

ORIGINAL

STATE OF NEW YORK : COUNTY OF ORANGE

VILLAGE OF GOSHEN : PLANNING BOARD

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IN THE MATTER

OF

FIDDLER'S GREEN at GOOD TIME PARK

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Goshen Village Hall
276 Main Street
Goshen, New York
April 23, 2019
7:44 p.m.

B E F O R E :

ELAINE McCLUNG, CHAIRWOMAN
ADAM BOESE, MEMBER
SAL LABRUNA, MEMBER
M. O'DONNELL, MEMBER
MICHAEL TORELLI, MEMBER

A P P E A R A N C E S:

DAVID DONOVAN, Village Counsel
TED LEWIS, Building Inspector
KRISTIN O'DONNELL, Lanc & Tully Engineering and
Surveying, PC
ARTHUR TULLY, Lanc & Tully Engineering and
Surveying, PC

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2 CHAIRWOMAN McCLUNG: Next on the agenda
3 is Fiddler's Green at Good Time Park.

4 MR. ESPOSITO: Good evening. Steve
5 Esposito, Esposito Associates. With me is
6 Jay Myrow, M-Y-R-O-W.

7 Well, you have the book and the plans.
8 We tried to address the comments we received
9 from your consultants and the board over the
10 past several months or years. And, you know,
11 advanced the plans based on the most recent
12 layout concept. And that's about it.

13 We're here for SEQRA consistency and
14 evaluate this potential project with the
15 previously approved plan. And we would like
16 to keep moving.

17 CHAIRWOMAN McCLUNG: Okay.

18 Would you like to proceed by going over
19 these comments?

20 MS. KRISTEN O'DONNELL: Sure. I won't
21 go over all of the comments and bore you all
22 with the my SEQRA evaluations. But the
23 primary is that the applicant did submit a
24 revised EAF, which addressed the comments
25 that we had from not this January but last

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2 January, 2018. I believe that the majority
3 of the comments were addressed.

4 We do have some outstanding information,
5 and those are engineering reports, water and
6 sewer. We have some basic general reports,
7 general layouts of what their proposing to
8 do, but we don't have any real engineering at
9 this time. We don't have any soil testing.
10 Is that correct, no soil testing?

11 MR. ESPOSITO: There is soil testing.

12 MS. KRISTEN O'DONNELL: Was it water --
13 there is no water design yet?

14 MR. ESPOSITO: If we -- I would like --
15 I would like to kind of go through this
16 letter. I don't want to cut you off.

17 MS. KRISTEN O'DONNELL: I have some
18 engineering chicken scratch. Oh, flow
19 testing is not completed, and that's -- there
20 is no engineering design to the water system.
21 My apologies.

22 Anyway, so, outstanding water and sewer,
23 we had comments on a swift. Last time around
24 we don't have to revise swift just yet.
25 There were some fire department comments,

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2 which I'm sure you received them. They may
3 have been so long ago. I'm trying to see on
4 my letter. It may have been so long ago it
5 may have not ended up in the document.

6 Because I believe your meeting with the fire
7 department was actually after. It may have
8 been after the letter.

9 MR. ESPOSITO: There was one or two
10 before and one after.

11 MS. KRISTEN O'DONNELL: I did think that
12 you had a meeting. I have notes that showed
13 you had a meeting. But because this -- the
14 letter that I have from the fire department
15 was updated, so I wasn't sure where it fell
16 in the scheme of things. But the comments
17 are not addressed in the text of the EAF,
18 which I'm sure they can be.

19 So, some things like that, water, sewer,
20 drainage, also, we have correspondence from
21 the applicant to the DEC showing that they
22 have been trying to no avail to either
23 schedule a meeting or get some kind of
24 feedback. I think I saw like three or four
25 letters, e-mails back and forth to DEC. I

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2 personally called the DEC to try to shake
3 them for some kind of information, some kind
4 of feedback. Now this is going back a couple
5 of layouts and a couple of years, and they
6 just don't seem to want to respond. Which is
7 an issue with the DEC, a broad issue with the
8 DEC, not just this application.

9 So, anyway, we're waiting on feedback
10 from the DEC. Again, I tried to call to get
11 something out of them. And I think that
12 Tracy did seem to understand what we're
13 asking for. I think that she's getting more
14 used to this kind of -- it's very difficult
15 for a Board to look at a layout that's so
16 dependant upon wetland permit and say yes, no
17 or otherwise, without -- this particular
18 application, it's ability to meet the zoning
19 code and provide the recreational amenities
20 that are required is dependant upon that DEC
21 permit. It's very difficult for your Board
22 to process an application and move it forward
23 without really any idea at all what the DEC
24 has -- I mean, you don't even know if they
25 seen the plans from your perspective. We're

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2 looking to try to get the DEC to provide some
3 kind of feedback there. So, those are kind
4 of the outstanding issues.

5 I guess we could talk a little about
6 visual. Did you bring materials or do you
7 want me to just summarize again?

8 MR. ESPOSITO: I would like to go
9 through some of these, because -- lets start
10 with -- because really the DEC is one of
11 them. This has -- this project has a long
12 history. If you look at my correspondence
13 with the DEC, phone conversations. Yes, I
14 have not gotten anything in writing from
15 them. Can lead the horse to water but I
16 can't make them drink.

17 We submitted a pre-application -- pre-
18 application document to the DEC a year and a
19 half ago. After I spoke to Tracy on the
20 phone she's like -- once she realized the
21 history behind it, that this has been
22 permitted, and this design reduces the amount
23 of wetlands disturbance. That's the only
24 real permit that they have, is a plan review
25 for sewer extension, but that's really the

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2 only jurisdiction they have on this current
3 plan. She didn't feel that there was a need
4 for pre-application meeting. I have -- after
5 Kristen asked for input from the DEC we
6 contacted her several times both by phone and
7 by e-mail with no response.

8 But the reality of it is, that there is
9 a permit process. And we're -- I would, at
10 this point in time, at this juncture, I would
11 assume make application to the DEC. It's --
12 we're to the point we know what the
13 disturbances are. We already had it
14 permitted once. Like I said, we reduced the
15 number of permits or reduced the amount of
16 impacts to the wetlands, and we would just
17 proceed. They're obligated to process our
18 application. So, you know, that's where we
19 are. I don't think their inaction should
20 hold our application up.

21 So, we would like to -- I know the
22 comment is that we shouldn't -- you should
23 not conclude SEQRA without their input. My
24 response to that is, this is a permit
25 process. And not every project that comes

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before this board goes -- has to get permits, they don't have to get conceptual approval or approval or any input whatsoever. You get your conditional final or preliminary approval and you go to the agencies and go get your permits or your approvals. You know, we tried. Kristen tried. So, we would like to at least not get bogged down.

CHAIRWOMAN McCLUNG: Dave, are you okay with that?

MR. DONOVAN: You know what, I'm sorry. I don't have enough background to offer an opinion on that.

CHAIRWOMAN McCLUNG: Okay.

MR. TULLY: If I could say, Kristen did speak and did get some response from the person there in the DEC, that she recognizes the need to make some kind of comment about the plan to the planning board in terms of it's approve-ability. That's all we were looking for. Not that they're going to approve it, but that it seems that it could be something they could approve with whatever conditions or requirements they have.

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2 So, I would say, Steve, if you can --
3 there is other issues. Perhaps if you think
4 that a month is a reasonable -- if you don't
5 hear within this next month, we anticipate
6 putting a full court press on as well to try
7 to get something from them.

8 MR. ESPOSITO: I mean we really don't
9 want to have to have to wait. Within a month
10 we could have our application ready to go to
11 DEC.

12 MR. TULLY: I suggest you do that.
13 Don't hold off on that. If we hear from them
14 then you're still gonna process the
15 application anyway, so go ahead and do that.

16 CHAIRWOMAN McCLUNG: Hold on.

17 MR. LaBRUNA: Just go back to what
18 Kristen is saying about the rec amenities,
19 and that's sort of dependant on what the DEC
20 allows.

21 MR. ESPOSITO: The two -- the wetland
22 disturbance is that the entrance.

23 MR. LaBRUNA: The drive, right.

24 MR. ESPOSITO: In the original permit
25 that was ready to be issued in 2007, we did

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2 what's called an alternatives analysis to
3 look at five different alternatives to
4 connect to either South Street or the North
5 Collective Road. The conclusion of that
6 analysis was that this location, where we
7 are, is the place to be. The DEC already
8 permitted it once. The DEC had complete
9 notice application. We went through the
10 public comment period, which there was none.
11 And they were ready to issue a permits, and
12 the world fell apart and we didn't proceed.
13 So, there really isn't an alternative for us
14 to put the road there.

15 The other amenity is the boardwalk
16 around Finans Pond. That's not in the
17 wetlands. That's an Army Corps wetlands.
18 But it's the shoreline. The proposed walk is
19 outside of the shoreline, so there is no DEC
20 jurisdiction.

21 MR. LaBRUNA: Where do you get approval
22 for that?

23 MR. ESPOSITO: What's that? The only
24 place where we do need approve is in the,
25 where we want to fix up the existing track so

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2 there is an area to have a small walking area
3 there and bird watching and nature watching.
4 That's within the buffer. That's not in the
5 wetlands itself.

6 MS. KRISTEN O'DONNELL: The Army Corps
7 wetlands?

8 MR. ESPOSITO: We're well below that.
9 We're like point zero something, and that's
10 at the entrance.

11 MS. KRISTEN O'DONNELL: No. For the
12 walkway around the pond and, there is a
13 pathway that goes out from the units out to
14 the pond, that's all below the threshold
15 or --

16 MR. ESPOSITO: Well, from the units to
17 the pond, that's all upland. The boardwalk,
18 the actual delineation of the fed wetland is
19 the edge of the pond. So, were going to be
20 on the dry side edge of the pond, it's
21 outside of the jurisdiction of the wetland.

22 MS. KRISTEN O'DONNELL: What about for
23 the wetland mitigation? So this is the first
24 round of plans with wetland mitigation in it,
25 this is forward thinking, that is -- is that

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2 in Army Corps wetland?

3 MR. ESPOSITO: No. It's on the outside
4 of the Army Corps wetlands. So, this is the
5 same place, the same location that we
6 approval for. And the reason why we got it
7 approved is the hydraulics that are there.
8 The start with the Army Corps wetland
9 boundary which is the further of the two
10 wetland boundaries. We extend into the
11 upland, which happens to be inside the
12 hundred foot buffer, but it's still within
13 the 100 year flood plan. So, we have the
14 dynamic to actually create wetlands. So,
15 that's what we're proposing it. We're well
16 in excess of what we need to mitigate the
17 potential impacts to the state and federal
18 wetlands.

19 MR. LaBRUNA: Since -- go back to the
20 question about the boardwalk. Are you
21 waiting to get approval from the DEC, is that
22 a question not about the boardwalk so much as
23 the walking trail?

24 MR. ESPOSITO: It's all outside of
25 the --

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2 MR. LaBRUNA: It's in the buffer.

3 MR. ESPOSITO: -- Finans Pond there is
4 no buffer, and there is no DEC jurisdiction.
5 It's only Army Corps, which does not have a
6 buffer.

7 MR. LaBRUNA: And the walking trail?

8 MR. ESPOSITO: The track restoration
9 would be part of our application.

10 MR. LaBRUNA: And you're including that
11 in your amenities for the parkland?

12 MR. ESPOSITO: Well, we're doing -- it's
13 two. Not so much for amenities. Amenities
14 we're including the tot lot or the play
15 structure area, the boardwalk and pavilion
16 and all of that around Finans Pond, and
17 Finans Pond itself, that renovation of the
18 track is really part of our required open
19 space, which I think we're required certain
20 percentage or certain acreage.

21 So, why -- there is -- you know, and the
22 DEC actually looks favorable to when we put
23 conservation easements or buffers.

24 MR. LaBRUNA: Okay.

25 CHAIRWOMAN McCLUNG: Do you have your

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2 question answered?

3 MR. LaBRUNA: I think so.

4 CHAIRWOMAN McCLUNG: Okay. Continue.

5 MR. ESPOSITO: The next comment is
6 comment three. And that has to do with the
7 existing wells. A million years ago when we
8 were in attempting to develop this parcel, we
9 were required to really create our own water
10 supply because the Village hadn't done much
11 to expand the existing plan and the existing
12 source. Since then a lot has been done. And
13 both in terms of treatment and source. So,
14 we have a well that's on the project site,
15 which we've identified to be abandoned in
16 accordance with AWWA standard. But there is
17 a couple of wells on what we call the loop,
18 which is between North Collector and 17. We
19 have no plans for that parcel. We understand
20 the Village's concern about protecting
21 aquifers. My suggestion is that you, because
22 we don't have a crystal ball, is that you
23 make findings that, you know, that those
24 wells, if anything gets developed in the
25 loop, that you know, wellhead protection

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2 would be applied to those wells. Or they
3 would be abandoned in accordance with AWWA
4 standards. That's -- we're waiting to see
5 what the corridor does before we start to
6 formulate any plans. So, right now we don't
7 have any plans. But we're willing to take
8 that finding to make sure that either they
9 get protected appropriately or abandoned
10 appropriately.

11 MR. TULLY: So, one of things that we
12 were concerned about is, as Steve mentioned
13 way back when, there was a plan that talked
14 about those wells being offered to the
15 Village in a previous plan. And I just want
16 to be clear about that offer, because it was
17 made to the Village, even though it was a
18 previous plan. I think there should be some
19 recognition on the Village's part that there
20 is no more interest in those wells, or if
21 there is an interest what the Village's
22 interest is. So, that's all we were trying
23 to do, is to get clarification for both the
24 Village and the applicant on what's the
25 status. Because one of those wells is a

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2 fairly good producer. And the Village is
3 always interested in water supply. It's been
4 our achilles heel for the longest time, and I
5 just don't want those wells to be forgotten
6 through the process. I would to note with
7 some clarity as to what's going to happen
8 with the wells.

9 MR. ESPOSITO: And unlike -- these wells
10 were drilled, you know, we had to do it.
11 Because it's just the situation at the time
12 back in the eighties. And they were never
13 offered for dedication. But what it was is
14 they were identified as mitigation measures.
15 If you read the findings statement of the
16 original approval, it's if the project
17 impacted the Village's water system or source
18 that those wells were available for
19 development to mitigate any impacts. I just
20 remind you that we're using substantially a
21 lot less water than the previously approved
22 plan. But that's -- it wasn't a formal offer
23 of dedication. But an offer of mitigation.
24 So, you know, we can -- I don't know how we
25 want to resolve that.

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2 CHAIRWOMAN McCLUNG: How would you like
3 to proceed with that?

4 MR. TULLY: It's something that we need
5 to talk with the applicant about. Because as
6 he says, we don't -- at the time they were
7 needed for their own water supply, because
8 the Village didn't have enough water, and
9 they were supplementing the supply. Now it's
10 a little bit different. So, I would to
11 identify the wells in general. Identify the
12 wells and their location. Talk about a
13 buffer area around them for some sort of
14 wellhead protection. And make that part of
15 the understanding as you move forward with
16 the development of the rest of the property
17 of here is where the wells are, here is the
18 area around them, we're going to protect them
19 and then move forward with developing the
20 property. That's in a nutshell, I think,
21 that's what I would like to see.

22 MR. ESPOSITO: I think it's going to be
23 an either or. You get the well head
24 protection if they remain and/or they get
25 abandoned. Because frankly, that's probably

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2 one of the most expensive pieces of real
3 estate in Orange County right now. And you
4 start to put 100 foot and 200 foot radii
5 around the wellheads, you chew up a lot of
6 real estate. So, from our perspective we
7 don't have a plan for the site yet. But from
8 our opinion it's going to be an either/or.

9 MR. TULLY: So, when the time comes --
10 right now if we can identify the location of
11 the wells, and have an understanding here
12 they are. When the time comes for them to
13 develop their property, you have other
14 constraints out there, I would imagine, like
15 you do on this property, from other agencies
16 like wetlands or flood planes --

17 MR. ESPOSITO: We have them all.

18 MR. TULLY: You hit the jackpot. So, as
19 you look at the site it may work out that you
20 can provide wellhead protection without
21 minimizing the develop-ability of a site --

22 MR. DONOVAN: It is.

23 MR. TULLY: I guess that's we can agree
24 on that.

25 MR. ESPOSITO: Okay.

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2 The other one is the idea about the
3 community. The code has this provision in
4 there about community parks and ball fields.
5 You know, we looked at the national
6 recreation parks and association standards
7 for, they have a chart you can go down and
8 say you should have a little league field
9 based on one per 5,000 people, one per 10,000
10 people. From speaking as a resident and
11 raising two children and being extensively
12 involved with recreation for a number of
13 decades, both volunteering and what have you,
14 you know, we have parks, you know, we have
15 parkland facilities. If you look at the
16 standards, we meet or exceed those for a
17 community of 5,000 plus people. I don't know
18 if -- and we don't have a master plan to look
19 towards to get direction on development, but
20 my guess is that it doesn't really make a lot
21 of sense for me to go out and build a soccer
22 field or a baseball field when we have ones
23 that are -- we're barely maintaining as it
24 is. So, again, I think it's one of these
25 things we need to talk about. There is a

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2 provision in the code that we pay in lieu of
3 recreation. But we are proposing the
4 boardwalks, access to Finans Pond by our
5 residents and the community at large, and the
6 play areas as well. Again, it's something
7 that has to get worked out.

8 MS. KRISTEN O'DONNELL: I would agree
9 with all of those points actually. The
10 zoning -- the Village's zoning code in this
11 regard or several regards is not great. But,
12 that doesn't mean that it's not applicable.
13 It's what it says. And it does have several
14 requirements for various types of recreation
15 on multi-family development sites. And so --
16 and it does, unfortunately, refer back to a
17 comprehensive plan that the Village doesn't
18 have. So, absent a comprehensive plan, we
19 did recommend referencing the national
20 association of parks, which Steve mentioned.
21 But I also agree that it doesn't make sense
22 to create amenities. It doesn't make sense
23 on the site. So, it would make more sense,
24 and the Village code does permit, a payment
25 in lieu of parkland if for various reasons.

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2 And it could just be the Village doesn't
3 think it's appropriate there. It could be
4 the site is not appropriate for whatever
5 reasons, wetland, etcetera. I think that's a
6 good caveat. I think for whatever reason the
7 board finds or the applicant suggests and the
8 board agrees it's not an appropriate location
9 for this type of recreation whichever of the
10 recreational amenities the board doesn't
11 think appropriate or the applicant chooses
12 not to construct, I think a payment in lieu
13 of would be appropriate. And I am sure the
14 Village could find plenty of parkland and
15 it's existing that could use payments.

16 MR. LaBRUNA: I agree with that.

17 MR. BOESE: How does that work? Because
18 Steve had just spoken about developing around
19 Finans Pond and the old track somewhat to
20 make it available, accessible. Do they then
21 like -- is there a formula for payment in
22 lieu of and then subtract payments used
23 already or --

24 MS. KRISTEN O'DONNELL: Yeah. The
25 zoning contains a formula for the various

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2 types of amenities required. There is
3 requirements for passive recreation. There
4 is requirements for ball fields. There is --
5 in community lots and community parks and
6 play fields versus playgrounds. So, there is
7 various requirements and it's per unit. So,
8 that per unit number gives you a basis of
9 what they should be providing per unit, and
10 then the village's fee schedule has a payment
11 in lieu of fee. So, you take that fee and
12 you look at how many units they have and what
13 they're not providing, and you can do the
14 math. Of course, the applicant can sit down
15 with the Village board and have a discussion
16 about that. This board doesn't get into fees
17 and payments quite as much. But you do have
18 the ability to have a little bit of
19 discretion on whether you think the
20 recreational amenities are appropriate on
21 this site versus or not appropriate and a
22 payment more appropriate.

23 MR. BOESE: They work that out later?

24 MR. DONOVAN: So, this board would need
25 to make a finding. If you do a payment in

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2 lieu of this board needs to make a finding
3 that a payment in lieu of is appropriate.
4 What I'm understanding is there is some
5 passive recreational --

6 MR. ESPOSITO: Active and passive, yeah.

7 MR. DONOVAN: So, what that could be
8 determined a mitigating factor in terms of
9 the overall payment that becomes a Village
10 board issue. It's a planning board issue to
11 make the determination that adequate
12 facilities may not be provided, that there
13 are facilities. In some instances you have
14 no facilities, so it's a relatively easy
15 determination to make. There is no
16 recreation proposed, therefore, payment in
17 lieu of. This would be a little bit
18 different in that you would be finding that
19 there are some facilities proposed but they
20 may not be adequate or are not adequate and
21 it becomes a conversation with the village
22 board as to, you know, where is the correct
23 place to finish up relative to payment.

24 MR. BOESE: Okay.

25 MR. TULLY: It usually involves cost

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2 estimates of what they're building, breaking
3 it down to per unit price and then --

4 MR. BOESE: Subtract.

5 CHAIRWOMAN McCLUNG: I would recommend
6 that this conversation be continued and that
7 the members of the board have a close look at
8 the recreation that's proposed, and evaluate
9 what you think is needed. Because our track
10 record with giving over to the Village hasn't
11 been so wonderful. And so, we need to be
12 really careful.

13 MR. BOESE: Because our language wasn't
14 clear or assignment?

15 CHAIRWOMAN McCLUNG: Lets leave it at
16 that. The ball is in our court. Ho, ho, ho
17 as far as recreation. So, lets look at this
18 really closely and for future conversation.
19 Is that agreed?

20 MR. BOESE: Yes.

21 MR. LaBRUNA: Yeah.

22 MR. ESPOSITO: Just couple of -- Kristen
23 hit on the engineering for the water and
24 sewer. It's time for us to do that now. We
25 feel that the pieces have landed. So, we're

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2 just continuing on with the, you know, the
3 designing and engineering of the
4 infrastructure, so that's part of it.

5 I do have a couple of questions on site
6 plan, number 11, boundary survey, existing
7 conditions map has all of the metes and
8 bounds on it. Are you looking for a plat or
9 a separate sheet?

10 MR. TULLY: I think just as a point of
11 reference that this is the property, this is
12 the project.

13 MR. ESPOSITO: Because we updated the
14 existing conditions with new adjoiners and
15 all of the existing features around the sites
16 and metes and bounds, we weren't sure if you
17 were looking for a separate sheet.

18 MR. TULLY: We usually have a separate
19 sheet that says this is the -- you know what,
20 let me take another look at what you got.
21 I'm used to seeing a separate sheet as part
22 of the point set, that's all.

23 MR. ESPOSITO: And then there is the --
24 one thing more of a technical thing -- matter
25 of fact, I'm not going to go over it. With

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2 the existing culvert that goes into the
3 rails, we will blow that up and --

4 CHAIRWOMAN McCLUNG: Are you addressing
5 number 12?

6 MR. ESPOSITO: No. I'm not addressing
7 number 12. I was discussing number 16.

8 CHAIRWOMAN McCLUNG: So, what about
9 number 12, what do we do about that?

10 MR. ESPOSITO: Number 12, we're going
11 to, once again, attempt to meet with the fire
12 chief. We provided him with information that
13 he requested earlier regarding the, how the
14 capabilities of the ladder truck in terms of
15 height and reach and what have you. This is
16 another issue that has to be reviewed, and
17 there can be a waiver. If there is not a
18 waiver we have to make our roads from 25 feet
19 to 26 feet adjacent to the building. It's
20 design.

21 CHAIRWOMAN McCLUNG: So, you were
22 already up to number 16, you said?

23 MR. ESPOSITO: I'm good. Those are the
24 only ones I really have questions on.

25 CHAIRWOMAN McCLUNG: Okay.

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2 MR. MYROW: I'm a little unclear on
3 things here too, so I am really -- I just
4 want to be clear on what the list is that
5 needs to be completed before we can get a
6 SEQRA determination, because we still have to
7 go back to the ZBA. So, that to me, is
8 paramount here in terms of getting to that
9 point so we can get -- see if we can get our
10 variance which is essentially critical to us
11 moving forward on this. And I'm not exactly
12 clear from the dialogue exactly which ones of
13 these items must be completed before the
14 SEQRA determination can be made and get us on
15 our way. So --

16 MS. KRISTEN O'DONNELL: Just the first
17 ten.

18 MR. MYROW: First ten, that's it?

19 MS. KRISTEN O'DONNELL: Yes.

20 MR. MYROW: Steve, you're clear on this?

21 MR. ESPOSITO: I'm clear. Clear as
22 well. And if you recall, we added another
23 reason why I wanted to go back to the zoning
24 board. We added another variance that we
25 have to request from the planning board

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2 because that's the reduction in parking.

3 CHAIRWOMAN McCLUNG: Now that you bring
4 that up, that was going to be my question.
5 How did you come up with that number?

6 MR. ESPOSITO: Several ways. One is we
7 had input from your consultants. We also
8 asked our traffic engineer to give us, you
9 know, an analysis, you know, based on
10 existing, you know, information out there,
11 data out there for this housing types. You
12 know, ITT, ITE, Institute of Traffic
13 Engineers as documents that they've analyzed
14 various land uses through out the country
15 based on whether it's residential, number of
16 bedrooms, type of ownership, price points.
17 And then we can take that information and
18 glean potential trips generated from that
19 type of use, the required parking for that
20 type of use and that's where we came up with
21 the 1.5 spaces per unit. We're a little
22 above that. But that's the number that we, I
23 believe, as a group collectively zeroed in
24 on. Eighty three of those spaces are under
25 ground or garaged under ground and the

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2 balance are on the site.

3 CHAIRWOMAN McCLUNG: Did you have any
4 spaces designated for visitors?

5 MR. ESPOSITO: Well, we have the --
6 these are all one bedroom. So, in the mix we
7 have, I think the required number was 270
8 something, and I think we're like ten spaces
9 above that, somewhere around there. So,
10 we're a little bit above 1.5 spaces per unit.

11 CHAIRWOMAN McCLUNG: But in your
12 delineating the parking --

13 (Multiple people speaking at the same
14 time.)

15 MR. ESPOSITO: No. We didn't -- we
16 delineate --

17 CHAIRWOMAN McCLUNG: We can talk about
18 that.

19 MR. ESPOSITO: We haven't gotten to that
20 detail yet, but we could. Because the
21 parking is -- we tried to put the parking not
22 big spaces, but smaller spaces through out.
23 So, maybe each one of those a space or two
24 gets delineated for visitor parking.

25 CHAIRWOMAN McCLUNG: Okay. Any other --

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2 welcome.

3 MR. TORELLI: Sorry I'm so late.

4 CHAIRWOMAN McCLUNG: We're just grilling
5 Steve, that's all, that's what we're up to.

6 MR. TORELLI: It's a good day to grill.

7 MR. ESPOSITO: Great day to grill.

8 CHAIRWOMAN McCLUNG: Any other questions
9 from the planning board?

10 MR. LaBRUNA: I have one. On the
11 visual, potential visual impacts on page 36
12 of the analysis here, it says users of the
13 trail experience the urban settings of the
14 Village of Goshen, Village of Chester and the
15 Village of Monroe. The latter two locations
16 there are a number of multi-family housing
17 units, and these are housing units adjacent
18 to or in close proximity to the trail, users
19 of the Heritage Trail. Are you saying that
20 the visual impact would be less because
21 people are used to looking at apartments or
22 what is the implication?

23 MR. ESPOSITO: What that's implying is
24 that the trail goes through urban
25 development. What we're proposing isn't

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distinctly different than the Village of
Chester. When you come into Chester there is
several multi-family houses that you see on
both sides of the trail. Downtown Monroe,
same thing. So, we're just saying the
element that we're introducing isn't foreign
to the user of the trail.

MR. LaBRUNA: Yeah. I think the visual
impact that most people aren't worried about
is being apartments as much as they are
worried about being the height of the
apartments. Are the units that you're saying
in Monroe and Chester the same height or the
same amount of stories?

MR. ESPOSITO: I'm saying that there are
multi-resident, multi-family residences along
the trail of several stories.

MR. LaBRUNA: Of several stories. Okay.
That's my question.

CHAIRWOMAN McCLUNG: Adam, do you have a
question?

MR. BOESE: You know, I tried to compare
it to all of the other 40 plans we receive
along the way and lost track. And in fact,

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2 when I look through some of the tables they
3 referenced numbers given to us previously
4 which is good. And I found new numbers like
5 you said 183 parking, which doesn't
6 compare -- basically, which option have you
7 chosen? Is this the two feet above the flood
8 plain?

9 MR. ESPOSITO: Yes --

10 MR. BOESE: And --

11 (Multiple people speaking at the same
12 time.)

13 MR. ESPOSITO: Two feet above the flood
14 plain wherein several of the buildings we
15 were able to raise the grade in the front and
16 the road in the front, so the view from the
17 trail is --

18 MR. BOESE: Same height, but not in
19 impressive phase.

20 MR. ESPOSITO: And then there is one set
21 of buildings that enter from the what I will
22 call the first floor, the garage floor, which
23 are the ones on the other side of the big
24 tree.

25 MR. BOESE: Is there any -- was there

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2 any discussions in the development of this
3 project -- I know Elaine had asked this once
4 before. I want to ask it again because I
5 can't remember the answer. I know you gave
6 us as of right comparison, and that was great
7 to understand. When I say the as of right
8 heights, and I compared it to the elevation
9 you gave us for the one you are proposing I
10 realize 13 foot difference which is quite
11 significant. And -- but it's sprawled as of
12 right. So now if we -- if you didn't want to
13 have to go to zoning you could do as of right
14 building, two other buildings. We lose the
15 tree building even closer to the trail and
16 marking out to the connector road. So, I
17 understand condensing the units to less
18 building and condensing the site and parking
19 and visibility layout of the whole thing, but
20 that made everything go up. Was there ever a
21 discussion not to go onto reduce the number
22 of units. I mean did anybody ever sit down
23 and go, you know what, we could do with six
24 buildings and lose maybe a part of that, I'm
25 going call it the top story, top bedroom

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2 stories? What would the market analysis of
3 that be? Obviously make less with the
4 property, but look nicer, different. Is that
5 an option in going into this project?

6 MR. ESPOSITO: We had -- we've had this
7 conversation several times, several times.
8 The first response is that the zoning takes a
9 bite out of the apple right off the bat. You
10 deduct a portion of the wetlands, the portion
11 with steep slopes. So, you go from a gross
12 area to a net area, then you calculate your
13 units based on the net buildable area. And
14 the reality of it is these buildings are
15 extremely expensive to build. So, if you
16 want a product like village place where you
17 have garage parking, nice landscaping,
18 architecture, it comes with a cost. Those
19 are not cheap buildings to build. If you
20 want to build slab on grade that's a
21 different story. But you know, if you want a
22 quality project it takes, you know, there is
23 an inertia that is required to achieve that
24 level of detail.

25 MR. BOESE: I'm just trying to be

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2 thorough, because at some point I could get
3 questioned. What's that? You would lose 60
4 units? That would be great. We could take
5 it.

6 MS. O'DONNELL: Cut off a whole floor.
7 We will take it.

8 MR. ESPOSITO: This is a comparison. If
9 you look at the comparison matrix from the
10 originally approved house plan in terms of --

11 (Multiple people speaking over each
12 other.)

13 MR. BOESE: Was that another comment?

14 MR. ESPOSITO: No.

15 MR. BOESE: An offer for 40 units?

16 (Speaking among the audience.)

17 MR. TORELLI: I don't feel comfortable
18 how this is going.

19 MS. GEORGE: I want to say a personal
20 note is that we would not, with all of our
21 houses, housing units, apartments, we would
22 not be able to house half of the graduating
23 class of last year. And we keep losing our
24 young people. We're trying to do something
25 that helps keep our community sustainable and

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2 something that's really balanced. So, for me
3 personally, I feel very strongly about what
4 we're offering. And I feel it's wonderful.
5 It's beautiful. And I think the more green
6 we can with a little more height. I think
7 the aesthetics is perfect for Goshen. So,
8 I'm very proud of it, and I want to say that.

9 CHAIRWOMAN McCLUNG: Can -- did you get
10 her name?

11 THE REPORTER: No, I didn't.

12 MS. GEORGE: Barbara George.

13 MR. BOESE: I want to be thorough
14 because I could get asked about this later on
15 down the road. Somebody is going to say why
16 didn't you do an as of right? And I need to
17 be able to answer to whomever is going to say
18 how could you put these big buildings in? I
19 needed to be able to answer them. I needed
20 to be thorough.

21 MR. ESPOSITO: That's why we went
22 through months of analysis and alternative
23 evaluation. In this document is the
24 comparison chart that looks at the
25 alternatives that we looked at. And when you

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2 look at the man start groove, the whole
3 gamut --

4 MR. BOESE: Very thorough.

5 MR. ESPOSITO: -- at the end of the day
6 we ended up with this plan, which is a hybrid
7 of the original plan we submitted, which
8 still addresses the tree of life, still
9 addresses the onsite resources. We're
10 producing a product that has 83 garage under
11 parking spaces and impacts 3.5 percent less
12 of the site than the originally approved
13 plan.

14 MR. BOESE: You had said you had done
15 some fills to the front of the building.
16 Thank you. I couldn't see that though
17 because the big drawings don't have it. I
18 call it elevations, front elevations, I
19 couldn't see it there. Is that written
20 somewhere or would I have to look at the
21 grading plan?

22 MR. ESPOSITO: Well it's on the grading
23 plan and it's also in the description, it's
24 described verbally in the text.

25 MR. BOESE: In the big book?

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2 MR. ESPOSITO: In the big book.

3 MR. BOESE: Do you know what section?

4 MR. ESPOSITO: That would probably be
5 under the visual. But then the grading plan
6 is really the plan that's going to determine,
7 that sets the grades, what we have to build
8 to.

9 MR. BOESE: These elevations that we
10 have on the previous, while they're
11 reflective of the buildings they're not of
12 the grading plans?

13 MR. ESPOSITO: No. The buildings in the
14 11 x 17s in the book, no, those are
15 reflective of the current elevations and
16 goes --

17 MR. BOESE: No. They're dated -- I have
18 to get my magnifying glass. I'm finished.
19 Thank you.

20 CHAIRWOMAN McCLUNG: So, you pushed it
21 back and you got the oak tree, you're back
22 from the oak tree?

23 MR. ESPOSITO: We pushed everything
24 back. And we also took out -- we went on the
25 west side, I guess, of the oak tree. And

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2 also there was a, besides buildings being
3 between the tree and the trail, we also had
4 parking in the road and everything else,
5 that's all gone. So, it's all open space to
6 the tree. And then the tree will act to help
7 screen buildings five and six if you can see
8 on the image on the visual stimulations.

9 CHAIRWOMAN McCLUNG: You're confident
10 that that's enough room for the tree to
11 survive --

12 MR. ESPOSITO: I'm confident and so are
13 two arborists, yours and ours.

14 CHAIRWOMAN McCLUNG: And there is one --
15 without opening all of this, there is one
16 spot along the trail that your landscaping
17 seems awful close to the trail. Is there a
18 regulation in terms of how far it needs to be
19 away --

20 MR. ESPOSITO: No.

21 CHAIRWOMAN McCLUNG: -- from the trail?

22 MR. ESPOSITO: Landscaping, no. Paving,
23 yes. Edge of pavement has to be a certain
24 distance from the property line. The
25 landscaping, No. You have to understand,

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along the trail it's all -- there is the property line. And then there is this area of the old rail bed that's either bank that has trees growing on it, or the trees growing on the old bed that wasn't developed as part of the trail, that section of the trail is very wide. The railroad right of way is very wide. So, there is trees on the rail or on the banks of the trail, we're just supplementing those.

CHAIRWOMAN McCLUNG: Okay. And then on Green Street, the entrance, and there is that house on the corner. Is there encroachment?

MR. ESPOSITO: What said earlier is the surveyors, we updated the entire survey. We went back out and we relocated all of the existing structures development, adjoiners, all of that stuff. They're evaluating that right now. We think that there is not going to be an impact or rather there is not an encroachment. And if there is the two property owners have to deal with it. At this point we're optimistic. It doesn't look like there is one.

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2 MR. TULLY: It is a bit of a choke
3 point, though, that corner. There is a lot
4 of things coming together there. And if
5 there is any negotiation with the owner
6 regarding that, it would be nice if we could
7 get an easement or right of way, as I'm sure
8 you know, to make things work a little better
9 there.

10 MR. ESPOSITO: Right.

11 MR. TULLY: But the building, if it's
12 not encroaching, it's very close to the
13 property line. And that's where the road is
14 going through the sidewalk, there is drainage
15 in that area, there is a lot of stuff going
16 on.

17 CHAIRWOMAN McCLUNG: A lot of stuff
18 going on in that spot. So, all right.

19 So, now we're ready to talk about ZBA,
20 right? You have to go to the ZBA. And so
21 it's a matter of at what point.

22 MR. DONOVAN: So, there has been an
23 initial appearance before the ZBA in 2002.

24 MR. ESPOSITO: No -- probably, yeah. We
25 were probably there in 2002.

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2 MR. DONOVAN: So, the ZBA can't act
3 until this board closes out SEQRA. Because
4 your lead agency, it's a coordinated review.
5 I heard tonight that you have an additional
6 variance. I'm going to assume the ZBA is
7 going to want to conduct another public
8 hearing in any event. So, I don't know
9 whether you want to go now. I think you want
10 to go after SEQRA is closed out, then you can
11 get the ZBA to render the determination.

12 MR. ESPOSITO: What we had is, our
13 initial application is an interpretation,
14 which we received favorably on the length of
15 the buildings about building and number of
16 stories. We're now going to amend that to
17 include the parking reduction.

18 CHAIRWOMAN McCLUNG: I have to stop you
19 on the favorable. And I know you talk about
20 it in here. But raising hands is not a
21 determination. Right? They raise their
22 hands. It was an opinion but --

23 MR. ESPOSITO: There was two -- there
24 was the.

25 MR. MYROW: Consensus.

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2 MR. ESPOSITO: The interpretation was
3 concluded. And that wasn't an area variance.
4 It was a question on the definition of
5 building length. Because if you recall, our
6 buildings are connected by the garage. So,
7 we didn't know -- the buildings themselves
8 are less than or equal to what the building
9 length is. But connecting them, did that
10 make them nonconforming? So, that was one of
11 our -- we couldn't answer that question, the
12 ZBA had to answer that question. So, we --
13 they felt that based on the conditions that
14 we presented that it was not a building and
15 that what we're proposing is okay. The
16 second one were the area variances, that's
17 for height. And there was a pole of the
18 board, and it's clear in the minutes of the
19 ZBA. But there was no action taken because,
20 as Dave said, you can't -- that board cannot
21 act.

22 MR. DONOVAN: So, my recollection is a
23 little bit different. I don't recall -- is
24 there a written determination relative to the
25 interpretation? I don't think there is,

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2 because I would have written it.

3 CHAIRWOMAN McCLUNG: I didn't see any
4 either.

5 MR. DONOVAN: So, I don't think that
6 that happened. And I don't think that there
7 was, I believe, there is a letter from the
8 chairman indicating no approval were given is
9 my recollection.

10 CHAIRWOMAN McCLUNG: Correct. So, I
11 think that needed to be clear, that there was
12 no determination yet.

13 MR. DONOVAN: Correct. But to be clear,
14 the ZBA also didn't say we hate this. They
15 didn't say it either.

16 MR. ESPOSITO: It's pretty clear in the
17 minutes.

18 MR. TORELLI: I did attend it. And it
19 was discussed for close to an hour about the
20 connectivity of the building, I remember them
21 having a lot of answer, and you guys
22 answering them. But it sounded positive.
23 But like you said, they didn't vote on it
24 because they couldn't because SEQRA isn't
25 closed.

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2 MR. ESPOSITO: Haven't had a public
3 hearing and haven't heard from the public.

4 CHAIRWOMAN McCLUNG: Correct.

5 So, did the ZBA or does the ZBA have all
6 of the plans, dimensions, photos, renderings
7 that they need in order to make a
8 determination?

9 MR. ESPOSITO: When we get to a position
10 where we can go back to them once SEQRA is
11 concluded, we can make a new application with
12 all of the visual simulations, all of the
13 stuff you guys have and as well as an amended
14 application for the parking.

15 MR. DONOVAN: Let me, just since I was
16 there, right, Steve and Jerry were there.

17 CHAIRWOMAN McCLUNG: Right.

18 MR. DONOVAN: I believe the intent was
19 lets go on to the ZBA relatively early in the
20 process, because if the ZBA expresses an
21 extreme distaste for this, then we need to
22 fall back and do something else.

23 MR. ESPOSITO: Right.

24 MR. DONOVAN: So, the ZBA did not
25 express extreme distaste for it, they didn't,

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2 nor did they issue any approvals. I don't
3 recall -- I recall them indicating that they
4 were favorably inclined on the
5 interpretations. But I don't think they
6 voted on that. I don't think they can.

7 MR. MYROW: Well, they could -- well,
8 number one, the interpretation would be a
9 type two. So, you wouldn't need a SEQRA
10 determination to make that. Other thing was
11 that that was fully submitted. There was
12 nothing else that was going to happen that
13 was going to affect that determination at
14 all. I don't believe he did a resolution on
15 a vote for that matter, and I can't swear to
16 you whether they voted on that or not.

17 MR. DONOVAN: I'm pretty sure they
18 didn't.

19 MR. MYROW: But I think the board was
20 quite clear as to what the interpretation was
21 there was no gray area there as to the
22 height. My recollection was that there the
23 comment were basically we have no problem
24 with this. And we took that as a consensus
25 knowing that ultimately the board was going

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2 to have to vote and they would vote.

3 CHAIRWOMAN McCLUNG: My question was, do
4 they know what the actual height is and was
5 and the actual length?

6 MR. MYROW: Yes.

7 CHAIRWOMAN McCLUNG: Did they have all
8 of the dimensions?

9 MR. DONOVAN: So, whatever plan was
10 presented by Steve at that time is what they
11 had. I don't recall. It has got to be two
12 or three years ago.

13 MR. ESPOSITO: The reality of it is,
14 what is submitted to them I think was 48.5
15 feet, and this is now the average building
16 height on the preferred plan is less than
17 that. So, we were -- it was actually a
18 worst-case scenario. They had those plans.
19 They had the elevations. They didn't have
20 the hybrid building where we graded up in
21 front or go from -- or went from the entrance
22 of the garage level up to the first level.
23 That's new to them. They also looked at the
24 original plan when the buildings were between
25 the tree and the trail. So, they haven't

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2 seen this plan. They will get all of the
3 visual and the plan set as well as the
4 revised application when we get back there.

5 CHAIRWOMAN McCLUNG: Okay.

6 MR. MYROW: I think the bottom line was
7 because the interpretation was type two, we
8 don't need a SEQRA determination on that.
9 And because the ZBA understood for us to
10 proceed to get SEQRA from you, we were going
11 to have to rely on that interpretation. My
12 recollection was they were quite clear that
13 they made a decision as to what that was.

14 MR. DONOVAN: Respectfully, Jay, I
15 disagree with that.

16 MR. MYROW: That's my recollection. I
17 don't know what the minutes reflect.

18 CHAIRWOMAN McCLUNG: So, nothing more to
19 do this evening; correct?

20 MR. DONOVAN: I think we all -- so, this
21 board needs to close out SEQRA and they need
22 to go back to the ZBA. That's not a mystery
23 to anybody.

24 MR. ESPOSITO: Right.

25 CHAIRWOMAN McCLUNG: That's not for this

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2 meeting.

3 MR. ESPOSITO: We got our ten items and
4 we will be back.

5 CHAIRWOMAN McCLUNG: Anything else? Any
6 other questions? No. Okay. May 28 and the
7 cut off was May 14.

8 MR. ESPOSITO: Correct.

9 MS. KRISTEN O'DONNELL: You can send
10 replacement text instead of a new binder.

11 MR. ESPOSITO: I will send you a
12 replacement text or a red line.

13 MS. KRISTEN O'DONNELL: Don't kill me
14 with another binder. I'm going to build
15 myself an igloo out of binders.

16 CHAIRWOMAN McCLUNG: So, the next item
17 on the agenda, one is correspondence. And
18 did everybody see that? That the DOT was
19 questioning all about their traffic plan?
20 It's buried in all of those piles. They had
21 some questions. So, that's what that letter
22 was.

23 MR. BOESE: Was that the one where the
24 guy referenced traffic and said just looking
25 at traffic I see this lining up with traffic?

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2 CHAIRWOMAN McCLUNG: Yeah. I had to
3 smirk at that one. Because I think that's
4 what we were trying to tell them at the
5 meetings.

6 MR. BOESE: That's a busy road.

7 CHAIRWOMAN McCLUNG: And then the
8 minutes, what did we have, like 14 page
9 minutes or something for the March meeting?
10 And did anybody have any questions,
11 corrections, additions in the minutes, this
12 the minutes of the March 26 meeting.

13 MR. BOESE: No.

14 CHAIRWOMAN McCLUNG: So, on the big
15 paper it's 11 pages.

16 MS. O'DONNELL: No issues to --

17 MR. TORELLI: No.

18 CHAIRWOMAN McCLUNG: Adam, you're okay
19 with the minutes?

20 MR. BOESE: Yes.

21 CHAIRWOMAN McCLUNG: Do I have a motion
22 to accept the minutes as circulated from
23 March 26?

24 MS. O'DONNELL: Make a motion.

25 MR. TORELLI: Second.

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2 CHAIRWOMAN McCLUNG: Molly and Mike, all
3 of those in favor?

4 MR. BOESE: Aye.

5 MR. LaBRUNA: Aye.

6 MS. O'DONNELL: Aye.

7 MR. TORELLI: Aye.

8 CHAIRWOMAN McCLUNG: Anybody oppose or
9 abstaining? No. Adjourned. Motion to
10 adjourn?

11 MR. BOESE: Did we need to have that
12 discussion about recreation? What was all of
13 that about? How do we do that? When do we
14 do that?

15 MS. KRISTEN O'DONNELL: I think the best
16 course of action would be to wait until the
17 applicant clarifies the language in the
18 binder that you have, so that you can have --
19 I think right now he's missing an entire type
20 of recreation. And if his or the applicant's
21 choice is to not construct that and offer
22 payment in lieu of, I think you should get
23 that in the binder first. Then you know what
24 you're having -- you know what your baseline
25 is. You know what the applicant is offering.

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2 Right now you have a gap in your analysis.

3 MR. BOESE: Okay. So, it's a discussion
4 for a later discussion.

5 MS. KRISTEN O'DONNELL: A later dis --

6 CHAIRWOMAN McCLUNG: That was what I had
7 in mind was a later discussion. And also for
8 you to, you know, just think on what you
9 think is needed there, you know, for 178
10 units, one and a half cars.

11 MR. BOESE: Agreed. Thanks. Sorry to
12 propose your adjournment.

13 CHAIRWOMAN McCLUNG: Any other questions
14 or comments?

15 MR. TULLY: I want to tell you the guy,
16 anybody watching Jeopardy, my wife texted me
17 to say the champion won \$131,000.

18 CHAIRWOMAN McCLUNG: So, he played his
19 million.

20 MR. TULLY: And then some.

21 CHAIRWOMAN McCLUNG: Because I asked my
22 husband to please stay awake and watch it.
23 Thank you for that.

24 MR. TULLY: Spoiler alert.

25 CHAIRWOMAN McCLUNG: So, so were

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adjourned.

(Time noted 8:34 p.m.)

THE FOREGOING IS CERTIFIED to be a
true and correct transcription of the original
stenographic minutes to the best of my ability.


Debra Boggs

