

**TOWN BOARD SPECIAL MEETING  
PUBLIC HEARING DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
August 13, 2008**

PRESENT:

Douglas Bloomfield	Supervisor	Louis Cappella	Councilman
Kenneth Newbold	Councilman	George Lyons	Councilman
Philip Canterino	Councilman		

ALSO PRESENT: Dennis Caplicki      Town Attorney  
Rick Golden                      Planning Board Attorney  
Valma Eisma                      Town Clerk  
Priscilla Gersbeck              Deputy Town Clerk

**A. CALL TO ORDER:** Supervisor Bloomfield opened the meeting at 7:40 p.m. Reynell Andrews led the Pledge of Allegiance. Supervisor Bloomfield thanked everyone for coming this evening.

**Supervisor Bloomfield:** I would like to go through a little bit of the history of what we are doing and why we are doing it. The Comprehensive Plan that was approved as law back in July, I think it was July of 2004, there is a caveat in that plan that said it was incumbent upon the Town Board to look at the Comprehensive Plan, the Zoning Map and the associated code every three years to see how appropriate it may be and to make changes accordingly, and so with that the Town Board took that seriously. We hired the professionals to lead us through this process. We started about two years ago, some of the professionals we hired were Dennis Caplicki, initially to work with us, and Ed Garling, who is a local Planner, ultimately Rick Golden to work with us in his capacity as the Attorney for the Planning Board, Mr. Fish, Frank Fish in the first row. He and his firm of Planners in New York, they were hired to assist as well, and they are the ones who put together this DGEIS that we will be reviewing tonight. So we have worked on this for about two years. I want to reassure everyone, I have said this over and over and over again, that we the Board really believe all of us are smarter than any one of us, and the public meeting that we have tonight, this hearing tonight, the purpose is to get your input and the input we will be getting in writing from applicants and citizens and others. All that will be looked at for the final IS. So your comments do count and we want to think through them all. With that, what I would like to do is turn it over to Mr. Fish, Frank Fish, who has got a power point presentation that will kind of lead us up to date with where we are at, highlighting what some of the plans that have been and following that I will ask one of the Board members to make a Motion we open the Public Hearing and then we will proceed on to gather your input. Frank, I don't think, (Attorney Caplicki approached the Board) Supervisor Bloomfield stated: Ok, very good, Frank before you talk I have been told by our attorney that we formerly open now versus after you finish.

**PUBLIC HEARING:**

Would someone like to make a Motion that we open the Public Hearing to discuss our DGEIS, the Comprehensive Plan, the Zoning Map and associated coding. Councilman Lyons: So moved. Councilman Canterino: I second it. Supervisor Bloomfield: Any discussion? All in favor say AYE (all Board member say AYE) Supervisor Bloomfield: Motion carried. Frank.

**Frank Fish:** Thank you Doug. What we are going to try to do is just do a power point in about ten to fifteen minutes, I hope we can be done by about eight o'clock. If you can't see it perfectly, we made forty copies of these and I think there are about twenty five of us here, maybe 30, so there are more copies if anyone didn't get it and you need it. (Mr. Fish presented the booklets to the Board and the public) Mr. Fish: There is a particular map in here that you may not be able to see well, so you will have a hard copy of it. We are just going to do this, where I will introduce and go through the plan and then Sarah Yackel, from our office, is going to go through the DGEIS and sort of overview that for you. So tonight its really a joint Public Hearing, on two documents, there is the Comprehensive Plan update and then there is a Draft Generic Environmental Impact Statement to comply with this little word called SEQRA, which stands for the State Environmental Quality Review Act, so we have to comply with that and the Town Board has chosen to do a full draft environmental impact statement on the Comprehensive Plan and that DGEIS also has zoning language in it and zoning text, proposed zoning text in it and you can see from the footnote down here, I just want to remind you all that, as the Supervisor said your comments will all be taken tonight, they will be examined, but there will also be a separate Public Hearing as I understand on the Town Code Amendments on October 23<sup>rd</sup> .

The plan itself, in the mid nineties, at one time, Planning Boards did Master Plans, but the Master Plan, the Comprehensive Plan actually is the Town Board's document, and must be adopted by them for it to be binding, legally binding. The Town Board has been involved, you will see when we get to the time table, very carefully involved in all the meetings on this and they are also acting as the lead agency for the State Environmental Quality Review Act , in other words they are the body that will control the draft and the Final Environmental Impact Statement and then they have used, and have been at all of our meetings that I have been at, Dennis Caplicki as their attorney and Rick Golden and also his assistant Kelly have been very heavily involved, particularly in the zoning text and the text amendments. We have relied, because we are not as Doug said not local. We have relied very carefully on Ed Garling, who is a planner, I just have known for thirty years here. So that's the team that was involved in the update and the code amendments and we acted as BFJ Planning as advisers to put these documents together on behalf of the Town Board.

The schedule, again the Supervisor went through the longer schedule of the two years they have been involved in doing this, we got involved more at the beginning of this year as you can see here with the actual comp plan update and the various Chapters and than as we got through the Comp Plan and went into some of the Zoning and then the DGEIS. Leading up to this point in August, we had wanted to have this done, or I should say the Town Board wanted to have this done, before the end of the moratorium, to have the documents out, and I think we have achieved that. So the documents are out for public comment within this moratorium period, but very importantly after tonight's meeting, that red triangle, we have to respond to your comments that are environmentally oriented in a final environmental impact statement and of course your comments relating to the Comprehensive Plan or Zoning the Town Board will take under consideration and eventually we will produce and FEIS or Final Environmental Impact Statement., and the Town Board will have a second hearing.

**Mr. Fish continues:** The Plan Chapters are not new for those of you who are familiar with the current plan. The Chapters are really the same, except there is a map, a set of map changes which the Board did, partly with Ed and their Council, and us. The fifth Chapter is new, but other than that, the other four Chapters, while they are updated, and there are text changes in them they follow the format of the current plan. There is also an update of a separate document that was a transportation report done, which the Board asked us to update. We finished that, and separately we will send that to the Board and there is an updated Transportation Chapter in the plan.

The goals remain quite similar to the existing plan, but three of them the Board changed slightly, you can see them in the blue here, goals one, two and 7. (He referred to the screen showing the Plan Goal #1 through #7) The Board went away from what the Planning literature nationally we tend to call new urbanism. They had some examples in the current plan of hamlets and TND (Traditional Neighborhood Developments) schemes that the Board felt were perhaps not quite as appropriate to Goshen's rural character, so they have somewhat changed a little bit. As you can see in Goal #1: Protect and enhance the agricultural activities and character, Town character. Goal #2 is still very much to support the Village as a center, but also some clustering or open space subdivisions within the Town. The Other goals remain the same, and the seventh goal, as you can see here, to encourage appropriately sited development and protect environmental assets of each site as it is developed.

**Mr. Fish Continues:** What I would like to spend a moment on though is there are some very key things or key elements that have been modified. The Hamlet Residential areas, they have been the Hamlet Residential and Hamlet Mixed-Use have now been combined into one zone, our Hamlet Residential Zone. They have we have maintained their three units per acre, but we have also required 30% of the site must be usable open space. There is a 30% requirement in there, but that it be usable open space not wetlands areas. The 10% of housing, affordable housing or workforce requirement and that was formerly bonused, so some of the bonuses are now missing and the part of the Hamlet Mixed use that allowed some non residential development has been retained. It is a 10,000 SF limit and it is by special permit. Now there will be more control over that and it's siteing. So there have been modifications to the Hamlet Zone.

**Mr. Fish continues:** The second one, on the Rural (RU) Zone, we have not changed any of the wording of the zone, except for one thing, to clarify the maximum density. When we first looked at the zone, we could not calculate in trying to do a build out analysis, we could not calculate what the actual zoning maximums were in this zone, so we have now clarified it, you can see here in the AQ3 District, the one unit for three acres and the sixth district to one unit for six acres, that is you cannot exceed that density so that it is clarified in those zones.

The other thing in there, in the Rural Zone, is there were a set of bonuses that I think the Board found somewhat cumbersome and hard to calculate, and work with. So those bonuses have been eliminated, and the particular one that has been eliminated is item three here, (pointing to screen) is Transfer of Development Rights. Now transfer of Development rights has worked in very special places in New York State, like the Pine Barrens, out in Long Island, but it requires man power, it requires administration, the Town Board has decided to omit that and drop that from the current plan.

The Planned, so called PAC, or Planned Adult Communities, actually the Board has expanded the possibilities for their use. The Board has felt that it was not appropriate, is not appropriate in Commercial Districts, that where the Planned Adult Communities provisions would be more appropriate are in the residential districts, and therefore their application in the Town is potentially greater for these PACs, however, the Board was sensitive to that and they have reduced the density in the PAs in the PAC from five units to three units. Thereby, being consistent with the Hamlet Residential Districts. The current maximum I believe was something like 300 units in a PAC and they have reduced that to 200, and they want the PAC though to have access to State or County highways or in the Master Plan you will see a road classification system in the Transportation section, and it lists for you the arterial roads, or collector roads, which are the major roads, and so if the site has access to that, it could then apply for the PAC.

**Mr. Fish continues:** They have revised, with Dennis, their engineering consultant, the Goshen Water Testing Protocols, and you can see here that (pointing to screen) they are providing for drilling of sufficient wells in all subdivisions of three or more lots. And then the pumping test

requirements which is normally a seventy two hour test could go, if warranted, if seems warranted, to a ninety six hour test. And then finally there is a set of these map changes which were mapped out with the Board, with Ed Garling, as the local Planner involved here, and it goes 1 through 8, I know this is a little hard to see, you all have the handout, if you turn to that map. The first one is sort of this yellow area, the Hambletonian Park area. The Board is suggesting to reduce the extent of the Hamlet Zone in that area, and to rezone to a Rural Residential density. So that is the first one.

**Mr. Fish continues:** The second one, down near the hospital area, the Board is looking to rezone on the frontage road there, to Commercial on the front of the site, and on the back of the site to Residential.

The third area is near Florida, down on Route 94, near the Village of Florida. Part of this area now, it's a mixed use area, part of it is Commercial now and Industrial, and the Board is really rezoning there, away from the Hamlet Zone to Commercial. Primarily a Commercial zone, with some Residential. So that is the area of the Florida Village area, just North of the Village.

The fourth area is near the High School and adjacent to the Village and the Board is zoning that, or proposing to zone that Commercial, CO District.

The fifth area is near Chester and again the Board is looking at Commercial Zoning in that fifth area. And then, lets see where is six, yup.

Sixth is along 17M, most of this exists already, these lots, and they are looking at Commercial zoning there in that area. And then they are looking, while I am here, they are looking adjacent to the landfill at Industrial, at some additional Industrial areas there.

Those are the major map changes, so for what the Plan is doing, it is telegraphing ahead, two types of changes in zoning, text changes and then map changes that the Board is proposing, and with that, just to talk about the process now of implementation I am going to turn this over to Sarah. Do you want me to touch on this one Sarah? Implementation slide ?

**Sarah K. Yackel:** For the Fourth Chapter in the plan was it's Implementation Chapter and it just talks about some of the elements that the Town will use to implement the updated Comprehensive Plan and one of them and part of the main reasons we are here tonight, is the State Environmental Quality Review Act which Frank briefly touched upon. Also a key element in the implementation is the actual adoption of the Comprehensive Plan and the adoption of the Zoning and Town Code Amendments and the Zoning Map, and that will all be happening over the next several months.

So tonight we are here for the Public Hearing on the State Environmental Quality Review Act pursuant to SEQR, we have prepared what is called a Draft Environmental, I'm sorry, a Draft Generic Environmental Impact Statement. The DGEIS was adopted, was accepted for a thirty day Public Review by the Town Board on July 24<sup>th</sup>, and we are currently in the midst of a thirty day Public Review period which will end on August 25<sup>th</sup>, so, the Public has thirty days, beginning on the 24<sup>th</sup> to submit comments to the Town Board in writing, for consideration in the Final Environmental Impact Statement. Comments that we receive here tonight, as well as all written comments pertaining to the environmental document will be addressed in writing in what is called the Final Generic Environmental Impact Statement.

This chart down here (pointing to the screen) is just showing a SEQR time frame chart, and where we are right now, is right in here in the thirty day review. A Public Hearing is not required, but the Town is doing one and so we are just in the middle of this process, to be

followed by the Final EIS and ultimately to be followed by a preparation of a Finding Statement. So what is a Generic EIS? There are two types of EISs, under SEQR, the main type, there is the Generic EIS and then what is called a Site-Specific EIS or just an EIS. A generic is used to assess the impacts of the entire program or plan, having an area wide impact rather than a Site-Specific. So a Generic EIS looks at something on a town wide basis rather than a single lot. It does not result in any sort of shovel in the ground type impacts. They are definitely more generic in qualitative impacts that will ultimately get addressed at the Site-Specific level further down the road when actual applications come in under the new zoning. So as part of the DGEIS for this project, this is the table of contents, (again referring to the projection screen) we have provided an Executive Summary, Project Description and looked at all of these specific impact chapters and these required chapters of all EISs and alternative when we looked at the No-Action Alternative and then the Final Chapter here, Future Actions, this is what differentiates a Generic EIS from a Site-Specific EIS and this sets forth a process for future review under this State Environmental Quality Review Act. Very importantly, the EIS and the Town's updated Comprehensive Plan are on the Town's Web Site, so if you want to get copies of the full plans, they are available at that address and you can also get hard copies from the Town and we would encourage everyone to do that and submit additional comments in writing up and till August 25<sup>th</sup>.

**Supervisor Bloomfield:** There is also a copy available to look at in the Goshen Library. Marcia do you need to get back to your meeting or are you ok to stay here? (addressing Marcia Mattheus, Village Trustee) Ms. Mattheus, (said something inaudible, followed by ) I can stay for a while. Supervisor Bloomfield: Why don't we put you first, we signed you in up here, basically Marcia has another meeting to go to in the Village, so I am going to ask her to have her comments first, and then I will open it up to the public.

**Marcia Mattheus:** I am only here for me, Marcia B. Mattheus, 11 Lincoln Avenue, Goshen. First of all I would like to thank you for following (Supervisor Bloomfield: Mike on is it?) Marcia: I don't know. Supervisor Bloomfield: Ok, it's on. Ms. Mattheus: I would like to thank you for following procedures so clearly and making the information so available to me, that was really very helpful. I have some comments and questions that I would like to see answered in the follow up document and many more, but I will just go through this list, ok?

To begin with, when I spent several hours looking at this document one of the difficulties I had and I have to assume, you know, sometimes when you deal with the same nomenclature and language on a particular topic you become more fluent than you realize and the public cannot always follow what you are talking about, and in fact, though I have read many impact statements, I had difficulty. Whenever there was a map drawn, first of all, the maps are too small. You talked about impacts on the Village, in a particular area, and you referred to it, that the document refers to it as South East of the Village, North West of the Village, 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 therefore it becomes very confusing. And I think we need to be more specific, if you are telling me that something is happening North West of the Village in Zones five and six if, (those are not correct, by the way I am just picking two), that you need to reference in the same fashion to that we can follow the traffic impact on this, all of your difference language, because it becomes very convoluted and very difficult. I In fact asked three different people, who, one who has lived here all his life, one with whom I live, and another who works very closely with these documents, and they all gave me different answers when I asked them what is North West of the Village? What would you say is North East of the Village? I think that needs clarity.

**Ms. Mattheus continues:** Number two: On the maps that, when you refer to a particular area in the document and it, goes for both, the Comprehensive Plan and the Impact Statement, you, the names are so small, that with a magnifying glass, I couldn't make them out. And if my

particular concern is how it is impacting some areas of the Village, it becomes important what area, specifically, or people want to know whether it's their house, whether it's their street. I think you need, I suggest anyway, it would be more effective and less frustrating for people if the maps were larger.

The, a sensitive issue, up to date, the document switches between reference to the Town of Goshen and then it just says Goshen, and that becomes confusing if you are looking at it from the eyes of you know, Village of Goshen impact, or is it's, it make me question, if it's done in reference to water and sewer, cause you know, consistently, is there a reason there is a reason there is a Goshen reference and not any longer a Town of Goshen reference? So I think that needs clarity.

I really think it's terrific, I love the term non-constrained and constrained land. I've not used that one before, but I think that when you are using them, you have to use them universally apply it, and what I mean by that is in many places in the document it says that you would exclude in calculations, constrained land, but that is not universally applied in all the zones. Not in the doc, and I can give you page numbers I found it on, but not today.

The questions that I really have are related to three different topics and I'll take zoning first, and I promise not to ramble on too long. Number One: The Audubon Society land is still considered, in the new document, in the Commercial Office Zone. I should expect that, that it should, I would suggest anyway, you might consider that being, it's the Audubon's land, that that would be a forever green zone, or some sort, however you designate it or choose to, but I think it should be, I suggest it should be removed from the CO District.

I have questions, I am not objecting, I would like to understand here. You have created a Commercial/Office zone by Burke High School, if I have read the document correctly, yes? In that direction, behind, right? It appears to me that access to that area for CO would be difficult. People would end up coming, using Philipsburg, which is totally residential, for access to any of the COs that you are proposing. So I think that that's a very difficult situation that might be created. Having in your CO it states that it is 50% Commercial and 50% retail, correct? Well that's what it says. So if that is the case, in that area, (pause) in that area, behind all the residential, I think that would have a terrible impact on all that residential area. Village as its being North Church Street, and out on Philipsburg.

I have some questions about the RU Zone as it applies to the area that I can't possibly call that Maplewood application area, but I will call it the Town's portion of the Salesian property that is being developed. First I would like to thank you for the decreased density in that area as a Village resident and I myself for taking away the density bonuses in that area. I tried to figure out from the document your HQ2 and your HQ6, now I may not have found where it is, but I need assistance with that, it is difficult for me, I understand now that it is an area that you believe there is an aquifer, yes, and that there is a good possibility of finding water there. Well then, I think there should be, and maybe again, I'm always subject, so you can teach me, but it is an overlay district, there should be an overlay map, so that we can easily see what you are talking about. That shouldn't be so hard, maybe it is in there and I missed it. I will be happy to have you point it out to me.

It also, you are very involved in it, and I've done these kinds of documents, and I know how focused you get, but when you are telling people, they don't have the benefit, everyone, of being here tonight, if you black line what you changed from, to what you changed to, instead of saying the RU District will remain the same, except for. It took me a long time to find out what the RU District used to be. There again became the question of constrained land and the calculation that is shown it says that you take, from what I gathered talking to your Building Inspector

today, that the total acreage, when you are figuring it in this zone, the total acreage is multiplied times six and that equals the number of houses that you can build in that area, but I'm not clear whether it's in a A2 in that zone or in A6, so I don't know if they are different or the same. Either way, there is no statement of taking out constrained land in that calculation. It is left out of that portion of the document in your explanation of RU.

**Ms. Mattheus continues:** #four: You took Senior Housing, we use different terms, but George I know you know what I am talking about, from Commercial Zones, which I think is very thoughtful of you, however, as it appears to me that single family is still permitted? Could that be correct? Yes, one no, one yes, and I think that needs to be made clear. I can't really comment, except to say, that doesn't, if it is permitted, then I question the viability of, in the middle of Commercial and Retail to have single family houses, it doesn't appear to be appropriate.

I have a significant questions about the Commercial which relays on the 50% retail and the impact on the Village, because it is now created on most of the corridors coming in, when it comes to the traffic study, and if you look at page forty two, which was a perfect example for me, hang on, (pause) am I losing you yet, ok. Page forty two is particularly interesting, that was the one, if you look at this, that is all the scratches, this is me trying to figure out North, South East, West, and this happens all the time, I am not picking on you, I'm simply saying it's unclear. If you look at that on page forty two, and then go to the next page, where the document lays out for you very nicely the traffic generation comparison, which is very clear, except that here it is referred to as one, two, five, four six, eight as opposed to North, South, East West. Which is exactly what I was talking about in my intro statement. That made it difficult.

Now if you are telling me that there are going to be an additional 1,975 hits here in zone five, first of all we should be clear where it is, because there are several of them where it increases, because of the increased Retail and Commercial, then respectfully, even though I know this is a DGIS, DGEIS, I dropped a letter, I think we cannot afford, as a community, neither the Village, nor the Town nor the surrounding, cannot not afford to address traffic as simply, and as un-detailed a fashion as this document does. I think we need to do a, you suggest a, turn around? Supervisor Bloomfield replies round abouts. Ms. Mattheus continues: Thank you, turn around, round abouts, interesting concept, but I think we need have to go around the concept if we are considering, you are considering changing zones, then we need to, one of the most significant impacts is going to be on traffic. And I think it must to be more specific, and certainly we need to work together very closely, Village Officials and Town Officials here for this discussion, preliminary discussions, it is certainly your decision what your plan is going to be, but I think that conversation absolutely and imperatively must take place. And I then I suggest it would be good to have specific decisions, it is the same as the references to the changes. In the document it makes changes to where our exits are going to be, but in fact we really don't know yet, you know they sneak us information and they try to, the State I am talking about, about I 86. They try to placate us, but they have still not come down to have a meeting with us. I don't think they have come down to meet with you either. Supervisor Bloomfield replied: We haven't had one either.

**Ms. Mattheus continues:** So the overlay, I think needs to be far more specific, I don't think we could do an analysis, for our part for the public, I don't think we can do an analysis of what our comments can be unless it is specific about where you are placing it, where is it going to funnel to? If you are taking that much an additional 1,979 in area five? Where are you going to channel this to. I mean that can't be just, I appreciate the clarity of this particular piece of information though because it was exceedingly clear.

Now it comes to discussions of water and since I have focused a bit of my interest in water over the years, I would simply like to say that there are references in the Town's impact statement

that the Town has strategies for quote “residential uses with appropriate densities relative to the availability of natural resources’. That’s wonderful, yet in the listing of proposed changes in zoning in the Master Plan repeatedly and solely makes reference to Village infrastructure for Hamlet, RU and Commercial Zones. If so, Ladies and Gentlemen, then we haven’t grown, that would be redundancy again to simply to make a plan for the future solely. I suggest that we need desperately to share on many ideas, the public, as well as the Village, and the Town, and I would look forward to, this is only my personal opinion, work in the Commercial District, the Industrial Park, our Industrial Park area or where we can share the services that we have available after they are analyzed. That should at least be discussed between us, before, I suggest before you come to conclusions, because in so doing, we are not adding to our schools, we are adding to our tax base, we are building a stronger community for both the Town and the Village and I think that should be part of your consideration, that is all I am asking you to consider.

Finally, I would like to say thank you again, I have a lot of other comments, specific comments, that I think are better in their hands than making everyone listen too, I really appreciate the fact that, I’m sorry I don’t remember your name (looking toward Mr. Fish) Supervisor Bloomfield says Frank Fish. That you said the developments in the Town would have to look for water to sustain the project, anything above three units yes, but in the document it simply says they have to find a water source, it does not say that they have to provide a source. It says they just have to find sources for water, and since the greatest density is primarily built around the Village and since, though our Crystal Run, Well two has performed magnificently, and is providing even more than Crystal Run one, we look forward to it being able to service us and it has gotten us through this summer beautifully, at full build out we have to do that analysis as well. So please be consistent, if you are asking them to have a water source of their own on site or if not, that is your decision, where you are going to go, but be consistent in the document. I thank you very much.

**Supervisor Bloomfield:** Very good, thank you Marcia. Ok, Mr. Gersbeck

**Philip Gersbeck:** 134 Gate School House Road: Good evening, the reason I am here, I would like to speak about page eight on your booklet, Section 8 changed from Rural to Industrial. First of all if it is changed to industrial, I would like to know how industry is going to access that piece of property. Basically, what you have now is a narrow dirt road. Is the Town planning on putting a Town Road in? Or I don’t know, that is a question I’m asking. Ok, that is question number one, I believe you all have one of these statements (holding up the statement he handed in earlier) I have eight or nine questions, but I am only going to ask a few of them. Like Marcia, this map is very small and it is blurry. I would like to know how far in Industry does go on the map because there is black dirt on that property. Now if this goes to Industry, what do we do with the rest of the black dirt? It’s just, you can’t access it.

Another question I have is there is a house that is on that property now, which would fall into the Industrial Zone. Can that ever be sold residential? I know you can’t answer these questions, but some where along the line I would like to have them answered. I know you can’t answer them tonight. Again if it is changed to Industry, it will still fall under the old IU old laws, but can there be two agriculture uses on that property, for example a horse farm and a hay farm with the new changes?

Another question I have to ask, on the map there is a small corner on the top right hand side that is white. What is that little white cube? Is that a residence, if so what about the residence that is down the road a little bit, why is that not on there? That is basically what I have to say, but like I said I have submitted one of these, and I just asked a few of the questions that’s on it and somewhere along the line I would like to have the answers to it. Who ever changed this might have the answers. Thank you.

**Supervisor Bloomfield:** You are quite welcome, thank you sir. Michael Allen

**Michael Allen:** Good Evening, My name is Michael Allen, I am with Behan Planning Associates, we are consulting Planners for the Town of Wallkill. We recently helped the Town of Wallkill update it's Comprehensive Plan and Zoning not so long ago, and we wanted to talk a little bit quickly about the maximum impervious coverage required in the Industrial and CO Zones. Just really quickly, we think that the thirty and forty percent allowable coverage's are unusually low for an industrial area, I understand there may be some discussion about whether or not that is going to be changed. We just wanted to make sure our comments go on the record. As Planners we wanted to point out that 30% is unusually low, especially when you take into consideration that's often times the amount of coverage allotted to just buildings. Usually there are two different types, building coverage, and then you have total impervious coverage. Thirty percent is typically for just a building alone. The remaining impervious coverage that you would get from parking lots, roads and access ways is usually much more than that, besides the building is often times double the size. So working backward from a 30% figure, that means that the building size, the maximum building footprint, would only be about 10% of the site, which one could argue is, could be not necessarily an incentive to or economically feasible to any developers and I know in the Comprehensive Plan it mentions that you 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, and also taking into account the limited building size area, most of the, or the average parcel size, in those two districts, is about ten acres. So when you take about 10% of that it starts to very much limit many of the lots in those two districts are much smaller than that, much smaller than an acre, and they also have to take into account wet lands, steep slopes and other type constraints that they have to work around.

Also the 70% of Open Space that would be required on such a parcel sort of essentially creates a pocket of development in a surrounding, what would almost be an Open Space plan and somewhat unusual, and might be more efficient, rather than trying to screen with a pocket sort of situation like that, each development would sort of sit in, with surrounding buffers. And I understand the idea is very good and it is very important to protect the scenic quality of the area. It's just that that sort of pocket scenario would be more likely to buffer a Commercial or Industrial Development from the Commercial/Industrial Development behind it or next to it rather than from the areas in Town that you really want to protect, which would be, the scenic vistas and the road ways, the corridors. We would recommend instead 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. In much the same as you do a Conservation Subdivision you look at, you treat maybe, perhaps the Industrial and Commercial Zones as a whole and look at buffering those as a whole from the outside rather than buffering each one from each other.

Another potential side affect of this is the thirty Percent coverage may inadvertently lead to a certain amount of a sprawl situation, where taking the same amount of development that the Town might want to have and you are spreading it out over a larger area, rather than maybe a more efficiently, condensely packing it into one area where it could be more contained and managed that way. As I mentioned the tax base of the Town is of importance and Industrial and Commercial land can bring in a great deal of money. Only about seven percent of the Town is, as I understand it, is zoned for these two uses, and yet that is the most profitable potential income for the Town, so it might make sense to get the maximum effect out of this by, I would say, by increasing or making this developable land a little more attractive, and the building coverage's that are proposed, or are still proposed in the current zoning, are the smallest you will find, pretty much, around here as I mentioned 30% is typically what you would give for building

coverage. I have included a written statement here, with a little chart showing the Town of Goshen, relative to Industrial and Business Office Zones in the area and the average building coverage, just building alone, in surrounding towns, just under forty percent. On the average impervious coverage total, of all these towns around, is almost seventy percent. It is what we recommended for the Industrial areas of Walkkill, when we were working on their zoning, and we would ask that you consider, if you haven't already, increasing that to, I think a more attractive number. Thank you.

**Supervisor Bloomfield:** Thank you very much sir. Mr. Zuckerman.

**Mr. Zuckerman:** Good Morning, Good Evening, I am Irving Zuckerman, I am here just as an independent citizen of the County and someone very interested in Goshen. Just a brief history, my family developed the West Gate Goshen Business Park, and the preservation and the development of the village was very, very critical to us in the success of that property, and it has worked out very well over the years. I am speaking regarding the issue of coverage ratios as well, and I refer to your goal number four: Develop a strong and balanced economic base. As one of the founding members of the Alliance of Industrial Park Developers, which is now known as the Alliance for Balanced Growth, many, or most of us as builders, developers, brokers have worked with municipalities around the County to the success of Business Zones and Industrial Parks or Business Parks, sounds better today. And none of what we have done, affected the quality of life, nor did it ignore environmental concerns. We all worked very hard, and I think the proposition that or concern that we were going to come in and ruin everything is certainly not the case and it does not make good economic sense for a developer, whether they are local people or they are not. But, if we look back at the seventies and eighties, when the Business Parks began, there were a lot of good, intelligent solutions that incorporated into the planning process. Not knowing who was going to be in the market, who is going to be coming into the area requires the DGEIS, which was brought up earlier, and that certainly is a very intelligent way to help bring in an economic base to an area, while offering flexibility within that zone.

Commercial, Industrial users typically require extensive flexibility in order to compete in the regional and global markets today, and if you look at West Gate, there are international companies, it is a Foreign Trade Zone we created many years ago. And a few of those zones are activated and they are international, so there are incoming and outgoing goods from Goshen, from the Village. Those businesses needed expansion capability, operational flexibility, equipment upgrades, different technologies to come into play. They need the ability to adapt to market demands that require larger production and floor spaces, sometimes vertical and horizontal storage requirements. They need to incorporate processing and assembly techniques. We have completed, just recently, as an example, on two of the buildings there almost six million dollars worth of expansion and upgrades and you can see that that is brought in great economic success to the Village of Goshen. Mr. Lyons was the Mayor through a good part of that for us and recognized and supported those efforts of us. If we look at , again, the face of Business Parks, what you will see are a lot of mergers, acquisitions, joint ventures, as the businesses grow and I think it is very important and incumbent upon you to consider the fact that the gentleman had just brought up the issue of the density. That the companies need that ability and consolidating, if you look at West Gate, we are bringing in about, I think it is about one point seven or so million dollars worth of taxes, in a 136 acre property, with a good building to land ratio, if you will, and I think it has worked out quite well, and if I could use that, I keep using that as an example only because it is part of the Goshen Community, there are many other examples, what was the Harriman Business Park, the Walkkill Industrial Park, Montgomery Industrial Park, had all done that, much higher coverage ratios. And the environmental impacts could be addressed, there is mitigation certainly that is, the technologies, the science is there to accomplish it, so I hope you consider that in your thinking about the density.

The other thing is that on the down side, if that were not the case, I believe that commercial brokers, site selectors, that will seek to identify properties for corporate move ins, they are going to look at, very early on, the coverage ratios, because their clients are going to want to know if I invest five million dollars, in five years or six years, as our business grows, whether we are acquired, whether we joint venture to produce a new product or service, if they don't have the ability and the Master Planning capabilities early on, they are not going to be here. Again, one quick example, at Goshen, Minolta when they were looking around the country, to identify a site, for their North American Toner Operations, selected Goshen because of the community, because of the look of Westgate, if you will at that time, and certainly I am proud at the way it came out. Their Master Plan called for the initial toner plant that is on ten acres and another five, another ten acres that they own is laid out for another building similar to that. Whether they build it now or at another time, again the coverage ratio allowed that type of planning, and the investment by an international firm, so there again is another example of why I think it behooves us to consider a cover ratio that is more friendly if you will, to Commercial and Industrial base. Thank you.

**Supervisor Bloomfield:** Thank you very much Mr. Zuckerman. John Lavelle

**John Lavelle:** Good Evening, my name is John Lavelle and along with Irving, I am the co-chair of the Alliance for Balanced Growth. I certainly agree with Irving's comments, so I won't repeat them, but one of the things I just thought would be important to point out is The Alliance for Balanced Growth, our principle mission statement says that we work to provide, a unified and proactive voice in support of quality commercial development and balanced growth here in Orange County. So that's what we do, and we were really happy when we read the Master Plan to see that you have an objective to develop a strong and balanced economic base, so we support that whole heartedly. We have a concern, as Irving stated, that the coverage ratios as proposed may actually work counter to that objective, and may actually hurt your ability to do so. So what we have done tonight is prepare a short letter for you, which I won't read, but I certainly hope you do at some point, that seeks to help you understand why the cover ratios as proposed will probably preclude you from achieving that on those industrial properties. And also enclosed is a spread sheet, which you may know already, but has many of the towns Industrial and Commercial coverage districts in Orange County, some of the more successful towns at creating rateables and what their cover ratios are, which might be helpful, as well as a booklet that we produce which is called interestingly, Increasing Tax Rateables, A Guide For Balanced Growth. So I produced copies of those for every Board Member. (Mr. Lavelle left the microphone and presented the Board with the booklet and his letter. He continued to speak, but his voice was inaudible on disk.) Our notes say "If there is any thing the Alliance can do to help, feel free to call".

**Supervisor Bloomfield:** Thank you John, thank you very much John. Steven.

**Steven Rieger:** Hello, my name is Steven Rieger, I am a principal of Rieger Homes, which has been building homes in Orange County for almost fifty years. We own a property in the RU District on Craigville Road. We have worked in many towns in Orange County and in neighboring counties, and our approach has always been to try to give the town what it is looking for when we come to develop a new community, and we are trying to do that here. We, we always have a goal and try to be fair and reasonable with the people we do business with, and we think it is reasonable to expect our governments to be fair and reasonable with us.

I am not here to speak about legal rights or about how the proposed zoning affects the hamlets or affordable housing, although I do have concerns about the real yield of affordable units that the zoning is going to provide and where the cost of those affordable housing units are going to lay, but that's not what I am here to talk about.

I would really like to talk about fairness, I mean in 2004, only four years ago, you enacted a new Comprehensive Plan and Zoning Ordinance, and the Supervisor mentioned that that Comprehensive Plan calls for re-looking at every three years, which is certainly intelligent. However, the approval process is a long and difficult and onerous process. And as we all know from the time when we were kids, when you start playing a game and the rules are changed in the middle, somebody is bound to be very unhappy, and we are trying to follow the rules, but the rules change.

The plan that we developed for a residential community, was within the spirit and mold of your new 2004 Zoning Ordinance. We used that as our road map. We did ask the Planning Board for some bonus units, because we were able to leave substantially more than 50% of the property we own undeveloped. And that was the criteria, that is the criteria in your zoning. We went through a SEQRA Scoping process with the Planning Board, we prepared a DEIS, which is voluminous, inordinately expensive, very detailed, and looks into all kinds of potential environmental concerns. We, in accordance with Town Law, had a well drilling protocol approved by the Planning Board. We drilled five wells. We did extensive testing, it cost many hundreds of thousands of dollars to do this. All in accordance with your 2004 Zoning Ordinance and Comprehensive Plan.

**Mr. Rieger continues:** Then, you announced you were going to consider changing the zoning. It certainly within your purview, and among other things you were going to consider removing the bonus provisions in the RU. We knew that the bonus was discretionary, we also, but we believed if we observed both the letter and the spirit of the ordinance, that it's fair to assume we are entitled to some. We have high quality Open Space to offer to the Town, we had substantially more than the amount of Open Space required, but ok, we know it's discretionary, so that means something, and we understand that.

But now, in the new proposed, law that we have just seen, this I guess was just made public last week, you have not only eliminated, you propose not only to eliminate the bonus units, but you propose, to yet again, dramatically impact our ability to develop our property, by removing the ability to overcome the AQs restrictions. Not withstanding our having spent hundreds of thousands of dollars to do the well drilling and testing in accordance with an approved protocol, it's not fair. And not withstanding what Mr. Fish had to say, you are doing this while trying soft pedal the impact of the zoning changes. You say on page three, Mr. Fish said again tonight, that the language has been added to clarify the maximum allowable density. This is not a clarification. This is a substantial, crippling change, completely separate from the bonus units. On page 32 of the Comprehensive Plan, in describing our project, and a few other projects like ours, it says that our project is a project that anticipates a bonus density that will be lost due to the zone changes. "Under current zoning, these bonuses were potentially available, although not permitted as of right, subject to the discretion of the Planning Board". But no mention is made of the other critical change, this one to 97-27 of your zoning ordinance.

Section 97-27 of both the existing and the proposed Code begin "the Town of Goshen has determined, through hydrologic studies, that groundwater supply and quality are serious limiting factors to development", and you have taken substantial steps to protect the Town. That, while it is difficult and expensive for a developer, I respect that. But in the existing code, the opportunity is provided to prove that there is sufficient water, and then you are able to overcome the restrictive AQ zoning densities. That is omitted from the proposed code, this is not a clarification. This is a serious, serious reduction in development capacity, and since it's clearly, and since this restriction is not related to water, because the fact that we have proven that there is enough water.

**Mr. Rieger continues:** I can only conclude that this is a smoke screen for something else which appears to me to be the desire for elitist and exclusive zoning. It severely damages the values of the properties of your large land owners, I don't see them here tonight, other than a few developers, because I'm not sure they understand. If you read the document it looks like a clarification, but it is not that, and it contains no grandfathering clause, which is typical in situations like this to make the law more fair to people like us, who have been in the process for a substantial period of time, and relying on existing law, having expended substantial dollars.

I'm concerned about affordable housing, but I am not here to talk about that, but if this proposal is enacted, the requirements will, without question, dramatically drive up the cost of new housing. Your ordinance will make it impossible for people, who we associated with Goshen, not people who qualify for affordable housing, but your children and the children of the other people of Goshen to afford a house here, to afford a new house here, it's just not going to happen, because the new, without giving the opportunity to take advantage of the assets you have, it substantially increases the cost of housing.

Based on your law, the new law of 2004, we bought a property, we spent a fortune drilling, testing and preparing a DEIS, and your law hits us twice. You've removed the bonus densities, and you removed the ability to use the water protocols to receive a somewhat reasonable yield, unit yield on the property. If you enact it, then there is no fairness in this process in this town. I think it is short sighted, elitist and we ask that you reconsider hitting us twice. Thank you.

**SUPERVISOR BLOOMFIELD:** Thank you very much sir. Ok, Jody Cross.

**Jody Cross:** Good Evening, my name is Jody Cross, I am an attorney with the firm of Zarin & Steinmetz, I am here on behalf of Ginsberg Development Company and a site known as Prospect Hill. Michael Zarin apologizes for not being able to be here today, he had an unavoidable conflict. Prospect Hills, you know is one hundred and ten acre parcel located West of Route 17A, just North of Florida. It is presently zoned HR and RU. The HR portion of the property is part of the area referred to in the DGEIS and in the Comprehensive Plan as site 3A. GDC currently has a proposal before the Planning Board for a progressive two hundred thirty four units, rural T and D development. Under the proposed zoning the housing density will be reduced to twenty units. We would like to commend the Board for the effort to keep this Comprehensive Plan and Zoning Code current. We recognize the hard work that goes into such a process and the Town's laudable goals, but we really feel there are some significant flaws in the process. The Town's objective may be laudable, but there are respectably significant omissions in the level of analysis required to meet SEQRA's hard look standard and a lack of meaningful or substantial evidence for some of the critical conclusions and assumptions contained in the DGEIS. As Michael Zarin has explained to this Board before we often sit on the same side of the table that you are sitting at now, but we feel as proposed the entire process could be voided, as a matter of law if the infirmities that I am going to briefly go through are not meaningfully addressed.

We will be submitting a written submission within the time period, but we do want to just briefly highlight some of the major points. First and foremost, when the prior Board began the process that resulted in the current code and the 2004 Comprehensive Plan, the primary driving force were concerns regarding traffic, and to address the traffic issues, one of the goals of the Comprehensive Plan was to quote "encourage development that will help to create an efficient Transportation network", to achieve this goal the 2004 Comprehensive Plan recommended, as you know, the mixed use and pedestrian friendly Hamlet Districts. This concern, the traffic concern has also been echoed by the current Board over the past two years. In a letter dated April 10<sup>th</sup>, 2006 the Town advised all applicants with proposals pending before Boards in the Town that it would be conducting a Town-wide Traffic Study. The Town then under took a lengthy and costly traffic study, the results of which were used as a principle tool in reevaluating

the zoning ordinance. Similarly at a May 24th, 2007 Town Board Meeting, the Town Board stated it's desire to remove the density bonuses in the present zoning code was based upon traffic concerns, because, quote "the traffic study makes it clear that no density should be given at any cost." In fact the County Planning Board recognized in it's August 30<sup>th</sup>, 2007 GML review that the narrative to support the proposed Zoning Code Amendments specifically sites a need to mitigate traffic impacts as the impedance and justification of the zoning amendments, however conspicuously absent from the proposed Comprehensive Plan is any articulation of a goal to mitigate a traffic impact that result from the development in the Town. It appears that the reason for this is because the traffic study shows that the DGEIS demonstrates an over tenfold 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 of a traffic impact. GDC's project specific traffic study demonstrates that there would be in fact no significant negative traffic impact at all as a result of it's Hamlet development that is currently proposed.

Even more significantly the Town traffic study anticipates a net increase of approximately 8,281 p.m. peak vehicle trips as a result of the town wide rezoning. Despite the significant increase the DGEIS concludes and without any meaningful data, that the proposed Comprehensive Plan will likely have a positive impact on traffic and transportation in the Town and then it defers any review of traffic impacts to sites specific review. It is unclear what rational basis the Town has for suddenly abandoning it's goals to address traffic impacts from future development in the Town and what substantial evidence there is for such an about face. This was once the driving force behind this entire process and it just doesn't make sense that's why it is suddenly abandoned.

Another significant flaw in the DGEIS relates to the impact on the availability of diverse and affordable housing, which was raised also by the previous speaker. The DGEIS states that the proposed zoning would permit the development of 1,5 83 additional multi family units, but there is no evidence, or substantial evidence that supports this calculation. There is no indication of what kind of housing we are talking about, for example is this the PAC, is this age restricted housing and whether these housing units would be feasible under these proposed zoning amendment. And as this Board knows under the Berenson line of cases you can not just provide for multi family housing, they have to be feasible multi family housing, and courts tend to review such a reduction in multi family or affordable housing opportunities as being improperly exclusionary. If there is a need for additional affordable housing in both the region and the community, the Town needs to provide an opportunity to build such units. There is a mitigation section for affordable housing, but the only mitigation is really the PACS, which again only provides affordable housing for age restricted residents, and although there is a 10% set aside in the HR district that is proposed, that is really illusory, since there are only two developments that are retaining the HR designation.

Another flaw in the DGEIS is lack of study of any real alternative, besides the No Action Alternative, set forth in the SEQRA handbook SEQRA regulations require a DGEIS to discuss a range of reasonable alternatives, any of which, of course, have to be feasible alternatives. There is really no reason given as to why they, the Town, I think the quote is considered "numerous alternatives", but none of them were analyzed in the DGEIS. And even the No Action Alternative I think is about half a page, three quarters of a page, and lacks any empirical, substantial evidence to support Ed's conclusion. There is no comparison of, for example, full build outs under the No Action and the proposed, there is no discussion regarding a comparison of traffic impacts, socioeconomic impacts, or visual impacts. There is no discussion regarding impacts at all. The zoning amendments, there is no analysis that the zoning amendments will ever achieve any of the goals the proposed Comprehensive Plan. There is also no discussion on how the Town determined, after only four years, the present Zoning Code can't meet the goals of the Comprehensive Plan.

In addition to the general flaws in the DGEIS, the proposed zoning amendments don't appear to have a rational nexus to goals set forth in the Comprehensive Plan. For example the primary objective of the plan is to provide quote "high quality Open Space". This is a subjective standard; we didn't see that there was any definition as to what exactly is a high quality Open Space. So by way of an example, under the Prospect Hill proposal, over 80% of the site would be set aside as OPEN Space. GDC is proposing to provide the community with a large publicly dedicated Village Green, extensive pedestrian and bike path network, and a nature hiking trail which would serve as a public, interactive, educational experiences, and would have plaques posted along the trail indicating native vegetation and native wildlife that would be visible from the path. In addition the GDC proposal includes purchase of development rights, which provides fund to the Town for additional Open Space acquisition and preservation in locations deemed by the Town to be high priority areas.

Under the proposed Zoning Amendments, Open Space would only be preserved in the rear of the site where it is out of view, private and inaccessible. Also in the DGC plan, the visual corridor on 17A, which a scenic overlay, is better respected, and higher quality public Open Spaces are created. Furthermore, in the DGEIS there is a statement made that the HR portion of the property is quote "unsuitable" for hamlet residential development, and that portions of the property have quote "limited value for almost any development". There is no criteria given to us to what is considered unsuitable, and there is no evidence to support this very serious conclusion, and in fact GDC has prepared a site plan that shows there is a development potential on this property, and a development potential for a Hamlet neighborhood. And we do recognize that there are environmental constraints on the property. There are wetlands and steep slopes, but the plan takes these constraints into account, and incorporates them into the 80% of the property that is reserved for Open Space.

With regard to visual impacts, 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, for example, that the DEC has promulgated to analyze potential visual impacts. Again, by way of example the Prospect Hills Hamlet is designed to be a Rural Traditional Neighborhood Development, or a TND-R, which is entirely appropriate for the rural character of the Town, and, just going to visual (Ms. Croft steps away from the microphone to place a map on the easel) says something inaudible – continues saying : This plan is presently proposed.

The DGEIS refers to TNDs as being the more urban development, which is why DGC created this TND-R. TND for rural areas such as Goshen, and this plan minimizes site grading, preserves topography, incorporates a country road system, rather than traditional curbs and sidewalks. The architecture is formed deemed consistent with the surrounding area and provides a public village green, pedestrian bicycle path, and the previously mentioned hiking trail. More importantly, as I also mentioned before, it is designed to avoid adverse views into the site from Route 17, Route 17A, sorry, by maintaining large natural buffers and providing significant landscaping, limiting the size and scale of residential buildings, and these are the elements that are very important in the Comprehensive Plan. By contrast, under the proposed zoning which is CO in the front of the property, (turning page of map) a little cumbersome.

**Ms. Croft continues:** Commercial development on the site would have a major visual impact from 17A. The Commercial use on the site 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 impact of highly visible Commercial/Office building, and vast parking lots, just right off Route 17A would be significant. The DGEIS does not offer any hard look into such examples, or provide adequate analysis, supporting it's conclusions that there will be no visual impact by the

proposed rezoning. It is also unclear why the Town decided to rezone all but two of the HR and HM zoning districts. It has decided it is necessary due to lack of infrastructure, lack of water, 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 again or analysis was taken as to where infrastructure is and can be provided in the Town.

Again by way of example, Prospect Hill is providing, is proposing to provide it's residents with public water and sewer, and it is designed to insure the sustainability and carrying capacity of the surrounding watershed as well. Under Town and State Law, the Town is safeguard against any possibility of any negative impact rising from utilities through the SEQRA process and the Goshen water testing protocols.

A lot of people spoke today about tax ratables, and we understand that is a goal of the Town, to increase tax ratables and under the existing zoning code, the annual tax revenue from the Prospect Hill site would increase from \$1,158.00, to approximately \$2,000.000.00. It doesn't appear that the Town conducted any analysis or market studies to determine whether increasing the number of commercially zoned properties, including, this property would be feasible nor does it appear 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.

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. Clearly, rezoning the HR portion of Prospect Hill to CO has no rational nexus to the goals set forth in the Comprehensive Plan, and lastly, you know, wrap this up. As I mentioned in the beginning as proposed, as we showed you here, the plan is for a 234 units, and the proposed rezoning will reduce this to twenty. Under the Penn Central and related takings analyses, all but a bare residue of the Site's value would be destroyed under the Proposed Zoning Amendments, leaving the Town susceptible to a credible takings challenge. GDC has a more than reasonable investment expectation to develop the entire site residentially. It has been zoned residentially for sixty years, and since 1973 it has been zoned highest density residential.

(end of disc one beginning of disc two)

The GDC doesn't want to take such an action. But if it has no choice it will. And again I'd like to thank the board for being given this opportunity to provide these comments on behalf of GDC and as I mention we will be providing something in writing to the board that, a , sets forth these comments and expands upon them. We do hope the town will continue to work together with those who have a significant stake in this process and will continue to use the seeker process to meaningfully consider revising the GEIS and the proposed zoning admen dements to address these issues raised. Thank you very much for your time.

**Supervisor Bloomfield:** Thank you very much Jody. .... Mr. Walker

**Michael Walker:** Good evening, my name is Michael Walker. My partner and I are owners of property on Old Chester Road known as section 8 Block 1 Lot 9.22. Also the applicants for the Heritage Estates project. I have reviewed the proposed zoning changes and I have numerous concerns with them. We are in the RU zone as is the Mr. Rieger's site who spoke earlier this evening. We are concerned about the fairness of the new regulations and how they affect our project. So much so that we met with Mr. Bloomfield an Mr. Halloran, the building inspector, this morning to discuss our concerns with them. One issue that is important to us is that the code

appears to be saying that the maximum density in the AQ6 zone is going to be one unit per 6 acres and in the AQ3 will be one unit per 3 acres. This is definitely a major change to the ordinance, since the current ordinance allows for the use of the water protocols to assist and to determine the density. We did go through an elaborate and extensive water test protocol study. We spent an excess of \$400,000 doing that. We don't believe that it's fair to now at this stage after preliminary approval to come back to us and change the rules.

Just to give you a little bit of brief history on the project which also includes the adjacent Kolk Farm. In 2001, I had contracted to purchase the Kolk Farm and submitted an application to the Planning Board. In 2002, the zoning was changed then interim zoning ordinance was put in place. In 2003, a building moratorium was put in place. In 2004, your new zoning was put in place. I believe in 2005 and correct me if I am wrong, I think it was finally when the moratorium was lifted. Now in 2008, we're looking at additional significant changes. So that's four changes in zoning in seven years. It took us from 2005 to now though preliminary and work towards going through final approval. So I think that it's unreasonable to expect us now to stop, redesign, spend additional money on engineering and move forward with a revised plan. We did go through an extensive environmental review with the Planning Board. We spent an excess of a million dollars on engineering, escrow fees, review fees etc. It was a significantly expensive and diligent process. I understand Mr. Bloomfield today had asked me to contact Mr. Garling with regard to this issue and the underlining high density on the site and I understand that Mr. Garling had prepared a memo to the Board this evening. I would like to get a copy of that memo; if possible, if not if I need to foil for it what needs to be done. I'd certainly like to get a copy of that memo.

With regard to your GEIS, I have a couple of questions; since several developers have done significant water testing within the town, I would like to know if that-the tests results from that water testing have been used to analyze the AQ3 and AQ6 zoning lines. We have found water on our site, part of its AQ6 part of its AQ3, there are adjacent properties that have water issues. There's some areas with high water volumes. So I would like to know if that's been reviewed and made part of your protocol system and if you plan on updating the 2003 protocol report. I would-to us fairness would be excluding projects that have expended money and costs and time and effort going through to a final FEIS and a preliminary approval with the Planning Board from this process. We will do whatever's necessary to defend where we've gotten at this point. We think it is very unfair that this zoning could apply to our project after the time and effort spent. Not only by us, but also by the Town Planning Board and the Town it self reviewing this whole process. It's been a three year process and unfortunately it takes a significant amount of time and effort to get this far and if we're going to have, you know, zoning changes every several years that'll have significant impacts. We believe that's not acceptable. Thank you.

**Supervisor Bloomfield:** Thank you Mr. Walker..... Dr. Serdarevic

**Dr. Serdarevic:** First of all, I want to commend you for wanting to do the right thing for our town. I know, I know many of you since I was a little kid. I know you really want to do the right thing and believe me I want the right thing done too, because unlike some other developers that might want to just take advantage of our town, I'm going to stay here and I'm going to be surrounded by what ever comes closer to me and I want to have something good here for all of us. So I just wanted to go into a few things briefly regarding the goals and basically explain (sure would you like me to speak to you again? Okay, *referring to talking into the microphone*, is that better? Alright,) What I just wanted to bring up to you is why the Hamlet at Goshen, which is the project that has been going through the Planning Board approval process, had the sketch plan approval and was in scoping, why that particular project should be considered in light of these

new plans. I believe that unlike any other project in the Town, it actually furthers every single one of your seven goals and has absolutely no detriment to the Town.

Just too briefly talk about goal one, protecting and enhance the agricultural activities and character of the Town. This project would cause there to be building on about 100 out of 500 acres in an area of the Town, where if this project goes through it would enable about 200 acres of mine to remain in agricultural. Would allow for the rest, in other words, for 400 - almost 400 acres of open space and only 100 acres built out. I think that's very important, because of the fact that now a days, PDR's first of all you've already used up 3 out of the 5 million you have. The Town budget as you well know does not have money to keep on buying properties all the time. If you can have people who are living in the Town who are able to provide you with a development possibility on a very small part that is very, very good for that development possibility and maintains that you will have agricultural usage. Bill Johnson farms the rest. It's not new use, it will be continual use. Maintenance of open space, you know as well as I do, how costly that is. I can't tell you how much money I spend to maintain the open space on my property that is not agriculturally taken care of. It's extremely costly. It's fine for you to take open space, but if you have someone who wants to pay for the maintenance of that and in addition why not take advantage of that. Also, as you well know, a great portion of the land that will never be developed is in the area close to your reservoirs. In order to be able to keep that in its pristine form, and not have someone come along and then just take all the 500 acres and do something that will destroy basically all the 500 acres, we need to be able to do something on the portion that is justified in doing that. So it is indeed protecting agriculture activities and the character of the Town, because the Hamlet at Goshen would be adjacent to Glen Arden which is basically a ten unit per-acre area.

**Dr. Serdarevic continues:** It would then follow from Glen Arden, which is 10 units per-acre, which is not at all commercial. You have senior people and plus you have the active adult of Elant definitely do not need commercial next to them nor would commercial ever be feasible, because in point of fact with the new highway interchange coming in, the commercial would basically be feasible from the portion that would be Arden Hill into the Village, but if you are talking about the portion then going into what would be the back roads of Harriman Dr. you would pass from residential Glen Arden, Elant, create a spot zoning of commercial and go back into a Lone Oak residential and the Arcadia residential and this fulfills your goal of the character, because you're going from very dense, of Glen Arden through the Hamlet at Goshen, to less dense areas and the Arcadia, but again there is nothing around that - that would be effected adversely. There is no - build- you have the open space, you'd have the highway on one side and you have the open space on the other side so that no individuals in the Town, to speak of except there's just one rented house on Harriman Drive., that'll all be impacted by this development, traffic wise or with any other way. And with the interchange, this is the only project in Goshen that's contemplated along the Hamlet projects that would not adversely affect traffic, because in point of fact, because of the new interchange everyone would be going out of Goshen through the highways and would not have to need to go through the Village. They would not need to go through the southeastern part of Town whether it would be Reservoir Rd., Conklingtown Rd., Arcadia Rd. So that helps enormously.

It also helps to maintain the character, because of the fact that you're able also to be consistent with zoning that has been in place since the 1960's in point of fact, it was always contemplated since that time that this particular area where the Hamlet at Goshen is, would have a higher density population area there and to change it now would not be appropriate. At one point part of it was contemplated for office space, but that was in the 1960's before the Zuckerman complex, before the fact that the Village now has all the way from South Street. to 17A to be a generic office park. Before when the hospital was built there may have been a reason to say that you would be able to use some for office space and indeed my Father had wanted to do so, but

now there is no Arden Hill Hospital, no need for doctors offices in that area and in point of fact, you would have no body wanting to do that, because you don't have a big office park with big a infrastructure that a office park needs. Now it would also support the existing Village center and foster town clustering. Why? Because you would be immediately adjacent to the Village. People in this community would be using the Village retail, commercial you would not be taking away from the Village retail and commercial, and yet the current plan has 40,000 square feet of some small retail and office space. Now according to your new plan for Hamlet Residential, you only want 10,000. So I don't quite understand that you want commercial, but you're taking away what is feasible. Now just so that you know, developers have said, and there has been many marketing studies that-that particular area can not support even 40,000 square feet and at most 20,000 and that 20,000 would be a very important amount for the community, because not only would the Glen Arden Elant facility would be using it, but Arcadia Hills and everyone in the southeastern portion. So that not everyone would have to need to go for lets say a corner deli or some local services. Not all of them would have to come into Goshen and particularly for the elderly living in places like Elant, like Glen Arden, they could walk to these, because you would be doing the type of fostering of Town clustering that you want, the type that the pedestrian activities -that does not- that can really decrease the vehicular traffic and allow for all these biking, walking trails directly from Glen Arden through the Hamlet through part of Lone Oak and into the existing Arcadia in point of fact this is all the Arcadia Hamlet area but without an adverse effect on Arcadia.

**Dr. Serdarevic continues:** Now you want to provide for a range of housing alternatives and there has been talk already about what's needed with affordable. You may not be aware, but in your comprehensive plan it is stated that according to Orange County figures and what's needed for affordable there is an existing demand based on the 2006 census of 700 multi-family units in Goshen and according to New York law affordable housing is really defined by multi-family units. Now I don't know if you're aware that in this point of time, in Goshen, in the Town of Goshen, there are only 163 existing multi-family two family units and only 15 three family units and as of today, multiple listing services, the realtors have no availability, nothing for sale in the whole Town of Goshen between a house- range of \$100.000 to \$500.000, no multi-family available. Now in terms of what's being done with the Hamlet zones, I want to remind you what would be remaining there would only be about a possibility of 20 or so multi-family units that would be produced. Our Hamlet at Goshen would produce about 50 units very rapidly, because we have been going through, we know what's available. We know the waters of it. We know everything is available and right for this area and that would be a long way towards going towards doing something for affordable, because we also know that the main way to achieve the affordable in the new plan is by PACS and that's only for the senior housing.

You have a listing of 11 different criteria in terms of different types of populations for affordable housing only one of those 11 is for seniors. Which means that all other 10 categories would be left out by the vast bulk of what would be available. We would provide for that and this would allow, they also say there is a demand for small, there's also a need, a need for small townhouse units in the Town. Because in point of fact the fastest growing populations as you know in the Town are the over 85 and the 44 to 54 people that are going into active adult, but also you want to attract more of the young 20 to 30, which we have almost no growth in and this would enable that, and the whole PAC issue, I mean, developers maybe wouldn't tell you all this, but I've been dealing with a lot of developers over the years and I can tell you that recently they have all told me that PACS that it's just a gimmick to get the approvals from the Town. In point of fact, for market reasons, developers don't want to do PACS. They want to stay away from PACS, because market studies have shown that they just can't sell PACS as PACS too well, and they need to be able to have those two bedroom Townhouse units in communities where they can sell to both the young and the old, and it makes for a better community. The type of community we've always had, where we don't segregate the old to one little portion and then have nothing for the young.

We want to have a vibrant community. We want to have everyone here, and I believe this can allow that. And in addition, this is something that would allow you to maintain the character. Not to overburden the school systems, cause the vast majority of the project of the Hamlet at Goshen is for the two bedroom townhouse units. Not the type that will burden the school system. In addition in terms of providing the/a range of the housing alternatives, I mean you would have the Townhouse, you would have a few condos, you would have, as I said, the retail and you would some single family. So it's all mixed in. The development strong and balance economic base, cause not only would you have some of that small retail that you need. Now what else would you do with that property? Because you don't want big box. You don't want the Home Depots, as stated in your comprehensive plan. So this is what would help foster that. Not to mention the fact that the build out would allow for we just hear a figure regarding 2 million, well this would be over 5 million added to your tax base, and as you know in your 2008 budget where was revenue coming from? It was coming from property taxes, and God knows everyone's property taxes are going up. And we know that people will be having to move out more and more from Goshen if we don't do something about that. We also know that the rest is from sales, while you heard something about the industrial sales tax, you've heard something about the retail. What else so, from mortgage taxes.

We need to have some growth. But the right growth to give you the money for your budget, and you need to, I already mentioned about protecting and enhancing open space and public space. Well, this is very important too, because we have a Salesian Park now, but as you all have mentioned and the article was in the paper, you just put a Central Park there, but it's not going to be used if there's nothing for people to do there other than walk. Now what's expensive for the Town is maintaining these types of areas for walking, but if you have it in something like it in the Hamlet it's maintained by the condominium group there so you don't have to pay for the maintenance for biking and hiking fields that would be open to the public, but you would of had the only Town swimming pool complex, but in, in terms of how the character would be maintained this is what people see when they're driving pass along Route 17 of our Town. Their first impression, as you know, right now this would really visually improve what people see of our town. The front would have wet land buffering which would be redesigned; portions that are not wetlands in the front, by the developers, you then have the Town recreational complex with a swimming pool. You would then have that small retail area and only behind that would you have an actual Townhouse type of area and other types of housing.

But one of the complaints about why this whole rezoning needed to be done was that there was supposedly no project that had a real T & D design. No project that was well designed that would really look good. Well this project, I believe was the only one designed by a nationally renowned T and D, traditional neighborhood development architect, Devero of Virginia, and in have that, you approve the sketch plan for that, take advantage of that. I mean the building pictures that were shown were absolutely gorgeous, I mean you can demand what ever type of architecturally, but we want something that maintains, that what you look at is not what you see like when you're looking at the front of Elant when you're driving by or looking at some other things. You want some thing that would really be representative of what you want our Town to remain. Something that will give people the feeling of what's on South Street and elsewhere in Goshen.

And then also in terms of this project if you have the map, if the area is developed in context with the Hamlet of Arcadia Hills, the area close to Arcadia Hills is what? Building-no, one is a site left for a future school; the next is the site about 16 acres of ball fields, which is very important because you put in your comprehensive plan that there is a need for recreation in the southeastern part of Town. You'll have that; you'll have that right away. And so there is ball fields will be there. So I do believe that's important. And in addition, there is a possibility that in the front that little pond that's there maybe turned into a skating facility and (inaudible) go into a

insured development pattern that will provide for a sustainable water use. This is one critical factor and as you well know some of the other Hamlets that have been discussed tonight, they don't have the water. They need to get the water from Florida or they need to get it from the Village. We have the water. The engineers have said not only is there enough, to have two-times the demand and also would major wells out of use, but enough to provide water for half of Arcadia or half of Lone Oak, and not only that, but one thing that's very important, is that one thing that I've come to realize too in looking at what can be done over the last twenty, thirty years what's best for this Town with this property, I realize that it's not the little, a little developer that can do this in the right way. If you keep on doing just suburban sprawl as we would be having those you will not have any money for improvements of water and sewer infrastructure. It's the big national developers that can do it. And they are volunteering to go ahead and improve the water and sewer infrastructure of Arcadia Hills and that's very important for the Village too, because there big over flow problems right along the line that goes from Arcadia all the way through past Glen Arden and Arden Hill that would be all improved at the developers expense. Why shouldn't we take advantage of that.

**Dr. Serdarevic continues:** And in terms of the HU and all those zones, I just wanted to say that I found it a little funny that water shed areas, that's a very loose definition. I think that we should all realize that, as yet for sure that the original map that Schoor Depalma, your water study report used, put down that one water shed area which part of my property is in, is an area, by the way, my property is in about 3 or 4 different water shed areas, but one area it was listed as a water shed area of 5 about almost 5 thousand acres, but when Leggette, Brashears did a study for Glen Arden just a few months before that, they said the water shed area where Glen Arden was is in, was an area about 200 acres. Okay and that area about 200 acres had a recharge in a one in thirty drought of 200 thousand gallons per day. Well guess what, when Leggette, Brashears did the five thousand acres and Schoor Depalma did the study, all of a sudden, five thousand acres, including that same water shed area only had a capacity an recharge to 200 thousand gallons per day. So, I mean, water shed is a loose definition you can define it however you want, but the important thing is you want to make sure that you have sustainable use. You want to and I agree, you want to make sure that your water protocols insist that people have the demand, but when you have, when you have that availability in this area, take advantage. Not just for the new people coming in, but Arcadia Hills that has had long standing problems.

And then in terms of anything else that I just wanted to quickly bring up, you say you would like, Oh, the County also, just one last thing, just so that you know, the County also said that this area, may prove to be the best placed of the Hamlet Zones as these lots are strategically located to serve a mixed use community with the additional (inaudible) in current density strength of Arcadia Hills, Lone Oaks, current and future Elant-Arden Hill conversion and the nearby Route 17 highway access. So the County also knew that this was the best area to do it. Now what can be done if the current zoning goes into effect? Well, I have spoken to many realtors, many engineers, many planners and everyone has said that if that current zoning goes into effect the property becomes undevelopable. Now, my Dad had been wanting to do something for about, since about 30 years ago. Our first, I had put in a first formal application about 20 years ago. I've been trying to find things that would really work for the community. Based on what ever current zoning was in effect.

I would like to see something done that can help us. Help us economically. I mean God knows, you know how I care about the environment. I think all of you know, that I, I went to the courts even to protect the Reservoir. I went to the courts to protect trees. I care about those things. I want to see that we get it preserved but no one is going to let us preserve, you know, thousands and thousands of acres cause no one is going to give us, you know, hundreds of millions of dollars to do that. We have to have an economic sound plan and a plan that helps everybody and

helps all the citizens, helps environment, the bio-walk, the Walkkill, biodiversity area that Walkkill plan, well this would protect that too. Cause it to would keep intact the vast 400 acres worth that are left intact would be protected and the point that, would, most of the land that would be developed is not even in there. And what is, its right next to the highway. And I don't think you want deer going on the highway-killing the deer and killing the vehicular traffic. And in point of fact, if kept as a Hamlet residential, the area that's most sensitive the Otterkill and the Lone Oaks development. So I just wanted to congratulate you for wanting to do the right thing. I'm not asking you to change density bonuses; I'm not asking you to change the unconstrained. I think we can still make this work, even if you change constrained lands to 3 acres, if you change the density, do not allow for density bonuses, but let's not give up this tremendous opportunity for all of us. I really hope that we can make it work. Thank You.

**Supervisor Bloomfield:** Thank You, Dr. Serdarevic.....Dr. Edelstein.

**Dr. Edelstein:** One of the strange pleasures of going, I think last or up there toward last, is getting to hear what other people's comments are. First of all, let me just say that those people know that I'm President of Orange Environment, and I, also I'm a Professor and Head of Environmental Studies program at Ramapo College. I served the Town for ten years on the Environmental Review Board now a long time ago. Let me also say that my comments tonight are my comments, not the comments of any of Organization I'm associated with necessarily.

As I started to say, It was interesting listening to the comments of the development community, because I have a reputation of being anti-development which I don't think is entirely true, but I think I have that reputation, but I think that there is a great deal of thoughtful comments given and obviously there's a great deal of thoughtful work that's gone into some of the proposals that came about under the last or the current plan that is under revision. And what's interesting for me for having a long time perspective on Goshen, even if I haven't been so active locally in the past number of years, is that we have a clash of paradigms of development that's very clear. During the period in which I held appointed office here, we clearly had a plan that was based on sprawl as former Supervisor, Myron Urbanski, use to say that he talked about the highways as being the future miracle miles of Goshen and we would have lots of commercial development and the plan that was put in place a number of years ago really attempted to move in the direction of planned community development, traditional neighborhood development. Clustering really tried to vision Hamlets to harken back some ways to the 1974 County plan and it's a very different concept. Everything's very different here and now we have a new plan which in a lot of ways goes back to much of the thinking of the early days. So we have really a major clash here. My concern isn't to take any positions in favor of developments or opposed to them.

But I need to speak tonight to the plan, an in particular to the Impact Statement that's been prepared for the plan in terms of its adequacy and since I think that's why we're here. My concern, and I do teach on a regular basis environmental impact assessment, and I'm an environmental impact assessment practitioner. My concern is that I don't think we're particularly well served by the plan. And I think that we're not particularly not well served at all by the Impact Statement that's been prepared for the plan. The Attorney for one of the developers a few moments ago, did a critique that I, I thought was pretty good. In which she effectively said that the study doesn't really address what the impacts are and doesn't address what the mitigations might be, it doesn't suggest any alternatives and I would have to concur. I see there being a (inaudible) of any depth what-so-ever here much of what we're presented with is statements about there's less growth under the revision and therefore there's less impact and that's where it's left, but I can tell you that's not a sufficient basis of analysis.

First of all, a number of the developers who've just spoken and I think have spoken very well. Essentially put forth a different theories of land use, land use theories that involve inconsistency

with the current plan that's being revised and they also made illusions to impact statements that were done and so there's apparently some data that has been collected and I didn't look at them those made to greater terrible impact statements. But there's information that's been produced that essentially is inconsistency with the ideas that came forth under the current plan. We now have a change of plan, but what we don't have is any real analysis. And in fact. The data that exists in impact statements would be basis for some of that analysis. We don't have a real analysis of what the impacts are of changing direction and that possibility of impact is of great concern.

Now I read a lot of impact statements, and I tend to read them backwards. And I read them backwards, because in my view probably the most important parts of impact statements are at the end. And also, in my view, that's where people get really lazy although in this case, I would suggest that the impact statement reflects laziness pretty consistently, but when you look at the back end, you really see some laziness and that's just not acceptable. The purpose of an impact statement and the purpose of the plan itself is really to chart a course for this community. And the Impact Statement is suppose to take a hard look, that terms already been used in a legal context but has a substance of context. It means we're supposed to actually do an Impact Statement in order to anticipate what the consequences are. So in this case we can decide whether to execute the plan, whether to mediate it, whether to change it. Whether some other alternative might be better. Whether the existing plan is better. It's a planning document. An Impact Statement; it's a plan about the plan, in this case. If it's good, it helps inform the decision makers-you and if it's not well done, it doesn't provide any guidance, and the whole point here is guidance.

**Dr. Edelstein continues:** Further more, at this point in time, there's an extra added importance to planning which is that we need to really think in a sustainability context when we do planning. I've been an advocate of this for many, many years. Even to the point of integrating into the Generic Environmental Impact Statement, the notion of sustainability as a frame. And sustainability is not absent and completely from your goals in your plan or some elements of it, but, but basically this is an opportunity to really ask the question; of how this community gets 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? Those are very concrete questions and I'm referring to by sustainability a lot of the issues that have been talked about: water, sewage, traffic and some issues I'm about to raise that haven't been mentioned.

When we read the impact statement from the back, we discover what are called, other impacts. I love it when they're called other impacts. They're called other impacts here as well. And these are the sections that address topics like growth inducing aspects of the plan – cumulative impacts – long term or secondary – long term and secondary impacts. I think long term impacts versus short term made it into this at all actually. Energy impacts, irretrievable and irreversible commitments of resources and unavoidable adverse environmental effects. Those are the other impacts. And it turns out that even more than the front end, the real substance of an Impact Statement and the Generic Impact Statement even more importantly is in that rear end. If you don't talk, for example, of about cumulative effects, you don't address the issues of the interface of the Village and the Town or what's happening in surrounding Towns or the impacts of the Route 17 corridor becoming Route 86 etc. etc.. Secondary and long term impacts are important, because often times we make decisions based on solving what seem to be solving short term goals. In this case, for example, increasing the tax base, that's' not a new concept or new goal. But what are the impacts about the way you're going about doing that, that is actually something that needs to be thought about. Growth inducing aspects of the plan, now repeatedly we see statements in this plan, in this Impact Statement like as I already said, while there's less growth in the other ones so therefore there's no impact, but in fact, there's different types of growth under the new plan than there would be under the old one. And 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 compare those. There's no substance to that here.

If we look at, for example energy, we see how this is mostly inadequate. Basically this section of energy doesn't exist in terms of any substance. It simply says again that since there is less density, there will be less energy and therefore there is no impact. That's just not an adequate statement. The question, this clearly significant energy impact to the kind of growth that occurs in the Town. If we induce more sprawl in our growth pattern, it seems that's what we're returning to with aspects of this plan, then there's more, more traffic. And the whole traffic patterns that evolve have of course, have everything to do with energy use relating to traffic. Also I have to do with air pollution.

Buildings, what kind of buildings are going to be built? Are we talking about mc-mansions on multiple acres? The pattern that we've encouraged in the past and other communities in Orange County have encouraged. Are which in fact, the type of building that it wouldn't be very long before people can't sustain the energy cost for. Are we talking about buildings that are net zero energy buildings or even net positive buildings that net positive generating more energy than they use and adding energy back into the grid or net zero being buildings that generate as much energy as they use.

Likewise with other environmental impacts will these buildings be exporting adverse effects to the community or are they going to be in fact being buildings that will be part of the solution? Part of the logic of the traditional neighborhood plan and I'm somewhat-sometimes a critic of new urbanism, in some of its aspects, but, but part of the logic, as that you create a pedestrian base, you create mixed use; you create the potential for mass transit, because you have enough density for bus stops or whatever. But you also have the possibility of patterns of housing which are "clustered" and the word clustered has never been really well understood and I don't think it's well understood in this plan either, but cluster can be junk and cluster can be really good. Obviously we don't want junk. But we do want, I think, good clustering, because of its energy benefits. That should be laid out and considered in the section on energy. Are buildings going to be LEAD rated? And in this sense, more importantly, are they going to be energy star buildings? LEAD rating is a rating system called: Leadership, and Energy and Environmental Design which is become over much of the country an operative rating system for many aspects of buildings, but also now communities in terms of how green they are. Energy star specifically focuses on energy performance. I would submit to you that the more renewable energy and the more avoidance of energy demand that we create, whether it's in vehicles or buildings which are every bit as much of a source in demand, the better off we are in the future. Some of you know that my own home in the Village is now derives its electricity entirely from solar panels on the roof. So I'm not speaking of something that's an abstraction, but I think it's doable or even in the Village. Definitely doable in new houses in the Town.

This, There's another connection here that now has to be looked at in impact statements. And might very well belong in the section on energy. I think that's where I've put it for many years. And that has to do with carbon foot print issues. How much greenhouse gases are we creating through a plan? I've already been involved in doing impact assessments relating to carbon assessments. And it's an emerging field, but it's something at this point in time that you have to talk about, because we are on the verge of creating public policies that will have us reducing our carbon foot prints on the order of 80 to 90 percent by 2050 and your planned time ratio is certainly the same time ratios. So you have to be thinking about that now or else you're not going to have a way of addressing those issues as they come forward. Those are issues of landscape as well as issues of buildings as well as issues of traffic. Where are they? I mean they, they need to be analyzed in the plan thoroughly and compared between the plan options, but

they also need to be in the impact statement where they're required by law to be discussed. So these are some of the issues I'm concerned with.

I can make the same critique with regard to farm land. The plan and the impact statement seem to address farm land rhetorically by saying; well, periodically we buy some farm land under our farm land purchasing program and that's actually nice and I'm completely 100% supportive of that. But you also now have basically a plan that puts sprawl back onto the country side with large lots. But that's not preserving those lands as farm lands. Not necessarily at all and it creates a set of issues, but we need to be thinking about now is how we grow food for the future that's local food. How we interface that food with the local economy and make it a major part of what we call development and economic development. It's farming, but it's now farming for us. Not farming for far away markets. Those issues are happening, but they need to happen in a way that fits the plan and they can happen really better if we plan for them. We haven't done that. And again we miss those issues completely in the Impact Statement. Where it's simply sufficient that whatever we can, we buy a farm. That's not the whole point. The point is how do you create a community in which farming is viable? In which farming supports the community and the community supports farming? That's really the issue.

**Dr. Edelstein continues:** So other things; air pollution – I believe there's a very brief mention that we are out of compliance with the Clean Air Act in Orange County. Both for, I don't think it says the details, but we're out of compliance for ozone and also for particular matter. But to what extent is the plan that's being replaced and the plan that is replacing it and what impact do we have that we are in compliance with or not. And are we taking steps, hopefully in conjunction with the State Implementation Plan. Although I don't have much faith in the State Implementation Plan. Are we taking steps to reduce air pollution? That would make some degree of sense. I think and the plan should address that and the Impact Statement should fully analyze it.

So I can go on and on. And I've already gone on quite a bit and it's late. But I think that we, we can talk about other issues that I think are not addressed that have been mentioned like exclusionary zoning, or whatever we're dealing with, affordable housing, the question of the impacts of commercial development and commercial sprawl as opposed to commercial development that's integrated into housing. The plan and impact statement don't even really address, the impact statement would logically take the goals of the plan which were just eloquently reviewed. But is this plan meeting those goals? An is it meeting these goals better than the plan than its replacing? Maybe the plan that's being replaced meets those goals even better than the new plan. I think you might be surprised. Or at least it's not so clear. There's a lot of empirical data out there, both in Impact Statements that have been done, in studies that have been done in the past and there's data that needs to be collected. But in almost no area in this Impact Statement is it evident that there's an empirical basis for drawing conclusions. It's also clear that there hasn't been a really good multi-stake holder dialogue occurring in the Town that would bring about a, a you know, input and buy into major changes in the plan. What we have, if you look over a short period of time is these two paradigms of planning with schizophrenic changes, you know those politics moves we go here and we go here.

But that's not what planning is about. Planning is about finding something deeper and more durable that isn't so fickle as what we're doing here and the developers who are here and caught in that fickleness and not happy about it. It's understandable. We need to make sure this plan and the Impact Statement that's done for the plan look deeply at what is happening at what the consequences are of what's happening and are to be able to be good enough to deal with legal challenges that may very well occur. But I'm less concerned with the legal challenge issue. I'm concerned with whether or not this Board has the guidance and the depth that it needs to really see what the impacts are associated with the changes and to fully understand the impacts that

are associated with the status-quo plan that's already been put in place. I think we need to do that before we move further. This is a Draft Generic Impact Statement; obviously, it has to move to a final. But I think some of the issues here have to do with the plan. And if the Impact Statement, when it gets good, assuming it does, finds that the plan, in fact is deficient, where do you go from there? So I think there's a need for some real careful thinking about whether a foundation has been laid sufficiently in the plan. The impact statement-frankly is terrible, but is the plan in fact strong and is the failing only with the impact statement? I think that's something that needs some very careful discussion on the part of the decision makers and I appreciate the opportunity to speak to you tonight. And I wish you good decision making.

**Supervisor Bloomfield:** Thank you very much Dr. Edelstein. Any one else like to speak? Would someone like to make a motion that we close the Public Hearing? Councilman Newbold made a motion to close the public hearing. Councilman Lyons seconded the motion. Supervisor Bloomfield; any discussion? All in favor say aye..... Motion carries.

0 Nays            5 Ayes    Bloomfield, Canterino, Cappella, Lyons, Newbold

Supervisor Bloomfield; I'd just like to reiterate what I said early in the meeting, that the input we received this evening will be looked at, discussed and considered. That's the purpose of the public hearing and I would certainly like to thank you all for coming and participating. Thank You. Okay, we got,

**Attorney Caplicki:** I just want to suggest that you remind the public about the submission period. It continues until August 25. So any written materials, comments or submissions would readily be accepted until that time.

Supervisor Bloomfield; Right, good, thank you very much. Meeting adjourned.

Time: 9:51 p.m.

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Valma Eisma, Town Clerk

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Priscilla Gersbeck, Deputy Town Clerk

