

Village Board Meeting
December 11, 2017

Members present: Mayor Roddey, Trustees Char, Gurda, Nuzzolese, and Smith

Also present: Attorney Donovan, Village Clerk Strobl, and Chief Watt

Mayor Roddey called the Meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

On a motion by Trustee Char, seconded by Trustee Gurda, the Agenda was accepted as submitted.

Char	aye
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Minutes of the November 27, 2017 Village Board Meeting were accepted as submitted.

Char	abstain (absent on November 27, 2017)
Gurda	aye
Nuzzolese	aye
Smith	aye

Communications

Scotchtown Office Park, LLC, (104-2-59.2)

Attorney Peter Botti addressed the Board with a proposal for the development of the referenced parcel for 16 townhouses, restricted to adults 55 years and older.

As the proposal would require a zone change, from OB (Office Building) to R3 (Multi-family Residential), and a PAC zone overlay, Mr. Botti will submit an updated petition.

Items of Business

The following was moved by Trustee Gurda, and seconded by Trustee Nuzzolese:

The Annual Election of the Village of Goshen will be held at Village Hall, 276 Main Street, Goshen, New York, on Tuesday, March 20, 2018.

Polls will open at 9:00 a.m., and close at 9:00 p.m. that same day.

There will be no Village Registration Day.

A vote resulted as follows:

Char	aye
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Char, seconded by Trustee Smith, the Mayor is hereby authorized to sign a proposal from Nugent & Haeussler, P.C., Certified Public Accountants, for the purpose of conducting an audit of the Justice Court Department for the period ended December 31, 2016, as required in Section 2019-a of the Uniform Justice Court Act. It is understood that the fee for this service will not exceed \$2,900.00.

Char aye
Gurda aye
Nuzzolese aye
Smith aye

On a motion by Trustee Smith, seconded by Trustee Char, bills as examined by members of the Board were approved in accordance with Abstract 2017/2018 number 6, check numbers 13364 through 13490 in the amount of \$1,239,217.91.

Char aye
Gurda aye
Nuzzolese aye
Smith aye

The following was moved by Trustee Char, and seconded by Trustee Gurda:

Whereas, Lanc & Tully Engineering and Surveying, P.C. has reviewed the Application and Certification for Payment No. 2 package for Release of Retainage held, submitted by CMC Construction Group for the Greenwich Avenue Sidewalk Replacement project; and

Whereas, the payment request includes the required Maintenance Bond, valid for a period of one-year commencing November 13, 2017, and

Whereas, work commenced on this project September 25, 2017 and was completed on November 2, 2017, including all punch list items identified during the final inspection conducted with the DPW Superintendent and NYSDOT personnel on October 25, 2017; and

Whereas, based on a review of the documents submitted and the satisfactory completion of the work, Lanc & Tully Engineering and Surveying, P.C. recommends the payment as requested by CMC Construction Group, in the amount of \$5,862.60 for Payment No. 2,

Now Therefore Be It Resolved, that the Mayor authorize payment to CMC Construction Group in the amount of \$5,862.60.

Char aye
Gurda aye
Nuzzolese aye
Smith aye

The following was moved by Trustee Gurda, and seconded by Trustee Nuzzolese:

WHEREAS, the Planning Board of the Village of Goshen, heretofore granted conditional final subdivision approval to a single family residential subdivision known as “Heritage Estates” which subdivision provided for the creation of 8 residential lots; and

WHEREAS, said subdivision contemplated the construction of an internal roadway providing access to and from the new subdivision to the public thoroughfare known as “Robalene Drive”; and

WHEREAS, the said Resolution of Approval required compliance with all terms, conditions and provisions contained upon the signed subdivision plat, the Resolution of Subdivision Approval and the Public Improvement Security Agreement; and

WHEREAS, the Village has heretofore engaged the services of MacDonald Engineering for the purpose of reviewing, inspecting and reporting to the Village as to the compliance of all of the requirements contained within the instruments described hereinabove; and

WHEREAS, MacDonald Engineering, pursuant to correspondence dated December 11, 2017, has certified to the Village that the public improvements have been installed in general conformance with the requirements established in the instruments hereinabove referenced; and

WHEREAS, pursuant to said Resolution of Approval, the subdivider must make the required contribution to the Village Parkland Fund, as well as pay all other outstanding fees;

NOW, THEREFORE, it is hereby

RESOLVED that the Village of Goshen accept ownership and maintenance of the public improvements contained within said subdivision inclusive of the public thoroughfare known as Robalene Drive; and it is further

RESOLVED that the subdivider post a maintenance bond in the amount of \$53,485.00 in such form as may be acceptable to the Village Attorney; and it is further

RESOLVED that the subdivider deliver a Bargain and Sale Deed with Covenants against Grantors Acts together with any and all other required transfer documents all of which must be in a form that is satisfactory to the Village Attorney so as to convey title to the public improvements to the Village of Goshen; and it is further

RESOLVED, that the subdivider procure the necessary title insurance insuring the conveyance to the Village of Goshen.

Char	aye
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Nuzzolese, seconded by Trustee Smith, the Village Board of the Village of Goshen, as lead agency, hereby issues a negative declaration pursuant to the applicable provisions of the State Environmental Quality Review Act, set forth at 6NYCRR Part 617 *et seq.*, in the action: adoption of Local Law #4 of 2017.

Char	aye
Gurda	aye
Nuzzolese	aye
Smith	aye

The following was moved by Trustee Char, and seconded by Trustee Gurda:

WHEREAS, pursuant to a Verified Petition duly dated July 24, 2017, Norabel, Inc., the owner of the real property, hereinafter the “property,” located in the Village of Goshen, County of Orange, State of New York known and designated upon the Tax Map as Section 111, Block 10, Lot 19.13 and Section 114, Block 8, Lot 22.11 has requested that the Village amend the zoning designation applicable to said property from R-3 (multi-family residential) to I (industrial); and

WHEREAS, the said property is 2.8+/- in bulk area, is currently unimproved, and has its primary access on West Main Street; and

WHEREAS, the property abuts lands that are located in the I District as well as in the R-3 Zoning District; and

WHEREAS, this property includes a portion of a now abandoned railroad bed and was formerly located in an I District; and

WHEREAS, the property, along with various other abandoned railroad beds in the Village, was acquired by the Village of Goshen in or about 1985 and was zoned I at the time it was acquired; and

WHEREAS, in 2005 the Village of Goshen rezoned this parcel from I to R-3 to encourage the future development of an existing adjacent senior citizen apartment complex; and

WHEREAS, after the property was re-zoned it offered for public sale and was awarded to the highest bidder, and current owner, Norabel, Inc., with no bid at all being submitted by the owner of the adjacent apartment complex property; and

WHEREAS, if not utilized in connection with the adjacent senior housing complex, the parcel in question is not likely to be developed for any residential purpose as it abuts other industrially zoned property owned by the Petitioner or entities controlled by the Petitioner; and

WHEREAS, as required by law this Petition was referred to the Village of Goshen Planning Board and the Planning Board did issue a report, authored by its counsel, dated September 28, 2017, wherein the Planning Board reported no objection to the zoning amendment but did encourage appropriate buffering between the property and the adjacent senior citizen apartment complex and noted that such buffering would best be handled during site plan review and further encouraged sensitivity to the potential improvement and overall utilization of the Heritage Trail which traverses the property which utilization was specifically referenced through a reservation in the Deed of conveyance to Norabel from the Village of Goshen in 2007; and

WHEREAS, as further required by law, the Petition was referred to the Orange County Department of Planning who issued a report dated October 5, 2017 indicating that the matter was one for “Local Determination;” and

WHEREAS, the Village Board, did further conduct a Public Hearing as required by law on November 22, 2017, at which time the principal of Norabel, Inc., Chester LeBaron, spoke in favor of the zone change as did his professional consultants, John Bach, Esq., and James Dillin, PLS; and

WHEREAS, there was no public opposition raised to the Petition; and

WHEREAS, upon due consideration and deliberation the Village Board does deem it appropriate and in the overall public interest and an enhancement to the tax base of the Village to return the parcel to its previous I designation;

NOW, THEREFORE, IT IS HEREBY,

RESOLVED, that the Village Board does hereby adopt Local Law 4 of 2017.

Char aye
Gurda aye
Nuzzolese aye
Smith aye

On a motion by Trustee Char, seconded by Trustee Nuzzolese, the Village Board of the Village of Goshen, as lead agency, hereby issues a negative declaration pursuant to the applicable provisions of the State Environmental Quality Review Act, set forth at 6NYCRR Part 617 *et seq.*, in the action: adoption of Local Law #5 of 2017.

Char aye
Gurda aye
Nuzzolese aye
Smith aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Board of Trustees of the Village of Goshen hereby adopts Local Law #5 of 2017, a Local Law Authorizing the Use of the Best Value Methodology in the Award of Purchase Contracts and Contracts for Services.

Char aye
Gurda aye
Nuzzolese aye
Smith aye

Mayor Roddey presented the Board with the proposed Village of Goshen Employee Handbook, asking for their review and comments.

Mayor Roddey offered thanks to the Community for all the help with the recent tree lighting.

Citizens' Comments

Comments were received from Sandra Rothenberger.

On a motion by Trustee Char, seconded by Trustee Smith, the Board entered into Executive Session at 7:24 p.m. for a discussion of the Employment History of a particular employee.

Char aye
Gurda aye
Nuzzolese aye
Smith aye

On a motion by Trustee Char, seconded by Trustee Gurda, the Executive Session and the Meeting were adjourned at 7:47 p.m.

Char aye
Gurda aye
Nuzzolese aye
Smith aye