

TOWN OF GOSHEN  
**TOWN BOARD WORK SESSION**  
January 20, 2009

MINUTES

PRESENT:

Douglas Bloomfield	Supervisor	Philip Canterino	Councilman
George Lyons	Councilman	Kenneth Newbold	Councilman
Louis Cappella	Councilman		

ALSO PRESENT:

Dennis Caplicki	Town Attorney
Richard Golden	Planning Board Attorney
Neal Halloran	Building Inspector

Supervisor Bloomfield opened the meeting at 7:35 p.m.

ITEMS DISCUSSED:

**1. FIRE & SAFETY INSPECTION BY PESH:** Supervisor Bloomfield reported an Inspector from the Public Employee Safety and Health Bureau did an unannounced inspection of the Town Hall on January 15<sup>th</sup>. He explained the inspection went well, with ten small, easily corrected violations, such as soap missing from the restrooms in the front of the building. We were using bottled dispensers which kept disappearing. It was decided to replace them with wall soap dispensers. All other violations can be just as readily corrected.

However, the most important items such as all required posters being hung and the record of the employees' completion of the Workplace Violence and the Right to Know courses were all in place.

Supervisor Bloomfield stated a safety inspection was done recently by our own Building Inspector, which did the outside of the building as well as inside. His inspection of the inside of the building was very similar to the PESH inspection. Supervisor Bloomfield stated all the items from both inspections are mostly maintenance and he said he would give both reports to his secretary and Councilman Newbold to make arrangements to have every item addressed and corrected.

**2. BUILDING AND ZONING FEE SCHEDULE REVIEW:** Supervisor Bloomfield asked Building Inspector Neal Halloran to address the Board in regard to this review. Mr. Halloran explained there are three separate topics within this memo. The said the first is the current fees and the second is a suggestion that the Board may want to consider in light of the work required by town employees, putting a fee on the required inspections for fire and property maintenance inspections of all buildings other than one and two family dwellings, and special use permits.

He suggested that the Board raise all of them by 4-5%, as this would be a relatively insignificant increase, but it would reflect some of the increase in the Town's costs. He also said he thought the Parkland Fees should go up 5%. Inspector Halloran stated in regard to the fire and property maintenance inspection, this is a State requirement and we are required to submit annual reports on the inspection that we do.

He stated he has 150 properties that need to have these inspections. Some on an annual basis and some can be on a two to three year rotation. He suggested that we schedule these on a two year rotation so that if we miss a building one year it would not be outside of the required three year maximum cycle. The required annual inspections would be for those buildings with public assembly areas (capable of having over 50 people). He said there is a list of buildings in the packet provided for the Board.

Inspector Halloran explained these inspections take some administrative time setting up and preparing for the inspections, the actual inspections, notice of deficiency or violation, etc. He said it usually takes two to four hours per building, and he would estimate the total cost to the Town to be \$ 100 – 200 with salaries, benefits, and overhead. He suggested that the fee could be set at a level to recover the full cost of the work at a level rate, so that we will save time on some properties and spend extra time on others. Or he said we could try to set the fee based on the actual time to be spent on the work.

The Board discussed the fees and the inspections with the attorney and whether a Local Law would be needed to place a fee or raise a fee. Supervisor Bloomfield suggested getting together with the Budget Officer and calculate what it costs to run the Building & Zoning Office per hour, and then use that figure as a basis to recovering these dollars.

Inspector Halloran also stated there are other operating permits, again a state requirement that we must issue special operating permits for higher risk uses of property. He said we will need to do the work with or without collecting a fee. He suggested a minimal fee for the permits to cover the cost of tracking the use and the inspections of the following:

1. Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in tables of the Fire Code of New York State.
2. Conducting a hazardous process or activity.
3. Use of pyrotechnic devices in assembly occupancies.
4. Use of a building containing one or more areas of public assembly with an occupant load of 100 persons or more.
5. use of a building whose use or occupancy classification has been determined by the Town of Goshen as posing a substantial potential hazard to public safety.

Supervisor Bloomfield said there is an item on the agenda (No. G. Outdoor Theatre Permit) that he was going to turn over to the Building Inspector. The Illustrious Theatre Company, Inc. is requesting permission to present nine performances of Shakespeare's "The Winter's Tale" on the last three weekends of July on the Prospect Hill Farm. However, after a discussion with the Building Inspector of the issues involved with a request such as this, the Building Inspector felt it should be referred to the Planning Board. The Town Board agreed, and the Building Inspector will contact the theatre company.

If the Budget Officer and the Building Inspector can work out the numbers, the Board will address the raise in fees at the Thursday meeting.

**3. BUILDING INSPECTOR: CODE REFINEMENT INPUT:** After reviewing the Code changes in the updated Comprehensive Plan and Zoning Changes, the Building Inspector had these concerns. Attorney Golden said there were six items and four of them were for clarification purposes and can be addressed along with the Public Hearing comments.

1. In the CO Zone, under the present proposal, 70% can be impervious service and 30% must be pervious service, Open Space areas. The Code does not define specifically what went in the Open Space. However, there is a parallel provision in the RU of what you can do in Open Space. Therefore, he said it could be clarified by stating the same types of things can be done with open space in the CO and other Industrial Zones that are allowed in the RU, such as septic, underground storm water management systems, but you can't have an above ground retainage pond or any thing like that. This is really a clarification.

2. 97-14C: States that in a CO Zone you can have a residential component, but it is limited to 20% of the sq. footage of the building. Attorney Golden said this could be interpreted to mean the 20% wasn't applied to the commercial building on your property, but could be applied to any commercial building throughout the district. He said something should be added to this section to clarify the issue.

3. Attorney Golden continues saying in the HR District you have limited it to three units per acre, and it does not say an unconstrained acre, but this is probably an oversight. The issue comes up again in the RU district where the tables in the RU make it very clear that those acres are unconstrained acres. Here again it is just a clarification of the Board's intent.

4. Attorney Golden said in the RU Zone there are now two formulas. He said you could multiply the unconstrained acreage by 33% or 50% depending upon whether you are in the AQ3 or the AQ6, Or the total acreage would be divided by three or six in order to get the maximum densities, which allowed you to increase it if someone had enough water on their property. He said after the Board heard from the public, the maximum amount could be changed if the property had enough water. He said all of this did not state whether the land was unconstrained or constrained acreage, and this is what needs to be clarified. He said the Board has always made it clear that it should be on unconstrained land.

Councilman Canterino asked how these changes could be addressed and Attorney Golden stated they can be addressed along with the comments the Board will be receiving from the Public Hearing. These can be changed or clarified with no special reviews or being sent back to the County, as long as there is no impact on the environment.

Attorney Golden said there are two items that if changed at this time, would require additional environmental reviews, as they are policy decisions.

5. One of these is section 97-41, part of it delegates to the Building Inspector to review applications before issuing a Building Permit to insure, among other things, when homes are built on ridges or hills, they are not sticking up above the skyline on public highways. He said in the former plan PACs were not included in this section, however now they are. What is not, is the very large home on a large parcel of land. Supervisor Bloomfield said this was something the Board had talked about and really did not want at all. He felt the large home and the small scale development should have been covered in this section also. The Board agreed, and it was decided the Board would address it and how it can be corrected.

6. Attorney Golden said the last item the Building Inspector was interested in was constrained land, what are constrained lands such as wetland, steep slopes, etc. Attorney Golden listed what is now considered constrained lands. He said in the proposed plan the Board had added water bodies, any water bodies such as streams, lakes, etc. Therefore, these cannot be added to densities. He said you have also added easements and right of ways. The Building inspector states there are two other types of land that are constrained, the DEC wetlands, with a one hundred foot buffer and well heads, and he felt that these should be added. Supervisor

Bloomfield proposed to proceed on and ask Attorney Caplicki and Attorney Golden to come up with, at a later time, the cost and the protocol to include these items the Board will proceed to do it.

**4. Establish Closing date RE: Slesinski PDR:** Supervisor Bloomfield asked if Attorney Caplicki had an idea of when the closing on the Slesinski PDR would be taking place. Attorney Caplicki replied it would be in toward the end of March, due to some final arrangements with the County.

**5. Association of Towns Monthly Meeting:** Supervisor Bloomfield said he will be hosting an Association of Towns Monthly Meeting on Tuesday, January 27<sup>th</sup> and invited the Board to attend.

**6. Solar & Wind Power Code Development:** Supervisor Bloomfield reported the Board had a request from a farmer, some time ago. He said it needs to be addressed and he asked Ed Garling to look into it for the Board. Mr. Garling did a memo to the Board in relation to wind energy and it's potential. Supervisor Bloomfield said there was a report from Mr. Garling in the tonight's file, and he felt that this is something that will have to be addressed and put in the Comprehensive Plan.

Councilman Cappella made a Motion to go into Executive Session to discuss Interstate Waste Host Community Agreement Proposal, Lubavitch Outreach Center Status, Sullivan Code Violation Status and Workman's Compensation Litigation Status with intent to return. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

Time: 9:24 p.m.

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Valma Eisma, Town Clerk