

**TOWN OF GOSHEN**  
**COMBINED WORK SESSION AND REGULAR MEETING**  
**EMERGENCY SERVICES BUILDING**  
NOVEMBER 21, 2016  
M I N U T E S

A combined work session and regular meeting of the Town Board of the Town of Goshen was held on the 21st day of November, 2016 at the Emergency Services Building located at 22 Wells Farm Road, Town 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
	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)**

Councilman Newbold apologized for the conduct of the public's actions to those who were present at the Planning Board meeting held on 11/17/2016 and to the representatives of Legoland.

**D. REPORTS**

**Councilwoman Gallo** reported for Park & Recreation. Activity in the dog park at Salesian Park included replacing poop bags and repairing fences. Signup is underway for those wishing to attend the Christmas Show at Radio City Music Hall. The Erie Street Park ice skating rink is being prepared for winter activities.

**Councilman Lyons** reported for the Highway Dept. The men were busy preparing and blacktop patching the roadway cuts to assist TAM Enterprises install a new water line extension in Hambletonian Park. Two catch basins were repaired along Pleasant Ride Run and one was temporarily repaired on Lower Reservoir Road. Brush was cut back along a lengthy section of Reservoir Road using the boom mower. The Highway Dept. marked out the centerline of the newly chip sealed and blacktopped roads for striping. Approximately 31 miles of roadway were striped this month by our outside contractor. Sunday morning snow brought out the plow and sanding crews. Some parts of Town had four inches of snow.

**Councilman Newbold** waived his report.

**Councilman VanDerMolen** reported there was no Senior Commission meeting this month.

**Supervisor Bloomfield** updated the progress of Amy's Kitchen. The Planning Board has completed the review of Amy's Kitchen enabling the project to proceed with minor changes before the Zoning Board. The State of NY approved the turning lanes on Route 17M. The DEC approved selected trees to be cut during the winter to prepare for construction in the Spring. Contracts are expected to be signed within a week or two. The Berliners thanked the Planning Board and the professionals for helping them get through the process.

**E. NEW BUSINESS:**

**1. REVIEW AND APPROVE USE OF A HUMAN RESOURCES CONSULTANT CPI-HR TO PROVIDE NEEDED SERVICES TO THE TOWN OF GOSHEN AT A COST NOT TO EXCEED \$10,000 AND TO AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT ACCORDINGLY**

As discussed at the last Town Board meeting, changes were made to the contract. Wording was corrected to reflect the laws of New York. This position is not required to go out for bid.

Councilman Newbold made the motion to approve the use of a Human Resources Consultant CPI-HR to provide services at a cost not to exceed \$10,000 and to authorize the Supervisor to sign a contract. Councilwoman Gallo seconded the motion.

Discussion: Councilman Lyons noted that a line was stricken from item #6 and #7 in the contract before them.

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>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

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

**2. DISCUSS AND APPROVE REDUCTION OF PERFORMANCE BOND FOR MEADOWS OF GOSHEN IN THE AMOUNT OF \$268,240.00. THE TOWN WILL RETAIN \$125,160.00 TO ENSURE COMPLIANCE WITH THE CODE FOR MAINTENANCE GUARANTEE**

Meadows of Goshen developer, David Makan, is requesting a fourth reduction of his project's Performance Bond. As of the last field inspection, several work items have not been fully completed (plantings, survey monuments, driveway restoration, etc.). The required Maintenance Guarantee (\$125,160) exceeds the value of the remaining work (\$60,100).

Our Consulting Engineer, Sean Hoffman, recommends that the Performance Bond be reduced and the Town retain \$125,160 to ensure compliance with our Town Code. It was brought to our attention that money is owed to the County to cover delinquent taxes on three parcels.

Councilman Newbold made the motion to approve the reduction of the project's Performance Bond contingent upon receipt of payment on taxes owed on three parcels and to present proof to the Town Clerk. Councilwoman Gallo seconded the motion.

Discussion: Councilman Lyons questioned if the figure of \$125,160.00 included all of the work needed for approval. After his site visit, he felt there is more work to be done.

Sean Hoffman responded: that the remaining work will be covered by the \$125,160.00 and the necessary work will be completed to dedicate the road.

Upon Roll Call Vote:

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

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

**F. OLD BUSINESS:**

**1. DISCUSS AND AUTHORIZE SUPERVISOR TO SIGN HERITAGE ESTATES DOCUMENTS: CONSERVATION EASEMENTS, OFFERS, DEEDS, ETC.**

Documents pertaining to Heritage Estates were presented for review: (1) DECLARATION OF OPEN SPACE CONSERVATION EASEMENT "HERITAGE ESTATES" OPEN SPACE PARCEL "B" – 42.2 ACRES (2) DECLARATION OF AGRICULTURE CONSERVATION EASEMENT, "THE KOLK FARM" – 43.83 ACRES (3) BARGAIN AND SALE DEED, OPEN SPACE PARCEL "B" – 42.2 ACRES (4) IRREVOCABLE OFFER OF DEDICATION and (5) RESTRICTIVE COVENANTS. Many restrictions applicable to the conserved premises are listed in detail to retain said lands in its natural, scenic, forested and open space condition and to prevent any use of said lands that will significantly impair or interfere with the conservation values of the property.

Councilman Newbold made the motion to authorize the Supervisor to sign the Heritage Estates documents: Conservation Easements, Offers, Deeds, etc. as presented. Councilman Lyons seconded the motion.

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>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote 5 to 0

**2. INTRODUCE REVISED INTRODUCTORY LOCAL LAW NO. 6 AMENDING CHAPTER 97 (ZONING) OF THE CODE OF THE TOWN OF GOSHEN TO CREATE A COMMERCIAL RECREATION OVERLAY ZONING DISTRICT**

Attorney Golden gave an overview of changes in the revised Introductory Local Law No. 6. Introductory Local Law No. 5. was presented.

Councilman Newbold made the motion to accept Introductory Local Law No. 5 and Introductory Local Law No. 6. Councilwoman Gallo seconded the motion.

Discussion: Councilman Lyons asked for clarification of the verbiage underlined in Introductory Local Law No. 5.

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>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote 5 to 0

**3. SET A PUBLIC HEARING ON REVISED INTRODUCTORY LOCAL LAW NO. 6 DISCUSSED IN ITEM TWO AND INTRODUCTORY LOCAL LAW NO. 5 REGARDING PROPOSED COMPREHENSIVE PLAN CHANGES**

The purpose of the public hearing is to provide an opportunity for public input on the Comprehensive Plan Amendments, the DEIS, and Introductory Local Law Nos. 5 and 6. The written comment period will be kept open until January 10, 2017.

Supervisor Bloomfield made the motion to set the public hearing in conjunction with the Planning Board for December 15, 2016 at 7:30pm or soon thereafter to be held at the C.J. Hooker Middle School, at 41 Lincoln Avenue, Goshen, New York for the Comprehensive Plan Amendments, Introductory Local Law No. 5 and Introductory Local Law No. 6. Councilman Van Der Molen seconded the motion.

Discussion: Councilman Newbold requested that the Public Hearing to be postponed until January, because of holiday celebrations, plans, travel etc.

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 4 to 1

#### **4. REVIEW VISIT TO LEGOLAND, FLORIDA BY DEBRA CORR**

Debra Corr and Christine Miele visited, at their own expense, LEGOLAND in Winter Haven, Florida. The results of their trip on October 28 was presented in a power-point slide show. Illustrations mapping the LEGOLAND Florida site from 1995, 2009 and 2016 show the expanding development foot print. Photos taken before the entrance to LEGOLAND are of gas stations and places to eat. The roller coaster ride can be seen when entering the parking lot. Starting the tour at the hotel, first impression of the park was that of a giant food court in a mall. There are 12 food establishments within the park. It was noted that the architecture and color scheme is standardized for all of their parks. Boys were observed playing with what appeared to be gender biased Legos. A chart of "Pool Water Usage" at the Legoland Carlsbad, CA site the details of water consumption data related to pool water usage. Calculating a figure of 1,600,000 gallons per season of pool water usage at the Winter Haven site gives concern for water availability for the Goshen site. Faults were found in areas of security. Specifically, passive and inattentive actions prevailed as visitors entered LEGOLAND. On this day, the Mini Village was quite empty. If this village is to be a teaching experience, it was noted that placement of the buildings are deceiving. Teaching opportunities in other areas were not adequately staffed.

Noise was heard inside & outside of children on the roller coaster/rides and loud broadcast music. The rides and park exterior walls are seen from outside. An estimated 25% of the store fronts are vacant. However, there are a variety of restaurants doing business. The power point listed different types of LEGOLAND (Police Dept.) call outs from 10/27/2015-10/27/2016. The Florida site is set to expand by increasing rides, shows and attractions. The concern is that this could also happen in Goshen.

A copy of this power-point slide show can be viewed in the Clerk's office during regular business hours. In conclusion; they stated there is "No comparison between LEGOLAND, Florida and the proposed New York Park". NY Apples / FL Oranges.

#### **5. REVIEW VISIT TO LEGOLAND, FLORIDA BY TOWN OF GOSHEN ENGINEER, BUILDING INSPECTOR, AND TRAFFIC CONSULTANT**

Summary/slide show of the site visit to Winter Haven, Florida LEGOLAND was presented by the Attorney for the Town – Richard Golden, Town of Goshen Engineer - Dennis Lindsay, Building Inspector – Neal Halloran, and

Traffic Consultant – Charles Holt. The Florida site visit started on Friday, Oct. 28 and ended Saturday, Oct. 29. The Town Engineer, Attorney for the Town, Planning Board Attorney and consulting Traffic Engineers each paid their own expenses for this visit. The expenses for the Town Planning Board Chairman and the Town Building Inspector were paid from the application fee previously paid to the Town by the Applicant. The purpose of the LEGOLAND site visit was to review the operations, assess community impacts both good and bad and gain insight on design and operations.

The *community officials and town representatives* gave insight as to LEGOLAND from a host community perspective. They met with local public officials and LEGOLAND Florida personnel observing various activities in and around LEGOLAND. The Emergency Service Organization representatives emphasized the need for mutual cooperation on all law enforcement levels, making it a positive relationship. They were of the opinion that LEGOLAND's onsite health clinic was well operated. It has a first aid station with four beds, a quiet area, and a trained staff (many trained in CPR and trained paramedics). The Police Dept. has minimal interaction with the park. Internal security has a lot of surveillance cameras. There were very few calls on traffic accidents or other calls regarding traffic – minimal impact. The Fire Dept. has a 100 foot aerial ladder so the five-story hotel is not a problem for them. The public officials feel that LEGOLAND has added value to the area as a catalyst for development. However, there was not much impact to the downtown area.

*LEGOLAND representatives accompanied the Goshen representatives walking all areas of the park* during the operational daytime and nighttime hours. This is a summary of noted areas within the park: The parking plan functions well for a theme park with efficient parking and separation of pedestrian and vehicular movements. Park maintenance, operational support and administrative offices are part of "Back of House". The shared paved roadway for maintenance, delivery vehicles and employees worked without conflict. Wastewater stations were clean with no visible surcharge and without significant odor. A few structures such as the four-story hotel and the roller coaster were significantly high, and are visible off site. Evening lighting & entrance lighting were never excessive. Some areas had new LED lighting that was brighter. Noise could be heard from patrons. The most impact was from the roller coaster riders and play time for children inside designated hotel lobby areas. The only complaints of noise were of the fireworks display. Upon entering the park, pockets are emptied at the security gates and every person is scanned by a hand-held magnetometer. All employees are given a background check and periodically tested for drugs and alcohol.

The slide show provided an overview of the features outside/inside LEGOLAND PARK, parking area, lanes/traffic flow, vehicle/pedestrian interaction to access the park, the hotel with views and property surrounding the park. Recommendations to the Town Zoning Board and the Town Planning Board can be found in the LEGOLAND Florida Site Visit Report submitted by the Town Engineer, Town Building Inspector and Town Planning Board Traffic Consultants.

## **G. FINANCE**

Councilwoman Gallo made the motion to authorize the Supervisor to pay Accounts Payable check run for November 21, 2016 in the amount of \$163,906.72. Councilman VanDerMolen seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen  
0 NAYS

## **H. APPROVAL OF MINUTES**

Councilman Lyons made the motion to accept the minutes of work session of 10/24/2016 and regular meeting minutes of 10/27/2016. Councilman Newbold seconded the motion.

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

**I. PRIVILEGE OF THE FLOOR**

Summary of comments regarding LEGOLAND: LEGOLAND provides opportunity for employment/internship close to home, contribute to charity and educational programs, program for STEM, enhances balance & growth for Orange County, quality in products for learning, approval of the process - no transparency issues, prefers to call LEGOLAND a "Theme Park" instead of an "Amusement Park", host fees can assist in paying off debt - reducing taxes etc., host fees are not adequate, against paying for emergency services/police protection from local taxes, dissatisfied with cutting acres of trees, dissatisfied with the 30 year pilot, noted surrounding towns have been sued for zoning changes, carbon footprint of traffic volume/air pollution, STEM is not derived from plastic – children need green space, concerned about availability of water during a drought, against the use of tax money for park traffic mitigation, visual effects of multiple traffic lanes, concerned how LEGOLAND will affect our community, project is union supported, slow down the process to be considerate of the up-coming holidays, purchased a home in Goshen for the peace and quiet and concerned that home value will decrease.

Supervisor Bloomfield stated that the members on all of the Town Boards are to be open minded before making decisions.

Councilman Newbold wished everyone a Happy Thanksgiving!

**J. EXECUTIVE SESSION:**

With no items for the Executive Session, Councilman Van Der Molen made the motion to adjourn the meeting. Councilwoman Gallo seconded the motion. Motion carried.

**K. ADJOURNMENT: 10.00pm**

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Priscilla Gersbeck, Town Clerk