well over twenty years that for the sake of the efficient and economical use of the sewer infrastructure and district resident taxpayers that the existing sewer plants be used. If these plants require upgrading or expansion to achieve the necessary capacity, a developer can pay for that expansion. The development of a new package plant directing sewage to smaller streams is a secondary option; however, both plans direct growth to these areas where sewer lines are currently available.

Within the Village of Goshen, the original 1912-1913 sewer lines have been the subject of several infiltration and inflow studies (I and I). These studies have demonstrated excessive infiltration to the Village of Goshen system, and now into its sewer plant. Similarly, the Arcadia Hills and Hambletonian Park systems have also demonstrated severe I and I problems, based on engineering studies as well as the monitoring of flow from these districts. The original Goshen plant had flows well in excess of 2.5 million gallons per day while the dry weather flows ranged between 550,000 to 700,000 gallons per day. As a result, the new plant has flows which often exceed its capacity. This has been a serious cause of concern for the Village Board. Therefore, while it has been Town policy for projects to tie into the Village system where available, engineering studies, I and I reduction and Village approval are all required prior to actual approval of connections.

County sewer studies prepared in 1968, 1976 and more recent plans have discussed centralized systems on the Wallkill River. Should those systems be developed, the Town would be able to tie into such systems. Until that time the Town will utilize the Village systems or consider the possibility of alternative package plants.

In the RU district most projects are small enough that package plants are not required. In cases such as Young's Grove (Rieger) and Heritage Estates where the Health Department's 49 lot rule comes into play, the package or smaller systems will have to be utilized provided that all environmental and government requirements have been addressed. If sewers can be tied to larger central systems in some of these areas, that will be encouraged. Otherwise, there is no option but to allow for smaller plants. The Town's engineers will attempt to control the systems that are proposed and installed so that the Town will have systems that can be maintained in an efficient manner and with interchangeable parts.

Ultimately, in HR, CO, HC and I districts where central sewers are possible such systems will be required to connect to an existing Town or future county plant. If there is no other option smaller plants would have to be considered.

- 13-12 *Comment:* The Proposed Zoning Amendments do not meet the Town's stated goal of increasing tax ratables.
- a. It does not appear that the Town conducted an analysis or market studies to determine whether increasing the number of commercially zoned properties would be feasible. Nor does it appear that the Town

studied whether there would be a displacement impact on the commercial development in the Village centers as a result of an increase in commercial uses elsewhere in the Town, or a socio-economic impact resulting from the proposed rezoning.

- b. Rezoning the HR portion of the Prospect Hill site to CO has no rational nexus to the goals set forth in the Proposed Plan Update.

13-12 *Response:* See Responses 5-1 and 13-8. Section III of this FGEIS does contain a socioeconomic analysis of the impact to the Town from the proposed increase in commercial coverage ratios and from the proposed zoning map changes.

13-13 *Comment:* The Town should incorporate into its Proposed Zoning Amendments a provision, either by floating zone or special permit, providing that lands zoned CO may be developed as if they are in an HR district, so long as the owner of the parcel can demonstrate that the parcel is, at a minimum, 100 acres, and:

- a. Contains at least 40 acres zoned CO, ensuring adequate lands for a hamlet development consistent with the rural character of the community;
- b. Abuts an RU district, ensuring a consistent residential character;
- c. Provides the necessary infrastructure, such as sewer and water so that there is no impact on the carrying capacity of neighboring watersheds;
- d. Fronts on a State road;
- e. Provides a set-aside of 60% of “high quality” open space, including, public access and recreational amenities, such as a village green, hiking trails, and pedestrian and bike paths;
- f. Provides at least a 300 foot buffer between the street and residential buildings to preserve the aesthetics from the street;
- g. Provides a link to a village center via a pedestrian trail or other recreational activity; and
- h. Is located X distance from any existing mining or quarrying operation at the time of the enactment of the law to avoid potential land use conflicts.

13-13 *Response:* Comments noted. The Town Board does not wish to pursue this recommendation and believes that such a system would produce unnecessary administrative burdens with no distinct advantage, and that the proposed

Zoning Code amendments further the Updated Comprehensive Plan Goals and Objectives as discussed above in Response 13-6.

**14. Michael D. Zarin, Zarin & Steinmetz, August 28, 2007 (by incorporation)**

14-1 *Comment:* The results of the 2006 Town Wide Traffic Study do not support the Town's rationale for the proposed zoning changes. Rezoning the Ginsberg property would *increase* traffic up to 5 times greater than the proposed TND hamlet.

14-1 *Response:* See Response 13-3. The 2006 Town Wide Traffic Study was updated by BFJ Planning in August 2008 and uses as its basis the 2006 Stantec Study. The complete 2008 Goshen Town-Wide Traffic Analysis has been included as an appendix to the Updated Comprehensive Plan. As discussed in Section III of this FGEIS, the Town has modified its proposed zoning map changes and is currently proposing to rezone several of the HR areas to RU rather than CO. Specifically, the rezoning of the 104 acre portion of the Prospect Hill development site from CO, as previously proposed, to RU will result in a 78% reduction in traffic generation for the site as compared to the CO proposed in the DGEIS (see traffic analysis in Section III).

14-2 *Comment:* The Proposed Amendments unquestionably fail to have any rational relationship to the mitigation of potential traffic impacts.

14-2 *Response:* The DGEIS lists proposed mitigation measures to address potential traffic impacts on page 44. In addition, additional detail as to the recommended traffic strategies are also included in Section 2.7 of the Updated Comprehensive Plan which is based on the 2008 Town Wide Traffic Analysis now included as an appendix to the Updated Plan. Further, to address the potential traffic impacts resulting from the Town Board's proposed zoning map changes, the Town Board has eliminated two of the commercial/industrial rezoning areas and has changed the proposed zoning of two of the HR areas previously proposed to be rezoned to CO to RU.

14-3 *Comment:* The 2006 Traffic Study only makes recommendations with regard to mitigation measures at various intersections where mitigation was perceived as necessary, and makes no recommendations with regard to land

use. There are no expert reports or testimony indicating or recommending that the Proposed Amendments would alleviate traffic impacts.

- 14-3 *Response:* See Response 13-3. The traffic analysis section of the Updated Comprehensive Plan (see Section 2.7) contains an inventory of existing roadway conditions within the Town of Goshen, including roadway classifications, traffic volumes, accident data, and level of service calculations. In addition, the traffic section specifically lists strategies and recommendations to improve traffic conditions in the Town based on the most recent New York State Department of Transportation Design Proposal Drawings (April 2008). These plans are discussed and included as an appendix to the traffic study. Section 2.7 of the Updated Comprehensive Plan and the traffic analysis section in the DGEIS are based on the Goshen Town Wide Traffic Analysis prepared by BFJ Planning in August 2008. The 2008 study was an update to the Goshen Town Wide Traffic Study conducted by Stantec in December 2006. A note to that effect has been added to Section 2.7 of the revised Updated Comprehensive Plan and the 2008 Goshen Town Wide Traffic Analysis has been included in the revised Updated Plan as an appendix. In addition, it is important to note, that while the Town's overall justification for the proposed zoning changes certainly is related to concerns over increased traffic Town-wide, the Town also recognizes the need to achieve balanced growth and development and also seeks to achieve other Plan goals and objectives. Also, it should be noted that these various traffic studies and analyses were prepared by traffic engineers who have the requisite expertise to arrive at their conclusions.
- 14-4 *Comment:* The 2006 Traffic Study fails to include an analysis of the resulting Levels of Service once mitigation is implemented to properly and fully assess future conditions.
- 14-4 *Response:* See Response 13-3. The 2008 Traffic Study does not include a level of service analysis once mitigation is implemented, nor is it required to. The Traffic Study is an advisory document and is not intended to be law, nor is it subject to SEQRA. The recommendations/mitigation measures identified in the study needed to address traffic conditions at certain priority intersections were considered as part of the SEQRA review of the proposed zoning map changes and proposed changes to the commercial coverage ratios contained in the DGEIS and Section III of this FGEIS. The DGEIS and this FGEIS does contain general mitigation language in reference to the rezoning sites consistent with the recommendations in the 2008 traffic study, but does not

speculate as to the particular use or combination of uses that could or would occur on each of the various rezoning sites nor does it provide site specific mitigation measures based on speculative scenarios. The DGEIS appropriately defers the development of site-specific mitigation measures until specific development proposals are advanced at some point in the future. The type of analysis provided in the DGEIS and FGEIS is consist with a generic type of EIS review as specified in the SEQR regulations (§ 617.10).

14-5 *Comment:* Another basic flaw in the 2006 Traffic Study is that many of the proposed and pending developments identified have either been reduced in size or are no longer proceeding. The projected 2016 build out and attendant traffic impacts would, therefore, be significantly reduced. The best approach to confronting potential traffic concerns would be to review the efficacy of the aforementioned site-specific traffic mitigation measures during the SEQRA process for the Prospect Hill Project, not for the Town to undertake a major zoning overhaul.

14-5 *Response:* See Responses 13-3 and 14.1.

14-6 *Comment:* The Proposed Amendments are contrary to the recommendations of the detailed November 2003 traffic study prepared by the Orange County Department of Planning. The 2003 Study directly refutes the Town's unsupported interpretation of the 2006 Study.

14-6 *Response:* See Responses 13-3, 14-1 and 14-4.

14-7 *Comment:* The Proposed Amendments directly conflict with the position of the Orange County Planning Department's General Municipal Law § 239-m response to the 2004 Comprehensive Plan and Zoning Law, that the current zoning reduces traffic by reducing the use of strip highway commercial development, while directing commercial uses into smaller clusters, and by encouraging hamlet developments.

14-7 *Response:* Comments noted. The original proposed local laws revising the Zoning Code and Map were sent to Orange County for its § 239-m review. A response was received on August 29, 2007. The Updated Comprehensive Plan and DGEIS were transmitted to the County as part of the required 239-m review process. No comments have yet been received by the Town Board from the Orange County Planning Department.

14-8 *Comment:* There is no supportable rationale for the rezoning of the HR portion of the Prospect Hill site or other HR districts to CO to alleviate traffic concerns.

14-8 *Response:* See Responses 14-1 and 14-2.

14-9 *Comment:* With regards to traffic, a comprehensive mitigation approach must be studied, and must be based upon a realistic build out figure, not an irrationally inflated 100% build out.

14-9 *Response:* Comments noted. The Town Board believes that the traffic analysis provided in the DGEIS and FGEIS and associated mitigation measures adequately address the identified traffic issues.

**15. *Alliance for Balanced Growth, August 13, 2008***

15-1 *Comment:* The coverage ratio in the Town's proposed bulk use tables for both the Industrial and Commercial Office zone are substantially below normally accepted standards. These will negatively impact the Town of Goshen's ability to generate new tax revenues.

15-1 *Response:* In response to public comment on the DGEIS, the Proposed Action has been modified in this FGEIS to provide for an increase in coverage ratios and will allow for maximum impervious coverage of 70% in the Commercial/Office Mixed-Use (CO) zone, 70% in the Highway Commercial (HC) zone and 70% in the Industrial (I) zone. Section III of this FGEIS provides an analysis of coverage comparisons for comparable districts in surrounding municipalities and demonstrates that the proposed ratios are consistent with those used in neighboring areas. This is expected to have a positive impact on the Town's ability to attract investment and generate tax revenues. (See Responses 7-1 and 12-1.)

**16. *Steven E. Rieger, Rieger Homes, Inc., August 13, 2008***

16-1 *Comment:* This Company questions whether the costs of affordable housing are being shared appropriately, or whether the costs are being placed only on the landowners.

- 16-1 *Response:* The Town Board acknowledges that mandatory affordable housing requirements do place the upfront costs of providing such housing on landowners and developers; however, this is a common, recognizable, and legal approach to providing affordable housing in this State and is appropriate in order for the Town to meet its fair share of the regional need of affordable housing. See Response 4-5 for an additional discussion of affordable housing.
- 16-2 *Comment:* In the existing Code, the opportunity is provided to prove water capacity or face a more onerous zoning requirement. In the Proposed Code, the opportunity is removed, which severely damages the property values of the Town's large land holders. Also, the Plan contains no 'grandfathering' provision.
- 16-2 *Response:* In response to public comment on the DGEIS, the Proposed Action has been modified to reinstate existing zoning provisions that provide applicants with the ability to request an increase in density if they can prove adequate water capacity. The additional density permitted, if demonstrated, is limited to one unit per two acres in the AQ-3 district, and one unit per three acres in the AQ-6 district. As discussed in Section III of this FGEIS, the Town Board has also chosen to exempt those projects that received, and have properly requested extensions of, Preliminary or Conditional Final Approval from the Planning Board prior to effective date of Local Law #1 of 2008, adopted on January 24, 2008, from complying with the revised Zoning Code provisions that are part of the Proposed Action, and permitting those projects to proceed under the zoning regulations existing at the time of such approvals.
- 16-3 *Comment:* If this proposal is enacted, the requirements will dramatically drive up the cost of new housing.
- 16-3 *Response:* Comment noted. See Responses 5-1 and 16-2 above. In response to public comments on the DGEIS, the Proposed Action has been modified to reinstate existing allowable increases to maximum permitted density within the RU AQ-3 and AQ-6 districts that are currently provided for in the Town's Zoning Code. This zoning text, which includes provisions that require an applicant to demonstrate that a project will not adversely affect the supply and quality of potable water, but includes a cap of one unit per two acres in the AQ-3 district and one unit per three acres in the AQ-6 district, allows for increased residential density in appropriate areas consistent with the Town's

environmental preservation and economic development goals. Everything considered in the present proposed plan and zone changes there is no evidence to suggest that it will dramatically drive up the cost of new housing.

**17. John Higgins, Village of Goshen Trustee, August 25, 2008**

17-1 *Comment:* The traffic issues will not be alleviated with roundabouts and relying on the future I-86, more options should be considered.

17-1 *Response:* Comment noted. The traffic issues expressed by the commenter and identified in the Updated Comprehensive Plan may not be solved solely by the identified improvements but they will be alleviated. In addition to the future I-86 improvements and roundabouts, the Comprehensive Plan, 2008 Town Wide Traffic Analysis and DGEIS also recommend other type of improvements including traffic calming and access management measures, street connectivity recommendations, public transportation and pedestrian and bicycle circulation. Based on concerns raised during the DGEIS review period regarding traffic, the Town Board has reduced the scope and extent of the potential zoning map changes to eliminate a number of commercial and industrial rezoning. One new CO area and the only new I area have been eliminated, and two of the other proposed CO areas are now proposed to be rezoned to RU. As analyzed in Section III of this FGEIS, the proposed revisions to the potential zoning map changes included in the FGEIS would result in an improvement in traffic generation Town-wide as compared to the potential zoning map changes analyzed in the DGEIS.

17-2 *Comment:* Requiring 50% of the area surrounding the Village to be zoned for retail will be detrimental to the downtown Goshen merchants.

17-2 *Response:* The Plan has been revised and no longer proposes that the area in the vicinity of the Village of Goshen be zoned for retail. Recognizing the potential negative impacts of additional retail in this area on the downtown Goshen merchants, the Plan now provides for Rural (RU) zoning in these areas.

17-3 *Comment:* In hamlets, only buildable land should be considered in the computations for houses per acre.

17-3 *Response:* Section 97-15(B)(5) requires that the minimum lot size required for different residential units within the HR district shall not be located on

constrained land. Constrained land is defined in § 97-84 of the Zoning Code as “[l]ands consisting of wetlands, water bodies, watercourses, one-hundred year floodplains, cemeteries, easements and rights of way restricting land use or slopes over 25 percent which contain 2,000 square feet or more of at least ten foot wide contiguous sloped areas.” Section 97-15(B)(5) additionally provides that “Within the HR District, contiguous slopes containing at least 1,500 square feet with at least 10 feet of continuous horizontal width perpendicular to the slope shall be considered steep slopes.”

17-4 *Comment:* Future water issues should be discussed with the Village of Goshen.

17-4 *Response:* Comments noted. The Town Board agrees with this comment and will coordinate with the Village on water issues, as necessary, in the future.

**18. Philip J. Grealy, John Collins Engineers, P.C., August 28, 2008**

18-1 *Comment:* The Goshen Town-wide Traffic Study overestimates future traffic volumes because a number of the developments identified as proposed developments have been reduced in size or are no longer proceeding.

18-1 *Response:* See Response 13-3 and 14-1. The 2006 Town Wide Traffic Study was updated by BFJ Planning in August 2008 and uses as its basis the 2006 Stantec Study; the complete 2008 Goshen Town Wide Traffic Analysis has been included as an appendix to the Updated Comprehensive Plan. The 2008 updated study did not recalculate future traffic volumes; however, the traffic volumes included would be considered reasonable using worst case development assumptions. Site-specific traffic volumes would be identified and mitigated as necessary, as part of site-specific SEQRA reviews for various development projects in the Town.

18-2 *Comment:* The Traffic Study does not provide a Level of Service summary of conditions once the recommended improvements have been implemented. Based on ITE guidelines and the requirements of the NYS DOT, any traffic impact study should also include an analysis of the resulting Levels of Service once mitigation is implemented to properly and fully assess future conditions. It should be noted that the types of improvements required are improvements which typically would be implemented either by a particular applicant, in association with their project, by the Town, by NYS DOT or a combination of these parties.

- 18-2 *Response:* The DGEIS analyzed the potential impacts resulting from the Updated Comprehensive Plan and associated Zoning and Town Code amendments, it did not, nor is it required to, specifically analyze the 2008 Town Wide Traffic Analysis. The Traffic Study is an advisory document and is not intended to be law, nor is it subject to SEQRA. The recommendations/mitigation measures identified in the study needed to address traffic conditions at certain priority intersections were considered as part of the SEQRA review of the proposed zoning map changes and proposed changes to the commercial coverage ratios contained in the DGEIS and Section III of this FGEIS. The DGEIS and this FGEIS does contain general mitigation language in reference to the rezoning sites consistent with the recommendations in the 2008 Traffic Study, but does not speculate as to the particular use or combination of uses that could or would occur on each of the various rezoning sites nor does it provide site specific mitigation measures based on speculative scenarios. The DGEIS appropriately defers the development of site specific mitigation measures until specific development proposals are advanced at some point in the future. The type of analysis provided in the DGEIS and FGEIS is consistent with a generic type of EIS review as specified in the SEQRA regulations (§ 617.10).
- 18-3 *Comment:* Other than the signalization of the Route 17 ramps, the other intersections in close proximity to the Hendler project were found to operate at acceptable Levels of Service without the need for any significant improvements even with the Town's 2016 traffic projections.
- 18-3 *Response:* Comment noted. As specific projects move forward near the traffic intersections identified in the Traffic Study, site-specific traffic impact analyses would be conducted and impacts would be identified and mitigated as necessary as part of the required site-specific SEQRA reviews. The DGEIS appropriately contains only general mitigation language in reference to the rezoning sites, but does not speculate as to the particular use or combination of uses that could or would occur on each of the various rezoning sites nor does it provide site specific mitigation measures based on speculative scenarios. The DGEIS appropriately defers the development of site specific mitigation measures until specific development proposals are advanced at some point in the future. The type of analysis provided in the DGEIS and FGEIS is consist with a generic type of EIS review as specified in the SEQRA regulations (§ 617.10).

18-4 *Comment:* PACs would result in a lower traffic generation than the commercial development on the Hendler property.

18-4 *Response:* Traffic was the not a primary factor behind the elimination of PACs as a use within the CO zone. PACs are proposed to be eliminated from the CO district because the Town Board believes that this type of development is better suited to residential zones. The Town Board believes that large-scale residential developments, such as PACs which currently permit up to 250 units per PAC development, are inconsistent with the stated purpose of the commercial zoning district and do not make the best use of the limited commercial zones in the Town. The RU district is by far the most extensive district in terms of land area within the Town and would therefore, as supported by the build out analysis, provide the opportunity for approximately 1,900 PAC units town wide.

18-5 *Comment:* Further studies must be conducted to understand the full and cumulative impact of the proposed zoning change on the traffic at the intersections included in the Traffic Study and to also assess the effect of the mitigation measures already identified.

18-5 *Response:* See Response 18-3.

18-6 *Comment:* The Traffic Study is incomplete because it fails to: (1) analyze the Levels of Service with recommended (and modest) improvements; (2) the development scenario upon which the study was based exaggerates the proposed number of units; and (3) the PAC uses in the CO zone will reduce traffic impacts rather than increase them. The Traffic Study and proposed zoning change must be reconsidered by the Town.

18-6 *Response:* See Response 18-2.

**19. Robert F. Weinberger, Village of Goshen Mayor, August 12, 2008**

19-1 *Comment:* Rezoning becomes problematic without complete knowledge of those plans. The final exits, accesses and realignment of surrounding roadways need full consideration in the Proposed Comprehensive Plan.

19-1 *Response:* The New York State Department of Transportation Design Proposal Drawings (April 2008) referenced in the Updated Comprehensive Plan and DGEIS are discussed and included in the 2008 Town Wide Traffic

Analysis, which has been included as an appendix to the Updated Comprehensive Plan. In addition, the NYSDOT design drawings have also been included in as Appendix E of this FGEIS.

- 19-2 *Comment:* Rezoning the 141 acres (HM District) on Harriman Drive close to the Village and extending north to exit 125 off of Route 17 has an adverse land-use impact because of topography (steep slopes), wetlands and visual impact to a gateway of the Village.
- 19-2 *Response:* In the DGEIS, the 141 acres on Harriman Drive were proposed to be rezoned to a combination of CO and RU. As a result of the studies performed and of public comment, the Town Board has revised this proposal and the area is now proposed to be rezoned entirely RU. This will provide for low-density, cluster residential development, and the conservation of 50% of the development site. This type of development is more sensitive to steep slopes, wetlands and the visual character of the Village of Goshen.
- 19-3 *Comment:* The language of “opportunity” about Village water and sewer for future Commercial/Office Mixed-Use development around Harriman Drive remains subject to future demands of (1) “build-out” in the Village; (2) correction of inflow and infiltration problems; (3) analysis of WWTP capacity; and (4) getting the plant fully operational. The Town’s Proposed Comprehensive Plan should be more realistic and mindful of Village needs.
- 19-3 *Response:* Comment noted. The Town of Goshen is not in a position to predict the Village of Goshen’s needs or position on water and sewer use. The language in the Updated Comprehensive Plan represents the Town’s evaluation of the best use of land in and for the Town and is not based only on potential Village services. If Village water and sewer is not available, other options will need to be pursued.
- 19-4 *Comment:* The Town’s Proposed Comprehensive Plan needs to delineate policies and practices for preservation and protection of the Village watershed. It does not adequately address the impact of water scarcity and Town dependency for water from bedrock wells. The Town’s dependency on wells requires more detailed explanation and review about environmental impacts to both the Town and Village.
- 19-4 *Response:* The Town Board believes that a fundamental cornerstone of the Updated Comprehensive Plan and Associated Amendments is water scarcity

and the Town's dependency on water from bedrock wells. The introduction to the water testing protocols in Appendix C of the Zoning Code describes the Town-Wide Potable Water Planning Study and how it has impacted zoning throughout the Town (see Appendix B of this FGEIS). The Code is quite clear in providing for development based on the availability of water supply as established through the Water Study and development experience.

19-5 *Comment:* Town traffic impacts on the Village are critical. The Comprehensive Plan ignores the complexity of multiple governmental oversights (by the State, County, Town and Village).

19-5 *Response:* The Town Board agrees that traffic impacts are of critical importance and recognizes that coordination at all levels of government will be necessary to address such impacts. The 2008 Town-Wide Traffic Analysis now contained as an appendix to the Updated Comprehensive Plan also recognizes this and includes a detailed discussion of NYS DOT's proposed improvements in Goshen (see Appendix E of this FGEIS for the NYSDOT proposed improvement plans). Further, to address the Village's traffic concerns, the Town Board is proposing to eliminate several of the proposed CO rezoning sites in proximity to the Village. These sites will either remain RU or be rezoned to RU from HR. It is also important to note that the Updated Comprehensive Plan contains a section on Town-Village coordination (see Plan Section 4.9, page 72) and Town cooperation with County and State agencies (see Plan Section 4.10, page 73).

19-6 *Comment:* Town farmland in agriculture must be protected in the Proposed Comprehensive Plan. It has tremendous value as "open space" and deterring wildlife from being driven to the backyards of our Village homes. As development increases, the Town should plan responsible policy to conserve biodiversity.

19-6 *Response:* See Response 4-4. Protection of farmland and open space is a primary objective of the Plan. The first stated Plan goal is to "Protect and enhance the agricultural activities and rural character of the Town." The majority of the Town is zoned Rural (RU) District, which promotes agriculture and compatible open space and rural uses, and guides residential development to protect large blocks of the Town's open space. In response to public comments on the DGEIS, some areas that had been proposed to be zoned for higher density uses are now proposed to be zoned RU, furthering the Town's goal of protecting farmland and open space.

- 19-7 *Comment:* Town regulations for commercial development on the periphery of our Village should complement existing businesses and harmonize with future commercial development in the Town.
- 19-7 *Response:* Comment noted. The Plan calls for requiring landscape plans and bonds in commercial and industrial areas to provide more attractive settings, particularly along State highways. The zoning regulations for the HC, CO and I districts contain provisions regarding building placement, outdoor storage of materials and architecture, which must be complied with to the extent practical. Specific Town regulations for commercial development are not included in this GEIS as it provides a generic rather than a site-specific environmental impact analysis. Should the Town contemplate new regulations for commercial development in specific parts of the Town in the future, additional environmental analysis would be undertaken, as appropriate.
- 19-8 *Comment:* The Proposed Comprehensive Plan must include stormwater management, as it is critical to the Village of Goshen. The Village has been historically subject to flooding from Town lands (i.e. the old mile track). Town regulations for grading, cutting of trees, filling, retaining vegetation, water retention and detention basins in new developments are important for stormwater management affecting the Village. Zero runoff ought to be a new comprehensive plan goal.
- 19-8 *Response:* As discussed in the Updated Comprehensive Plan, drainage issues are addressed in the Town's subdivision regulations (see § 83-14 in Appendix B, and Chapter 53 "Clearing and Grading Control" of the Town Code) and in the current zoning law regulating site plans ( §97-75). In addition, State DEC SPDES regulations for stormwater runoff and erosion controls require proposed site plans to address State regulations for areas where five or more acres will be disturbed. The Updated Comprehensive Plan suggests that the Town consider developing more stringent stormwater regulations as part of the proposed Town Infrastructure Plan. The Town agrees that stormwater from Town properties ought not to adversely affect Village properties, to the same extent that stormwater from Village properties ought not to be permitted to adversely affect neighboring Town properties.
- 19-9 *Comment:* The Plan should specify that all licenses issued by the Town should be shared with the Village on a quarterly basis to inform the Village

about licenses for peddlers, flea markets, junkyards, private carters and private solid waste haulers, kennels and roadside stands.

19-9 *Response:* The Plan is comprehensive in nature and provides overall recommendations for a variety of issues that affect the future of the Town, including economic development. It does not analyze the specifics of the Town's governmental operations, such as the issuing of vendor licenses, and therefore, this issue is not addressed in the Plan. (See Response 2-6.)

19-10 *Comment:* The Plan should be more specific about the growing need for combined municipal facilities (i.e. government center, recreation, police and related emergency center). The Town and Village Halls are outdated, inefficient and antiquated government centers.

19-10 *Response:* Comments noted. The Comprehensive Plan recommends that the Town develop an Infrastructure Plan over the next 5-10 years. This Plan would cover the full range of infrastructure needs in the Town, including Town offices, recreation facilities, and police, fire protection and emergency facilities.

19-11 *Comment:* The Proposed Comprehensive Plan should revisit the potential impacts on both the Town and Village for noise pollution to residents in close proximity, air quality, emergency services, and economic impacts.

19-11 *Response:* A discussion of air quality impacts and economic impacts is provided in the DGEIS. As discussed, the adoption of the revised Comprehensive Plan will not result in potentially significant impacts to existing air quality or noise levels within the area. The revised Comprehensive Plan and the proposed Zoning Code amendments aim to reduce the density and intensity of development in the Town and target new growth towards existing village centers and into cluster developments in an attempt to encourage pedestrian activity and reduce car dependency. This is expected to have a positive impact on both air quality and noise. The Comprehensive Plan does not specifically address emergency services, but recommends that the Town develop an Infrastructure Plan over the next 5-10 years to address a full range of infrastructure needs, including emergency services.

**20. John F. Ward, Town of Wallkill Supervisor, August 21, 2008**

20-1 *Comment:* If restrictive impervious surface coverage provisions remain in the Town of Goshen's Zoning Code, they may prevent the Town of Goshen from attracting future commercial and industrial development because it may be economically unfeasible or unattractive for those developers who may potentially consider the pursuit of such development projects within the Town. It may be beneficial and advantageous for the Town to amend the current impervious surface coverage provisions in a manner similar to the provisions found in the zoning codes of other local municipalities so that land located within the Town of Goshen in commercial and industrial zones may be more attractive for development in the future.

20-1 *Response:* See Response 12-1.

**21. Adam L. Wekstein, Hocherman, Totorella & Wekstein, August 22, 2008 (two letters)**

21-1 *Comment:* The amendments to the Zoning Code that the Town Board is considering would eliminate entirely the open space density bonus in the RU district, and would decouple the relationship between the proven availability of potable water and the maximum permitted density in the AQ Overlay Districts, thus defeating Goals #5 and 6.

21-1 *Response:* The Updated Comprehensive Plan recommends that all discretionary density bonuses be eliminated in the RU District, as the existing permitted density is appropriate without the additional density that such bonuses would engender. The Town Board believes that eliminating these discretionary bonuses eliminates a significant amount of the uncertainty around the ultimate density in the Town. In response to public comment on the DGEIS, the proposed Zoning Code amendments have been modified to retain language in the existing Zoning Code that allows for an increase in density if an applicant can demonstrate adequate water quality and quantity within the RU zone, but limits that increase to one unit per two acres in the AQ-3 and one unit per three acres in the AQ-6. (See § 97-20 contained in Appendix B). These changes are fully discussed in Section III of this FGEIS.

21-2 *Comment:* The fatal flaw in the DGEIS is that it is entirely devoid of any factual data in support of its conclusions.

21-2 *Response:* The DGEIS was prepared in accordance with the SEQR regulations (6 NYCRR Part 617). As described in Section I, this EIS has been prepared as a generic environmental impact statement. A generic EIS, according to New York State Department of Environmental Conservation (NYS DEC) SEQRA handbook, is “a type of EIS that is more general than a site-specific EIS, and typically is used to consider broad-based actions or related groups of actions that agencies are likely to approve, fund, or directly undertake... A Generic EIS differs from a site or project specific EIS by being more general or conceptual in nature . . . .” In addition, Section 617.10(c) of the SEQRA regulations requires that a GEIS set forth the specific conditions under which future actions will be undertaken or approved (see Section VI. Future Actions of the DGEIS, page 53). The DGEIS does include factual data to support its conclusions. The DGEIS included both qualitative and quantitative analysis to analyze the potential impacts from the Proposed Action. The DGEIS included a qualitative analysis of land use issues, affordable housing, and other environmental impact categories as well as a quantitative analysis of traffic generation. In addition, in response to comments on the DGEIS, Plan and Associated Amendments, this FGEIS provides additional data relating to traffic, affordable housing and residential and commercial build out analyses.

21-3 *Comment:* The DGEIS recognizes no potential adverse impacts on water resources and proposes no further mitigation.

21-3 *Response:* The DGEIS did not identify any potential significant adverse impacts to water because no such impacts are anticipated as a result of the Proposed Action. The Updated Comprehensive Plan and associated Zoning and Town Code amendments will result in decreased densities in the HR and RU zones, and in PAC developments. As demonstrated by the build out analysis contained in Appendix C of this FGEIS, the potential residential build out under the revised Zoning Code amendments is less (2,958 units) than the potential build out anticipated under the current Zoning Code (3,535 units).

In addition, Updated Comprehensive Plan and proposed Code amendments include policies and objectives (see revised Comprehensive Plan policies #5, #6, and #7) aimed at the protection and preservation of stream corridors, wetlands and the water quality of surface and groundwater resources. The Plan specifically recommends an update to the Town of Goshen Water Testing Protocols to address concerns regarding the scarcity of water supply

in Goshen and impacts on water quality from natural and manmade sources as well as from the development of subdivisions that do not presently require testing under the existing Zoning Code. Proposed amendments to the Zoning Code and Water Testing Protocols are included in Appendix B. The recommended revisions to the testing protocols are intended to provide improved protection for existing and future residents of the Town from water quantity and quality problems caused by the increasing number of development proposals for large tracts of land. The environmental impacts of the Plan policies and Code changes are expected to be beneficial when compared to the existing Zoning Code and Plan.

21-4 *Comment:* The DGEIS fails to establish that the Amendments will accomplish or advance any of the stated “Goals” of the Master Plan, particularly as those goals related to the preservation of the Town’s water and open space resources.

21-4 *Response:* See Response 13-6.

21-5 *Comment:* The Master Plan and the Amendments will, indeed are intended to, significantly alter the patterns of community growth and development in the Town of Goshen for a substantial time to come.

21-5 *Response:* Comment noted. The Updated Comprehensive Plan and Associated Amendments are intended to protect the rural character and environmental quality of the Town of Goshen, while addressing both the present and future housing needs of the community and the region. The proposed revisions to these documents attempt to create a plan for the continued sustainable use of land, water and other natural resources in the Town of Goshen, which will serve as a basis for evaluating the impact of specific actions within the area. This is achieved in part by adjusting allowable densities in the rural and hamlet zones, and adjusting the density and location of Planned Adult Community districts in response to the realities of available and appropriate infrastructure. The reduction in density resulting from revised open space calculations will result in higher quality open space, benefiting all Town residents. See Response 13-6.

21-6 *Comment:* The varying zoning measures and amendments will, at a minimum, reduce overall residential density, discourage the creation of senior, affordable, or multifamily housing, decrease housing affordability and the diversity of housing types, and reduce the potential (by reducing the

incentive) for preservation of open space, both public and private. These amendments will clearly impact the tax base, and will impact the future growth potential of the Town. All of these potential impact must be studied in a proper DGEIS; none have been addressed other than in the most superficial fashion in the DGEIS.

21-6 *Response:* See Responses 4-3, 4-4, 4-5, 7-1, Section III, and Appendix C of this FGEIS.

21-7 *Comment:* The DGEIS senselessly equates multifamily housing with affordable housing, as though the two were interchangeable. It also mistakes SEQRA's mandate to study the patterns of population and community development focusing on, among other things, the affordability and availability of housing to mean that it must only analyze affordable housing to the extent of its county-mandated required number of units.

21-7 *Response:* See Response 4-5. The DGEIS equates multifamily housing to affordable housing because in New York case law, the zoning opportunities for multifamily units have been used to measure affordable housing opportunities. As discussed in the affordable housing analysis provided in the DGEIS, the Hamlet Residential (HR) zone mandates that 10 percent of all units constructed in the zone be provided as affordable and that 15 percent of all units in PAC developments be provided as affordable.

In addition, in response to comments received on the DGEIS regarding the Town's ability to adequately provide its fair share of affordable housing to meet the regional need discussed in the DGEIS and Response 4-5 above and in furtherance of Plan Goal #3 (to provide a range of housing alternatives...for a range of socioeconomic groups), the Town Board has amended the RU zoning district regulations to require that 10% of all units in new residential developments of 10 units or more be affordable housing units. The Town of Goshen's rezoning proposal, as demonstrated by the build out analysis, will result in the potential opportunity for approximately 540 additional affordable housing units (as defined in § 97-24) and approximately 2,100 additional multifamily homes. The potential for these additional units more than address appropriately the regional needs for such housing as presented in the County and State studies.

21-8 *Comment:* Though the DGEIS states that "an analysis was conducted to ensure that the Town of Goshen is providing its fair share of regional and

community needs for multifamily and other affordable housing,” no such analysis was annexed to the DGEIS, nor has one been made publicly available.

21-8 *Response:* See Responses 4-5 and 5-1. Also see the build out analysis in Appendix C for additional discussion of affordable housing.

21-9 *Comment:* The DGEIS does not consider what will happen with one of its most significant age groups, the 45-54 age group, enters the 55 and older age category, begins to look for senior housing options, and is forced to look outside the Town of Goshen since no viable opportunities for senior housing will be available.

21-9 *Response:* See Response 4-3. The Town’s Planned Adult Community (PAC) provisions provide opportunities for the development of senior affordable housing in Goshen. As stated in §97-15(P), housing units in PACs are restricted to residents age 55 and older, as provided in 42 U.S.C. § 3607(b)(2)(c). The Comprehensive Plan recommends that PACs be permitted by special permit in both residential districts (HR and RU), provided it is connected to existing Town water sewer districts, or extensions thereof, or must be included in new water and sewer districts created by the Town. PACs shall be located with direct access to a State or County highway, or an arterial or collector road for easy access, and no development shall be permitted on predevelopment slopes over 15%. The Zoning Code currently requires that a minimum of 15 percent of the units in a PAC be considered affordable. (Affordable has been defined in the §97-24 of the Zoning Code as between 60 to 150 percent of the Orange County median income.) The Zoning Code has been amended to reflect these Plan recommendations (See §97-15(P) of the Zoning Code contained in Appendix B). It should also be noted that

Based on the lot by lot build out analysis, it was determined that up to ten PACs could potentially be developed. While more could possibly be developed in the future it is unlikely to anticipate that the adult housing market could generate demand for more PAC projects in the Town of Goshen or in the central Orange County area. The ten potential PACs are located between Craigville and Coleman Roads, between Arcadia Hills and the Village of Goshen and between Industrial Drive and County facilities south of Route 17A. Based upon ten separate projects with a maximum of 200 dwellings per

site a project total of approximately 1,900 units, of which 285 of the units would be affordable, are anticipated. See, Appendix C.

21-10 *Comment:* The DGEIS does not consider what would happen to the housing market and the general availability and affordability of housing in the Town when the population increases but the supply of housing cannot (because of zoning limitations) keep pace with the increase.

21-10 *Response:* See Responses 4-5 and 5-1.

21-11 *Comment:* The DGEIS should have undertaken an analysis identifying parcels of property on which PAC communities could be developed under the new regulations and then to determine the feasibility of the development of those properties and the number of senior units that could reasonably be developed and compare that number with the potential demand for such housing.

21-11 *Response:* Comments noted. Please refer to Responses 4-3 21-9 for a detailed analysis of the feasibility of locating PACs within the RU and HR zones.

21-12 *Comment:* The Lead Agency must show how upzoning most of the residential portions of the Town and changing the zoning of several acres of property from residential to commercial/industrial use meets the needs of the growing community.

21-12 *Response:* See Response 4-3, 4-5, and 7-1. Also please refer to Section III and Appendix C (build out analysis) of this FGEIS.

21-13 *Comment:* The DGEIS proposes no meaningful mitigation under the zoning and land use heading.

21-13 *Response:* Mitigation measures for zoning and land use discussed in the DGEIS include the relocation of Planned Adult Communities zoning from the present commercial zones to residential areas and an increase in the quality of open space associated with new residential development in the HR district. See Response 4-3. As it is expected that the proposed zoning amendments will have a positive impact on land use in the Town, no additional mitigation measures are proposed.

- 21-14 *Comment:* The assumption that residentially-zoned areas are more suitable to PACs than are the commercial zones in which PACs are currently permitted is wholly unsupported.
- 21-14 *Response:* The Town Board believes that large-scale residential developments, such as PACs which currently permit up to 250 units per PAC development, are inconsistent with the stated purpose of the commercial zoning district and do not make the best use of the limited commercial zones in the Town. The RU district is by far the most extensive in terms of land area within the Town and would therefore, and as supported by the build out analysis, provide the opportunity for approximately 1,900 PAC units town wide. (See, Appendix C).
- 21-15 *Comment:* The Geology, Topography and Soils discussion in the DGEIS is deficient because the substantial and potentially damaging reduction in the permitted density of residential development in the Town appears to be justified almost entirely on the basis of the potential impacts of residential development on the availability of potable water, and the claimed “scarcity” of water.
- 21-15 *Response:* Town experience in implementing its existing zoning has shown that the lack of sufficient water is a constant struggle throughout the Town. While the Proposed Action has been modified to reinstate zoning text that permits a developer to demonstrate the availability of water supply and achieve a higher density, the availability of potable water continues to be of great importance and concern to the Town Board. The FGEIS recommends retaining these provisions and includes Town-wide Water Testing Protocols (see Appendix B of this FGEIS) that will provide a quantitative standard for measuring impacts on water supply.
- 21-16 *Comment:* The Amendments sever the relationship between the availability of water and the permitted density of development by retaining the limitation with respect to those parcels that do not have proven water capacity, and eliminating the potential for greater density of development on parcels that do have sufficient water capacity.
- 21-16 *Response:* As discussed in Section III of this FGEIS, the Proposed Action has been modified to reinstate existing zoning text that allows for an increase in residential density in the AQ-3 and AQ-6 districts if an applicant can demonstrate that the project will not adversely affect the supply and quality

of potable water in accordance with the Town-wide Water Testing Protocols (see Appendix B of this FGEIS). Though applicants are permitted to increase density, the Town Board has instituted a limit of one unit per two acres in the AQ-3 district and one unit per three acres in the AQ-6 district. See Response 21-15. Also, the site specific SEQRA analyses, and the plenary powers of planning possessed by the Planning Board, will address the issue of parcels that do not have sufficient water capacity to sustain the proposed development on such parcels. It is beyond the scope of a GEIS, and beyond the ability of zoning schemes generally to address, the precise availability of water on every given parcel in the Town vis-à-vis every possible level of proposed development permitted.

21-17 *Comment:* The revised water testing protocols, which far exceed State and County standards, further hamper the productive use of lands which objectively, based on generally-accepted standards, have sufficient water to support additional housing. The DGEIS includes no scientific or factual basis for the imposition of the strict protocols, nor does it examine the impact of the imposition of those protocols on such issues as housing availability, generally, affordable housing or open space.

21-17 *Response:* The DGEIS relies in part for its scientific and factual bases on the findings in the Town-Wide Potable Water Planning Study. The study concluded that the Town is dependent on bedrock aquifers due to constraints on the underlying aquifers. In addition to this engineering study, the Town's experience shows water quantity and quality can vary within subdivisions and pose problems even with conforming lots meeting the recommendations of the Town-wide study. It is the position of the Town that aquifer limitations on water supply will not allow greater housing density than that provided in the Code. To provide greater affordability, the Code permits clustering to reduce infrastructure costs.

21-18 *Comment:* The Town wide Water Study that the DGEIS purports to rely on discloses that the Study does not form a basis for, nor does it recommend any of the actions currently being proposed under the proposed Master Plan and Amendments.

21-18 *Response:* The Town-Wide Potable Water Planning Study evaluates the bedrock aquifer's ability to support development. The logical result of this is to establish zoning that recognizes this limitation. Most of the current changes to the water testing protocols reinforce the previous zoning on water

supply limitations and provide for additional testing to confirm sites will be capable of supporting the development proposed without impacting adjacent properties.

21-19 *Comment:* The DGEIS includes no analysis whatsoever of the impact on open space preservation of so drastic an amendment, eliminating the density bonus for open space in the RU district, to the Town Code.

21-19 *Response:* Comments noted. See Response 4-4 and 10-3. It is important to note that the open space bonus density units were awarded at the discretion of the Planning Board. There continues to be a requirement for 50% of the site to remain open space and be protected by a conservation easement

21-20 *Comment:* The DGEIS section on traffic is devoid of any actual facts, traffic studies or traffic counts. It relies on broad generalities relating to potential changes in use on a gross acreage basis, without relating to any actual traffic counts, or the potential of different rezoned areas to actually be developed and without relating the proximity of rezoned acreage to existing transportation facilities.

21-20 *Response:* See Response 21-2. The DGEIS included a qualitative analysis of the impact of the NYS DOT roadway improvements proposed for the greater Goshen area (see FGEIS Appendix E) as well as a quantitative analysis of traffic generation impacts associated with the potential zoning map changes. This analysis was revised based on revisions to the potential zoning map changes. A quantitative analysis of the potential impacts resulting from the increased coverage ratios is included in Section III of this FGEIS.

21-21 *Comment:* A study must be included in a DGEIS considering all of those properties in the CO zone in which Local Law No. 3 has the potential to increase traffic generation.

21-21 *Response:* The traffic impact analysis in the DGEIS analyzed potential traffic generation resulting from all of the proposed zoning map changes. This analysis also included those properties in the RU and HR/HM zones proposed to be rezoned to Commercial (see DGEIS page 40-45). Based on comments received on the DGEIS, the maximum impervious lot coverage ratios within the I, HC, and CO zones have been increased, and the potential traffic impacts have been studied in Section III of this FGEIS.

The analysis of traffic impacts in both the DGEIS and FGEIS contains sufficient detail to determine traffic impacts from the Proposed Action on an area wide basis, and it is not intended to be site-specific. The DGEIS does contain general mitigation language in reference to the rezoning sites by area, but does not speculate as to the particular use or combination of uses that could or would occur on each of the various rezoning sites nor does it provide site specific mitigation measures based on speculative scenarios. The DGEIS appropriately defers the development of site-specific mitigation measures until specific development proposals are advanced at some point in the future. The type of analysis provided is consistent with a generic type of EIS review as specified in the SEQRA regulations (§ 617.10).

21-22 *Comment:* It is unclear how the deviation in the Amendments from the Hamlet Center concept and the renewed emphasis on large lot residential and commercial development will impact traffic conditions in various areas in the Town, in the Villages of Goshen and Florida and/or in surrounding communities.

21-22 *Response:* In order to better implement Updated Comprehensive Plan Goal #2, which is to support existing Village centers and support Town clusters, the Town Board decided to reduce the amount of land in the Town zoned Hamlet Residential (HR). In doing so, the Town will be able to better support the Village center of Goshen by not locating additional and possibly competing hamlet centers adjacent to the adjoining Villages. In addition, the proposed Zoning Code amendments do not prefer large lot development. As with the existing Zoning Code, open space developments (cluster development) will continue to be encouraged. The emphasis of the proposed Plan is to create cluster developments in the RU zone rather to create new centers in the HR zone.

21-23 *Comment:* Throughout the DGEIS, in respect to such areas of environmental concern as geology, topography and soils, air quality and noise, community services and facilities, no mitigation is offered based on the bare, unsupported and oft-repeated finding that the environmental consequences in each of these areas will only be beneficial.

21-23 *Response:* Comments noted. The DGEIS did not identify any potential adverse impacts to geology, topography and soils, air quality and noise, community services and facilities because no such impacts are anticipated

nor identified during the public comment period as a result of the Proposed Action. Consequently, no mitigation is warranted. See Response 21-2.

**Public Hearing Comments (August 13, 2008)**

**22. Marcia Mattheus, Goshen Resident**

22-1 *Comment:* The maps are too small.

22-1 *Response:* Comment noted. Several of the key maps provided in the revised Comprehensive Plan Update have been enlarged and printed on 11"x17" sized paper. In addition, the key maps in this FGEIS have been enlarged and printed on 11"x17" sized paper.

22-2 *Comment:* You talked about the impacts on the Village, in a particular area, and you referred and the documents refer to it as the Southeast or Northwest sections of the Village, but the same verbiage is not used in the discussion section as is used on the map. You have a color designation on the map, not the same references in the text, and it becomes very confusing. The documents need to be more specific. If you are telling me that something is happening northwest of the Village in zones five and six, then you need to reference them in the same fashion so that we can follow the traffic impact on this. There is so much difference in language it becomes convoluted and difficult to understand.

22-2 *Response:* Comments noted. The FGEIS has been prepared with these comments in mind. The potential zoning map changes are consistently referenced throughout the FGEIS document and additional figures have been included and produced at a larger scale for ease of reference and understanding.

22-3 *Comment:* The document switches between referencing to the Town of Goshen, and then just to Goshen. It becomes confusing if you are looking at it from the eyes of Village of Goshen impact, especially with respect to referencing water and sewer.

22-3 *Response:* References to "Goshen" refer to the "Town of Goshen." In cases where the Village of Goshen is being discussed, the Village is referred to as the "Village of Goshen."

- 22-4 *Comment:* When the terms constrained and unconstrained lands are used, they should be universally applied. In many places it says that the Town would exclude constrained land from the calculations, but that is not applied in all zones.
- 22-4 *Response:* The Town Board considered applying a universal density calculation system for both residential zones, but determined that the revised Zoning Code provided formulas that would best accomplish the goals of the Comprehensive Plan. Section 97-20(A) sets forth the formula to calculate density in an open space subdivision. Section 97-22 contains the density information for conservation density developments. Section 97-15(B) and (J) provide the calculations to be performed for Hamlet Residential development density, and 97-15(P) for PACs. Definitions of both constrained and unconstrained lands are included in the definitions section of the Zoning Code (see § 97-84). Section 97-15 contains further restrictions when calculating steep slopes as part of the constrained land.
- 22-5 *Comment:* The Audubon Society is still considered in the Commercial Office zone. I would suggest that it be considered a forever green zone, and be removed from the CO district.
- 22-5 *Response:* Comment noted. The Town Board is not contemplating any change in zoning designation or use of the Audubon Society site. The Audubon Society property as presently utilized will not be impacted by the Updated Comprehensive Plan and Associated Amendments. Also, to designate this area as a “forever green” zone could be considered an unconstitutional taking of the property.
- 22-6 *Comment:* Access for the area designated Commercial Office by Burke High School would be difficult. People would end up using Philipsburg, which is totally residential, for access. Having in your CO it states that it is 50% Commercial and 50% retail, which would have a terrible impact on all that residential area.
- 22-6 *Response:* In light of the recent acquisition of the majority of this property by the New York Arch Diocese of the Catholic Church for the expansion of the John S. Burke High School facilities, the Plan has been revised to eliminate the recommendation that this area be rezoned from RU to CO as the acquisition of the property for school use precludes the expansion of CO uses in this area. This area will remain in the RU district.

22-7 *Comment:* There should be an overlay map, so the residents can easily see the overlays that are being talked about, especially with regards to the aquifer overlay districts.

22-7 *Response:* A map showing the aquifer overlay districts is provided as Figure 2.6 of the updated Comprehensive Plan.

22-8 *Comment:* There is no statement of taking out constrained land in the RU zone.

22-8 *Response:* Section 97-20 of the Zoning Code are the provisions for open space development within the Town. (Small-scale subdivisions in the RU zone become open space subdivisions if more than four lots are proposed for subdivision from the parent parcel. See, § 97-19(D).) When calculating the density for the parcel, the unconstrained lands, as defined in § 97-84, are deducted from the total gross acreage of the development area. The unconstrained acreage is then multiplied by either 33%, if the property is in the AQ-6 district, or 50%, if the property is in the AQ-3 district. With the RU district, the 50% requirement for open space may contain constrained lands.

In contrast, the HR district permits a maximum of three units per acre, provided that the project is consistent with SEQRA and complies with the other HR regulations, but its requirement for 30% open space cannot include wetlands or other constrained lands.

22-9 *Comment:* Senior housing was removed from Commercial zones, but single-family homes are still permitted. The viability of a single-family house in the middle of a commercial and retail area is questionable, and does not appear to be appropriate.

22-9 *Response:* PAC developments were eliminated from commercial zones because the density and scale of such a use is incompatible with commercial development. The Town Board acknowledges that not every CO zone presents a the appropriate surroundings for a single-family home; however, they are permitted subject to issuance of a special permit from the Planning Board, whose duty it is to ensure that the use is appropriate and consistent with the purposes of the Zoning Code. (Note: The residential build out analysis contained in Appendix C of this FGEIS does not include single family home in its build out assumptions.) See Response 13-4 for additional information.

- 22-10 *Comment:* It is unclear which way is north, south, east and west on the maps.
- 22-10 *Response:* The north arrow is included in the bottom right hand corner (adjacent to the title block) on all of the Updated Comprehensive Plan and DGEIS figures. All maps are oriented toward true north.
- 22-11 *Comment:* Neither the Village nor the Town can afford to address traffic as simply, and in such an un-detailed fashion as this document does when it states there are going to be an additional 1,975 hits in zone five. A roundabout is suggested, but we need to go around the concept if the Town is considering changing zones. The Village and Town officials need to work together very closely to deal with increased traffic.
- 22-11 *Response:* The traffic impact analysis in the DGEIS analyzed potential traffic generation resulting from all of the potential zoning map changes. This analysis included those properties in the RU and HR/HM zones proposed to be rezoned to commercial (see DGEIS page 40-45). The analysis of traffic impacts in both the DGEIS and FGEIS is detailed enough to determine traffic impacts from the Proposed Action on an area wide basis and is not intended to be site-specific. The DGEIS does contain general mitigation language in reference to the rezoning sites by area and also makes general recommendations Town wide, but does not speculate as to the particular use or combination of uses that could or would occur on various development sites nor does it provide site-specific mitigation measures based on speculative scenarios. The DGEIS appropriately defers the development of site-specific mitigation measures until specific development proposals are advanced at some point in the future. The type of analysis provided in the DGEIS and FGEIS is consistent with a generic type of EIS review as specified in the SEQRA regulations (§ 617.10).
- 22-12 *Comment:* The public cannot do an adequate analysis and submit comments if there is no specificity as to where the exits are going to be from the State.
- 22-12 *Response:* Comment noted. The NYSDOT Design Proposal Drawings (April 2008) have been included in the FGEIS as Appendix E.
- 22-13 *Comment:* The list of proposed changes in zoning in the Master Plan repeatedly and solely makes reference to Village infrastructure for Hamlet, RU and Commercial zones. The Village and Town need to work together to

plan for the future, and discuss sharing the services that we have available after they are analyzed.

22-13 *Response:* Comment noted. The Town Board agrees that infrastructure is of critical importance and recognizes that coordination at all levels of government (Town, Village, County, and State) will be necessary to address such impacts. The Updated Comprehensive Plan contains a section on Town-Village coordination (see Plan Section 4.9, page 72) and Town cooperation with County and State agencies (see Plan Section 4.10, page 73). See Responses 13-10 and 13-11 for additional discussion of infrastructure.

22-14 *Comment:* The document should be consistent and state whether it is asking applicants to have a water source of their own on site or where they are going to go for it.

22-14 *Response:* Comment noted. See Response 13-10 for additional discussion of infrastructure.

**23. Philip Gersbeck, Goshen Resident**

23-1 *Comment:* Page 8, Section 8, changed my property from Rural to Industrial. How is industry going to access that piece of property? Is the Town planning on putting a Town Road in?

23-1 *Response:* See Response 8-5.

23-2 *Comment:* The maps are very small and blurry.

23-2 *Response:* Comments noted. See Response 22-1.

23-3 *Comment:* How far does the Industry go on the map because there is black dirt on that property? If this is Industrial, what do we do with the rest of the black dirt? You cannot access it.

23-3 *Response:* See Response 8-2, 8-3, and 8-4.

23-4 *Comment:* There is a house on the property now, which would fall into the Industrial zone. Can that ever be sold residential?

23-4 *Response:* See Response 8-6.

23-5 *Comment:* If it is changed to Industrial, can there be two agricultural uses on the property? For example, a horse farm and a hay farm?

23-5 *Response:* See Response 8-1 and 8-7.

23-6 *Comment:* On the map, there is a small corner on the top right hand side that is white. What is that little white cube?

23-6 *Response:* See Response 8-1.

**24. Michael Allen, Behan Planning Associates**

24-1 *Comment:* Thirty to forty percent allowable coverage is unusually low for an industrial area. Usually there are two different types: building coverage and total impervious coverage. Thirty percent is typically for buildings alone. In the Comprehensive Plan, it mentions that the Town would like to increase some development in the Industrial and CO areas because those are the most profitable from a tax ratable standpoint. We worry that they are not really economically feasible or attractive to developers if that is the intent.

24-1 *Response:* See Responses 7-1 and 12-1, and Section III. In response to public comment on the DGEIS, the Proposed Action has been modified in this FGEIS to provide for an increase in coverage ratios and will allow for maximum impervious coverage of 70% in the Highway Commercial (HC) zone, 70% in the Commercial/Office Mixed Use (CO) zone and 70% in the Industrial (I) zone (Please see response to Comments 7-1 and 20-1). This is expected to have a positive impact on the Town's ability to attract investment.

24-2 *Comment:* The 70% of open space that would be required on such a parcel essentially creates a pocket of development. We recommend that some of the open space be allotted more on a site specific manner, so that the open space preserved is really tailored toward protecting the view from where the people are, rather than protecting the view from one development to the neighboring one.

24-2 *Response:* See Responses 7-1, 12-1 and 24-1.

24-3 *Comment:* The 30% coverage may inadvertently lead to a sprawl situation, where taking the same amount of development that the Town might want to have and spreading it out over a smaller instead of larger area would permit it to be more contained and managed.

24-3 *Response:* See Responses 7-1, 12-1 and 24-1.

**25. *Irving Zuckerman, Founder, Alliance for Balanced Growth***

25-1 *Comment:* If we look at business parks, you will see a lot of mergers, acquisitions and joint ventures as businesses grow. It is very important to consider that when considering density, and how it relates to the coverage ratios proposed. Companies need the ability to grow and consolidate.

25-1 *Response:* As discussed in response to Comments 7-1 and 20-1 the Proposed Action has been modified to increase the amount of impervious coverage allowed on commercial and industrial sites. This is expected to have a positive impact on the Town's ability to attract investment. See Section III of this FGEIS.

25-2 *Comment:* Commercial brokers and site selectors will seek to identify properties for corporate move-ins, and early on will look at the coverage ratios because clients are going to want to know if they have the capability to grow in future years.

25-2 *Response:* See Response 25-1.

**26. *John Lavelle, Co-chair, Alliance for Balanced Growth***

26-1 *Comment:* The coverage ratios as proposed may actually work to counter the Town's objective to develop a strong and balanced economic base.

26-1 *Response:* See Response 25-1.

**27. *Steven Rieger, Rieger Homes***

27-1 *Comment:* This company questions whether the costs of affordable housing are being shared appropriately, or whether the costs are being placed only on the landowners.

27-1 *Response:* See Response 16-1.

27-2 *Comment:* In the existing Code, the opportunity is provided to prove water capacity or face a more onerous zoning requirement. In the Proposed Code, the opportunity is removed, which severely damages the property values of the Town's large land holders. Also, the Plan contains no 'grandfathering' provision.

27-2 *Response:* See Response 16-2.

27-3 *Comment:* If this proposal is enacted, the requirements will dramatically drive up the cost of new housing.

27-3 *Response:* See Response 16-3.

**28. *Jody Cross, Zarin & Steinmetz***

28-1 *Comment:* Absent from the Comprehensive Plan is any articulation of a goal to mitigate a traffic impact from the resulting development in the Town. It appears the reason for this is because the traffic study shows that the DGEIS demonstrates an over ten-fold increase in traffic on the site 3A alone, and it is clear from the Town's study that retaining the zoning designation for Prospect Hill would have a significantly less traffic impact.

28-1 *Response:* See Response 13-3.

28-2 *Comment:* The DGEIS concludes, without any meaningful data, that the proposed Comprehensive Plan will likely have a positive impact on traffic and transportation in the Town and then defers any review of traffic impacts to site specific review. It is unclear what rational basis the Town has evoked for suddenly abandoning its goals to address traffic impacts from future development in the Town, and what substantial evidence would support such an about-face in its primary goals.

28-2 *Response:* See Response 13-3.

28-3 *Comment:* The DGEIS states that the proposed zoning would permit the development of 1,583 additional multifamily units, but there is no evidence that supports this calculation. There is no indication of what kind of multifamily housing. For example, is this the PAC? Is this age restricted

housing? Are these housing units feasible under the proposed zoning amendments?

28-3 *Response:* See Responses 4-3, 4-5, 5-1, and 13-3. Also see the build out analysis contained in Appendix C of this FGEIS.

28-4 *Comment:* There is a mitigation section for affordable housing, but the only mitigation is the PACs which only provide affordable housing for age restricted residents. The 10% set aside in the HR district is illusory, since there are only two developments that retain the HR designation.

28-4 *Response:* See Responses 4-3, 4-5, 5-1, and 13-3. Also see the build out analysis contained in Appendix C of this FGEIS. In response to comments received on the DGEIS regarding the Town's ability to adequately provide its fair share of affordable housing to meet regional needs and in furtherance of Plan Goal #3 (provide a range of housing alternatives...for a range of socio-economic groups), the Town Board is requiring that 10% of all new residential developments of 10 units or more be affordable housing units as described in § 97-24 of the Zoning Code. The Zoning Code currently mandates 10% and 15% affordable housing units within HR and PAC developments, respectively.

28-5 *Comment:* There is no real alternative, other than the No Action alternative studied in the DGEIS. The No Action alternative lacks any empirical, substantial evidence to support the conclusions. There is no comparison of full build-outs, traffic impacts, socioeconomic impacts or visual impacts. There is no analysis that the zoning amendments will ever achieve any of the goals in the proposed Comprehensive Plan.

28-5 *Response:* See Responses 13-5 and 13-6.

28-6 *Comment:* The Proposed Zoning Amendments do not appear to have a rational nexus to goals set forth in the Proposed Comprehensive Plan. The primary objective is to provide "high quality open space," which is a subjective standard, as we did not see that there was any definition as to what exactly "high quality open space" is.

28-6 *Response:* See Responses 4-2 and 13-6.

- 28-7 *Comment:* As support for rezoning the HR portion of the Prospect Hill site, the DGEIS and Proposed Plan Update summarily determine that the property is “unsuitable for hamlet residential development” and that portions of the property have “limited value for almost any development.” The DGEIS makes no attempt to define what the Town considers “unsuitable” for development, nor is any empirical or substantial evidence provided to support this threshold serious conclusion.
- 28-7 *Response:* See Response 13-8.
- 28-8 *Comment:* The DGEIS concludes that only beneficial impacts are anticipated from the Proposed Zoning Amendments, and therefore no mitigation is necessary. There is no discussion of the standards that the DEC has promulgated to analyze potential visual impacts.
- 28-8 *Response:* See Response 13-9.
- 28-9 *Comment:* Commercial development on the Prospect Hill site would have a major visual impact from Route 17A. It would require flattening the knoll that is in the front of the property, and it kills the topography which is specifically discouraged in the Comprehensive Plan. The DGEIS does not offer and hard look into such examples, or provide adequate analysis supporting its conclusions that there will be no visual impact by the proposed rezoning.
- 28-9 *Response:* See Responses 13-8 and 13-9. In order to address concerns over the projected increase in traffic in the area resulting from the Plan recommendations (see traffic analysis section in Section III), the Plan has been revised to recommend that approximately 104 acres of the area known as Prospect Hill (Area 4a-B on Figures 6 and 7 of this FGEIS) currently zoned HR be changed from the proposed CO district to a RU district. This proposed change was made to eliminate commercial uses along a curved road on land containing significant wetland and terrain problems, making it appropriate for such use. This change would also reduce future potential traffic along Route 17A as compared to the DGEIS rezoning proposal by approximately 78% in an area where sight distances are severely limited.
- 28-10 *Comment:* It is unclear why the Town decided to rezone all by two of the HR and HM zoning districts. It has decided it is necessary due to lack of infrastructure, lack of water and lack of sewer, but the existing Zoning Code

already provides that if there is a lack of public water and sewer the land zoned for Hamlet development would be treated as though they were zoned RU. No hard look or analysis was taken as to where infrastructure is and can be provided in the Town.

28-10 *Response:* See Responses 13-8, 13-10 and 13-11.

28-11 *Comment:* The Town did not conduct any analysis or market studies to determine whether increasing the number of commercially zoned properties, including the Prospect Hill property, would be feasible nor does it appear that the Town studied whether there would be a displacement impact on the commercial development in the Village as a result from an increase in commercial uses elsewhere in the Town, such as right by the border of Florida.

28-11 *Response:* The HR portion of the Prospect Hill property is now proposed to be rezoned from HR to RU, rather than HR to CO. Additionally, Section III of this FGEIS contains a socioeconomic analysis of the impact to the Town from the proposed increase in commercial coverage ratios and from the proposed zoning map changes.

28-12 *Comment:* Rezoning the HR portion of Prospect Hill to CO has no rational nexus to the goals set forth in the Comprehensive Plan, and due to a lack of a market for commercial office development on this site, the proposed amendments would effectively and significantly reduce ratables for the Town.

28-12 *Response:* See Response 13-8. The HR portion of the Prospect Hill property is now proposed to be rezoned from HR to RU, rather than HR to CO. Section III of this FGEIS contains a socioeconomic analysis of the impact to the Town from the proposed increase in commercial coverage ratios and from the proposed zoning map changes.

**29. Michael Walker, Heritage at Goshen – Heritage Estates**

29-1 *Comment:* The Code appears to be saying that the maximum density in the AQ-6 is going to be one unit per 6 acres and in the AQ-3 will be one unit per 3 acres. I think it is unreasonable to expect us now to stop, redesign, spend additional money on engineering and move forward with a revised plan.

29-1 *Response:* Comment noted. See Response 16-2.

29-2 *Comment:* Since several developers have done significant water testing within the Town, I would like to know if the test results from that water testing have been used to analyze the AQ-3 and AQ-6 zoning lines.

29-2 *Response:* Recent water test results supplied from developers have been used to evaluate individual projects in accordance with the requirements of the Town Code and various water supply regulations and guidelines. This data has not been used to substantiate or modify the AQ-3 and AQ-6 zone lines.

29-3 *Comment:* We have found water on our site, part AQ-6 and part AQ-3, and there are adjacent properties that have water issues. There are some areas with high water volumes. Has that been reviewed and made part of your protocol system? Do you plan on updated the 2003 protocol report.

29-3 *Response:* See Responses 9-3 and 16-2. The AQ-3 and AQ-6 overlay zones reflect water supply capabilities on a level commensurate with zone-wide planning. It is anticipated there will be fringe and pocket areas around and within the zones that may produce more or less water. The water testing protocols are intended to assure individual developments proposed within the zone will be able to provide sufficient supply for the intended use. The zones' density limitations are intended to reduce the potential that over development on a parcel, beyond the area's general capability for water supply, would deplete limited water resources and inhibit or prohibit permitted development of other adjacent properties in the zone.

**30. *Olivia Serdarevic, Goshen Resident***

30-1 *Comment:* The Hamlet at Goshen furthers every single one of the Town's seven goals and has absolutely no detriment to the Town. Many realtors, engineers and planners have said that if the current zoning goes into effect, the property becomes undevelopable.

30-1 *Response:* See Responses 11-1, 11-2, and 11-3. In addition, it remains a decision of the property owner and the developer as to the design of a piece of property, however it is clear that the referenced property is not "undevelopable" under the proposed plan and zone changes. This Comprehensive Plan Update and the Associated Amendments will merely provide the guidelines for applicants to follow.

**31. Dr. Michael Edelstein, Orange Environment**

31-1 *Comment:* We are not well served by the Proposed Comprehensive Plan, or by the Impact Statement that has been prepared for the Plan. The study does not address what the impacts are and does not address what the mitigations might be. It does not suggest any alternatives. Much of what we are presented with is statements about there being less growth under the revision and therefore there is less impact. That is not a sufficient basis of analysis. There is information that has been produced that essentially is inconsistent with the ideas that came forth under the current plan.

31-1 *Response:* See Responses 4-6, 13-2, 13-5, 13-6, and 21-2. In addition, see additional analysis contained in Section III and Appendix C of this FGEIS.

31-2 *Comment:* The notion of sustainability is not absent from the goals in the Plan, but how does this community get put on a sustainable basis for the future? Is it on a sustainable basis now? How does the existing plan support sustainability? How would the changes support sustainability.

31-2 *Response:* The Updated Comprehensive Plan goals and objectives and associated Zoning Code amendments are based on planning principles that reflect a perspective on appropriate uses, management and policies for the Town to provide for the development of a balanced, cohesive community which will make efficient use of the Town's land, present a strategy for the location of commercial and industrial uses to improve the local economy, and to locate various residential uses with appropriate densities relative to the available natural resources and infrastructure. The Town seeks to achieve sustainability goals (Plan Goals #1, #2, #5, #6, and #7) through a number of provisions related to the density and form (i.e. cluster developments, open space developments, and conservation density developments) of future development in the RU and HR zoning districts and their relationship to the preservation of open space and the procurement of adequate potable water. See Response 13-6.

31-3 *Comment:* What are the impacts of increasing the tax base on the way the Town is going about these revisions?

31-3 *Response:* As discussed in Section III of this FGEIS, the proposed Zoning Code amendments relating to the increase in the maximum impervious

surface coverage ratios have the potential to increase the tax base by up to \$39 million over the next 30 to 40 years.

31-4 *Comment:* There is no substance to the Growth Impacts section of the DGEIS, and what is provided is inadequate.

31-4 *Response:* The Growth Impacts section of the DGEIS (IV, Other Environmental Impacts, page 50) is qualitative in nature, which is consistent with the generic nature of the EIS. The DGEIS was prepared in accordance with the SEQRA regulations (6 NYCRR Part 617). As described in Section I, this EIS has been prepared as a generic environmental impact statement. A generic EIS, according to New York State Department of Environmental Conservation (NYS DEC) SEQRA handbook, is “a type of EIS that is more general than a site-specific EIS, and typically is used to consider broad-based actions or related groups of actions that agencies are likely to approve, fund, or directly undertake... A Generic EIS differs from a site or project specific EIS by being more general or conceptual in nature . . . .”.

31-5 *Comment:* There needs to be an assessment of what level of impact occurs under the old plan and what will occur under the new plan, and a comparison of the two.

31-5 *Response:* See Response 13-5 and the build out analysis contained in Appendix C of this FGEIS.

31-6 *Comment:* The DGEIS section on energy is inadequate. It does not exist in terms of any substance. It simply says that since there is less density, there will be less energy and therefore no impact.

31-6 *Response:* The Energy Use and Conservation section of the DGEIS (IV, Other Environmental Impacts, page 50) is qualitative in nature, which is consistent with the generic nature of the EIS. The DGEIS was prepared in accordance with the SEQRA regulations (6 NYCRR Part 617). As described in Section I, this EIS has been prepared as a generic environmental impact statement. A generic EIS, according to New York State Department of Environmental Conservation (NYS DEC) SEQR handbook, is “a type of EIS that is more general than a site-specific EIS, and typically is used to consider broad-based actions or related groups of actions that agencies are likely to approve, fund, or directly undertake... A Generic EIS differs from a site or project specific EIS by being more general or conceptual in nature . . . .”.

- 31-7 *Comment:* If we induce more sprawl into our growth pattern, which is what it seems like we are doing with this plan, we are increasing traffic.
- 31-7 *Response:* The Updated Comprehensive Plan and associated Zoning Code amendments are not inducing more sprawl. As demonstrated in the build out analysis contained in Appendix C of this FGEIS, the Plan as proposed will result in a fewer number of units as the current Plan and these units would be encouraged to be developed in accordance with the Town's open space development regulations [i.e. cluster developments (see § 97-20 of the Zoning Code)] or in PAC developments which would result in cluster developments. Overall, the Plan proposes to reduce density, but locate the allowed density into cluster developments, and would therefore not result in a net increase in traffic generation from residential uses as compared to the existing Plan.
- 31-8 *Comment:* What are the impacts and mitigation measure regarding air pollution?
- 31-8 *Response:* As stated in the DGEIS, the Town of Goshen is part of the Poughkeepsie Moderate Ozone Non-Attainment Area and the NY-NJ-CT Severe Non-Attainment Area for particulate matter. Adoption of the revised Comprehensive Plan and proposed Code amendments would not result in potentially significant impacts to existing air quality within the area. The revised Comprehensive Plan and proposed Code amendments aim to reduce the density and intensity of development in the Town and target new growth towards the Town's existing Village centers and into cluster developments in an attempt to encourage pedestrian activity and the reduction of car dependency (see revised Comprehensive Plan Goal #2). Adoption of the revised Comprehensive Plan and proposed Code amendments will not result in an increase in overall air quality emissions in the Town. Implementation of revised policies and actions are designed to protect and improve air quality in the Town of Goshen and therefore, no mitigation measures are proposed or required.
- 31-9 *Comment:* What kind of buildings are going to be built? Are we talking about McMansions on multiple acres? Are we talking about buildings that are net zero energy buildings or net positive buildings? Will these buildings be exporting adverse effects to the community or are they going to be buildings that will be part of the solution? Are buildings going to be LEED rated, or energy start buildings?

31-9 *Response:* The Updated Comprehensive Plan and associated Zoning Code amendments do not propose any changes to the maximum impervious surface coverage ratios within the RU zone and will therefore not result in any changes to the type and style of homes built within the Town of Goshen. The Associated Amendments propose minimum lot sizes in the HR of 8,000 square feet for a detached single family dwelling; 10,000 square feet for a two-family dwelling; 12,000 square feet for a multifamily dwelling; and 2,500 square feet for an attached single-family Townhome. The minimum lot size may not include constrained lands. A small-scale development has a minimum lot size of 1.5 acres in the AQ-3 and 2 acres in the AQ-6. The open space development provisions provide the following: “The minimum lot size shall be one acre for lots with individual wells and septic systems, subject to the environmental control formula in § 97-18D which may result in a larger lot size. Constrained land may be included in individual lots and counted toward lot area, provided that it is protected from development. For lots that are connected to public sewer and public water, there shall be no minimum lot size. For lots that have either public water or public sewer (but not both), the minimum lot size shall be established by the Planning Board based upon site-specific soil and hydrological conditions.” § 97-20(E)(1). There are no maximum square footages set in the Code for the size of a dwelling, with the exception that it may not exceed 35 feet in height.

31-10 *Comment:* There are carbon footprint issues. How much greenhouse gases are we creating through this plan?

31-10 *Response:* See Response 19-11. A greenhouse gas calculation was not conducted for the Proposed Action. As demonstrated in the build out analysis contained in Appendix C, the Plan as proposed will result in fewer units than the current Plan. These units would be encouraged to be developed in accordance with the Town’s open space development regulations [i.e. cluster developments (see § 97-20 of the Zoning Code)] or in PAC developments which would result in cluster developments. Overall, the Plan proposes to reduce density, but locate the allowed density into cluster developments, and would therefore not result in a net increase in carbon footprint issues. Also, cluster development is encouraged and increased provisions for open space. As a result of all of the above there can be no doubt that the carbon footprint, and the generation of greenhouse gases, will be no more than under the current zoning, resulting in no significant adverse environmental impact by its implementation. However, no calculation of the extent of the likely

potential betterment of these environmental factors resulting from the plan and zone change implementation was undertaken.

31-11 *Comment:* The issues of landscape, buildings and traffic need to be analyzed in the plan thoroughly and compared between the plan options. They also need to be studied in the DGEIS.

31-11 *Response:* The DGEIS was prepared in accordance with the SEQRA regulations (6 NYCRR Part 617). As described in Section I, this EIS has been prepared as a generic environmental impact statement. A generic EIS, according to New York State Department of Environmental Conservation (NYS DEC) SEQRA handbook, is “a type of EIS that is more general than a site-specific EIS, and typically is used to consider broad-based actions or related groups of actions that agencies are likely to approve, fund, or directly undertake... A Generic EIS differs from a site or project specific EIS by being more general or conceptual in nature . . . .” Section 617.10(c) of the SEQRA regulations requires that a GEIS set forth the specific conditions under which future actions will be undertaken or approved (see Section VI. Future Actions of the DGEIS, page 53). The DGEIS included both qualitative and quantitative analysis to analyze the potential impacts from the Proposed Action. The DGEIS included a qualitative analysis of land use issues, affordable housing, and other environmental impact categories as well as a quantitative analysis of traffic generation. In addition, in response to comments, this FGEIS also provides additional data relating to traffic, affordable housing and residential and commercial build out analyses. Landscaping and building issues are site specific issues that are dealt with as part of the Town’s Site Plan review procedures. Environmental impacts associated with these types of site specific issues are addressed during the subsequent SEQRA review of site specific projects.

31-12 *Comment:* The new plan basically puts sprawl back on the country side with large lots, which is not preserving those lands as farm lands. How we interface local food with the local economy and make it a major part of what we call development and economic development is an issue that is happening. These issues are not addressed in the Impact Statement. How do you create a community in which farming is viable?

31-12 *Response:* Comments noted. The Updated Comprehensive Plan establishes the protection and enhancement of agricultural activities in the Town as a Plan priority through its inclusion of Plan Goal #1. Goal #1 also lists four

specific objectives aimed at the preservation, maintenance and encouragement of agricultural lands and activities in the Town [see draft Comprehensive Plan Update Section 3.1 Goals and Objectives (page 51)]. The draft Plan supports the preservation of agricultural lands and open space through its support of cluster (open space developments) developments (Goal #2) and the use of conservation easements to protect farmland and other open space (Goal #5). The Plan's support of cluster developments is memorialized and implemented in § 97-20 of the Zoning Code.

The proposed draft Comprehensive Plan Update and its zoning implementation will not result in a different positive or negative impact on farming or agriculture when compared to the existing 2004 Comprehensive Plan. Both plans promote and encourage the protection, enhancement and continued use of portions of the Town of Goshen for agriculture and farming activities. As a result of the 2004 Plan, a Purchase of Development Rights (PDR) fund of \$5,000,000 was created by the Town Board to purchase open space. The Town Board has reserved this money for farmland, and to date, has acquired or is in contract to acquire approximately 503 acres of prime farmland. No changes to the existing PDR program are proposed as part of the Plan Update or associated Zoning Code amendments; in fact the proposed Plan identifies the PDR program as a priority in Plan Goal #1 (the PDR program was previously included in the 2004 Plan as Goal #5). However, under both plans most non-black dirt farmland can be developed for residential purposes. As in all communities, farmland is generally zoned for both farmland use and for other purposes should the farmer wish to sell for development.

Under the current and proposed plans and zoning, sites such as Heritage Estates which sets aside 116.8 acres of farmland would be able to do so. The proposed Plan encourages such farmland preservation and does not preclude PDR, further funding of PDR, nor does it modify the current Open Space and Farmland Protection Plan prepared in July 2003. This Plan is utilized when reviewing all Open Space Plans in the RU District relative to a Conservation Analysis for those parcels. As a result there are no significant adverse environmental impacts on farming or agriculture as a result of the proposed Comprehensive Plan Update and associated Zoning and Town Code amendments.

31-13 *Comment:* There is only a very brief mention that we are out of compliance with the Clean Air Act in Orange County. To what extent is the plan that is

being replaced and the plan that is replacing it in compliance and what impact do we have whether we are in compliance with it or not.

31-13 *Response:* See Response 31-8.

31-14 *Comment:* Exclusionary zoning is not addressed, neither is affordable housing.

31-14 *Response:* See Section III of this FGEIS, Responses 4-3, 4-5 and 5-1, and the build out analysis contained in Appendix C.

31-15 *Comment:* The question of the impacts of commercial development and commercial sprawl as opposed to commercial development that is integrated into housing.

31-15 *Response:* See Response 7-1. In order to address issues of commercial sprawl, the Town Board is proposing to increase the commercial coverage ratios and eliminate several of the areas previously proposed to be rezoned to commercial and industrial zoning districts.

31-16 *Comment:* Is this Comprehensive Plan meeting the goals it sets forth? And is it meeting these goals better than the Plan it is replacing?

31-16 *Response:* See Response 13-6.