

**SPECIAL TOWN BOARD MEETING
JUNE 1, 2006**

A Special Meeting of the Town Board of the Town of Goshen was held on the 1st. day of June, 2006 at 6:30 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	Louis Cappella	Councilman
Philip Canterino	Councilman	George Lyons	Councilman
Kenneth Newbold	Councilman		

Also Present: Rick Golden, Town Attorney; John Cappello, Town Attorney

A. Call to Order:

Supervisor Bloomfield opened the meeting and asked Rick Golden to lead the Pledge of Allegiance.

B. Amendment to the Agenda: None

C. Old Business:

Public Hearing Continuation:

Gerrick Associates – Special Use Permit for Air Strip

Supervisor Bloomfield opened the Public Hearing at 6:30 p.m.

The Board reviewed their various concerns in regard to the Special Use Permit and Attorney Golden said he had incorporated the Planning Board's concerns in the Resolution. Councilman Canterino stated he still has not seen anything on paper stating the owner of the parcel being subdivided that will be used for the airstrip. Mr. Minkus spoke saying Gerrick Associates owns the whole thing. He said he and his wife have two corporations: Gerrick Associations and Rick Minkus Farms. He said after it is subdivided he will donate the air strip parcel and deed it over to Orange County Crop Protection.

Councilman Lyons said the Planning Board can go no further with this project until the Town Board approves the special use. Attorney Golden explained the Planning Board cannot act on a sub division for an air strip, as an air strip is not a permitted use. He said they could act on the subdivision, but it is such a unique subdivision in that it is such a narrow piece of property, it really can't be a subdivision used for any other purpose

Building Inspector Neal Halloran suggested number two of the Resolution might want to be changed to read any existing residential areas to protect the farmers from someone building on the end of their runway and not wanting them to fly anymore. Attorney Golden said it can be done, but the Board has to decide exactly how they want it worded. Supervisor Bloomfield asked what was the probability of this happening? Inspector Halloran said there is nothing before the Board at this time, but he would assume there might be one or two subdivisions in the future.

The Building Inspector asked if in the future the strip would be able to be sold to the crop dusters. Councilman Canterino stated this has been his concern from the beginning. Attorney Golden said it is a special use permit and can only be used for crop dusting. He said if it is sold, it can only be used as an agricultural airstrip.

A gentleman, Tom Zigrillo, from the Orange County Vegetable Growers Association stated the intent is clearly for farmers to own it for a long time, through third, fourth generations farmers. "We don't want any one else being in control of our destinies or our future generations."

Ralph Huddleston, Planning Board Chairman, said with all the limitations put on the property through the special permit and as long as it has to be an agricultural airstrip, why do we care who owns it? He said the special permit protects everyone.

Doris Bialas stated the special permit is on the land, not on any one person, it is on the land no matter who owns it.

There was a lot of discussion between the Board and the public on various aspects of the operation of the air strip, such as gas being kept on the property, etc. All will be under the control of the Planning Board and will have to meet all the codes of the State and Federal agencies.

Councilman Cappella made a Motion to close the Public Hearing. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Councilman Canterino made a Motion to approve the Special Permit. The Motion was seconded by Councilman Cappella. In discussion various small changes were suggested to improve the wording of the Resolution. Attorney Golden went over the changes with the Board and will make the amendments. The Motion was corrected to Approve the Special Permit Resolution as amended. The Motion was again seconded by Councilman Cappella and carried unanimously.

Amended Resolution:

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

**APPROVAL OF SPECIAL PERMIT USE
FOR AGRICULTURAL AIRSTRIP**

Introduced by: Councilman Philip Canterino

Seconded by: Councilman Louis Cappella

Date of Adoption: June 1, 2006

WHEREAS, the Town Board received an Application for Special Permit, pursuant to Town Code § 97-70 (B), from Gerrick Associates, LLC and Rick Minkus to operate an agricultural airstrip to be utilized by small aircraft in order to facilitate the agricultural aerial spraying of nearby farmland in the Towns of Goshen, Wawayanda and Warwick on a portion of the 126.62 acres of land owned by Gerrick Associates, LLC and designated as Section 21, Block 1, Lot 108 of the Tax Maps of the Town of Goshen, a use not otherwise permitted under the Town Code, and

WHEREAS, the application for the agricultural airstrip is presently before the TOWN OF GOSHEN PLANNING BOARD for a subdivision approval to permit the subdivision of the above referenced property providing for a 12.1 acre strip of land in accordance with a subdivision plan entitled "Survey and 2 lot Subdivision of Lands for Gerick (sic) Associates LLC," dated January 17, 2006, and

WHEREAS, the TOWN OF GOSHEN PLANNING BOARD has recommended that a special permit be granted with the following conditions: (1) That the airstrip be restricted to agricultural uses only, (2) That the flight patterns for the aircraft utilizing the airstrip be restricted so as not to fly over any residential areas, (3) That there shall be no chemical storage on site, and (4) that the aircraft flights be limited to servicing farmland in the Towns of Goshen, Wawayanda and Warwick, and

WHEREAS, the TOWN OF GOSHEN PLANNING BOARD previously, and in accordance with State law and the Town Code, made all of the required referral, conducted a public hearing on the subdivision, and made its determination of significance under the State Environmental Quality Review Act ("SEQRA") as a Negative Declaration, and

WHEREAS, the TOWN BOARD OF GOSHEN opened a public hearing on this application for a special permit on May 25, 2006, which was continued to, and closed on, June 1, 2006,

NOW, THEREFORE, BE IT RESOLVED, that the above referenced 12.41 acre strip of property is hereby granted a Special Use Permit, subject to site plan review and approval by the TOWN OF GOSHEN PLANNING BOARD, permitting the use of an agricultural airstrip, conditioned upon the following:

1. That the airstrip be restricted to agricultural uses only.
2. That the flight patterns for the aircraft utilizing the airstrip be restricted so as not to fly over any developed residential areas existing at the time of the grant of this Special Use Permit.
3. That there shall be no chemical storage on site.
4. That the aircraft flights be limited to servicing farmland in the Towns of Goshen, Wawayanda and Warwick.
5. That any storage of aircraft fuel must be within an enclosed building and receive any all approvals by Federal, State and local governmental agencies.
6. That if any subdivision approval is granted by the TOWN OF GOSHEN PLANNING BOARD for the airstrip portion of the property it shall require a recorded Deed restriction that such strip of property shall revert back to the Gerrick Associates, LLC Parcel, presently designated as Section 21, Block1, Lot 108 of the Tax Maps of the Town of Goshen, if it is not utilized as an airstrip for any continuous period of 24 months. Such Deed restriction shall be in such form and require such proof of filing, as acceptable to the special counsel to the Town of Goshen Planning Board responsible for this subdivision application.
7. That this Special Permit shall expire if the Applicant fails to obtain the necessary approvals from all Federal, State and local Governmental agencies within 12 months of the date of this grant of the Special Use Permit without any further action by the TOWN BOARD OF GOSHEN.

Vote: The above Resolution carried by a vote of 5 ayes, 0 Nays, and 0 Abstentions.

2. RESOLUTION: APPOINT GRIFFIN VALUATION & REALTY SERVICES, LTD AS APPRAISOR IN DANA DISTRIBUTORS TAX CERTIORARI

Attorney John Cappella joined the Board and he and the Town Clerk explained there were a number of Resolutions done in 2005 to have Griffin Valuation & Realty do the appraisal for various tax certs. However, somehow Data Distributors was left out. Since this is pending it needs to be addressed now. The new members of the Board had questions about how these were usually handled. Councilman Newbold made a Motion to adopt the Resolution to appoint Griffin Valuation & Realty Services for Dana Distributors Tax Cert. The Motion was seconded by Councilman Cappella. Councilman Canterino and Councilman Lyons had further questions and would like to table the Motion until the Board can discuss it further at the next work session. Motion Tabled.

4. FIRE PARADE: JUNE 10, 2006

Supervisor Bloomfield asked who would be attending the White Hat Party and march in the parade. The Councilmen will notify the clerk and she will notify the Fire Department.

Councilman Cappella made a Motion to adjourn the meeting at 7:15 p.m.. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

Valma Eisma, Town Clerk