

The Regular Meeting of the Town Board of the Town of Goshen was held on the 11<sup>th</sup> day of October, 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	George Lyons	Councilman
Louis Cappella	Councilman		

**ABSENT:** Kenneth Newbold, Councilman; Philip Canterino, Councilman

**ALSO PRESENT:** Dennis Caplicki, Town Attorney

**A. CALL TO ORDER:** Supervisor Bloomfield called the meeting to order at 7:35 p.m. and asked Reynell Andrews to lead the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** None

**C. PRIVILEGE OF THE FLOOR (agenda items only)** Supervisor Bloomfield said this is the time for anyone to speak on any of the agenda items, but also tonight he felt this would be a good time for anyone wanting to comment on the scoping session for the EIS for Local Laws #2 and #3. Of course the public can still speak at the second Privilege of the Floor.

Attorney Caplicki stated the scoping session will be done as a work session at the end of the regular meeting. The public is welcome to stay and listen, however they will not be able to speak at that time. He said now would be a good time to express their comments and concerns.

Richard Cantor addressed the Board, stating he is a member of Teahan & Constantino, Counselors at Law representing ADC Orange, Inc. Maplewood Village. He said the following: I cannot make any substance comments on the draft scope because I have literally had three or five minutes only to speak. I would ask when you are through with your Board discussions this evening, that you establish a reasonable time, whether an adjourned scoping session or time for written comments or both, so that those who are concerned have a reasonable opportunity to offer you their input. The other comment I have is that in my opinion your procedures are eschew, in a brief scanning of your draft scope you speak of amending the Comprehensive Plan. It is my understanding that there does not exist a proposed law to amend the Comprehensive Plan. If that is your intention that is part of what, in technical terms under SEQRA, is known as the action, and you should first formulate your action before you can reasonably scope “the DGEIS for the action.” At the moment all that exists is the draft of two zoning amendments, the text amendment and the map amendment, and it is not possible to make complete and meaningful comments on the scope without seeing what appears to be another part of your action to be forthcoming at some point in time. I would ask, in addition to offering a reasonable time to comment on what you produce that you create some hiatus or in your

process produce whatever draft law you think is appropriate to amend the plan and go back to scoping the entire action.

Michael Zarin approached the Board and made the following statements: I represent Ginsburg Development Companies, LLC in connection to the proposed zoning changes and the draft scoping document. "I must concur, ditto Mr. Cantor." While SEQRA provides an excellent forum for taking input and considering it put on the action, in this case, specifically, the potential amendment to the Comprehensive Plan. Typically the document for the proposed amendments are first formulated as a proposed action, then SEQRA then provides a forum to evaluate the impacts of that action. While the proposed revisions to the Comprehensive Plan may change, evolve during the SEQRA process based on input which is the purpose of SEQRA, based on the input of the proposed potential impact. Before you can really start SEQRA, you need a draft. You need a "proposed action". It is equivalent to an application. As far as the scoping goes, I think pursuant to 617.8, at least the way I am familiar with SEQRA, and the way the regulations read, the draft scope should be distributed and circulated within a certain amount of reasonable time before comments are solicited. I think you will get more valuable input if you leave sufficient time for the document to be reviewed and frankly I think that is as much in your interest as in any applicant. The more input you get, the more meaningful input you will get and I think it will result in a better document. Many of us have been through this before and can provide you with significantly more meat than is in the document now. This can help guide your consultants to prepare their documents. For example, unless I am missing it, one of the fundamental areas of an EIS is not even mentioned: potential litigation. I would hope you will leave the scoping session open.

James Morrison: I would like to reiterate the need for more public participation and I would ask the Board to please consider strongly allowing the public ample opportunity to present comments.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**1. Resolution: Hire Anthony Lasaponara as MEO for Highway Department:** Councilman Cappella made a Motion to hire Anthony Lasaponara as MEO for Highway Department effective October 15<sup>th</sup>, at \$18.85 per hour, Subject to Satisfactory physical Exam and Drug Test. The Motion was seconded by Councilman Lyons. Motion carried 3 to 0.

**2. Authorize Highway to Solicit Bids for Pole Barn:** Councilman Cappella made a Motion to authorize the Highway Superintendent to solicit bids for a pole barn to protect Highway equipment from inclement weather. The Motion was seconded by Councilman Lyons. Motion carried 3 to 0.

**3. Purchase of Used Van for Dial-A-Bus:** Councilman Cappella made a Motion to authorize the Supervisor to purchase the eight passenger Dial-A-Bus van from the County for no more than \$1,000.00 as soon as it becomes available. The Motion was seconded by Councilman Lyons. Councilman Cappella said he would like to comment on the fact that the bus serves Chester, Hamptonburgh and in the last year or two the use of the Dial- A- Bus has increased by 10%. He said the bus has been putting on well over 50,000 miles picking up a lot of seniors, which is a good thing for the community. However, when it breaks down it is important to be able to pick up these seniors. He said we can't always get a van and they are expensive. This would supply us with our own backup system. Motion carried 3 to 0.

**4. Resolution: Appoint John Swift, Esq. to the Zoning Board of Appeals Effective 10/11/2007.** Councilman Lyons made a Motion to appoint John Swift, Esq. to the Zoning Board of Appeals, effective 10/11/2007. The Motion was seconded by Councilman Cappella. Councilman Lyons said Mr. Swift has worked on the ERB for several months and has done a great job. Motion carried 3 to 0.

**F. FINANCE:** Councilman Lyons made a Motion to authorize the Supervisor to pay Accounts Payable Fund dated October 11, 2007 amounting to \$134,089.80. The Motion was seconded by Councilman Cappella. Motion carried 3 to 0.

**G. PRIVILEGE OF THE FLOOR:** Beverly Jappen approached the Board saying the deadline to submit parcels to the County for PDR is the 25<sup>th</sup> of October. She said this will be the fourth submission for one of the properties we are submitting, and she hoped this would get the County's attention. She said she had called the County and told them we were tired of being a bridesmaid and would like to be a bride this time. She said last time we were second tier and the County ran out of money. Supervisor Bloomfield said he also had called and asked what we could do differently this time. He said he was told that when this started there were one or two municipalities applying, but now there are forty. We have three farms we are purchasing and some municipalities have none.

Steve Esposito asked if the scoping session would be left open for written comments. Supervisor Bloomfield replied yes.

**H. SCOPING SESSION FOR EIS FOR LOCAL LAWS #2 AND #3:** With no further comments from the floor Councilman Lyons made the Motion to open the scoping session for Local Laws #2 and #3. The Motion was seconded by Councilman Cappella. Since Mr. Garling was not yet present, the Board took a five minute break at 7:55 p.m.

The Supervisor reconvened the meeting at 8:00 p.m. and Edwin Garling, Town Planner joined the Board. Attorney Caplicki stated "we are presently in the process of working on draft amendments modifications to the existing Comprehensive Plan." He felt there was still some confusion in the community. "You are not adopting a new one, you are not replacing the existing one, you are modifying the existing one." He said this is an evolving ongoing process and as you will see, even tonight, comments made on this

scoping session, that based upon the public input to date, written and oral, and various application interviews from interested parties, some of the original ideas on the modifications on the local laws have been modified and changed.

Mr. Garling said this is the initial draft scoping document to the Board. He said it is a little different from the usual scoping document as most scoping documents are done for a particular project. When a project is being developed it is going to have specific impacts on the land, on water and traffic, etc. and when that is done you normally follow the long form and present it with the application and you talk about impacts on lands, traffic, public services, etc. In this case we are looking at the zoning law and Comprehensive Plan and when you look at those documents, normally the intent of those documents is to protect the environment, to be beneficial to the environment.

Mr. Garling said the proposed changes will alter or modify some projects currently before the Board, such as affordable housing, PAC developments, etc. Therefore, there will be impacts to the code, but they are not going to be spelled out the way it normally is. Mr. Garling went over the document which included:

1. Proposed Action and Potential Impact
2. Involved and Interested Agencies
3. Scope of Issues to be addressed
4. Evaluation of Specific Zone Changes
5. Green Construction
6. Need to Modify the Comprehensive Plan
7. Traffic Impacts
8. Open space Impacts
9. Impacts on Housing to be addressed
10. Alternatives
11. Potential Growth – Inducing Aspects

Copies of the Draft Scoping Document are available in the Town Clerks Office

The Town Board, based upon a review of the Comprehensive Plan and Zoning Law, believe that an appropriate vision for the future of the town includes the following concepts:

- Protect and preserve open space areas to be expressed as Primary Conservation Areas and Constrained Areas in the Plan and Zoning Law.
- Reduce and modify residential zoning densities to better reflect community desires for moderate density areas with a diversity of housing that offers affordable housing within an enforceable structure.
- Encourage the diversity of housing in Hamlet areas with a mixture of affordable and market rate housing combined with Planned Adult Communities (PAC's) and, where feasible, commercial centers.

- Encourage commercial development in our area villages and, where feasible in the hamlet areas, but with a primary focus of commercial development along traditional highway corridors.
- Provide clustered residential development through a combination of the Conservation Analysis process and the economic reality that clustered development is less expensive generally than non-clustered development, resulting in the preservation of open space without the need for incentives or bonus dwellings.
- Planned Adult communities should not compete with commercial land and should be located in and around hamlet areas where adequate services can be provided and on land with flatter grades which are conducive to a pedestrian related environment without the need for substantial alteration of the natural terrain.
- Constrained lands (e.g., steep slopes, wetlands and other environmentally sensitive areas) should not be used in a manner to calculate additional residential density or lot sizes.
- Locate and develop central water and sewer services to effectuate the Comprehensive Plan and the county Comprehensive Plan and the urban areas of the plans rural-urban concept.

The Board discussed at length the traffic problems and the fact that almost all traffic, work, school, thru traffic all end up in, and going through, the village. Supervisor Bloomfield said it would help, with the schools all planning additions, if a developer could work along with the school and build out in the Town where the children are. He said this could ease some of the traffic problems. Mr. Garling reported he had talked to the Superintendent of the schools some time ago and asked him if there would be a spot he would be interested in, if he were to build outside of the Village. The Superintendent said he would be interested and the two had discussed a location. Mr. Garling said he was not at liberty to discuss the location.

Mr. Garling presented a map to the Board showing the various developments that are now before the Planning Board and the project status of each development. Mr. Garling pointed out the black dirt areas, wet lands, what areas are protected, etc., in all the Board will be able to see how the Town is going to look. The projects were discussed at length.

Mr. Garling, Attorney Caplicki and the Board all agreed the scoping session should be left open, to give the people in attendance tonight, and those not able to attend, a chance to review the scoping document presented this evening.

Councilman Cappella made a Motion to extend the scoping Session on Local Laws two and three to the end of the day on October 22, 2007 or modified if needed. During this

time the Board will accept written comments. The Motion was seconded by Councilman Lyons. Motion carried 3 to 0.

With no further business, Councilman Lyons made a Motion to adjourn the meeting. The Motion was seconded by Councilman Cappella. Motion carried 3 to 0.

Time: 8:55 p.m.

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Valma Eisma, Town Clerk