

**TOWN OF GOSHEN
PUBLIC HEARING LOCAL LAW #5
TOWN BOARD MEETING
CJ HOOKER MIDDLE SCHOOL
September 14, 2017**

MINUTES

A Town Board Public Hearing of the Town of Goshen was held on the 14th day of September, 2017 at C. J. Hooker Middle School located at 41 Lincoln Ave. in the Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Melissa Gallo	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember
	John VanDerMolen	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 7:31pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only that are not related to Legoland project items; all public comments concerning Legoland can be made during the public hearing)

D. PUBLIC HEARING:

1) CONDUCT PUBLIC HEARING TO CONSIDER COMPREHENSIVE PLAN AMENDMENTS AND INTRODUCTORY LOCAL LAW NO. 5 OF 2016 IN ACCORDANCE WITH TOWN LAW SECTION 272-a.

The purpose of Introductory Local Law No. 5 of 2016 is to clarify and enforce the existing Comprehensive Plan provisions that encourage commercial uses in the Town along New York State Route 17, and to further the diversification of the Town-wide economic base, including attracting tourism/recreation related businesses at locations that can accommodate local and non-local tourists. The proposed Local Law amends Sections 1.2, 3.1 (Goal #4), and 5.0(2) of the Comprehensive Plan.

Councilperson George Lyons made the motion to open the Public Hearing. Councilperson Melissa Gallo seconded the motion. Motion carried.

Supervisor Bloomfield read from the Introductory Local Law No.5 of 2016. Changes to the law are underlined.

SECTION 1: PURPOSE AND FINDINGS: "The Town Board desires to amend the Comprehensive Plan of the Town of Goshen (hereafter "Comprehensive Plan") to clarify and enforce the existing Comprehensive Plan provisions that encourage commercial uses in the Town along New York Route 17. Together, Sections 3.3 and 3.5 of the Comprehensive Plan of the Town of Goshen encourage additional commercial uses in the Town along State Route 17 to increase tax and other revenues to offset the costs of providing residential services to Town residents. The substantial negative impact of the State "tax cap" legislation on the Town's real property tax revenue stream underscores the need for the Town to continue to encourage additional commercial development in the Town in order to ensure that the Town is an affordable place to live and work".

SECTION 2: COMPREHENSIVE PLAN

Section A- 1.2 *Goals and Objectives* *The goals of open space and environmental preservation must be pursued at the same time as the goals of providing appropriate rural development involving diverse housing opportunities, supporting local businesses, especially in the Village of Goshen center, addressing adequate*

Town infrastructure and facilities, "adding the word diversifying its Town-wide economic base, including attracting tourism/recreation related businesses at locations that can accommodate local and non-local tourists".

Section B – 3.1 *Encourage a diverse economic base that provides tax ratables, as well as necessary*

Local services, "added some words that say include providing tourism/recreation business opportunities along State Route 17."

Section C - 5.0(2) *It is recommended that the location of this area, directly adjacent to the Village of Goshen makes it suitable for Rural (RU) residential development or "added the words commercial tourism/recreation uses because of its close access to Route 17, except in such uses incorporating sufficient buffers and mitigation". "Lastly, a commercial tourism/recreation facility that are designed to accommodate to a reasonable extent the natural contours of the land and the protection of the wetland areas".*

Supervisor Bloomfield called for comments from the public. Whether for or against Legoland, approximately 60± people commented on Local Law No. 5. [The verbatim transcription taken by Sadie Herbert from Ellen Grauer, Court Reporting Co. LLC, will be attached.]

(With no further comments)

Councilperson Newbold motioned to close the public hearing for Local Law #5 of 2016. Councilperson Lyons seconded the motion. Motion carried.

Addressing the public, each Town Board member explained their rationale as to how they will vote.

E. OLD BUSINESS:

1. DISCUSS AND APPROVE RESOLUTION TO ADOPT LOCAL LAW 5 OF 2016.

TOWN OF GOSHEN

Resolution

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW NO. 5 OF 2016 AMENDING THE TOWN OF GOSHEN
COMPREHENSIVE PLAN

INTRODUCED BY: Councilperson Melissa Gallo

SECONDED BY: Councilperson George Lyons

DATED: September 14, 2017

WHEREAS, the Town Board desires to amend the Comprehensive Plan of the Town of Goshen to clarify and enforce the existing Comprehensive Plan provisions that encourage commercial uses in the Town along New York State Route 17; and

WHEREAS, the purpose of Introductory Local Law No. 5 of 2016 is to accomplish that desire of the Town Board, and to further the diversification of the Town-wide economic base, including attracting tourism/recreation related businesses at locations that can accommodate local and non-local tourists; and

WHEREAS, the proposed Local Law amends Sections 1.2, 3.1 (Goal #4), and 5.0(2) of the Comprehensive Plan; and

WHEREAS, on December 15, 2016 and December 19, 2016, a public hearing was held on a proposed amendment to the Comprehensive Plan as set forth in Introductory Local Law No. 5 of 2016 for the purpose of assuring full opportunity for citizen participation in the preparation of the proposed amendment to the Comprehensive Plan; and

WHEREAS, on September 14, 2017, a public hearing was held to provide an additional public hearing in accordance with Town Law § 272-a; and

WHEREAS, the Town Board adopted a Findings Statement in connection with Introductory Local Law No. 5 of 2016 on September 11, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby adopts and enacts Introductory Local Law No. 5 of 2016 amending the Comprehensive Plan.

Upon Roll Call Vote:

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

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

Vote: Resolution carried by a vote of 4 to 1.

2. DISCUSS AND APPROVE RESOLUTION TO ADOPT 2nd REVISED LOCAL LAW 6 OF 2016.

TOWN OF GOSHEN Resolution

RESOLUTION ADOPTING 2ND REVISED INTRODUCTORY LOCAL LAW NO. 6 OF 2016 AMENDING CHAPTER 97 ("ZONING") OF THE CODE OF THE TOWN OF GOSHEN TO CREATE A COMMERCIAL RECREATION OVERLAY ZONING DISTRICT TO ALLOW A COMMERCIAL RECREATION FACILITY WITHIN THE TOWN OF GOSHEN AND TO AMEND THE ZONING OVERLAY MAP TO INCLUDE THE COMMERCIAL RECREATION OVERLAY

INTRODUCED BY: Councilperson George Lyons

SECONDED BY: Councilperson John Van Der Molen

DATED: September 14, 2017

WHEREAS, the Town Board desires to take advantage of a recent interest in locating a commercial recreation facility in the Town; and

WHEREAS, the purpose of Introductory Local Law No. 6 of 2016 is to amend Chapter 97 ("Zoning") of the Town Code to create a Commercial Recreation Overlay district in the Town, as shown on the revised Zoning Map attached to the law, to allow for the permitting and siting of a commercial recreation facility, consistent with the Town Comprehensive Plan goal to develop a strong and balanced economic base for the Town, and to attract tax positive commercial developments to offset existing tax exempt lands, while otherwise assisting in the revenue necessary to provide services to the Town's residents; and

WHEREAS, Introductory Local Law No. 6 of 2016 also amends the Zoning Overlay Map of the Town of Goshen to include fifteen (15) properties within the Commercial Recreation Overlay District, excepting a 100-foot zoning buffer along the outside perimeter of the area of such properties when combined; and

WHEREAS, on December 15, 2016 and December 19, 2016, a public hearing was held on Introductory Local Law No. 6 of 2016; and

WHEREAS, the Town Board adopted a Findings Statement in connection with Introductory Local Law No. 6 of 2016 on September 11, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby adopts and enacts Introductory Local Law No. 6 of 2016 amending Chapter 97 ("Zoning") to create a commercial recreation overlay zoning district to allow a commercial recreation facility within the Town of Goshen.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 1.

3. DISCUSS AND APPROVE RESOLUTION AUTHORIZING SALE OF TOWN OWNED PARCELS TO MERLIN ENTERTAINMENTS.

TOWN OF GOSHEN
Resolution
RESOLUTION AUTHORIZING THE SALE OF CERTAIN LANDS OWNED BY THE TOWN OF GOSHEN TO MERLIN ENTERTAINMENTS

INTRODUCED BY: Councilperson Melissa Gallo

SECONDED BY: Councilperson George Lyons

DATED: September 14, 2017

WHEREAS, the Town Board has amended the Comprehensive Plan of the Town of Goshen to encourage commercial uses in the Town along New York State Route 17, and has created a Commercial Recreation Overlay district in furtherance of the same; and

WHEREAS, the Town has determined that portions of certain parcels of land, and the entirety of others, currently owned by the Town and more particularly described Tax Map Section 11 Block 1 Lots 60, 63, 64, 65, 66, 67, 68, and 69 ("Subject Parcels"), and as shown on the attached Map, are not required for use by the Town, as set forth in more detail in a memorandum by the Town Engineer dated September 7, 2017; and

WHEREAS, the Town has further determined that, in furtherance of the proposed LEGOLAND New York project ("Project"), the Subject Parcels should be sold, transferred and conveyed to Merlin Entertainments Group US Holdings, Inc. ("Merlin Entertainments"), 3201 Lionshead Venue, Carlsbad, California 92010, the corporation proposing to construct the Project; and

WHEREAS, the Town Board commissioned and received an independent appraisal report by Certified Appraisal Service on the value of the above-noted parcels; and

WHEREAS, on December 15, 2016 and December 19, 2016, a public hearing was held on the sale of the Subject Parcels to Merlin Entertainments; and

WHEREAS, the Town has complied with all applicable requirements, and made all required determinations, under and pursuant to Town Law, New York State Environmental Quality Review Act ("SEQRA") (6 NYCRR 617), and all other applicable laws, with respect to the proposed sale, transfer and conveyance of the Subject Parcels, including, but not limited to the adoption of a SEQRA Findings Statement on September 11, 2017;

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby determines that all or portions of the following parcels of land now owned by the Town of Goshen, as shown on the attached Map, are no longer required for use by the Town:

Tax Map Section 11 Block 1 Lot 60	Tax Map Section 11 Block 1 Lot 63
Tax Map Section 11 Block 1 Lot 64	Tax Map Section 11 Block 1 Lot 65
Tax Map Section 11 Block 1 Lot 66	Tax Map Section 11 Block 1 Lot 67
Tax Map Section 11 Block 1 Lot 68	Tax Map Section 11 Block 1 Lot 69

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the sale, transfer and conveyance by the Town, and further authorizes the Town Supervisor to execute the necessary documents to accomplish the same, in one or more transactions as deemed legally necessary or appropriate by the Attorney for the Town, all of the Town's right, title and interest in and to the Subject Parcels, subject to any legally existing easements, and other easements shown on said Map, to Merlin Entertainments for a purchase price of Sixty-Thousand Dollars (\$60,000.00) dollars, and upon such other terms and conditions as acceptable to the Attorney for the Town as to form and consistent with this Resolution, 2d Revised Introductory Local Law No. 6 (including, but not limited to, a reversionary interest in favor of the Town if the LEGOLAND project is not approved by the Planning Board or is thereafter abandoned), and the above-referenced SEQRA Findings Statement.

BE IT FURTHER RESOLVED that this Resolution is subject to a permissive referendum as provided in Section 64(2) of the Town Law of the State of New York and shall not take effect until thirty (30) days after the date of its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the Town voting on such proposition, if within thirty (30) days after the adoption of this Resolution, there be filed with the Town Clerk of the Town a petition signed, and acknowledged or proved, or authenticated by electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in the Town at the last general election held for the election of State officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against this Resolution and requesting that it be submitted to the qualified electors of the Town, for their approval or disapproval.

Upon Roll Call Vote:

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

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

Vote: Resolution carried by a vote of 4 to 1

4. DISCUSS AND APPROVE RESOLUTION APPROVING A DEVELOPERS AGREEMENT WITH MERLIN ENTERTAINMENTS, AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME.

TOWN OF GOSHEN
Resolution

RESOLUTION APPROVING AND AUTHORIZING THE SUPERVISOR TO SIGN A DEVELOPER'S AGREEMENT WITH MERLIN ENTERTAINMENTS GROUP US HOLDINGS, INC.

INTRODUCED BY: Councilperson John Van Der Molen

SECONDED BY: Councilperson Melissa Gallo

DATED: September 14, 2017

WHEREAS, Merlin Entertainments Group US Holdings, Inc. ("Merlin Entertainments"), 3201 Lionshead Venue, Carlsbad, California 92010, has previously applied to the Planning Board of the Town of Goshen and other Federal, State, and County agencies for approvals to construct a commercial recreation facility on Harriman Drive in the Town of Goshen, to be known as "LEGOLAND New York"; and

WHEREAS, in connection with the design, planning, and construction of the LEGOLAND New York Project, it has been determined that the Town of Goshen would best be served by the construction and/or implementation of various Mitigation Measures and Additional Benefits, as defined in the attached Developer's Agreement, being undertaken and funded by Merlin Entertainments; and

WHEREAS, Merlin Entertainments and the Town wish to enter into an agreement which will set forth the obligations of Merlin Entertainments and the Town with respect to said Mitigation Measures and Additional Benefits.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby approves the terms of the attached Developer's Agreement, and authorizes the Supervisor of the Town of Goshen to sign the same on behalf of the Town of Goshen.

Upon Roll Call Vote:

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

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

Vote: Resolution carried by a vote of 4 to 1.

F. NEW BUSINESS:

1. None at this time

G. FINANCE:

Councilperson Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run for 9/14/2017 in the amount of \$246,969.28. Councilperson Gallo seconded the motion.

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

H. PRIVILEGE OF THE FLOOR:

Nick Gallo asked for a person/number to call for noise complaints. Answer: Police Dept.
Several people stepped forward to thank the Board members for their hard work throughout this process.

I. ADJOURNMENT:

Councilperson Gallo made the motion to adjourn the meeting. Councilperson Lyons seconded the motion. Motion carried. 9:30PM

Priscilla Gersbeck