

Town of Goshen
TOWN BOARD WORK SESSION
FEBRUARY 23, 2009

MINUTES

A work session of the Town Board of the Town of Goshen was held on the 23rd day of February, 2009 at 7:30 p.m. at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

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

Also Present: Edwin Garling, Planner; Dennis Caplicki, Town Attorney, Richard Golden, Planning Board Attorney, Valma Eisma, Town Clerk

Supervisor Bloomfield called the meeting to order 7:45 p.m. and amended the Agenda stating item #3 should read "Resolution to adopt proposed Zoning Map changes as Local Law # 1 of 2009". He also stated "Tonight is a work session, it is not for public input, this is where we are going to go through all of this, and we have had all the Public Hearings, had all the reviews, so we are going to officiate things here as a legislative body." Supervisor Bloomfield led the Pledge of Allegiance.

1. Resolution to Authorize the Supervisor to Sign a Memorandum of Agreement Regarding Donation of the Prospect Hill Property to the Town of Goshen by Prospect Hills Associates, Inc.: Supervisor Bloomfield asked Attorney Caplicki to address the first item on the agenda. Attorney Caplicki explained this involves an authorization Resolution for the Supervisor to sign a Memorandum of Understanding with regards to a property transfer donation that the Town has been offered. He explained that the owners of Prospect Hill Associated, Inc. have determined that it is in their interest and that of the Town of Goshen, that they donate to the Town of Goshen that parcel of land, consisting of approximately 109 acres.

Councilman Newbold made a Motion to Authorize the Supervisor to sign the Memorandum of Understanding with Prospect Hill Associates, Inc. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

**TOWN OF GOSHEN
RESOLUTION**

**Authorization for the Supervisor of the Town of Goshen to Sign Memorandum
Of Agreement with Respect to Land Donation; Prospect Hill Associates, Inc.**

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Louis Cappella
Dated: February 23, 2009

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 23rd day of February, 2009.

WHEREAS, Prospect Hill Associates, Inc. has offered to transfer/donate to the Town of Goshen a parcel of real property located within the Town of Goshen and known on the tax maps thereof as Section 20, Block 1, Lot 58 and consisting of approximately 109± acres of vacant land, and

WHEREAS, said transfer/donation to the Town of Goshen is without consideration and the Town is under no requirement and shall have no limitations with respect to what the Town may ultimately do with its ownership of the property, including but not limited to sale (s), development, utilization as park land (s), development, utilization as park land (s), utilization for governmental/municipal functions, and

NOW, THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Goshen is authorized to cooperate in all respects to effectuate the aforementioned transfer/donation from Prospect Hill Associates, Inc. to the Town of Goshen and to cooperate in the preparation and completion of all written documentation to memorialize and complete said transfer/donation including but not limited to signing the annexed Memorandum of Understanding.

Upon Roll Call Vote:

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

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

Memorandum of Understanding

Parties: **Prospect Hill Associate, Inc.**
 Town of Goshen

Date: **February 23, 2009**

The purpose of this Memorandum is to memorialize the understanding/agreement between the parties hereto whereby Prospect Hill Associates, Inc. has agreed to transfer/donate to the Town of Goshen for no consideration a parcel of property located with in the Town of Goshen, State of New York and known on the tax maps thereof as Section 20, Block 1, Lot 58 and consisting of approximately 109 ± acres of vacant land. The Town of Goshen agrees to accept such transfer/donation and acknowledges that said transfer/donation shall have no limitations upon the Town of Goshen with respect to what it shall ultimately do with its ownership of the property, including but not limited to sale (s), development, utilization as park land (s); utilization for governmental/municipal functions.

The parties acknowledge and agree the subject premises consisting of approximately 109± acres of vacant land are presently zoned under the pertinent Zoning Laws of the Town of Goshen as Hamlet Residential (HR) and Rural Use (RU).

The parties further acknowledge and agree that they will cooperate in all respects to effectuate the aforementioned transfer/donation from Prospect Hill Associates, Inc. to the Town of Goshen and that the parties and their respective professionals will cooperate in the preparation and completion of all written documentation to memorialize and complete said transfer/donation.

Prospect Hill Associates, Inc.

Town of Goshen

By:

By: Douglas Bloomfield, Supervisor

Supervisor Bloomfield explained that Prospect Hill Associates, Inc. had not signed this yet as it is their request. Therefore, this evening it will be signed only by the Supervisor.

Since the Town Clerk was not in the room at the time Supervisor Bloomfield called for the roll call vote.

Supervisor Bloomfield	AYE	Councilman Lyons	AYE
Councilman Cappella	AYE	Councilman Canterino	AYE
Councilman Newbold	AYE		

Vote: Memorandum of Agreement carried by a vote of 5 to 0.

2. Discuss the Analysis and Recommendations by the Orange County Planning Department and the Town of Goshen's Building & Zoning Office in Regard to the Comprehensive Plans, Zoning Map and Associated Coding: Attorney Caplicki stated that Richard Golden, Planning Board Attorney, Ed Garling, Planner are here this evening and he asked that they approach the Board as they will be discussing this item with the Board. He said the Board will basically be reviewing the 239 comments from the County in regard to our proposed Local Laws #1 and #2 of 2009. Attorney Caplicki continued saying the Board members had received the County's comments some weeks ago and have discussed and reviewed them. He stated the most salient aspects of the recommendations are on page 5 where they indicate, they basically approve what we have done, with certain modifications as items 1 through 3, and you can see the delineation of those particular items. He said the County did not want the Board to do away with the Hamlet Zoning. He said the Board discussed this and worked on this at length, but the County seems to believe in that particular concept, they like it and would like it incorporated in the plan. He said the same comment would apply to the Transfer of Development rights and major items such as definitional terms for affordable housing. They felt that although we made great strides in addressing these issues, we should explore what they call a fuller range of techniques and tools for gaining affordability in housing.

Attorney Caplicki stated, "as you know, for at least the last two years there have been at least two Public Hearings, we have addressed almost all of these issues specifically and after great thought, we have come up with what is before you presently as Local Laws #1 and #2 of 2009." Therefore, " he said unless there is some question or issue in regard to their comments, or some interest in adhering to their comments, I will turn it over to the Planner and the Planning Board Attorney for comments."

Attorney Golden said the Board had an obligation to send the proposed laws to the County, and asked them if they could look at it as soon as possible, and they have done that. He said the County took a lot of time and attention in doing so. He stated all their comments are appropriate in the context of what they believe, according to the Planning Board's point of view, which each municipality should have. However, he said ultimate policy making for such decisions obviously resides with this Town Board for the Town of Goshen. He said these issues were all addressed by you in the Environmental Impact Statement process as well as the Public Hearing comments, and in fact you have revised several times through this process in order to be more accommodating, especially the affordable housing component, which you enlarged greatly. Attorney Golden said if in fact the Board should decide to pass these laws and not incorporate all of the comments from the County you need to do it by a majority, plus one, and you also need to give a report, I think your comments in the past, in the Public Hearings and at Town Board meetings provide sufficient information to put together this report, which has to be returned to the County.

Attorney Caplicki said you usually, when voting, go with a majority vote, because the county has made these recommendations, which in some instances are contrary to the actual text of what we have proposed, it would require what is called a Super Majority or three plus one, to in fact over rule and enact the Local Law in contravention to the County's recommendations.

Ed Garling, Planner said in addition to the comments made by the Board and it's consultants prior to this meeting, he reviewed the comments and prepared a list of notes that could specifically be used to address some of the issues raised by the County.

Supervisor Bloomfield stated that the Board had the comments for over a week to review and have heard what our Planner and Attorney have said, he asked the other Board Members if they had any questions or clarification they needed in reference to the 239 analysis?

Councilman Lyons commented procedurally, as we move forward there has to be something going back to the County. He said there were some things in the comments that he thought were not discussed or there were so many things coming through our minds to read. He said one thing specifically on page three, number 5, which talks about the Metropolitan Conservation Alliance (MCA) he asked if that was something the Board discussed. Someone replied yes. He said what he was trying to say was he is not of the mind to halt things, but he felt there were a couple of things here that deserve some consideration on the part of the Board, such as the Metropolitan Conservation Alliance. Also he said he would like to hone in on the County's new affordable housing initiative, even though right now we fall within the guidelines for acceptable affordable housing even before we received the comments from the County. Attorney Golden said we greatly exceed the requirements.

Attorney Golden assured Councilman Lyons he could continue to explore the affordable housing and the MCA to perhaps address them at a later date.

Councilman Lyons also referred to page two, second paragraph, Water Supply/Watershed Protection where it talks about the inclusion of watershed protection in the overlay zoning. He said here again he does not want to stop this, but he would like to explore this also and address it at another time.

There was a discussion about the Village pursuing this particular item. Mr. Garling said the Village has acquired considerable property over the years, around existing reservoir sites and there are several parcels owned by the Village in the Water Shed. He said the Board has addressed the Water Shed to some degree, we do not have a total overlay plan, but it could easily be done in the future. He said the Village could prepare Water Shed rules and regulations, he said it was done in the City of Middletown for towns well outside their boundaries. Those regulations, when adopted by the Health Department have the affect of a local law and this could be done by the Village.

Councilman Canterino said we have looked at the County's comments, but at this particular point zoning is something you always have to look at constantly. However, for Local Law purposes he said we just have to adopt this thing and then consider anything else we would like to review further at a later date. He said he has no concerns "I think we are done".

At this point Howard Geneslaw asked to speak, on point of order, representing Owens Road Associates, Supervisor Bloomfield stated "You are out of order sir". Mr. Geneslaw continued to speak, but was inaudible as he did not use the microphone and the Board continued to speak.

Supervisor Bloomfield read the Resolution and Notice of Adoption – Comprehensive Plan:

RESOLUTION AND NOTICE OF ADOPTION – COMPREHENSIVE PLAN

WHEREAS, the proposed action being considered is the adoption of the Town of Goshen, New York (“Town”) Comprehensive Plan, which identifies the important attributes and components that define the community, provides a vision for the future, and focuses on the current and long term protection, enhancement and development of the Town; and

WHEREAS, the Town Board classified the proposed action of adopting a Comprehensive Plan as a Type I SEQRA action pursuant to 6 NYCRR § 61=7.4 (b)(1), and declared itself Lead Agency; and

WHEREAS, there are no other Involved Agencies as defined by SEQRA, and the Interested Agencies are determined to be the Town Planning Board and Environmental Review Board, the Villages of Goshen, Chester and Florida, The Orange county Planning Department, the New York State Department of Environmental Conservation, and the Towns of Chester, Blooming Grove, Hamptonburgh, Warwick, Walkill and Wawayanda; and

WHEREAS, a draft and final Generic Environmental Impact Statement and Findings Statement has been prepared for the proposed action pursuant to 6 NYCRR §§ 617.10 and 617.11; and

WHEREAS, pursuant to § 272-a of the New York State Town Law and the State Environmental Quality Review Act (“SEQRA”), the Town Board of the Town of Goshen held a public hearing on August 13, 2008, upon notice duly published, and received written comments on the Comprehensive Plan until August 25,2008; and

WHEREAS, the Town Board obtained public input through several public informational hearings to provide for public discussions concerning the merits and the environmental significance of said proposed Comprehensive Plan to assure a full opportunity for citizen participation in the preparation of the proposed plan; and

WHEREAS, the Town Board referred said plan to the Planning Board for review and comment pursuant to §272-a of the Town Law, and to the Orange County Planning Department for review and recommendation as required by § 272-a of the Town Law and § 239-m of the General Municipal Law on January 14, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen hereby adopts the Comprehensive Plan on February 23, 2009.

BE IT FURTHER RESOLVED, that the Town Clerk shall file the adopted Comprehensive Plan in the office of the Town Clerk, and a copy thereof shall be filed in the Orange County Planning Department.

Councilman Canterino made a Motion to adopt the Comprehensive Plan. The Motion was seconded by Councilman Newbold.

Kenneth Cerullo expressed a desire to speak and was told he was out of order. He stated he had a written letter he wanted to present to the Board. He later filed it with the Town Clerk. The Supervisor and the Attorney stated to him "you are out of order". However, Attorney Caplicki explained that this is a work session, as the Supervisor had explained in opening the meeting, the Board does not take comments at a work session. He stated anyone is free to submit at any time, to the Town Clerk, any written material which certainly may be reviewed and considered.

Supervisor Bloomfield called for discussion: Attorney Caplicki stated that this Resolution as read is the adoption of the modifications to the Comprehensive Plan as proposed.

Upon Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilman Newbold:	<u>AYE</u>
Councilman Canterino	<u>AYE</u>	Councilman Lyons:	<u>AYE</u>
Councilman Cappella	<u>AYE</u>		

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

3. Resolution to adopt proposed zoning map changes as Local Law One and Two:

Supervisor Bloomfield read the Resolution Adopting Local Law #1. Councilman Cappella Made a Motion to adopt Local Law #1 of 2009, the Motion was seconded by Councilman Newbold.

TOWN OF GOSHEN RESOLUTION

ADOPTING LOCAL LAW #1 OF 2009

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Kenneth Newbold
Dated: February 23, 2009

At its meeting on February 23, 2009, the Town Board of the Town of Goshen, County of Orange, State of New York, held in Town Hall:

WHEREAS, the Town Board of the Town of Goshen has complied with the requirements of the State Environmental Quality Review Act ("SEQRA") with respect to the Town of Goshen comprehensive Plan and Associated Zoning and Town Code Amendments, and

WHEREAS, the Town Board has adopted a Resolution on February 23, 2009 adopting the Town of Goshen Comprehensive Plan Update;

NOW, THEREFORE BE IT RESOLVED, that the Town Board adopts Local Law 1 of 2009 entitled "Local Law amending the following Town Code chapters regarding various zoning related modifications: (1) Chapter 97, entitled "Zoning," (2) Chapter 71, entitled "Open Space Preservation and Acquisition," (3) Chapter 83, entitled "Subdivision of Land," and (4) Chapter 61, entitled "Flea Markets."

Upon roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilman Philip Canterino	<u>AYE</u>
Councilman Kenneth Newbold	<u>AYE</u>	Councilman Louis Cappella	<u>AYE</u>
Councilman George Lyons	<u>AYE</u>		

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

Supervisor Bloomfield read the Resolution for Adopting Local Law #2, 2009

TOWN OF GOSHEN RESOLUTION

ADOPTING LOCAL LAW #2 OF 2009

INTRODUCED BY: Councilman Philip Canterino
Seconded By: Councilman George Lyons
DATED: February 23, 2009

At its meeting on February 23, 2009, the Town Board of the Town of Goshen, County of Orange, State of New York, held in Town Hall:

WHEREAS, the Town Board of the Town of Goshen has complied with the requirements of the State Environmental Quality Review Act ("SEQRA") with respect to the Town of Goshen Comprehensive Plan and Associated Zoning and Town Code Amendments, and

WHEREAS, the Town Board has adopted a Resolution on February 23, 2009, adopting the Town of Goshen Comprehensive Plan Update;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts Local Law 2 of 2009 entitled "A local law amending the Zoning Map of the Town of Goshen entitled "Town of Goshen Zoning Map – Land Use Districts".

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilman Philip Canterino	<u>AYE</u>
Councilman Louis Cappella	<u>AYE</u>	Councilman Kenneth Newbold	<u>AYE</u>
Councilman George Lyons	<u>AYE</u>		

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

Councilman Canterino said he would like to comment and he said he just wanted to thank Planning Board Attorney Rick Golden, his staff member Kelly; Riddick Associates, our engineers; Ed Garling, Town Planner; and Dennis Caplicki, our Town Attorney, for the incredible amount of work that they have put into this over a two year period. He said he would also like to commend the Town Board for all the extra time that was spent on this. He stated "we have worked very hard on this for the safety and the integrity of our community of Goshen.

Councilman Lyons said he was going to thank all of those parties also and a thank you to each and everyone of you who are here and to those who are not here. He said simply put, as he looks at the entire package, certainly there are issues that still have to be addressed, and it is a living, breathing document as it goes forth. He said I thing that anyone who will take the time to go over this, "I think you will find the Town of Goshen is in a better situation after tonight's meeting than it was under the prior zoning." He said "I think the quality of life of the people of the Town and the Village of Goshen is better off because of these changes."

Councilman Newbold stated this was his second Master Plan he has sat through. He said it is not an easy task and some people are happy and some people are not. He said there are a lot of people to thank. "We thank Val for all the paper work that was done, her entire staff, so many people to thank." He thanked the Board and Ms. Kelly (Attorney Golden's Staff Member), and he said he would like to thank Supervisor Bloomfield for guiding the Board through the process. He ended saying "thank you all."

Councilman Cappella said he will be just repeating what the others have said, but he really would like to thank, our consultants, Attorney's Caplicki and Golden, Kelly, and Planner Ed Garling for doing a good job. He said it took the Board the two years to review all the input from the public, the information from the consultants, and he said a lot of the Board Members attended Planning Board Meetings to better understand what was happening there. He said he is very proud of what was done here, very proud of the Town Board for the time they put into this plan. He said he felt the Town of Goshen will be better off for some of the things the Board did with the water protocol. He said there were a lot of complaints coming to the Board where people could not even do a load of wash at certain times. He said with the water protocols we are protecting the people who are moving here, but most important we are protecting the people who are living here now. Also Councilman Cappella said he was proud of the changes made in the Commercial Zones on 17A and 17M, adding more commercial lots and calling for rateables, more user friendly, more business friendly, which he felt is very, very important. He felt now Goshen would have just as good a chance of bringing in business as anywhere else. He said "I tip my hat off to anyone who took part in this, thank you".

Supervisor Bloomfield said basically the rule the Town Board has used for the last two years, while working on this, was to ensure they received all the input from the public, as well as the applicants all the way through the process. He said this included the discussion tonight in reference to the County input. He said the Board had a good amount of input, in fact the Public Hearing gave the Board a tremendous amount of input. He said he felt the Board has come up with the best product they could come up with. Supervisor Bloomfield stated he would like to thank the Board, as they have put in an extreme amount of effort, he said they had a lot of debates on this, we haven't always agreed on everything. I think we have come up with a better product as "all of us are smarter than anyone of us". He said he would particularly like to thank the professionals, some of whom did not charge us for certain things. He said they felt dedicated enough to this project to do the work and not charge for it. He said he would like to thank all who were involved.

Councilman Newbold extended the Board's thanks to Kate Schmidt from the Orange County Planning Department.

Kenneth Cerullo spoke again stating he was here at this meeting with a letter from his attorney and was not allowed to speak.

4. Motion to Approve Request By Budget Officer to expand the Job Assignment of Accounts Payable Clerk to Include Payroll Specialist Duties With and Increase of \$1.23 Per Hour Effective March 1, 2009. : Will be placed on Thursday's agenda.

5. Discuss Request By Town of Goshen Police Chief to Expand the Police Department Using U. S. Department of Justice Grant Funds: The Board discussed this at length and felt this was not the time to enlarge the department and although in the beginning the grant covers the training and wages, after three years the Town becomes responsible.

6. Discuss Request by Town of Goshen Police Chief to Purchase or Lease Two New Police cars: The Board discussed the need for the two new cars and the fact that Senator Larkin had provided the last two cars and a tahoe. The Supervisor and Councilman Canterino will again approach Senator Larkin to see if he can help. Councilman Cappella would like to request an inventory of police vehicles that the department has now and would like time to study the need. The Board will gather further information and address this at another time.

7. Status Update on the Orzeck Road Reconstruction Project: The Board discussed the fact that the project was to widen Orzeck Road and create a turn-a-round. However, there was a promise from the State of \$400,000 (\$320,000 Federal Funds and \$80,000 Local Funds). The Board felt they could not justify spending that much money at this time, and decided to put it on hold for the present.

Councilman Lyons reported the Town's Insurance Company, Dickerson and Meany has requested a list of all buildings owned by the Town of Goshen, and he also needs a list of vehicles and equipment owned by the Highway Department. Councilman Lyons will contact Michelle, Highway Department's Secretary.

Adjournment: Councilman Cappella made a Motion to go into Executive Session to discuss:

1. Select Candidate for the Assessment Board of Review
2. Discuss IWS Code 80B Discrepancy Follow-up
3. Discuss Request By R. Tuthill to Modify/Resubmit His Request to O.C. For Matching Funds Under the PDR Programs.
4. Discuss Status of Pacheco land Donation
5. Lubavitch Outreach Center-Status of Request for Tax Exemption
6. Water/Sewer Department Truck Repair Cost Investigation Status

with intent not to return. Councilman Newbold seconded the Motion. Motion carried unanimously.

Time: 8:45 p.m.

Valma Eisma, Town Clerk