

The Regular Meeting of the Town Board of the Town of Goshen was held on the 7th day of May, 2007 at 6:00p.m. in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

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

Also Present: Dennis Caplicki, Town Attorney; Edwin Garling, Town Planner

Supervisor Bloomfield called the work session to order to continue the review of the Zoning, Coding and Water Protocols at 6:00 p.m.

Attorney Caplicki explained he and Mr. Garling would be addressing the density bonuses tonight with suggested proposals, so we can show you what you have and where you are going. Mr. Garling said he would start out on page seven of the last memorandum. He referred to item b under 97-20 A (3) Amend A (3) in its entirety to read as follows:

- (3) The maximum density permitted in Subsection A (2) above may be increased through a density bonus designed to advance affordable housing or other important goals of the Town's Comprehensive Plan. Density bonuses are given at the discretion of the Town board based upon written findings by the Planning Board following completion of SEQRA documenting the expected public benefit.
 - (a) If the applicant allows public access to the protected open space on the property and the Town Board finds that such public access is in accordance with the town plan and provides a significant recreational benefit to the town (such as a trail connector, addition to a parkland, access to an important natural or historic feature or provides protection of water supply): a maximum of 20 percent, but no more than five percent per specified benefit.
 - (b) If the applicant restricts ownership of and occupancy of 20 percent or more of the total dwelling units (including units added under other bonus or density transfer provisions) as affordable housing pursuant to 97-24: a maximum of 20 percent.
 - (c) If the applicant preserves at least 60 percent of the parcel as working farmland (including the creation and preservation of new working farmland): a maximum of 10 percent for new or existing farmland.
 - (d) Existing (d) is deleted in its entirety because the base density is already a bonus and replaced with (e) revised to read as follows:
 - (d) If the applicant receives approval for a density transfer under Section K: the

number of units transferred from the sending parcel up to a maximum of 50 percent of the base density of the receiving parcel if public water and sewer are available and provided at least 50 percent of the land is available as unconstrained land for the additional development provided no other bonuses have been allowed.

Councilman Canterino said he felt the bonus to the developer is cluster and he felt there should be no other bonuses. Councilman Cappella asked if Attorney Caplicki and Mr. Garling could document a comparison of the density now and what will be allowed under the new plan. He said when bonuses and density came up when the Master Plan was done years ago, the Board did not fully realize the impact they could produce. Attorney Caplicki replied they would do that.

The Board discussed the fact that they no longer want to see wet lands and flood plains given for open space. It was agreed these should be excluded as open space and that the open space should be good, usable land. Councilman Lyons said he has a problem with clustering. He said he was in Maybrook and inspected a cluster community and did not at all like what he saw. He said the lots were extremely small and it was like a maze. He would not like to see our clusters look like this. The Board all agreed. Attorney Caplicki asked the Board if they agreed to eliminate bonuses except in the clusters. The Board agreed, only they would like the homes on larger lots.

Councilman Lyons said he was concerned with the workforce housing or affordable housing, “kids can’t buy a house here.” He said he would like to see a bonus given for this. Councilman Lyons said the way it was described to him, when you enter many of these neighborhoods and you see the workforce housing, you cannot see the difference. Councilman Canterino felt this type of bonus only adds to increased density. Mr. Garling said there is a maximum of four per acre, this would limit the numbers allowed. There was a lengthy discussion on density and workforce housing. Councilman Canterino said unless we have to give these bonuses he is against them. Attorney Caplicki and Mr. Garling suggested 10% for workforce housing. Attorney Caplicki and Mr. Garling will examine this further and see what they can work out.

Bonus for Transfer of Development Rights and the fact that the Board wants to preserve open space were discussed. The PDR is preserving open space and the Town and County are paying for it. Transfer of Development Rights are controlled more by the developer than the Town. The suggestion is to keep this section in tact as it does not increase overall density and helps to preserve larger tracts of open space. The suggestion from the Planner and Attorney says “no bonuses are provided and it would be tied in with, and subject to the new water protocols and the PDR program. It was explained this does not keep density down, but it does help with sprawl. Councilmen Cappella and Canterino did not like the fact there would be so much density using the transfer of development rights. The Board decided unanimously to eliminate TDR.

Mr. Garling reviewed the Zoning Map at length. Various changes in RU and commercial areas were discussed. The main areas discussed were located on Rt. 17A near Durland Road, Rt. 94 in the same area near the Village of Florida and an area near Harriman Drive. HR districts were also discussed and the fact that the Board really does not want Hamlet development any more. There were many changes noted, some to rezone and others to modify.

Planner Garling presented the Board with a Planned Adult Community (PAC) plan that was adopted by the Town of Chester. He asked the Board to review it and see if it is what the Board would like to have as a floating district. The Board will review it and take it up at the next meeting, which will begin at 6:00 p.m. Attorney Caplicki presented the Board with a proposal on water protocols which they will review also.

The regular work session was started at 7:45 p.m.

Items discussed:

1. Supervisor Bloomfield reported on the May 5th joint meeting with the Village pertaining to Salesian. He said they addressed the lights and it was decided the lights should be on two hours after dark. He said they discussed the insurance inspection and the spikes on the fence. The spikes have to be addressed, either capped, cut off, a bar placed on top of them or the fence removed. It was agreed that both Village and Town DPWs will take down the stairs to no where and many other smaller jobs that were noted in the inspection.
2. Pavement Marking Agreement Orange County DPW: Supervisor Bloomfield read a letter from the County asking if we would like them to do the pavement marking for the up coming year. The Board was not sure if there had been a previous agreement. Councilman Cappella will confer with the Highway Superintendent to see if this has been done in the past and if he would like the County to do it.
3. Water/Sewer Truck Repair Status: Councilman Cappella said Highway had taken it in for repairs. Councilman Canterino said an estimate was received saying the total cost of repair would be approximately \$5,300, or possibly less. It will however, be out of service for two to three weeks. In the mean time Highway is renting a vehicle to take its place.
4. Road Pavement Plan for Hambletonian Park: Councilman Cappella reported he spoke with Superintendent Andryshak and told him of the four roads the Board had agreed on doing. The Superintendent wanted to add more roads, Post Road, which Councilman Cappella said is a small road and is like a war zone and the rest of Knapp Terrace. Councilman Cappella will confer with the Superintendent to find out what the cost will be.

5. Community Development Grant for Salesian: Supervisor Bloomfield said the Town has used this in the past. However, it is really for an area where there is blight. It was suggested it might be used for the school building. Supervisor Bloomfield asked Councilman Lyons how much money would be available with this type of grant. Councilman Lyons said there are two different amounts, the one time grants are \$125,000. and they encourage municipalities sharing. He said you can also apply for a three year grant for \$375,000. which might be doubled if there were two municipalities applying together. He said the time span could be a problem since the application has to be in around June 20th. He said Keron Barnes is a grant writer Councilman Lyons has used in the past and he has been very successful. He said Mr. Barnes charges \$700.00, but \$500.00 is reimbursed by Community Development, therefore costing the Town only \$200.00. The Board felt the school building would cost too much, however the watch tower could be a good project. Councilman Canterino suggested bathrooms for the park. Councilman Cappella felt the Board should wait and see how much activity there will be at the park before doing anything more than phase I. The low income qualification could be a problem for the Town and Village of Goshen. Councilman Lyons will talk to Mr. Barnes and see what the Board can do. He said before anything can be submitted, there must be a Public Hearing. The Board set the Public Hearing for May 21st of May and the Town Clerk will advertise is.

6. FEMA Response to Individual Citizens: Supervisor Bloomfield said he, Building Inspector Halloran and the FEMA inspectors went out to Celery Avenue to check on the houses there where some residents had to vacate their home in the storm. The Town Clerk will advertise the fact that money has now been released for resident's homes and the Supervisor will have a flyer to hand out to the public as FEMA is trying to get the word out that there is help for these residents.

7. FEMA Response to Municipalities: Supervisor Bloomfield reported he received a letter from the Orange County Division of Emergency Management announcing a briefing to explain the application process 9:30 a.m. on Friday in the Orange County Department of Mental Health Department for municipalities. Supervisor Bloomfield said he called Highway and asked the Superintendent's secretary, Michelle, to attend, representing the Town of Goshen, to find out how to access the money.

8. Any Other Item of Interest to the Board: Supervisor Bloomfield reported the wall in the parking lot has been hit again, this time quite badly with a lot of damage to the woman's car. He said while he and the woman who hit the wall were surveying the damage, a gentleman from Arcadia Landscaping came over and said he would like to volunteer his time to repair the wall free of charge. The Supervisor will call the gentleman and have him do the job.

Supervisor Bloomfield said he received a letter from Stephen Yarabek, Landscape Architect. Mr. Yarabek said he had inspected the trees planted in Salesian Park and all have survived very nicely with the exception of one vandalized tree which they are not responsible for in the contract. Mr. Yarabek is asking for the release of the ten percent retainer. Councilman Cappella asked the retainer not be released due to the fact that a lot of money was spent to have the blue stone and it was not done properly, as there are weeds growing through it already. He said when he was there he also walked the paths in the back where the gravel is and there are weeds growing all through there. He said he feels they should be held responsible as these conditions should not be, the job was not done right. Supervisor Bloomfield will contact Mr. Yarabek. Councilman Cappella suggested everyone go out to the park and inspect the premises and discuss it at the next meeting.

Supervisor Bloomfield said he had another request to go to the Salesian property to inspect the drainage problem there.

Supervisor Bloomfield reported Kenneth Stretch was riding on Hartley Road and hit a boulder that took out his exhaust system. He went to the insurance company and the insurance company responded saying our Town law requires prior notice of a defect and a reasonable amount of time to repair the defect before it is responsible for any damage that might occur. Supervisor Bloomfield said he went out to inspect the road while Highway was repairing it and he said the road is really in very bad condition. The Supervisor said he felt somewhat responsible and he would talk to the insurance company for at least some kind of help for this man.

Supervisor Bloomfield said he was talking to the budget department about the escrow funds. He said there are engineering companies that owe us \$13,681.00 and have been sent three notices and still have not paid. He said in this case the taxpayers are funding the bills for this property. A lengthy discussion was held and the Town Attorney said professionals should not be allowed to continue to work and run up bills like that and the Planning Board or someone has to keep control of this. Supervisor Bloomfield said one of the problems is that the professionals bill for their services months later. Attorney Caplicki said the town should not be paying the professionals, the developers they are representing should be paying them. Councilman Canterino said if the escrows are not up to date, they should not be allowed to be on the agenda. The Board agreed the whole process has to be monitored. Councilman Cappella said he cannot accept that checks for escrow are not posted. He said there should be a red flag that comes up when the escrow reaches a certain amount and all agreed if the money is not there they should not be on the agenda. Supervisor Bloomfield said the Board will continue to look into this.

Councilman Cappella reported one of Highway's trucks broke down in front of a resident's mailbox. Somehow the resident's mailbox was destroyed by

Highway's truck when this occurred. Councilman Cappella said the resident said his mailbox cost him \$200.00 and he also purchased one at \$75.00 as a temporary one. The resident is asking 275.00 and Highway is responsible for the mailbox. The Board decided on \$200.00 and he can keep the other mailbox.

Councilman Canterino reported he had talked with Robert Green Chevrolet in reference to the repair of the Water/Sewer truck and they are ready to start the work. He would however like to have authorization from the Board to order the work. Councilman Canterino made a Motion to authorize Robert Green Chevrolet to repair the vehicle, not to exceed \$5,500.00 if it can be repaired and it is so deemed that it is economical to do the repairs. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

Councilman Newbold said he received a phone call complaining the Highway Department was closing off part of Arcadia Road. He said he went to investigate and found the Goshen Police Department putting out cones so that people could attend the celebration of Cinco De Mayo being held at the Hacienda. He said he would think Highway should be doing this, not overtime police officers. He said it is against the law to park on the road in the Town of Goshen. He asked why are we paying our police to encourage this establishment to operate in violation of our laws? He said if extra policeman have to provided, the business should be billed for the cost and he felt there should have to be some type of permit issued. Councilman Cappella said he was through there at about 9:00 p.m. and the parking lot was full and the parking lot belonging to the golf range across the street was also filled. The Board asked Councilman Lyons to contact the Police Department to find out exactly what happened and how it was handled.

The Board also discussed the number of tickets the Police Department is giving on the state roads such as 17M.

Supervisor Bloomfield made a Motion to go into Executive Session to discuss the Ken Sullivan Litigation and the Serdarevic Court Decisions. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Time: 9:10 p.m.

Valma Eisma, Town Clerk

