

The Regular Meeting of the Town Board of the Town of Goshen was held on the 28th day of June, 2007 at 7:30 p.m. in 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
Kenneth Newbold	Councilman	Louis Cappella	Councilman
George Lyons	Councilman		

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

A. CALL TO ORDER: Supervisor Bloomfield opened the meeting and asked Mac Makuen to lead the Pledge of Allegiance.

B. AMMENDMENT TO THE AGENDA: None

C. PRIVILEGE OF THE FLOOR (agenda items only)

Alan Lipman, Attorney, asked about the changes being made in the Zoning and Coding. Supervisor Bloomfield explained the Board is still reviewing the code tonight and hope to introduce it at a Public Hearing that will be set on July 9th. He informed Mr. Lipman there will be additional changes made tonight. Mr. Lipman asked if one of the changes tonight would include an exemption for matters pending before the Planning Board? Attorney Caplicki answered no.

Mr. Lipman said when our current zoning was done with the Comprehensive Plan, it represented some sweeping changes and he found it rather complex. He said to now change the Comprehensive Plan, with no thought to those already before the Planning Board, who followed instructions from that plan, is absolutely unfair and inappropriate. Mr. Lipman said “you have encouraged Planned Adult Communities in the current plan, they are ratables, and not a drain on the community. He said the rules have been observed, by his client, who owns a piece of property on 61/2 Station Road. His client has been trying to obtain approvals for a PAC and has proceeded on to where a draft environmental impact statement was submitted, a Public Hearing has been held, a final environmental impact has been submitted, approximately a half a million dollars invested at this point. Mr. Lipman said the changes that are now being considered by the Board are “frustrating the entire budget “ as you are now requiring fifty percent detached homes and at least twenty percent multi-family. Mr. Lipman said he felt those projects that have moved this far through the Planning Board should be grandfathered in.

D. REPORTS:

Councilman Lyons reported he has been attending the growth committee meetings for the school district. He said “at the last meeting there was tentative word that the school is going to put up a referendum for approximately fifty to seventy million dollars for

additions to the schools.” He said the additions will be for all the schools, with the exception of the intermediate school. The referendum will go out to the public sometime in December.

Councilman Lyons said the Police Department recently hired two part time Police Officers. He said one of the officers had a medical problem that seems to be rectified and he will be reporting to work and the other officer has already started.

Councilman Lyons said he and the Board had received a report on the School Resource Officers at BOCES. He said there are two officers at BOCES, one in the Tech Building and one in Special Ed. Officer Walls reported the following: “This concludes the fifth school year in which the Orange Ulster BOCES has retained the services of the Town of Goshen Police Department in the implementation of a School Resource Officer Program.” “Over these five years it has been increasingly evident that the SRO Program is effecting a safer school environment and increasing the positive rapport between students and police.” “The partnership between BOCES and the Town of Goshen continues to benefit both entities as it frees up Police Officers to patrol the Town more effectively and the School Resource Officers address concerns both coactively and reactively here on the Goshen BOCES Campus.” Councilman Lyons said we are now renegotiating the SRO Program with BOCES.

Councilman Cappella reported Highway will start to pave the Hambletonian Park area about the second week in July. They are now working on catch basins and working on repairing damage caused by the installation of the new water lines. He said after this they will be moving to Goshen Heights, an area off of Reservoir Road.

Councilman Cappella said FEMA was here about two weeks ago and going over some of the spots hit by that massive flood we had. He said we might possibly be receiving approximately \$100,000.00 once the projects are completed. He said the culverts on Everett and Durland Roads were damaged extensively and will be replaced this year.

Councilman Cappella also reported on the Senior Center and the fact they are starting their budget process. He said the evening hours of closing have been moved back to 10:00 p.m. since there have been some complaints.

Councilman Newbold reported due to the fact there has not been a lot of rain this season the Water Department is going to circulate a voluntary water conservation alert. He said there was a small problem with one of the homeowner’s connections, but it was being taken care of by the contractor.

Supervisor Bloomfield reported the Board of Assessment Review has just finished up for the year. He said the results will go out in the mail soon and in the mean time the Board continues to work on the tax certioraris, addressing one later on in the meeting.

The Supervisor said he signed an agreement to purchase the PDR on the Myruski Farm today. It has now gone to the County and Councilman Cappella is now negotiating it.

When the Conservation Easement is ready the Supervisor said he would be signing for the purchase of the development rights. He said this will be our third property under the PDR program.

Supervisor Bloomfield reported he received a call from Representative John Hall in reference to the Hambletonian Park water line in Section A. He said he and Councilman Newbold had met with Representative Hall and had asked him for \$450,000.00 to help with the cost of the water lines. Representative Hall said he has put the \$400,000.00 in a piece of legislation and it will go to the Committee in July, then to the House and the Senate. He said he cannot promise, but he is working diligently to obtain the money for Hambletonian Park residents.

Councilman Lyons also reported Jim Ullrich, Village Consultant, had come to the Town Board asking it to join in with the Village to submit a Community Development grant to improve the drainage on Greenwich Avenue through to Green Street. This whole area was seriously flooded during the recent heavy rain storm. He explained by the two municipalities joining forces each, if fully funded, could receive \$125,000.

E. OLD BUSINESS:

1. Approval of Minutes: Work Sessions April 23, May 7, June 4th Regular Meetings May 24 and June 7

Councilman Newbold made a Motion to approve the minutes of April 23, May 7, June 4, May 24, and June 7 as corrected. Motion was seconded by Councilman Cappella. Motion carried unanimously.

2. Continue Discussions of Proposed Zoning & Coding Changes:

Attorney Caplicki reported he and Planner Garling would be going over some changes along the corridors of 17M and 17A. Attorney Caplicki explained the process for setting the Public Hearing, and said the date for the Public Hearing should be set perhaps at the July 9th meeting.

Mr. Garling addressed the Board saying he would go over a few minor text changes that were made as a result of the last meeting. He said one of them was the PACs, which were supposed to be in a floating zone within HR, HM or RU Districts. These may be allowed in various zones, provided they meet certain criteria listed in the new proposed law. If the Town Board approves the Floating Zone location and use, the Planned Adult Community will then be allowed as a Special Permit Use by the Planning Board, but shall be required to satisfy many other conditions that will be laid out in the new proposed law. These conditions can be found in 97-16.

Mr. Garling said there was some question as to how the new zoning would affect affordable housing. He said a developer in the HR district is mandated to provide 10%

affordable housing, and the PACs are mandate to provide 15%, that will not be changed. However, in the RU there would be no 20% requirement.

Mr. Garling said there were three map changes. He was asked by the Board to look at Route 17A to see if anything should be added relative to the use of Highway Commercial in that area. He said they took a look at the corridor and the only changes made were those originally recommended. In the area south of Quarry Road, where there are a few lots and a proposal now for commercial use. Mr. Garling said because there is so much traffic on 17A, the combination of horizontal, vertical curves, steep slopes on the side of the road, we didn't feel there was any appropriate areas where Highway Commercial should be encouraged.

He said they also took a look at 17M and the Arcadia Road area, extending basically from Old Chester Road where it intersects by the driving range to the Town of Chester border. He said after looking at it, some changes were proposed. Amend the RU areas to Highway Commercial (HC). This area contains approximately 90 acres. Also included are that portion of Lot 98.6 between Old Chester Road and the Orange County Rail Trail and those portions of lots 27.2 and 96 which are within 400 feet from the centerline of Route 17M from the Northerly side of lot 30.1 to the easterly lot line of lot 97. In addition rezone from RU to CO Commercial Office Mixed-Use, Section 11, Block 1, Lots 79 south and east of Ward Road, 76, 34.2 and 34.3. Mr. Garling pointed to the areas talked about on the map.

Mr. Garling suggested the entrance to the restaurant, that is currently before the Planning Board, could be constructed so that traffic could enter directly onto the property from the traffic light. He said in doing this the traffic could go directly to the back of the building to the parking lot and could utilize the traffic light coming and going.

3.7. Amend the CO district along both sides of Route 17M between the Town of Wawayanda and Maple Avenue at 6 ½ Station Road by rezoning sections and areas HC Highway Commercial. Rezone from CO to HC a number of lots in Section 12. (see map). He said previously this whole area was CO and did not allow for retail, however now in Highway Commercial retail will be allowed.

He said the last thing that was done involved the Mulrad property adjacent to the Village of Florida, the property borders a piece of land that includes the Village of Florida's sewage treatment center that is in the Town of Goshen and is bordered by Pumpkin Swamp Road. Mr. Garling stated the land behind that we proposed to zone CO, it is now Agricultural/Industrial. Mr. Garling and the Board discussed the various changes.

The Board briefly discussed a problem presented to them by Newell Miller who lives in Ridgeview Estates, a single family dwelling neighborhood. Mr. Miller was concerned about accessory apartments or so called "mother/daughter" units. No one has any objection to someone housing their parent, but the fact is, that it can, and sometimes is creating a future apartment in single family dwelling neighborhoods where there are no multifamily or mixed use housing. Mr. Miller asked the Board to take this into

consideration when making the zoning changes. The Board was in agreement that this is indeed a problem and will have to be taken up at a different time, as it will be a lengthy process.

F. NEW BUSINESS:

1. Fuel Tank Dispensing System: Councilman Cappella presented the Board with an estimate for the fuel dispensing system needed for the Highway Department. He said the system was recommended by Steve Kalka, a business consultant. Mr. Kalka said he had reviewed the quotes Highway had received and found two quotes almost exactly the same for the necessary equipment to bring our record keeping compliance up to date. He said however, Conklin's quote is reasonable and being local, they will give us better service. Councilman Cappella said he and former Councilman Dick Roberts had looked at this system a few years ago and at that time the cost was approximately \$50,000. He said now the Board has one in front of them for \$18,560.00.

Councilman Cappella said we have received a grant from Representative Anne Rabbit for approximately \$4,500.00, there was some surplus, old equipment sold which purchased some new equipment, but there was a balance left of \$5,000.00 left over. There is money in the Highway Department's budget to pay the balance needed.

Supervisor Bloomfield said the Highway Department went through an audit by the Department of Environmental Conservation and were fined \$15,000.00. He said one of the main problems resulting from the audit was a stick that was inserted into the tanks, to measure, the stick was divided in one inch increments. He said it was supposed to be in one eighth inch increments. He said he met with their Judge and explained the problem of the MTBES and the amount of money the Town had spent. He said after hearing Supervisor Bloomfield speak, the Judge reduced the fine to \$1,500.00. However, the Judge stated if the Department comes back and find things have not been corrected the fine would be re-instated. He also explained measurements need to be done every day and there is no one there on the weekend to do it. The new system will do it for us.

Supervisor Bloomfield made a Motion to authorize the DPW to purchase the system from Conklin Services & Construction Inc. for a total of \$ 18,560.00. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Councilman Newbold thanked Councilman Cappella for all the work he has done on obtaining the system and for taking it from \$50,000 to \$18,560.

2. Voluntary Water Conservation Alert: Supervisor Bloomfield said this is the alert Councilman Newbold referred to earlier. He said "we are not out of water" this is strictly voluntary and will be hand delivered to each home to encourage the conservation of water and it will give hints as to ways of doing it. They will be handed out in all the water districts.

3. Resolution – Dana Distributors Tax Cert: Supervisor Bloomfield explained this is a resolution in reference to a tax certiorari that the town is settling. Attorney Caplicki explained this is handled by Dana Distributors attorneys, our attorney and our Assessor.

RESOLUTION

WHEREAS, there are now pending in Orange County Supreme Court tax certiorari proceedings commenced in 2005 through 2007 by Dana Distributors, Inc. seeking a reduction in the tax assessment of the Dana Distributors, Inc. property for those tax rolls; and

WHEREAS, the Town Assessor and Special Counsel have recommended a settlement of these tax proceedings,

NOW, THEREFORE,

BE IT RESOLVED:

1. The Town Board of the Town of Goshen hereby approves the settlement on behalf of the Town of Goshen of the tax review proceedings brought by Dana Distributors, Inc. whereby the assessment will be reduced on the 2005 and 2006 assessment rolls as follows:

Assessment Roll	Assessed Valuation	Reduced Assessment	Assessment Reduction
2005	\$8,200,000	\$6,300,000	\$1,900,000
2006	\$8,200,000	\$5,775,000	\$2,425,000

2. The Supervisor, the Town Assessor and David D. Hagstrom, Esq, are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution, including, but not limited to, the execution of a Consent Judgment embodying the above settlement, the obtaining of an Order from the Orange County Supreme Court embodying the above settlement and a refund or crediting of tax payments, without interest, if one half of the refund for Town Taxes(\$4,475.28) is paid within sixty (60) days after service of the Order with Notice of Entry, and the balance (\$4,475.27) is paid within one (1) year and sixty (60) days after service of the Order with Notice of Entry, all in accordance with the above authorized settlement.

Dated: June 28, 2007

Moved by: Supervisor Douglas Bloomfield
 Seconded by: Councilman George Lyons

Roll Call Vote:

Councilman Philip Canterino	AYE	Councilman George Lyons	AYE
Councilman Kenneth Newbold	AYE	Councilman Louis Cappella	AYE

Supervisor Douglas Bloomfield AYE

AYES 5 NAYS 0

F. FINANCE:

Councilman Cappella made a Motion to authorize the Supervisor to pay Voucher 07-00575 to Voucher #07-00679 amounting to \$85,604.23. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

G. PRIVILEGE OF THE FLOOR:

Doris Bialas asked if, in reference to Dana Distributor, did the Village, School, Town and County all get together. Supervisor Bloomfield said he did not meet with the County, however he did meet with Mayor Weinberger and Roy Reese from the School.

Debbie Marone asked if parkland fees were used for improvements to the Craigville park building when the kitchen area was renovated? Supervisor Bloomfield replied parkland fees are for capital improvements and Joint Recreation has been wanting to get this done for some time and parkland fees were used.

Ms. Marone asked about Community Development money and Supervisor Bloomfield said the last Community Development Grant the Town received was used for the bathrooms at Craigville Park to make them handicapped accessible. He and Councilman Lyons proceeded to explain the criteria for the Community Development Grants.

Ms. Marone asked about the drainage improvements on Greenwich Avenue that the Town and Village are jointly applying for, and if it would go all the way to the park to help eliminate the water problem there?

Councilman Lyons explained the proposed drainage improvements will be done on Bruen Place, North Church Street and Greenwich Avenue. He was not sure if it would include the park area. However, he said Mr. Ullrich, the consultant who drew up the plan, said this “will enhance and send some of the water off quicker.”

Ms. Marone did not come to the microphone and some of her questions were inaudible. A question must have been in reference to the traffic report, as Supervisor Bloomfield replied a new stop sign has been installed near the school on Fletcher Street. He said the other intersections involve State, County and Village Roads and will require a great amount of planning.

Ms. Marone asked about the tax certioraris and what created them. Supervisor Bloomfield and Attorney Caplicki explained them at length.

Debbie Corr requested the Board contact the County in reference to the bridge being repaired on Scotchtown. She said she is putting on at least twenty five miles a day to get

to where ever she has to go. She says she also is not seeing anyone working out there. Supervisor Bloomfield said he would have Councilman Cappella contact the County, but suggested she should do the same.

Kevin Makuen said he works in construction and said many times the designs or plans will be changed. He said the plans on one bridge on Route 17 A was changed by the D O T at least seven times. These changes can cause lengthy delays.

Debbie Corr asked why we can't have a happy medium between the CO and the HC zones. She said "why can't we have a really nice blend of things?" Supervisor Bloomfield said that is exactly what the Board did. He said you can put both retail and commercial in the Highway Commercial zones. Ms. Corr said "that's good". Supervisor Bloomfield asked her to say that again and she did, plus she said "You guys are doing a great job."

Ms. Corr asked about grandfathering. Attorney Caplicki replied the existing homes will be grandfathered.

H. ADJOURNMENT: With no further questions from the public, Supervisor Bloomfield made a Motion to go into Executive Session to discuss the following:

1. Dr. Serdarevic Litigation
2. Kenneth Sullivan Litigation
3. 6 Larchwood Cleanup
4. Review of Tax Certs Status
5. SRO/BOCES Negotiations

with no intent to return. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 9:25 p.m.

Valma Eisma, Town Clerk`

