



**3. REVIEW AND APPROVE THE TOWN OF GOSHEN ROAD PLAN FOR 2019 AND AUTHORIZE THE GOSHEN SUPERINTENDENT OF HIGHWAYS TO IMPLEMENT THE PLAN.**

Superintendent of Highway, Broderick Knoell presented his 2019 Road Improvement Summary and Agreement to Spend Highway Funds to the Board. The 2019 Town Road improvement fund is \$1,060,100.00, the CHIPS 2019 fund is \$144,844.40 and the 2019 Pave NY plus 2019 Extreme Winter Recovery is \$33,062.64 will provide the total revenue amounting to \$1,238,007.04. The 2019 planned expenditures is \$1,203,225.00 leaving a fund balance of \$34,782.04.

Under General repairs, the sum of \$200,000.00 may be expended for general repairs upon 72.85 miles of town highways, including roads, culverts, and bridges, noted Mr. Knoell. [Details of the road improvement summary are in the Clerk's office].

Councilperson Newbold made the motion to accept the Road Improvement plan for 2019 and authorize the Board to sign the *Agreement to Spend Highway Funds* as presented. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

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

**7. DISCUSS PROPOSAL TO INCREASE THE TOWN OF GOSHEN ROAD BUDGET FOR 2019 BY \$350,000 THROUGH A BUDGET TRANSFER.**

**PROPOSAL: BUDGET TRANSFER FOR \$350,000 FOR 2019 FROM B FUND TO DB FUND:**

Increase DB Road Program expense by \$350,000.  
Fund this expense through an Interfund Transfer from B Fund.

B Fund -use Appropriate of Fund Balance.

**ESTIMATED FUND BALANCES FOR 2019**

	12/31/2017	2018 *	12/31/2018	2019	12/31/2019	SUGGESTED	12/31/2019	2019 **
	FUND BAL.	GAIN/(LOSS)	FUND BAL.	APPROPR.	FUND BAL.	TRANSFER	ADJ. FUND BAL.	EXPENSES
B	1,860,688	(153,527)	1,707,161	(300,000)	1,407,161	(350,000)	1,057,161	2,938,511
DB	250,943	622,068	873,011	(100,000)	773,011	350,000	1,123,011	2,224,350

\* UNAUDITED FIGURES

\*\* BUDGETED

Councilperson Lyons made the motion to approve appropriation of fund balance in B Fund of \$350,000 Interfund Transfer Expense line to be transferred to DB Interfund Transfer Revenue line. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen  
0 NAYS

**4. REVIEW AND APPROVE THE LEGOLAND LANDSCAPING PLAN FOR LANDSCAPING THE TOWN PROPERTIES.**

Attorney Golden submitted landscaping maps showing Section 11, Block 1, Lots 68 & 69. The two lots are within the Legoland Park. Part of the license agreement, at no cost to the Town, is to grade the lots to be similar with the surrounding grade which will enable the Town access to the lots for future use. Another part of the license agreement was to appropriately landscape the two lots.

Ralph Huddleston, Environmental Consultant, gave a detailed review of the landscaping plan for Lots 68 & 69. Without the grading plan the lots would not have been maintainable. According to Mr. Huddleston, "the proposed mixture of large canopy, canopy, evergreen and flowering trees positioned along the edge and through the seeded meadow fields to be adequate." He believes the plan will "provide an attractive and diverse habitat for local birds and small wildlife while allowing a natural progression from field to forest over time". The vegetation selected and grading will blend nicely. He sees no problems with the landscaping plan.

Councilperson Lyons made the motion to accept the landscaping plan as presented to include markers. Councilperson Van Der Molen seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

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

**5. REVIEW AND APPROVE LEGOLAND DOCUMENTS AS PRESENTED.**

Attorney Golden reviewed each of the following documents.

- (1) Set of maps detailing Lots 11-1-49.23, 11-1-49.24 and 11-1-59.4
- (2) Bargain & Sale Deed // Offer of Dedication 11-1-49.24
- (3) Bargain & Sale Deed // Offer of Dedication 11-1-49.23
- (4) Bargain & Sale Deed // Offer of Dedication 15-1-59.4
- (5) Bargain & Sale Deed // Offer of Dedication 11-1-46.2 - Wells 1 & 2
- (6) Utility & Access Easement Wells & Pumphouse
- (7) Easement for Wellhead Protection
- (8) Conservation Easement

Councilperson Lyons made the motion to (1) receive and accept offers of dedication regarding (i) Legoland wells 1&2, and (ii) lands in fee surrounding 3 Town wells [Lots 59.4, 49.23, and 49.24] (2) agree to (i) well head protection easement area, (ii) utility easement access, and (iii) conservation easement, and (3) authorize Supervisor to sign all necessary documents to effectuate these land transactions. Councilperson Gallo seconded the motion.

Discussion: Councilperson Newbold is in disagreement with the Board's decision to vote. He remarked that the public has not had enough time to read the documents and/or express an opinion. There is a lot to read. What is the emergency? It is unfair to the public. The public should have the opportunity to comment.

Councilperson Lyons agreed. He asked if there is a reason the vote has to be done tonight.

Attorney Golden noted the plans authorizing the next phase (1c) allows the issuance of building permits etc. for the remainder of the project. The documents have been previously agreed to or requested of the project. Basically, the documents allow for Legoland to go forward. Previously, the people have had several opportunities to comment on all of these items.

Supervisor Bloomfield noted the documents are the legal verbiage as to what was discussed. It doesn't change what has been decided to do.

Councilperson Gallo asked if we could call a special meeting next week. The consensus was to hold a special meeting to continue this topic on Wednesday 15, 2019 at 7:30PM.

Motion was tabled.

**6. REVIEW AND APPROVE A PROPOSED CONSENT JUDGEMENT, TAILWINDS VS. TOWN OF GOSHEN.**

Attorney Golden summarized the judgement settlement of Tailwinds Properties, LLC (aka Joe Fix-its Store). The real property of Petitioner described on the Town of Goshen assessment rolls for the 2015, 2016, 2017 and 2018 tax years as follows: Tax map No. 111-11-7 be reduced in market value from \$549,200.00, \$553,400.00, \$536,866.00 and \$536,866.00 respectively, to a market value of \$400,000.00 for each above-referenced tax year, prior to the application of any real property tax exemptions.

Councilperson Newbold made the motion to accept the stated settlement between Tailwinds Properties, LLC vs The Assessor and the Board of Assessment Review of the Town of Goshen, and the Town of Goshen, County of Orange, New York and authorize the Supervisor to sign the necessary documents. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

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

**8. INFORMATION: FRED LEWIS, FIRTHCLIFFE TECHNOLOGIES, LLC, IS RETIRING AND GOING OUT OF BUSINESS. A REPLACEMENT WILL BE DISCUSSED AT OUR 5/23 MEETING AND YOUR INPUT WILL BE WELCOMED.**

As stated, for information only.

**E. OLD BUSINESS:**

**1. AUTHORIZE THE BUILDING OFFICE TO HIRE JOHN TERRY, TWO DAYS PER WEEK, RETROACTIVE MAY 1, 2019. THIS ITEM WAS PREVIOUSLY DISCUSSED AT A BOARD MEETING.**

Councilperson Van Der Molen made the motion to authorize the Building Office to hire John Terry, two days a week at \$25.00 per hour, retroactive May 1, 2019. Councilperson Newbold seconded the motion.

Discussion: He will primarily do fire inspections.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen  
0 NAYS

**2. CLOSE THE HEARING REGARDING SBL 20-1-152.2 STATE ROUTE 17A (3 STRUCTURES) IDENTIFIED BY THE BUILDING INSPECTOR AS BEING UNSAFE AND IN NEED OF EXTENSIVE REPAIR OR DEMOLITION.**

Representatives of this parcel explained what they are planning to do with this property. The barn structure has completely collapsed and will be removed. The garage may be salvageable, depending on the cost. There are potential buyers for the farm house/property only if they are able to remodel the farm house. The house is dilapidated and has to be reframed. They are asking for time to be granted until about September for the repairs to salvage the farmhouse. Under the current notice of violation the time line for action ends June 10<sup>th</sup>. A request was made for the Building Inspector to be present at the next Board meeting to address this issue.

Councilperson Newbold made the motion to close the hearing on SBL 20-1-152.2 State Route 17A. Councilperson Van Der Molen seconded the motion. Motion carried by a vote of 5 to 0.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

**3. DISCUSS POTENTIAL EASEMENT OBLIGATIONS FOR DAVID SOLAR WETLANDS MITIGATION.**

Attorney Golden explained that Davis Solar wants the Town to take over an easement in connection with their wetland mitigation project as required. Prior to this time the Town didn't have a clear understanding of enforcement connected to the wetland easement. Davis Solar, working with the Army Corps of Engineers and the Orange County Land Trust, have defined easement responsibilities and enforcement parameters governing the wetland easement. At this point, an amendment to the wetland conservation easement is to add the mitigation area and follow the same procedure as done in other conservation easements, which is to monitor and give notice to correct if there is a violation.

**F. FINANCE:**

Councilperson Lyons made the motion to authorize the Supervisor to pay Manual A/P runs as of 04/30/2019 in the amount of \$12,720.27 and Accounts Payable check run for 05/09/2019 in the amount of \$156,214.21. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen  
0 NAYS

**G. PRIVILEGE OF THE FLOOR**

**Robert Garlock** - Dzierzek Lane, questioned if the hours of operation at Foxfire will be 8am-8pm or 8am to 11pm. Ans: the Planning Bd. will authorize hours of operation. There has been no approval for Foxfire events as of this time. The Planning Bd. will address restrictions. He will have to wait for a Planning Bd. public hearing to comment. The Town Bd. only steps in if there is a violation.

**John Kennedy** - Dzierzek Lane, questioned the zoning for the venue Foxfire has applied for. He also has concerns pertaining to the possibility of noise from the events, Uber vehicles misdirected to his home, plans for unsightly and odoriferous portable bathrooms behind his house, and the impact to his quality of life. Ans: the Town Bd. is the only one to pass zoning. The Planning Bd. can only approve what is authorized under the zoning code. There are many listings that are allowed within a zone. The Building Inspector has determined that this type of business is authorized in that zone. This application will have to comply with the permitted use, with the provisions in our code and numerous NYS regulations. At this time Foxfire is not allowed to hold events until given Planning Bd. approval.

**Chris Pskowski** – Gate School House Rd., addressed the factors to qualify for a Special Use permit. He opined that an applicant can be *led* to comply for a Special Use permit in any zone. He believes Foxfire will change the character of the neighborhood. He asked for an update on violations given to Foxfire. Ans: No violations have been given, because no events have taken place. As of this date, Foxfire has not provided proof of cancelled events for 2019. If an event takes place, the Town of Goshen Police will have the authority to block people from entering the event, because they are not authorized to hold an event.

**Brad Barnhorst** – questioned if there are legal requirements as to allowing for public comments at a meeting. Ans: there is nothing that would prohibit a Planning Bd. from setting up an open comment period on its agenda. Generally, Planning Bds. accept public comment at a public hearing on a particular application, but do not open up comments during a meeting. Secondly, he asked for the law regarding amplification exterior to a structure and allowable decibels? Ans: A certain noise level of a certain decibel amount is not allowed to go past the property line. There are also restrictions as to the hours during the day that such noise can occur. Brad read from Chapter 70, Section §70-2, Prohibited noises – item L. *".....Nothing herein contained shall be construed to prevent the operation of a sound device, loud speaker or amplifier used in a reasonable manner by any person within any building or structure, provided that said sound device, loud speaker or amplifier is not so arranged that the sound is projected therefrom directly outside of any building or out-of-doors"*. According to Foxfire's website, one can see speakers on speaker stands clearly outside under a tent. Councilperson Gallo suggested to write comments to the Planning Board.

**Nick Gallo** Discussion covered lots 68 & 69. Will lots 68 & 69 be fenced or will there be trees? Ans: there might be something in the original license agreement. Legoland will not be able to utilize these two lots. Nick inquired as to the buffer in the Conservation Easement. Ans: there is a 100 ft. zoning buffer whereas the Conservation Easement is broader than the zoning. Basically nothing can go in the easement area and virtually nothing can occur within the easement. He questioned if the Town was still going to receive the \$30,000 being that Legoland didn't get Lots 68 & 69? Ans: In the Developers Agreement, Merlin has agreed to give the Town both wells for Arcadia Hills and the \$30,000. The Town will have a 100 ft. area in land it owns around the wells and another 100 ft. easement as part of the wellhead protection agreement. Asking if a road is considered a structure? Ans: In some respects it is considered a structure. The Town has its own existing road to access the wells. There are no public roads going to the wells. (inaudible) Discussion covered the location of the wells and the abandoned wells in relation to the emergency access road.

**H. ADJOURNMENT: 9:45PM**

Councilperson Gallo made the motion to adjourn to enter into Attorney Client meeting. Councilperson Van Der Molen seconded the motion. Motion carried.

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Priscilla Gersbeck, Town Clerk