

A Regular Meeting of the Town Board of the Town of Goshen was held on the 25<sup>th</sup> day of August, 2005, at 7:30 p.m. in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

Honey Bernstein	Supervisor	Douglas Bloomfield	Councilman
Louis Cappella	Councilman	Kenneth Newbold	Councilman
Richard Roberts	Councilman		

Also Present : John Cappello, Town Attorney

**A. CALL TO ORDER:** Supervisor Bernstein opened the meeting at 7:30 p.m. asking Mrs. John Cameron to lead the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** None

**C. PRIVILEGE OF THE FLOOR (agenda items only)** No response

**D. PUBLIC HEARING: SUBDIVISION REGULATIONS**

Supervisor Bernstein opened the Public Hearing at 7:35 p.m. and asked for comments from the public. There was no response from the public. Councilman Cappella made a Motion to keep the Public Hearing open until the September 8<sup>th</sup> meeting. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

**E. REPORTS:**

Councilman Cappella reported Sue Kelly had obtained a \$320,000 grant for the Town and it will be used to do the roadwork on Orzeck Lane in 2006. He reported the work on Celery Avenue is complete and Highway is now following the Road Program on Smith, Owen, Coleman, Ridge and Hasbrouck roads.

Councilman Newbold reported the Police were working on their budget for next year and their new generator is here and working. He also reported the Humane Society did not have a meeting this month.

Councilman Roberts reported about the water main breaks in Hambletonian Park on Friday night and Saturday. He also said he is consulting municipal engineers about replacement costs.

Councilman Bloomfield reported on Joint Recreation saying for the first time Joint Recreation broke even this year with it's budget and did not cost the tax payers any money. He commended Susan Mysels, Chairperson, Dan Henderson and Kevin Armstead. He also thanked Mayor Scott Wohl. Councilman Bloomfield stated Kate Schmidt is expecting a baby soon and may not to be as active and Dan Henderson is resigning. With the resignation of Tawnya Grace earlier this year there are now two openings on the Commission and if Kate is unavailable there will not be a quorum Councilman Bloomfield said the summer programs have ended and the fall maintenance has begun.

Supervisor Bernstein reported Goshen received two grants from Orange County totaling \$1,034,000. for the purchase of open space and is now in the process of appraising those two properties as well as three or four others designated for preservation. She said there will be a second round of Town applications in 2006 and a 2<sup>nd</sup> round of grant applications for the County program due by October 3, 2005.

Supervisor Bernstein thanked Susan Cleaver, Councilman Cappella and Councilman Newbold for the work they did to obtain a million dollar grant for trails.

**F. OLD BUSINESS:**

1. Authorize Liberty Motors Lawsuit

**TOWN OF GOSHEN  
County of Orange, State of New York**

**RESOLUTION**

**DIRECTING COMMENCEMENT OF AN ACTION  
ON BEHALF OF MUNICIPALITY**

Introduced by: Councilman Richard Roberts  
Seconded by: Councilman Louis Cappella  
Date of Adoption: August 25, 2005

**WHEREAS**, it appears that Liberty 777 Real Estate, Inc. Liberty Motors of Goshen, Inc. and Gary L. Droutman, are in violation of the sections of the Town of Goshen Zoning Ordinance, as amended, which decree tenants to comply with fire access requirements and to enjoin violations of the site plan regulations applicable to the property;

**WHEREAS**, it appears to be in the best interest of the Town of Goshen to enjoin such violations of the site plan regulations applicable to the property;

**NOW, THEREFORE, BE IT RESOLVED**

That the Supervisor of the Town of Goshen be and is hereby authorized and directed to retain Jacobowitz and Gubits, LLP, Attorney for the Town of Goshen, in the matter, upon such terms as Supervisor deems proper and advisable, and Supervisor shall authorize such counsel on behalf of the Town of Goshen to take such action as may be deemed advisable to prevent any continuation of violation of the Zoning Ordinance of the Town of Goshen by Liberty 777 Real Estate, Inc., Liberty Motors of Goshen, Inc. and Gary L. Droutman.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

2. Authorize Sullivan Lawsuit

**TOWN OF GOSHEN**  
**County of Orange, State of New York**

**RESOLUTION**

**DIRECTING COMMENCEMENT OF AN ACTION**  
**ON BEHALF OF MUNICIPALITY**

Introduced by: Councilman Kenneth Newbold

Seconded by: Councilman Richard Robertss

Date of Adoption: August 25, 2005

**WHEREAS**, it appears that a Kenneth Sullivan, is in violation of the sections of the Town of Goshen Zoning Ordinance, as amended, which decree owner to terminate junkyard use and violations of the New York Property Maintenance Code, and to restore property to a permitted use with necessary permits; and

**WHEREAS**, it appears to be in the best interest of the Town of Goshen to enjoin such persons as are now in violation of sections of the Zoning Ordinance from continuing to do so.

**NOW, THEREFORE, BE IT RESOLVED**

That the supervisor of the Town of Goshen be and is hereby authorized and directed to retain Jacobowitz and Gubits, LLP, Attorney for the Town of Goshen, in the matter, upon such terms as Supervisor deems proper and advisable, and Supervisor shall authorize such counsel on behalf of the Town of Goshen to take such action as may be deemed advisable to prevent any continuation of violation of the Zoning Ordinance of the Town of Goshen by Kenneth Sullivan.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

3. Accept Philip Dropkin's Resignation from ERB Board

**TOWN OF GOSHEN**  
**County of Orange, State of New York**

**RESOLUTION**  
**ACCEPTING RESIGNATION**  
**OF PHILIP DROPKIN**

Introduced By: Councilman Louis Cappella  
Seconded By: Councilman Douglas Bloomfield  
Date of Adoption: August 29, 2005

**NOW, THEREFORE, BE IT RESOLVED:**

That the Town Board of the Town of Goshen regretfully accepts the resignation of Philip Dropkin from the Town of Goshen environmental Review Board.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

Councilman Newbold suggested the Board sent a letter of thanks for his years of service on the Environmental Review Board.

4. Appoint Philip Dropkin to ZBA

**TOWN OF GOSHEN**  
**County of Orange, State of New York**

**RESOLUTION**

**AUTHORIZING APPOINTMENT OF  
PHILIP DROPKIN TO THE  
ZONING BOARD OF APPEALS**

Introduced by: Councilman Kenneth Newbold  
Seconded by: Councilman Douglas Bloomfield  
Date of Adoption: August 25, 2005

**WHEREAS**, the Town wishes to appoint Philip Dropkin to the Zoning Board of Appeals to serve a term ending on January 1, 2009.

**NOW, THEREFORE, BE IT RESOLVED**

That the Town Board approves the appointment of Philip Dropkin to serve a Term ending January 1, 2009, on the Zoning Board off Appeals.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

**G. NEW BUSINESS:**

1. Appoint Dave Gawronski Alternate Planning Board Member

**TOWN OF GOSHEN**  
**County of Orange, State of New York**

**RESOLUTION**

**AUTHORIZING APPOINTMENT OF  
DAVE GAWRONSKI, ALTERNATE PLANNING BOARD MEMBER**

Introduced by: Councilman Douglas Bloomfield  
Seconded by: Councilman Kenneth Newbold

Date of Adoption: August 29, 2005

**WHEREAS**, the Town Wishes to appoint Dave Gawronski as an alternate member of the Town of Goshen Planning Board to serve a term ending on 1/1/2010.

**NOW, THEREFORE, BE IT REASOLVED**

That the Town Board approves the appointment of Dave Grawronski to serve a term ending January 1/1/2010, as an alternate member of the Town of Goshen Planning Board.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

2. Authorize Purchase of Patch Roller

**TOWN OF GOSHEN**  
**County of Orange, State of New York**

**RESOLUTION ACCEPTING**  
**BIDS FOR PATCH ROLLER**

Introduce by: Councilman Louis Cappella  
Seconded by: Councilman Douglas Bloomfield  
Date of Adoption: August 25, 2005

**WHEREAS**, the Town of Goshen Highway Department has solicited bids for a Patch Roller; and

**WHEREAS**, the Town Board authorizes the Highway Department Superintendent to purchase Model BW-900 Bomag Roller with Model 610RT60 Cross Country Trailer as described in the Bid Proposal from Pine Bush Equipment Co., Inc. dated July 21, 2005 from James Boniface, Vice President, for the Town of Goshen Highway Department in an amount not to exceed \$15,900.00.

**Upon Roll Call Vote:**

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

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

Councilman Bloomfield commended Superintendent Andryshak for shopping for his equipment this year instead of going directly to State Bid. He said the Highway Superintendent has made purchases of used refurbished equipment and saved the taxpayers approximately \$200,000.00. He also convinced Orange & Rockland to pay \$42,000.00 for repair work on Houston Road caused by Orange & Rockland.

#### **H. FINANCE:**

Councilman Bloomfield made the Motion to authorize the Supervisor to pay Voucher #2005-1630 to Voucher #2005-1638 Amounting to \$11,873.68. Also Voucher 2005-1804 to Voucher #2005 – 2091 Amounting to \$281,799.65. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

#### **I. PRIVILEGE OF THE FLOOR**

A large number of people were present from the area in Goshen which borders the Town of Wallkill. The Town of Wallkill now has before it's Zoning Board a proposal from Tetz , Inc. for an asphalt plant, cement plant and reprocessing plant on Cemetery Road. The plant will be right on Goshen's border.

Councilman Roberts spoke saying he is in opposition of the plant and felt the Board should send a letter to the Town of Wallkill expressing the Board's opposition.

Supervisor Bernstein stated she filed a formal objection with the Wallkill Planning Board expressing her opposition immediately and had attended the Planning Board Meeting July 25<sup>th</sup>. However, she said the Town Board authorized her at Monday's work session to write another letter to the ZBA.

Councilman Cappella stated that he is against it and recognized a reporter from the Chronicle and asked her please to get the Board's objection and opposition to the project in the newspaper. He said he would hope the papers would get the word out to the Town of Wallkill.

Residents of the area made the following statements:

Holly O'Hern asked if the Board would rally the Village of Goshen and the County of Orange. Supervisor Bernstein replied that David Church from the Orange County Planning Department is on record as against the project. Ms. O'Hern also asked if the Board might consider weight restrictions on Phillipsburgh/Cemetery Road?

Art Borin, Smith Road, said he understands there is going to be a helicopter pad and the arrival and departure path is over the Town of Goshen. He said those living on Smith, Axworthy and Owens will be severely impacted by the smell and the noise. He said that most paving is being done at night now. He said that the industry is slamming us.

Russ Hammer said he lives on Axworthy Lane which is downwind to the Plant and the pollution is severe for asthma sufferers and the traffic on the roads will severely impact the route to the hospital in an emergency. He said between the air and the traffic he would have to move.

Peter Devito of Smith Road said there should be a traffic study done on the route to the hospital along East Main Street.

Glen Maerz said the truck noise will be unbearable to the homes in the area of the plant. He said there is a hill and the numerous trucks will be shifting and breaking on it. He said Tetz has been looking for a long time and the Town of Wallkill should know the impact this will have on the Town of Goshen.

Supervisor Bernstein said she felt the Town of Wallkill people are not aware of the impact it will have on Goshen. She said she would be glad to meet with a group from the area and work out some kind of plan. She suggested letters to the editor and getting the objections out to the press.

Patty Stickley said the Town of Wallkill defeated Tetz's plans twice before as they found it unacceptable and now it is back with a new plan. She wondered about the impact on the Wallkill River.

Attorney John Cappello answered many of the questions the public had on what legal steps they could take to stop the project.

Supervisor Bernstein said the Board is behind these residents 100% and would do anything they can do to help them. They would write another letter and will attend the September 12<sup>th</sup> ZBA Public Hearing to voice their objections.

The public thanked the Board for their support.

Councilman Cappella made a Motion to go into executive session to discuss litigation and personnel. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

**J. ADJOURNMENT:** 8:45 p.m.

---

Valma Eisma, Town Clerk

