

TOWN OF GOSHEN
PUBLIC HEARING & TOWN BOARD MEETING

March 28, 2019

M I N U T E S

A regular meeting of the Town Board of the Town of Goshen was held on the 28th day of March, 2019 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Melissa Gallo	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember
	John Van Der Molen	Councilmember

Also Present:	Richard Golden, Esq.	Attorney for the Town
	Kelly Naughton, Esq.	Attorney
	Priscilla Gersbeck	Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:30pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. REPORTS

Councilperson John Van Der Molen reporting for the Senior Commission: The St. Patrick's Day luncheon was a big success with 60 people in attendance. On April 9th, a new free program for all seniors called Tai Chi will be held on Tuesday's and Thursday's from 1PM to 2PM. On May 6th, a Defensive Driving Class will be offered at 9AM for \$20.00. Discussion covered parking at the Senior Center. It was noted that seniors residing in the Senior Complex next door are parking in spots reserved for the Senior Center. Ten spots are reserved for the Center parking. Consideration will be given for signage designating Senior Center parking only. Reporting for the Police Dept., he spoke with the Police Chief regarding a program called "Hope not Handcuffs". Two women are starting this program as a result of past family problems. Several Police Depts. in the area are involved bringing law enforcement and community organizations together to find viable treatment options for individuals seeking help to reduce dependency on drugs and alcohol. If the Police respond to an overdose, they have the option to call a trained "Angel" volunteer to provide proper treatment placement.

Councilperson Kenneth Newbold announced this Saturday, March 30th, the Town Hall parking lot ADA doors will be installed. The grant for the highway salt shed is in Albany under review.

Councilperson George Lyons reporting for the Highway Dept. Snow continued through February into the first (1/3) of March. Snow and ice occurred on 3/1, 3/2, 3/3 and 3/10. Each separate storm required overtime labor to clean up. Drifting and ice from melting snow was handled on a day by day basis. As the threat of snow diminishes, more and more snow equipment was removed and stored away. The final removal of all the plows will occur in early to mid-April. Brush cutting was accomplished on Houston, Durland, Big Island, Axworthy, Celery and Greencrest Roads as well as Celery Avenue. Core pavement samples have been collected by the Gorman Group on Axworthy Lane, Durland Road, Hasbrouck Road, and Lower Reservoir Road. The purpose of the core samples is to ascertain existing pavement depth and to perform laboratory analysis of the physical stone aggregate and asphalt components when considering recycling projects. The results of these samples helps to determine which roads are good candidates for the recycling and what the mix design would be should recycling be performed. "Hats off to Broderick Knoell for doing all this technology behind the scenes" helps us to save money.

Councilperson Melissa Gallo reporting for the JRC. The Rotary Club will replace the signage in Craigville Park in the children's area. Already several park rental applications have come in. The skate park advocates (about 150 people) are interested in creating a small scale skate park in one of the parks. They are working on a presentation. Registration for summer camp began. The 2019 summer camp will run from July 1 to August 9. There is a nominal increase of 20% to non-residents for camp fees. Details are on the JRC website.

Applications for CITs and counselors are due on April 1. Work is in progress to possibly obtain a grant for repair and/or replacement of the fencing at Salesian Park. The Spring Egg Hunt will be on April 13th in Craigville Park at 10:00AM. They are still looking for someone to play the bunny.

Supervisor Bloomfield reported that negotiations for the PBA are on-going. He met with the representatives of Hope not Handcuffs. They shared personal experiences of how drug addiction impacted their families. He is pleased that our Police Chief will utilize this program. On another note, he attended a meeting hosted by our two State Senators and our Assemblyman who are working hard to help municipalities obtain AIM funding and CHIPS funding for the Highway Department.

E. PUBLIC HEARING:

REGARDING PUBLIC INPUT TO POTENTIAL PROJECTS FOR THE 2020 ORANGE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

Councilperson Newbold made the motion to open the public hearing on Community Development Block Grant projects. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

Supervisor Bloomfield explained this grant is funded by the Federal Government, administered through counties for low to moderate income people, seniors, handicap people and who otherwise would not have the service available to them.

Supervisor Bloomfield called for suggestions from the public.

To summarize:

Nick Gallo suggested a park for Arcadia Hills. Ans: This will come from Parkland fees.

Debbie Corr suggested a camera system for live-streaming meetings and posting Wi-Fi availability for the public.

(With no further comments)

Councilperson Van Der Molen motioned to close the public hearing for Community Development Block Grant projects. Councilperson Lyons seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

F. NEW BUSINESS:

1. DISCUSS AND APPROVE A DEVELOPER'S AGREEMENT BETWEEN AMY'S KITCHEN AND THE TOWN OF GOSHEN TO PROVIDE A VENUE FOR PAYING FOR INSPECTIONS ASSOCIATED WITH BOTH AMY'S KITCHEN AND SCIENCE OF THE SOUL PROJECTS.

Attorney Naughton explained this agreement basically covers posting an escrow for inspection fees. This enables the inspection to be performed with the fee to be deducted from the escrow account. [A copy of the Developer's Agreement is on file in the Clerk's office].

Councilperson Newbold made the motion to accept the aforementioned Developer's Agreement, upon Amy's approval and authorizing the Supervisor to sign said document. Councilperson Van Der Molen seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember Melissa Gallo	<u>AYE</u>	Councilmember John Van Der Molen	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

Vote: Motion carried by a vote of 5 to 0.

2. DISCUSS TOWN OF GOSHEN BUILDING OFFICE REPORTS REGARDING THREE PROPERTIES THAT HAVE UNSAFE BUILDINGS THAT SHOULD BE CONSIDERED FOR DEMOLITION:

► SBL 20-1-152.2 (3 STRUCTURES)

The first structure, (SBL 20-1-152.2) closest to the road, is an abandoned dwelling with missing windows on the first and second floor. The front porch roof has collapsed and possibly the floor as well. The second structure is an outbuilding. It is missing windows and doors on the first and second floors. The bottom wall on the south side appears to be leaning and the structural integrity of the interior may be compromised. The third structure is a larger barn which has mostly collapsed, but is still a hazard to emergency responders and others. The Building Inspector has determined that the three structures are unsafe buildings, and unfit for the purposes for which they may lawfully be used.

Councilperson Gallo made the motion to accept the Resolution "Determining That Buildings at 1879 State Route 17A Are Unsafe And Dangerous And Ordering That They Be Repaired And Made Safe Or Demolished And Removed." Councilperson Newbold seconded the motion. [Resolution is on file in the Clerk's office.]

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember Melissa Gallo	<u>AYE</u>	Councilmember John Van Der Molen	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

Vote: Motion carried by a vote of 5 to 0.

► 6 LARCHWOOD

The property (SBL 25-3-14) has been vacant for a number of years and lacks any maintenance. Upon inspection there are several holes throughout the roof allowing rain and snow to enter. Gutters and fascia are falling off the building allowing wildlife and rodents to enter. Sheetrock has fallen across the floor, in which some of it is compromised, making walking difficult. The front window header is rotted compromising the roof overhead and soffit. It also appears the wall below the window is bowed and potentially ready to collapse. The Building Inspector has determined this building to be unsafe and order the dwelling be repaired and made safe or demolished and removed.

Councilperson Van Der Molen made the motion to accept the Resolution "Determining That The Dwelling At 6 Larchwood Drive Is Unsafe And Dangerous And Ordering It Be Repaired And Made Safe Or Demolished And Removed." Councilperson Newbold seconded the motion. [Resolution is on file in the Clerk's office.]

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember Melissa Gallo	<u>AYE</u>	Councilmember John Van Der Molen	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

Vote: Motion carried by a vote of 5 to 0.

► **100 FLETCHER STREET**

The property (SBL 10-1-36.2) has been vacant for a number of years and lacks any maintenance. Visually inspecting this residential structure it is noted the roof has collapsed, the walls are leaning and the building is unsafe for entry to make a more detailed report. The Building Inspector has determined that this building is an unsafe building, and unfit for the purposes for which it may lawfully be used. The building cannot be safely repaired.

Councilperson Newbold made the motion to accept the Resolution "Determining That The Building At 100 Fletcher Street Is Unsafe And Dangerous And Ordering It Be Demolished And Removed." Councilperson Gallo seconded the motion. [Resolution is on file in the Clerk's office.]

Discussion: This is a tax exempt organization and if we are to demolish the building, how do we recoup our money? Answer: The dollars are assessed the same way as a tax. We are looking into property tax law as to the details of obtaining the fees.

Secondly, are there people living near this structure? Answer: The Building Inspector did not go into any of the buildings.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember Melissa Gallo	<u>AYE</u>	Councilmember John Van Der Molen	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

Vote: Motion carried by a vote of 5 to 0.

G. OLD BUSINESS:

- 1. DISCUSS MOTIONS REQUIRED BY THE TOWN BOARD TO TAKE ACTIONS REGARDING HILLS OF GOSHEN OFFERS OF DEDICATION FOR ROADS, PARKLAND AND OTHER EASEMENTS AND AUTHORIZE THE SUPERVISOR TO SIGN REQUIRED DOCUMENTS.**

Attorney Naughton provided the Board for review the following documents: Amended Offer (Parkland), Deed (Parkland), Utility & Access Easements, Conservation Easement, Sight Distance Easement, Deed (Roads), and Short Environmental Assessment Form Part 1 & 2. [Documents are on file in the Clerk's office].

(1) ASSUME LEAD AGENCY STATUS

Councilperson Kenneth Newbold made the motion for the Town Board of the Town of Goshen to assume Lead Agency Status for the proposed adoption of a Resolution stating that the Town Board intends to accept the dedication of Parkland, easements and roads located in the Hills of Goshen subdivision in the Town of Goshen. Councilperson Melissa Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

(2) TYPE THE ACTION AS UNLISTED UNDER SEQRA

Motion was made by Councilperson Kenneth Newbold, seconded by Councilperson John Van Der Molen.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

(3) ISSUE A NEGATIVE DECLARATION

The Town Board finds that, as the road is already constructed, and the acceptance of the road is simply a transfer of ownership of the property, this action will have no adverse impact on the environment. Additionally, the acceptance of parkland and easements are also simply transfers of ownership and interest in the property. These actions will have no adverse impacts on the environment.

Motion was made by Councilperson Kenneth Newbold, seconded by Councilperson Melissa Gallo.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

(4) ADOPTION OF THE RESOLUTION

TOWN OF GOSHEN
Resolution

ACCEPTANCE OF DEED FOR DANIELLE DRIVE, JESSICA COURT, AND ALLYSON COURT, A DRAINAGE EASEMENT, A CONSERVATION EASEMENT, A UTILITY AND ACCESS EASEMENT, A SIGHT DISTANCE EASEMENT AND THE DEDICATION OF PARKLAND, IN CONNECTION WITH THE HILLS OF GOSHEN SUBDIVISION LOCATED ALONG ARCADIA ROAD

INTRODUCED BY: Councilperson Melissa Gallo
SECONDED BY: Councilperson George Lyons
Dated: March 28, 2019

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at the Town of Goshen Town Hall on the 28th day of March, 2019, the following resolution was introduced:

WHEREAS, The Hills at Goshen, LLC (hereinafter collectively "Owner") is the owner of the land known and designated as Danielle Drive, Allyson Court and Jessica Court, as described in Schedule "A" attached to the respective Deed, and which lands are situate within the boundaries of the Town of Goshen, and

WHEREAS, the Owner is the owner of the land known and designated as Section 11, Block 3, Lots 35 and 36 on the Town of Goshen tax maps, as described in Schedule "A" attached to the respective Deed, and which lands are situate within the boundaries of the Town of Goshen, and

WHEREAS, the Owner was the owner of the land previously known and designated as Section 11, Block 1, Lot 52 on the Town of Goshen tax maps, which lands have been developed into the Hills of Goshen subdivision, and which lands are situate within the boundaries of the Town of Goshen, and

WHEREAS, the Owner desires to convey to the Town of Goshen title to Danielle Drive, Allyson Court and Jessica Court as roadways, and Section 11, Block 3, Lots 35 and 36 as parkland, and

WHEREAS, Danielle Drive, Allyson Court and Jessica Court have been fully constructed and offered for dedication to the Town of Goshen by Owner, pursuant to the relevant provisions of the Town Code and New York State Highway Law, and

WHEREAS, the Owner desires to convey to the Town of Goshen various easements relative to the development of the Hills of Goshen subdivision, and

WHEREAS, the Town Highway Superintendent and Town Engineer have recommended acceptance of said parcels of land (Danielle Drive, Allyson Court and Jessica Court) for highway purposes, upon the filing with the Town of a maintenance bond in the amount of \$86,000.00 to guarantee any maintenance and repairs required to said roads by the Town for a period of one (1) year after acceptance by the Town of Goshen, and

WHEREAS, the Town Board desires to accept the dedication of Danielle Drive, Allyson Court and Jessica Court, in consideration of the transportation needs and demands of the Town, and finding that it is in the best interest its residents, and

WHEREAS, the Town Board desires to accept the dedication of Section 11, Block 3, Lots 35 and 36 as parkland, in consideration of the recreational needs and demands of the Town, and finding that it is in the best interest its residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Goshen that, upon the satisfaction of the conditions noted below, the Town Board agrees to accept the deed and offer of dedication for Danielle Drive, Allyson Court, Jessica Court, Section 11, Block 3, Lot 35 and Section 11, Block 3, Lot 36, and authorizes the Supervisor to execute any and all documentation necessary to accept such offers of dedication, and directs the Town Clerk to record the Offers and Deeds in the Orange County Clerk's Office.

BE IT FURTHER RESOLVED THAT the Town Board of the Town of Goshen that, upon the satisfaction of the conditions noted below, the Town Board agrees to accept a drainage easement, conservation easement, sight distance easement and a utility and access easement related to the development of the Hills of Goshen subdivision, and authorizes the Supervisor to execute any and all documentation necessary to accept such easements, and directs the Town Clerk to record the Easements in the Orange County Clerk's Office.

BE IT FURTHER RESOLVED THAT the closing in connection with this acceptance shall take place within 120 days from the date of this Resolution. Should the closing fail to take place within 120 days from the date of this Resolution, this Resolution shall be null and void, unless the Town Board, by resolution, grants an extension for such closing to take place.

CONDITIONS:

1. The Owner shall clean up the dumping area located on Section 11, Block 3, Lot 35 prior to the filing of the deed for parkland.
2. The Town will not pursue the Owner's obligation to install the water line from the well to the water tower; however, the Owner shall cap the well in accordance with New York State Department of Health regulations.
3. The Owner shall pay any and all outstanding fees, including consultant fees, to the Town.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE
Councilperson, George Lyons AYE
Councilperson, Melissa Gallo AYE

Councilperson, Kenneth Newbold AYE
Councilperson, John Van Der Molen AYE

Vote: Resolution carried by a vote of 5 to 0.

H. FINANCE:

Councilperson Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run for 3/28/2019 amounting to \$257,977.82. Councilperson Van Der Molen seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

I. MINUTES:

Councilperson Lyons made the motion to approve the Town Board meeting minutes of 02-14-2019 and 02-28-2019. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

J. PRIVILEGE OF THE FLOOR:

Councilperson Newbold acknowledged the passing of Jacob J. Sanok, a retired Village of Goshen Police Officer who was an active person in the community.

Chris Pskowski owns a parcel adjacent to the Foxfire property. He asked for clarification on decisions addressed at the Town Board meeting on March 14, 2019 regarding a Hold Harmless Agreement with Foxfire. Discussion covered an unapproved site plan for Foxfire's La Colina B & B and wedding venue. Mr. Pskowski questioned a clearing and grading permit given without the project approval. He handed out a listing of events planned/offered at this location for 2019. Town Attorneys have started legal action (injunction), filing in the State Supreme Court, to stop all venues citing current violations. Mr. Pskowski is annoyed that last year several weddings were allowed by the Board without the proper approvals. He feels that Foxfire La Colina has taken advantage of prior approvals continuing with planned new events. He is concerned about insufficient fire department access, late evening loud noise, no liquor license amongst other issues and using taxpayer's money to fight this in court. He feels that the Planning Board is ignoring issues related to the project/property/neighborhood. Councilmembers noted they voted for the 2018 weddings, because the Building Inspector assured them that the necessary inspections to cover an array of health & safety issues were satisfied *specific* to the scheduled weddings.

Kelly Kennedy; her home on Dzierzek Lane borders the Foxfire property. She stated that misdirected Uber drivers came up her driveway late at night looking for La Colina. The Uber GPS took them onto Dzierzek Lane. (inaudible)

Building Inspector Neal Halloran (inaudible)

Attorney Richard Golden (inaudible)

Councilperson Lyons knowing that the Town is taking La Colina to court, questioned if the Clearing & Grading Permit can be pulled. Response; this is not an option unless a serious code violation of the permit is sited.

The DEC bans tree cutting after March 31 to protect the Indiana bat.

Building Inspector Halloran stated that a detailed list of violations has been sent to Foxfire La Colina and its owners on March 26th. Some of the violations cover fire code violations, noncompliance of ADA accessibility, no fire sprinklers, untested water supply, inadequate septic system etc.

Nick Gallo asked if something can be written into our code to stop work when violations occur. Ans: Currently the Town is working on Code modifications and this will be considered.

Debra Corr believes that the Town Board and Planning Board have been known to approve uses that are prohibited. She cited Code 97-10 (Amusement parks and circuses and related activities etc....). She finds it insulting to rename a project so it can be approved.

Reynell Andrews questioned when the Town Hall roof will be repaired? Ans: we are waiting for grant approvals from the State of New York. We are hoping for this summer.

K. ADJOURNMENT

Councilperson Lyons made the motion to adjourn the meeting to enter into Attorney Client meeting with the intent not to return. Councilperson Van Der Molen seconded the motion. Motion Carried.

Time: 8:50PM

Priscilla Gersbeck, Town Clerk