

A Regular Meeting of the Town of Goshen was held the 14<sup>th</sup> day of July 2005 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

Honey Bernstein	Supervisor	Kenneth Newbold	Councilman
Louis Cappella	Councilman	Richard Roberts	Councilman
Douglas Bloomfield	Councilman		

Also Present: John Cappello, Town Attorney

**A. Call to Order:** Deputy Supervisor Cappella called the meeting to order at 7:35 p.m. explaining the Supervisor would be a little late and as the new Deputy Supervisor he would chair the meeting till her arrival. Councilman Newbold asked for a moment of silence for Donald Karas (Karp to all who knew him.) He said Karp was best known for his cheesecakes and his dahlias that he shared so readily with everyone. Attorney Cappello led the Pledge of Allegiance.

**B. Amendment to Agenda:** None

**C. Privilege of the Floor (agenda items only)** Deputy Supervisor Cappella stated he would wait for Privilege of the Floor until after the Public Hearings.

**D. Public Hearings:**

**1. AFFORDABLE HOUSING:** Attorney Cappello asked to open this hearing first as there were speakers present who had come a distance to attend. Councilman Bloomfield made the Motion to open the Public Hearing on Affordable Housing. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

Attorney Cappello reviewed the contents of the law and copies were available to the public. He explained the Board appointed an Affordable Housing Committee that was made up of a cross section of the Community such as Volunteer Firemen, local Policemen, school teachers, etc. The Committee was formed to view other communities and similar laws and tried to draft a plan unique to the Town of Goshen. He said the Committee worked hard to draft a plan that would meet the needs of the working young families, the elderly and other members of Community. He stated it is one of the first in Orange County.

Attorney Cappello said the law has been sent to the Orange County Planning Department and the Town's Planning Board for comment. He said the Orange County Planning Department had been unable to send its comments because of the large volume before them. However, he said the Orange County Planning Board

was in support of the law and would send it's comments along shortly. Deputy Supervisor Cappella asked for comments from the Public.

Mario Johnson, from the Builders Association of the Hudson Valley, stated in every County in the Hudson Valley region there is a heightened concern over the lack of affordable workforce housing. He said the Builders Association commends the Town of Goshen's Workforce Housing Committee for crafting an "Affordable Housing" law that attempts to address the workforce housing issue. Mr. Johnson said it is our sincere hope that other towns will look at Goshen's housing law as a model for them to address their housing needs. Mr. Johnson read a letter from the Builders Association that suggested economic and financial incentives and pre-construction incentives. (for entire content of letter see file)

Supervisor Bernstein apologized for being late and thanked Deputy Supervisor Cappella for taking her place. She said, in keeping with her policy, every six months she selects another deputy. Councilman Cappella will be the Deputy Supervisor for the next six months.

Supervisor Bernstein thanked Councilman Roberts for serving as Deputy Supervisor for the last six months.

The Board returned to Affordable Housing and Supervisor Bernstein asked if anyone else would care to speak. Alice Dickinson, Executive Director of the Orange County World Development Corporation, approached the Board stating she was here tonight to support the Affordable Housing Committee and to congratulate the Board for being one of the first Boards in the County willing to tackle this problem. She said "many people are talking the talk, but this Board is walking the walk" She thanked the Board for their hard work. Supervisor Bernstein again thanked Ms. Dickinson for serving on the Affordable Housing Committee and putting in long hours on this project when Goshen is not even her home town.

Attorney Cappello presented the Planning Board's comments on the proposed laws. The suggestions are as follows:

1. Moderate Income/Affordable Housing Law: The Planning Board generally supported the law and requested that the points awarded to veterans and/or disabled be raised from 1 point to at least 2 points.

Attorney Cappello also presented a letter from Jennifer VanTuyl, Attorney, stating "This is another excellent provision, I suggest two minor revisions:

1. Section 97-24 presently requires that affordable units be "in the same proportion as all other units in the development." I suggest giving more flexibility to the Planning Board in determining the appropriate proportion of types of affordable units. I also suggest that the Language more clearly state

that the section applies to the units which are subject to affordable housing requirements.

2. Dwelling Unit Size and Distribution: Affordable housing units shall be Located throughout the development and be distributed among one, two, three or four bedroom units, in multi-family, single-family attached and single family detached dwellings, in the proportions which reasonably reflect the proportions of all other units subject to affordable housing in the development.

The Occupancy standards set forth in section 97-24 (F) seem unduly harsh. For example, it is not unusual for a one bedroom unit to be occupied by two people, and a two bedroom unit to be occupied by two parents and a child.

Ms. Van Tuyl concluded with “The Town Board is to be commended for considering these pro-active measures to implement sound housing sound housing policies. Thank you for this opportunity to comment.”

Attorney Cappello will make the necessary changes giving a veteran two points. The Board discussed various aspects of the law. Councilman Bloomfield expressed concern for the buildout of the Town of Goshen and it’s affect on recreation. He said the Joint Recreation Commission is already serving an overwhelming number of children and more children mean more parks which are expensive. He felt that if only 10% of the homes were affordable the other 90% are normal families with children buying homes. He felt the Board should discuss the Parkland fee of \$3,000 further. Councilman Newbold felt some things would have to be given to make affordable housing available. Supervisor Bernstein pointed out the fact that many hamlets and communities in the future will have recreation areas of their own. She asked for further comments from the Public.

Christine Menza asked who paid the \$3,000 for parkland. The Supervisor and Councilman Bloomfield explained the developer must pay this and the money is used for parkland. With no further comment from the public Councilman Newbold made a Motion to keep the Public Hearing open until the next meeting. The Motion was seconded by Councilman Cappella. Motion carried unanimously. The Public Hearing will be open to July 28<sup>th</sup>.

## **2. TDR – PAYMENT –IN-LIEU**

Councilman Newbold made a Motion to open the Public Hearing for TDR-Payment-In-Lieu. The Motion was seconded by Councilman Bloomfield. Motion carred. Supervisor Bernstein opened the Public Hearing at 7:50 p.m. and asked for comments from the public. Attorney Cappello read the comments from the Planning Board.

The Planning Board suggested that the Town Board include a specific reference to the

procedures of the Zoning Law to be followed in any application for such purchase of development rights. Further the Planning Board suggested that the Town Board provide that the price for purchasing a development be reviewed by the Town Board a minimum of two times a year.

Attorney Cappello read the comments by Jennifer Van Tuyl .

I understand that suggestions have been made to require the Town Board, Under section 97-20 K (3) (b), to reconsider the costs of TDR-units a certain number of times each year. The current language provides the Town Board with ample discretion to review the costs any time it deems it appropriate. The present language preserves the Town Board's discretion and provides the needed flexibility.

2. Section 97-20 K (3) (c) The Planning Board shall determine the maximum number of additional residential units that may be transferred to the parcel pursuant to the applicable provisions of section 97-20 (A) and (K), the appropriate provisions of the underlying zoning districts, after appropriate SEQR review. In the alternative, the provisions could be made shorter, by simply stating, "...pursuant to the applicable provisions of the Code, after appropriate SEQR review."

3. Change Section 97-20 K (3) (c) (3) sets the time of payment of the TDR fees and administrative fees to: At any time after the time of preliminary approval, and no later than the time of the issuance of any building permits to develop any units in the subdivision, the applicant shall pay to the Town's Land and Development Rights Acquisition Fund an amount equal to the price per unit in effect at the time of such payment, plus all appropriate administrative fees.

The Board discussed the comments at length. Attorney Cappello will make the changes of two times a year and a pursuant to the Code clarification.

With no further comment from the public Councilman Cappella moved to leave the Public Hearing open to the July 28<sup>th</sup> meeting. The Motion was seconded by Councilman Bloomfield. Motion carried unanimously.

### **3. PEDDLING AND SOLICITING**

Councilman Bloomfield made the Motion to open the Public Hearing on Peddling and Soliciting. The Motion was seconded by Councilman Cappella. Motion carried unanimously. Supervisor Bernstein asked if anyone would like to speak.

Reynold Andrews asked if a license would be required for a canvasser? Attorney Cappello said any candidate running for office or his representative would be exempt Attorney Cappello stated the law is in place to identify persons going from door to door within the Town may be established. The Board discussed taking the canvasser out of the text and all seemed to be in agreement. Attorney Cappello will make the necessary

changes. With no further comment from the public Councilman Bloomfield made a Motion to leave the Public Hearing for Peddling and Soliciting open till the July 28<sup>th</sup> meeting. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

#### **4. MISCELLANEOUS REVISIONS TO TOWN OF GOSHEN ZONING LAW**

Councilman Cappella made the Motion to open the Public Hearing on Miscellaneous Revisions to Town of Goshen Zoning Law. Councilman Bloomfield seconded the Motion. Motion carried unanimously.

Attorney Cappella reported the Planning Board supports this law, just requests the Town Board monitor the number of applications for accessory units to determine whether they normally need to be modified further in the future if there is a proliferation of such applications.

He said the Planning Board members also requested that the Town, in the future, consider laws to protect existing farmers if they join an organic farm to insure that the practices of the existing farm are not adversely affected.

Supervisor Bernstein explained that under the new code accessory homes can be built on the property so that children and other family members can build affordable homes on the parent's property. However, to see that the law is not misused the homes must share a well. This why the property must be monitored, to see that it is not abused. Councilman Bloomfield asked if it was at the Planning Board's discretion as to the distance from the main home and the size of it. Attorney Cappello explained the Board put a restriction of 1,000 square feet for the accessory home. However, it is still a special permit so the Planning Board will still be monitoring the well and septic plans.

With no further input from the public Councilman Newbold made the Motion to hold the Public Hearing over to July 28<sup>th</sup>. The Motion was seconded by Councilman Cappella. Motion carried 5 to 0.

#### **D. OLD BUSINESS:**

##### **1. Correction of June 23<sup>rd</sup> Abstract**

Councilman Cappella made the Motion to correct June 23<sup>rd</sup> abstract from Voucher#2005-1306 to Voucher#2005-1448 amounting to \$98,890 to Voucher#2005-1449 amounting to \$99,438.83 on voucher was left out.

##### **2. Resolution of Adoptions**

Supervisor Bernstein explained that the Board would not be adopting any of the proposed local laws this evening and all would be held open until the July 28<sup>th</sup> meeting.

**E. NEW BUSINESS:**

**1. Award Topographical Survey**

**TOWN OF GOSHEN  
County of Orange, State of New York**

**RESOLUTION  
AWARDING TOPOGRAPHICAL  
SURVEY**

Introduction by: Councilman Kenneth Newbold  
Seconded by: Councilman Louis Cappella  
Date of Adoption: July 14, 2005

**WHEREAS**, the Town of Goshen Town Board, after soliciting bids pursuant to its Procurement policy and after consideration of the recommendation of the Landscape Architects for the Salesian Park, has determined that it is in the best interest of the Town to perform topographical survey of the Salesian Park Property in the Town of Goshen, as described in Hudson & Pacific Designs' request dated June 9, 2005; and

**WHEREAS**, the Town of Goshen Town Board after reviewing estimates for the land Surveying proposals approves the proposal of Mercurio-North-Taroli, Land Surveying – Engineering, P.C.

**NOW, THEREFORE, BE IT RESOLVED:**

That the Town of Goshen, Town Board approves the Mercurio-North-Tarolli, Land Surveying-Engineering P.C. to perform the topographical survey of the Salesian Park Property as fully described in their letter of June 15, 2005, attached hereto, conditioned upon approval of The Village of Goshen Board of Trustees at a price not to exceed \$18,200.00.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

## 2. Surplus Highway Equipment

**TOWN OF GOSHEN**  
County of Orange, State of New York

**RESOLUTION**  
**AUTHORIZING BID TO BE**  
**AWARDED FOR SURPLUS VEHICLES**

Introduced by: Councilman Louis Cappella  
Seconded by: Councilman Douglas Bloomfield  
Date of Adoption: July 14, 2005

**WHEREAS**, the Town of Goshen, pursuant to the General Municipal Law, having solicited and received bids for purchase of Town of Goshen Surplus Vehicles; and received bids for purchase of Town of Goshen Surplus Vehicles; and

**WHEREAS**, the Town Board, after review and consideration of submitted bids and upon receipt of the highest bid, has determined Bryan House is the highest bidder for the International Dump Truck at \$1,050.00; and Robert Norman is the highest bidder for the 1982 Ford Wheel Loader at \$4,756.00

**NOW, THEREFORE, BE IT RESOLVED:**

That the Town award the sale of the surplus vehicles to the highest bidders as follows:

International Dump Truck	\$1,050.00	Bryan House
1982 Ford Wheel Loader	\$4,756.00	Robert Norman

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

Councilman Bloomfield asked what this money would be used for, if it goes into the General Fund or elsewhere? He would like to see it used to bring down the debt of something that was in the budget. The Board agreed it should be placed in the General Fund and if Highway wanted to apply for it they could.

## 3. Appoint Tom Loughran

Supervisor Bernstein asked the Board to hold this matter over.

**4. Accept Michael Wilson's Resignation From Zoning Board of Appeals**

Supervisor Bernstein said Michael Wilson has been a long time member of the ZBA Board and w as recently the Chairman. He is resigning to take a job that will entail a good deal of travel. Supervisor Bernstein said he will be missed and thanked him for doing a great job.

**TOWN OF GOSHEN  
County of Orange, State of New York**

**RESOLUTION  
ACCEPTING RESIGNATION  
OF MICHAEL WILSON**

Introduced by: Councilman Louis Cappella  
Seconded by: Councilman Douglas Bloomfield  
Date of Adoption: July 14, 2005

**NOW, THEREFORE, BE IT RESOLVED:**

That the Town Board of the Town of Goshen regrettfully accepts the resignation of Michael Wilson from the Town of Goshen Zoning Board of Appeals.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

**F. FINANCE:**

Councilman Douglas Bloomfield made a Motion to authorize the Supervisor to pay Voucher #2005-1450 to Voucher #2005-1629 amounting to \$559,514.12. The Motion was seconded by Councilman Louis Cappella. Motion carried unanimously.

**G. FREEDOM OF THE FLOOR:**

Patricia Kiersten approached the Board stating she lives on Jessup Switch Road and a

neighbor is turning this property into a junkyard. The Board assured her the homeowner has been sited and the Building Inspector will be following it up.

Councilman Bloomfield thanked the Highway Department for the work they did recently on Houston Road.

With no further comments from the floor, Councilman Bloomfield made a Motion to go into Executive Session to discuss a personnel matter. The Motion was seconded by Councilman Cappella. Motion carried 5 – 0.

**ADJOURNMENT:** 8:45 P.M.

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Valma Eisma, Town Clerk