

Village Board Meeting
August 23, 2021

Members present: Mayor Smith, Trustees Henderson, Scotto, and Wohl

Member absent: Trustee Gurda

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

Mayor Smith led those present in the Pledge of Allegiance and in a moment of silence to honor the memories of James Felczak and Jamie O'Donnell.

On a motion by Trustee Henderson, seconded by Trustee Wohl, the Agenda was accepted as presented.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Wohl, seconded by Trustee Henderson, the Public Hearing on Local Law #2 of 2021 – “Short Term Rentals” was opened at 7:01 p.m.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Village Board of the Village of Goshen will hold a Public Hearing on August 23, 2021, at 7:00 p.m., or as soon after as may be heard, for the consideration of adoption of:

LOCAL LAW #2 of 2021

A LOCAL LAW ADDING ARTICLE XXII, ENTITLED “SHORT TERM RENTALS” TO APPENDIX A [ZONING] OF THE CODE OF THE VILLAGE OF GOSHEN.

The Village of Goshen will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Village Clerk.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF GOSHEN
Margaret G. Strobl, Village Clerk

Jake Kriney, 143 South Church Street, commended the Board on their efforts with the Local Laws, and asked about the additional work for Village personnel. Mayor Smith explained that a Code Enforcement Officer had been hired to assist with the additional work.

Mr. Kriney questioned not allowing short term rentals in the R-1 (one family residential) zone, as some exist now. Attorney Donovan explained that the Law includes “any rental in the R-1 zone, that meets all other criteria herein and was in existence as of the date of adoption of this law may continue to operate provided they register with the Building Department within 30 days of the effective date of this law”.

Emily Collado, 53 Spring Street, said that she is very knowledgeable regarding Airbnb's and that they would be very valuable in drawing people to Goshen. She spoke of the concept as a "more friendly way to travel".

Trish Sherlock, 103 Murray Avenue, thanked the Village Board for their work on the Local Law.

Attorney Donovan explained that this will be a work-in-progress.

Mayor Smith thanked the Village Planner and the Planning Board for their work on the Local Law.

On a motion by Trustee Henderson, seconded by Trustee Scotto, the Public Hearing on Local Law #2 of 2021 was closed at 7:21 p.m.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Wohl, seconded by Trustee Henderson, the Public Hearing on Local Law #3 of 2021 – Bed and Breakfasts, was opened at 7:22 p.m.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Village Board of the Village of Goshen will hold a Public Hearing on August 23, 2021, at 7:00 p.m., or as soon after as may be heard, for the consideration of adoption of:

LOCAL LAW #3 of 2021

A LOCAL LAW TO PERMIT BED AND BREAKFAST ACCOMMODATIONS IN THE VILLAGE OF GOSHEN.

The Village of Goshen will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Village Clerk.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF GOSHEN
Margaret G. Strobl, Village Clerk

No comments were received from the public.

On a motion by Trustee Wohl, seconded by Trustee Henderson, the Public Hearing on Local Law #3 of 2021 was closed at 7:23.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Henderson, seconded by Trustee Scotto, the Public Hearing on Local Law #4 of 2021 – Marihuana Regulation and Taxation Act was opened at 7:24 p.m.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Village Board of the Village of Goshen will hold a Public Hearing on August 23, 2021, at 7:00 p.m., or as soon after as may be heard, for the consideration of adoption of:

LOCAL LAW #4 of 2021

A Local Law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Village of Goshen.

The Village of Goshen will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Village Clerk.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF GOSHEN
Margaret G. Strobl, Village Clerk

The Board received the following written comments on August 20, 2021:

As a village planning board member, parks commissioner and caregiver to a former cancer patient, I strongly recommend the village board allow cannabis retail dispensaries within the village of Goshen, while at the same time opting out of public consumption facilities within our borders. I believe this to be a good “middle ground” on the matter and has the potential to provide benefits to residents.

When the State of New York passed the Marijuana Regulation and Taxation Act (MRTA), the state’s long standing prohibition on marijuana use came to an end. Understandably many New Yorkers will be hesitant to suddenly allow retail establishments dispensing marijuana within their towns and villages. I imagine a similar feeling prevailed when the prohibition of alcohol came to an end, and communities feared that new bars and liquor stores would have a negative impact on their neighborhoods and property. But today we understand these businesses are part of the community. A retail dispensary would be no different.

For someone who wants to utilize marijuana medicinally, going to a retail dispensary would be like going to the pharmacy. For those who choose to use marijuana recreationally, a dispensary would nearly be identical in function to a liquor store. Obviously, we have both pharmacies and liquor stores within the village right now, and we hope that adults use them responsibly.

Retail dispensaries also might provide economic benefit. It is my understanding that municipalities that opt-in will receive three percent of the tax from adult-use recreational sales (4% local share of the state’s excise tax, with 1% going to the county, 3% to the municipality). If this is true, this would provide much-needed financial relief to the village. We also have a brand-new shopping center on Matthew Street that is still looking for tenants. A dispensary seems like it would be a good fit in that location. If the village “opts-in” for retail establishments, I believe we can also adopt reasonable zoning restrictions for dispensaries, so they might be allowed only in certain conditions or locations.

While there is potential for economic benefit, I would not recommend acting solely for financial reasons. But as someone who was a caregiver to a cancer patient prior to the

legalization of marijuana, I do see the additional benefit of having the ability to obtain marijuana legally and safely for medicinal purposes within the village.

While I do not support on-site public consumption facilities, I believe the benefits outweigh the risks of allowing retail dispensaries.

Respectfully submitted,

Salvatore J. LaBruna

No comments were received from those in attendance.

Mayor Smith called for comments from the Board.

Trustee Wohl stated that it may be a little premature to be opting out, but that he was aware of time deadlines. He also remarked that there was not enough guidance from the State.

Mayor Smith said that opting out may not be the final answer but that it at least gives more options as it is not a good idea at this time.

Trustee Henderson advised a “wait and see” approach, and Trustee Scotto said that they should go conservative on this.

On a motion by Trustee Henderson, seconded by Trustee Scotto, the Public Hearing was closed at 7:27 p.m.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

Minutes

On a motion by Trustee Henderson, seconded by Trustee Scotto, the Minutes of the August 9, 2021 Village Board Meeting were accepted as submitted.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

Communications

Mayor Smith read a letter from Marcello A. Cirigliano, Esq., requesting consideration for appointment to the open position of Prosecutor for the Village of Goshen Court.

The Board reviewed a letter from Umbra Stages, with a cover from Orange County Tourism, requesting to film in Goshen for two days in September. Nora Martinez, Film Specialist with Orange County Tourism, was present to outline plans for the filming.

Following discussion, Trustee Wohl moved the following, which was seconded by Trustee Scotto: Provisional approval is granted for the request, pending compliance with the “Rules for Filming in the Village of Goshen NY”, dated February, 2017, and the final sign-off of the Village Board.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

Items of Business

The following was moved by Trustee Scotto, and seconded by Trustee Henderson:

The Village Superintendent of the Department of Public Works is hereby authorized to enter into an agreement with Municipal Capital Finance, 4600 Broadway, Allentown PA 18104, for the lease of a Sharp MX-M355 Digital Copier. The lease agreement consists of five (5) annual payments of \$912.96, beginning August 25, 2021.

A vote resulted as follows:

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Wohl, seconded by Trustee Scotto, 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 #2 of 2021.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Henderson, seconded by Trustee Wohl, the Board of Trustees of the Village of Goshen hereby adopts Local Law #2 of 2021, a Local Law adding Article XXII, entitled "Short Term Rentals" to Appendix A [Zoning]

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Wohl, seconded by Trustee Henderson, 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 #3 of 2021.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Henderson, seconded by Trustee Scotto, the Board of Trustees of the Village of Goshen hereby adopts Local Law #3 of 2021, a Local Law amending Appendix A – Zoning, of the Code of the Village of Goshen at Article XVIII, Definitions, by adding a definition of “Bed and Breakfast”, to the Village Code and further amending Appendix A, at Article V, “Supplementary Regulations” to regulate Bed and Breakfasts.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Henderson, seconded by Trustee Scotto, 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 2021.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

On a motion by Trustee Henderson, seconded by Trustee Scotto, the Board of Trustees of the Village of Goshen hereby adopts Local Law #4 of 2021, a Local Law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Goshen.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	opposed
Smith	aye

Trustee Wohl moved the following, which was seconded by Trustee Henderson:

WHEREAS, the Village of Goshen (the “Village”) is the owner of certain improved real property (the “Premises”) located at 15 New Street, in the Town and Village of Goshen, County of Orange, State of New York which property is further designated on the Tax Map as Section 111, Block 16, Lot 2; and

WHEREAS, the Premises is improved by a public service building originally constructed in or about 1930 to serve as a firehouse for the Dikeman Engine & Hose Company; and

WHEREAS, the building is presently occupied by the Goshen Volunteer Ambulance Corp. (“GOVAC”), a volunteer ambulance corps that provides essential public service to the Village and the surrounding area, pursuant to a Lease Agreement between the Village and GOVAC dated March 23, 2004; and

WHEREAS, GOVAC has advised the Village that it is desirous of acquiring fee title to the said Premises; and

WHEREAS, the Village is desirous of conveying fee title to the Premises to GOVAC; and

WHEREAS, the building and Premises have never been used by the Village and have always been utilized by an emergency service and Village has no current or future anticipated need for the use of the said building or Premises and hereby declares the same as surplus property; and

WHEREAS, the Village deems it in the overall best interests of the Village and in furtherance of the general health and welfare of the citizens of the Village to relinquish and convey its interest in the said Premises to GOVAC subject to the terms of this Resolution; and

WHEREAS, for the purpose of establishing fair value, Griffith Olivero Realtors, through John Olivero, GRI, PSA, CBR, has issued a valuation providing that the said Premises has a value of between \$125,000.00 and \$150,000.00; and

WHEREAS, GOVAC has obtained repair estimates from a contractor, to wit, New Gen Construction, indicating certain significant deficiencies in the building which would result in a repair cost of approximately \$490,000.00 and further GOVAC has obtained a structural inspection from a duly licensed engineer, Alfred A. Fusco, Jr., PE., of Fusco Engineering detailing an extensive list of required repairs; and

WHEREAS, based upon the foregoing, the Village and GOVAC have agreed, based upon the valuation and the estimated costs of repairs coupled with the public service rendered by GOVAC, that a fair and appropriate consideration for the sale of the subject premises is \$30,000.00; and

WHEREAS, the Village has evaluated the environmental impacts of the sale of the property and has heretofore issued a Negative Declaration determining that no adverse impact would occur to the environment as a result of the sale of the property to GOVAC;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village of Goshen shall convey the Premises located at 15 New Street, in the Town and Village of Goshen, County of Orange, State of New York, which Premises is further designated on the Tax Map as Section 111, Block 16, Lot 2 to GOVAC for the sum of \$30,000.00 subject to the terms set forth herein; and it is further

RESOLVED, that the closing of title shall occur within 90-days of the date of this Resolution and if title does not close within 90-days, this Resolution shall be null, void and of no affect; and it is further

RESOLVED, that the Deed from the Village conveying title to GOVAC shall contain a covenant providing that at such time as GOVAC shall convey the subject premises by sale or lease and/or if the premises are no longer utilized to support an ambulance corps, the Village shall be entitled to 50% of the net profit from the sale and/or lease after deducting all costs of improvements incurred by GOVAC during their ownership of the property; and it is further

RESOLVED, that the Mayor is hereby authorized to execute those instruments and documents as may be deemed appropriate and necessary by the Village Attorney to effectuate said conveyance.

Trustee Gurda	absent
Trustee Henderson	aye
Trustee Scotto	aye
Trustee Wohl	aye

The following was moved by Trustee Henderson, and seconded by Trustee Scotto:

The Village of Goshen Police Department is hereby authorized to enter into an agreement with Robert Green Auto & Truck Inc., PO Box 8002, Rock Hill NY 12775, for the lease of a 2021 Dodge Durango Pursuit. The lease agreement consists of five (5) annual payments of \$10,069.20, with a \$1.00 buyout at the end of the term.

A vote resulted as follows:

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye

Mayor/Trustee Comments

Trustee Scotto reported that DPW crews have been painting stop-lines and crosswalks throughout the village, and that a water main break on Grand Street was repaired.

Trustee Wohl noted that the Senior Center budget is being worked on and will be available soon.

Trustee Henderson said that crews have been repairing or replacing manholes throughout the village.

Chief Watt reported that a vehicle crashed into the main entrance at CVS after the driver hit the gas instead of the brake. No one was injured in the incident and the driver has been referred to the NYS DMV Driver Improvement Bureau for review.

Citizens' Comments

Comments were received from Jake Kriney and Joe Paoli.

On a motion by Trustee Henderson, seconded by Trustee Wohl, the Meeting was adjourned at 8:02 p.m.

Gurda	absent
Henderson	aye
Scotto	aye
Wohl	aye