

TOWN OF GOSHEN  
TOWN BOARD WORK SESSION  
January 11, 2010  
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 11th day of January, 2010 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

|          |                    |            |
|----------|--------------------|------------|
| Present: | Douglas Bloomfield | Supervisor |
|          | Philip Canterino   | Councilman |
|          | Louis Cappella     | Councilman |
|          | George Lyons       | Councilman |
|          | Kenneth Newbold    | Councilman |

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|---------------|--------------------|-----------------------|
| Also Present: | Dennis Caplicki    | Attorney for the Town |
|               | Priscilla Gersbeck | Deputy Town Clerk     |

The meeting was called to order by Supervisor Bloomfield at 7:33pm.

**1. REVIEW REQUEST TO REMOVE OVER GROWN TREES FROM A PRIVATELY OWNED AND ABANDONED CEMETERY**

Debra Corr submitted documentation referencing the Case Cemetery on Elizabeth Hill, now known as Casetown. This plot of land was set off by the will of Daniel Case dated September 3, 1760 probated May 10, 1761. See deed of Eneas Case to James Carpenter recorded in the Orange County Clerk's office in Goshen. She also submitted a copy of the General Municipal Law referencing abandoned cemeteries. In Section 165 it reads, "Any municipal corporation is hereby authorized and empowered to establish *volunteer* cemetery maintenance and cleanup programs to maintain and cleanup abandoned cemeteries wholly contained within such municipal corporation for which such municipal corporation has the primary responsibility to provide care". There are several overgrown trees in this cemetery in need of attention. Councilman Canterino will locate/ inspect this cemetery and report to the Board.

**2. REVIEW PROPOSAL BY ORIGINAL ANIMAL CONTROL OFFICER TO MOVE TOWN CONTRACT FROM GOSHEN HUMANE SOCIETY FOR STRAY DOGS TO ANOTHER SHELTER.**

Laurene Sandstrom (Animal Control Officer) addressed the Board by amending her initial request to move the stray dogs to another shelter. She stated that the Town does not have a current

contract with the Humane Society. The last one was written in 2008. After reading the 2008 contract, Ms. Sandstrom believes that certain procedures have not been followed, "there should be more checks and balances". She would like to see the contract updated. According to Agriculture & Market, the shelter is responsible for writing their contract. Ms. Sandstrom, who was manager of the shelter years ago, is requesting to see the new 2010 contract with possible input. Councilman Newbold will inform those at the shelter that a new contract is needed. The Town Board members will review it for final approval.

### **3. DISCUSS AND RENDER A DECISION REGARDING FORMATION OF A "DRAINAGE DISTRICT" FOR A & L ACRES**

Supervisor Bloomfield stated that this proposal was discussed at a public hearing in March 2008. At that time it was decided that the Town Board didn't want to create a Drainage District. Councilman Lyons recalled some of the issues considered at that time were: liability, maintenance and safety.

The responsibility should rest with a Homeowners Association or the developer should place the responsibility on the individual lot owner (Lot #13) to maintain the drainage. If the owner doesn't maintain the drainage, then the Town will have to intervene.

A formal decision on this matter will be addressed at the next meeting.

Supervisor Bloomfield asked Neal Halloran (Building Inspector) to explain the Planning Board procedures for applications. The Planning Board adopts procedures based on state law, local law and local procedure. Local Law changes with the Town Board actions and the Planning Board adopts the mandatory changes and then modifies its procedures to make the process work. Some of the procedures are adopted by the Planning Boards' initiative and some at the suggestion of the Planning Board consultants, and their attorney. The procedures followed are: Conservation Analysis, Sketch Plan review, SEQRA review and a Public Hearing. With a Preliminary approval which may include conditions, there is no automatic or drop dead date, but can be impacted by new laws. The Final approval is almost always conditional and has specific dates set.

The Town Board granted exemptions from the four subdivisions on this agenda. The provision of those exemptions was that the projects were to work on the conditions of their approval during the nine month period and receive conditional final approval no later than January 2010. One project, Persoon subdivision, has completed this requirement.

Before reviewing the four subdivision requests, Mr. Halloran reviewed the definite and potential impacts granting extensions of exemptions from the Local Law 4, 2009.

[As follows: (1) the applicant will be exempt from all of the new zoning code. (2) The concern the Town Board has over the water availability in the Town, which led to a change in the water testing requirement for all subdivisions, has been exempted. The projects requesting the extensions were all exempted from water testing except Heritage Estates, which did the testing under the past protocols and were restricted in the number of units they could request. (3) none of the projects will automatically lose their preliminary approval based on a rejection of the exemption (4) The Town effectively forfeits a large increase in real estate taxes if it exempts the projects beyond the March 1<sup>st</sup> taxable status date. i.e. if the project does not need to get conditional final until march 31, 2010 and they do not get final approval until 360 days later, the first time they will be taxed on the complete subdivision would be September 2012 for the school taxes and January 2013 for the Town, County and special districts. (5) The applicants take a chance on any increases in the recreation fee currently collected and the Town receives none of that fee until just prior to the approval being finalized.]

**4. DISCUSS AND RENDER A DECISION TO A REQUEST BY A & L ACES FOR EXTENSION OF EXEMPTION FROM THE CURRENT ZONING FOR PHASE II OF THE PROJECT**

Mr. Halloran stated that A & L Acres Subdivision located on Houston Road and Route 17A received conditional final approval on January 17, 2008. Subsequently, the applicant reapplied for conditional preliminary approval which was granted on August 20, 2009 for all 29 lots. They received conditional final approval for Lots 1-20, on August 20, 2009. This left 9 lots which have not received conditional final approval as required by Local Law 4 of 2009.

Steven Esposito, RLA, presented to the Board members a handout outlining "A & L Acres Project History". He explained the reasons for the exemption request. In summary, the exemption would allow the project to be developed in phases, i.e. to build the road in phases and to phase the storm water pollution prevention plan according to the Environmental Assessment Form. There will be no new changes, because most of the conditions for final approval have been approved. The Board members questioned Mr. Esposito to clarify the technical construction in each phase with respect to the work on the first 20 lots and for the extension for phase II on the other 9 lots for the conditional final approval. The Board wants to see this project move along and be accountable for the extended time requested. With this in mind, the Board concluded that the one-year requested extension to the exemption is too long and that a 9 month extension was suitable. A formal Resolution will be presented on Thursday night.

**5. (Switch) DISCUSS AND RENDER A DECISION TO A REQUEST BY THE ZALUNSKI SUBDIVISION EXTENSION OF EXEMPTION FROM THE CURRENT ZONING CODE FROM PHASES II AND III OF THE PROJECT**

Neal Halloran stated that the Zalunski Subdivision is located on Pulaski Highway and Cross Road. They received conditional preliminary approval on August 17, 2006. Subsequently they requested and received conditional final approval for 6 lots of the entire subdivision. This leaves 12 lots which have not received conditional final approval as required by Local Law 4. This split of the approval process was at the applicant's request, not a requirement of the Planning Board.

Steven Esposito presented to the Board members a handout outlining "Zalunski Project History". The owner received Conditional Final Approval on Phase I (6 lots) on January 7, 2010. The owners submitted a request for an extension of the zoning exemption for phases II and phases III as outlined in Section 5 of Local Law #9 2009 – January 8, 2010. This project yielded 27 residential units, but was scaled down to 18 units to enhance the natural terrain. The newly adopted zoning would not change the density of this project. He explained the reasons for the exemption request. Basically, the exemption would allow for the project to be developed in phases. There are 6 lots in phase II and 6 lots in phase III. Supervisor Bloomfield felt uncomfortable with the financial stability of this project. Mr. Esposito assured the Board members that the applicant owns the land outright with no mortgage. The Board Members questioned the actual reason for the requested extension. The problem rests with losing their conditional final approval by the due date at the end of this month. If so, this will lapse and they will lose the exemption and the approvals. With phase I filed, it will give them the ability to carry the land to continue and hopefully sell phases II and III to a developer. The risk involves their water testing protocol exemption. This project is in the AQ3

Overlay and is substantially below what is permitted in that overlay. They have drilled wells and have had the water tested. There is an adequate amount of water on this parcel. Councilman Canterino would like to see plans for phase II and phase III, instead of a blanket extension. Councilman Cappella was concerned that the owners of this project will probably be back several times seeking extensions. They are not professional builders. Supervisor Bloomfield went on record stating "I can't see an extension on this one". Councilman Lyons felt that a 12 month extension was too long. He was willing to allow for a 9 month extension. A formal resolution will be presented on Thursday night.

**6. DISCUSS AND RENDER A DECISION TO A REQUEST BY HERITAGE ESTATES  
EXTENSION OF EXEMPTION FROM THE CURRENT ZONING CODE**

Neal Halloran stated that Heritage Estates will be located on Old Chester Road and Brookside Drive. They received conditional preliminary approval on July 17, 2007. There were 67 conditions that had to be satisfied before final approval could be granted. Thirty-one of those conditions require no action prior to the final approval. Approximately 5 of the conditions require Town or Planning Board action prior to final approval. The remaining 31 conditions require work by the applicant prior to final approval. The applicant has met some of these conditions, but many remain. This application is complicated, because it requires a community water system and some sort of a community sewer system.

Steve Esposito noted that many of the outstanding conditions have to do with the regulatory agencies such as the DEC. The applicant has also been working with the Town Board investigating the potential for a regional sewer plant, working with the DEC for a SPEDES permit for a sanitary sewer disposal plant and being patient with the IMA between the Village and the Town. The applicant has been working diligently on this project. With the volume of documentation required, it is in the best interest to file the maps in construction phases. The Board Members were in agreement that a 12 month extension was acceptable. A formal resolution will be presented on Thursday night.

**7. DISCUSS AND RENDER A DECISION TO A REQUEST BY TRASKUS FOR AN  
EXTENSION OF EXEMPTION FROM THE CURRENT ZONING CODE**

Neal Halloran noted that the Traskus subdivision is located on Arcadia Road near Route 94. It received conditional preliminary approval on May 17, 2007. There were 8 conditions that had to be satisfied for final approval. Two of the conditions required no work prior to final approval, 6 conditions required work on the part of the applicant. He is unaware that the applicant has met any of these conditions. In the period since this was approved, it has been reported that there is a population of Northern Cricket Frogs on and adjacent to the project site. The DEC has become involved with the applicant to resolve what if any action needs to be taken by the applicant. If any in depth survey is to be done, Mr. Halloran believes that a two season (spring & fall) evaluation is necessary to determine if there are any hibernacula.

Steve Esposito confirmed that an extensive endangered species or related habitat evaluation was done on the site. Mr. Halloran saw on a DEC map that the Cricket Frog was located in 2002 in one pond on the site and in one or two ponds off of the site.

Councilman Newbold stated *that nothing has been done* by the applicant. The applicant is using the Cricket Frog to ask for the extension. If the extension is granted, then the Cricket Frog dilemma will be solved.

Councilman Lyons asked why the applicant hasn't done anything. Not getting a definitive answer, he read minutes from the Planning Board dated 3-5-09, pg. 4.

Traskus application ..... "The PB will ask what has been done in the six months and the answer will be "not much", Mr. Sweeney said, and "the reason is because of the economy." Mr. Sweeney told the PB they will have to deal with applications that have preliminary approvals, but that no one wants to move to final approval "because it has a drop dead date of one year.".....

Supervisor Bloomfield noted that they have not done anything and that they're not going to do anything. The Town acknowledges the fact that the Cricket Frog is an issue pending. However, this applicant has already been exempted from the water protocol and the new code. In all fairness, the Local Law #4 was designed to reach out to those applicants who have invested a lot of time and energy in the process.

Councilman Lyons read minutes from the Planning Board dated 8-20-09, pg. 2.

Traskus – Request for an Extension ..... "Ms. Cleaver asked what the applicant has done since the last extension was granted. Mrs. Sweeney said that not much can be done in the current economic environment. She asked what the applicant will do between now and January and Mr. Sweeney answered that they will "tread water". He said he plans to go to the Town Board to argue that "it makes little sense to try to reach a benchmark that forces you into position of developing the property in one way or another" in this economic environment.".....

Councilman Lyons feels that they will try to "tread water" and return over and over again.

Supervisor Bloomfield went on record stating "that I don't think we ought to give an extension to this one". Councilman Lyons and Councilman Canterino were in agreement to grant an extension to see the outcome of the Cricket Frog investigation. Supervisor Bloomfield is looking for accountability from this applicant. A formal resolution will be presented on Thursday night.

**8. DEVELOP AND ISSUE A RESPONSE TO A REQUEST FOR A SPECIAL USE PERMIT BY TIMBER TRAIL, LLC, FOR A PLANNED ADULT COMMUNITY**

The necessary communication hasn't been received. Therefore, this topic is tabled for the next work session

**9. REVIEW A REQUEST BY BEAZER HOMES TO RELEASE THE "ROAD BOND" FOR BIG OAKS DRIVE**

Beazer Homes Land Development Manager, Jon Herzog, submitted a letter requesting that Bond #6407472 in the amount of \$126,000.00 be reduced to the maximum allowable amount. Attorney Caplicki recommended that before any action is taken, Beazer Homes needs to address three issues: (1) transfer of the ownership (2) Maintenance Bond and (3) outstanding fees obligation. Attorney Caplicki will contact the Village of Florida and Beazer representatives.

**10. ACCEPT THE RESIGNATION OF PART TIME JUSTICE CLERK PATRICIA POMPOSELLO EFFECTIVE 01/01/2010**

This item will be discussed at Thursday night's meeting.

**11. DISCUSS AND APPROVE A STANDARD WORK DAY AND REPORTING RESOLUTION FOR TOWN BOARD MEMBERS RECENTLY ENROLLED IN THE NYS RETIREMENT SYSTEM**

Supervisor Bloomfield received notification from NYS pertaining to the creation of a Tier 5. In summary, it takes longer to get ten-year retirement and the employee pays continuously. For those individuals who qualify under Tier 4 and are registered by December 31, 2009 will fill out a form for three consecutive months for the sole purpose of reporting service credit to the retirement system. For the purpose of determining service credit, in no event shall less than six hours be considered to be a full day of work. A resolution will list the term expiration and standard work day for each elective or appointive office. Such record of activities shall be completed within 150 days of taking office. A record of activities need not be prepared by an elected or appointed official who is not a member of the Retirement System. This matter will be further addressed at Thursday night's meeting.

**12. AUTHORIZE THE SUPERVISOR TO SIGN A RENEWAL CONTRACT FOR LEGAL SERVICES FROM DONOGHUE, THOMAS, AUSLANDER, DROHAN, LLP EFFECTIVE 1/1/2010**

Supervisor Bloomfield received a letter from Donoghue, Thomas, Auslander, Drohan, LLP stating they will freeze their rates, because of the economy, at the levels in effect for the 2009 year. The charges are \$195.00 per hour for attorneys and \$90.00 per hour for paralegal services for the period of January 1 through December 31, 2010.

Councilman Newbold made the motion to authorize the Supervisor to sign and accept the agreement as stated in the November 4, 2009 correspondence. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**13. DISCUSS AND AUTHORIZE THE SUPERVISOR TO SIGN AN IMA WITH THE COUNTY REGARDING AN AUTOMATED VEHICLE LOCATOR SYSTEM**

Deputy Commissioner of the Dept. Of Emergency Services, Craig Cherry, submitted a letter for the Town of Goshen for review. In Phase I, a countywide Law Enforcement Records Management System was implemented. This permitted Law Enforcement agencies (27) to share police

information. Phase II would allow all of the County's police agencies to improve dispatching protocols that will provide the best possible police response to those in need of immediate police services. The goal is to deliver the fastest level of police service in life-threatening incidents as they are reported.

Supervisor Bloomfield asked the Board Members to review the enclosed information for discussion at Thursday night's meeting.

**14. AUTHORIZE THE SUPERVISOR TO SIGN THE 2010 WORKERS' COMPENSATION CLAIMS RUNOFF MANAGEMENT AGREEMENT**

Supervisor Bloomfield explained that this is an agreement with Wright Risk Management. He asked Attorney Caplicki to review the packet for discussion at Thursday night's meeting.

Supervisor Bloomfield asked for any other comments from the Board Members.

Councilman Lyons noted that the voting machines have been removed. This will allow the Town to deduct the insurance coverage for them.

Supervisor Bloomfield stated that on last Friday our DPW discovered a broken water pipe in an abandoned house. The loss was estimated to be 407,000 gallons of water along with a great deal of damage to the house. The DPW alerted the local real estate agencies to check the water pipes on vacant homes for sale. As a result, there was another home with a pipe that just broke. The damage was minimal. A special "Thank You" goes out to our DPW employees, especially Mark Warren, for being observant and tenacious.

**EXECUTIVE SESSION:**

Councilman Canterino made a motion to go into Executive Session to discuss the following:

1. P.D. – 211 Status
2. JRC Litigation Status
3. Sewer Negotiations with the Village
4. ADC Litigation Status
5. Owens Road Litigation Status
6. Time Warner Franchise Renewal
7. Tax Certiorari Update

with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried.

Time: 9:56PM

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Priscilla Gersbeck, Deputy Town Clerk

