

TOWN OF GOSHEN

TOWN BOARD WORK SESSION October 25, 2010 MINUTES

A Work Session of the Town Board of the Town of Goshen was held on the 25th day of October, 2010 at 7:30 p.m. 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
Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:35 p.m.

AGENDA ITEMS:

1. REQUEST BY A & I ACRES SUBDIVISION TO EXTEND THE EXEMPTION REQUIREMENTS OF SECTION 5 OF TOWN OF GOSHEN LOCAL LAW NO 4 OF 2009 FOR PHASE II OF SUBDIVISION: Supervisor Bloomfield asked Steve Esposito, Engineer, if this request was primarily to allow the old water protocols to be followed, rather than the new one? Mr. Esposito replied yes. Supervisor Bloomfield said the first question the Board would like answered is what is the basis of the request, what has happened since the last time they were before the Board?

Mr. Esposito explained that the owners had received conditional final approval on the overall project, and at that time the approval allowed 360 days. While working with the Town Board and the Planning Board this time was used, and came in to phase the project, and that allowed them to obtain Conditional Final Approval on a portion of the property, and keep the second phase under Preliminary Approval. He stated Phase I, which is the majority of the subdivision, now has 21 lots, they are building roads, etc., agency approvals have been done. He said their Conditional Approval for that will expire in April 2011, by that time the roads will be finished, and they will not have to raise the money for the bonds. Mr. Esposito stated what they are asking for tonight is an extension of time for the lots remaining. He said it is needed to save A & L, as well as the Zalunski Subdivision, from having to go for Conditional Final Approval, where one of the conditions would be to build or bond the improvements. He said, under today's market, Bonds and Letters of Credit are difficult and expensive to obtain.

Attorney Caplicki stated this is a legitimate issue, the expense now for the applicant's bonding and/or letters of credit are extremely expensive.

Supervisor Bloomfield stated he had been to the subdivision, and could see there was an extensive amount of work being done there.

Supervisor Bloomfield asked the representative for the Traskus Subdivision to join the Board.

James Sweeney, Attorney for the Traskus Subdivision came forward stating that this is a Conditional Preliminary Approval, not a Conditional Final Approval. He said about nine months ago, in January he came to the Board and told about the cricket frogs, and the fact that the applicant had to do a cricket frog study. The study had time constraints, as there are only certain times of the year this type of study can be made. He stated the studies were done, and there are no cricket frogs, and they are comfortable that they do not have to reconfigure the lots. Mr. Sweeney said however, they now have to look at the wetlands and what can be done with the Army Corp of Engineers, which was not done because of the cricket frog study. He said what he is asking is to give him some additional time to work with the Army Corp of Engineers and the DEC. He said the applicant has to have time to get these outside approvals done, so that they can move into the Conditional Final Approval stage.

Councilman Canterino asked how much time Mr. Sweeney was asking for. He replied he would like to have another nine months if possible. Councilman Canterino asked the same of the other two subdivisions, all answered nine months.

Supervisor Bloomfield stated that if we say nine months, that will be a drop dead date, can you do it in nine months? Mr. Sweeney said he felt they could.

Supervisor Bloomfield asked who was representing Zallunski? Mr. Esposito returned to the table. Mr. Esposito explained that this subdivision has three phases. He said it was a 19 lot subdivision, and the first phase has Final Approval. They have been marketing it, and have secured the Health Department approvals, etc. He said the first phase was easier as they were lots that faced the road, Phases two and three will have small cul-de-sacs with all the requirements that go with them. He said they are asking for the extension to give them time to go forward under the old zoning regulations.

Supervisor Bloomfield asked what they have done leading up to this request? Mr. Esposito replied the marketing of Phase I and Health Department approvals. Supervisor Bloomfield asked what length extension was his applicant looking for, and Mr. Esposito stated nine months.

There was a brief discussion as to the nine months being a "Drop Dead Date", and if it would be sufficient time to accomplish what the projects need to do.

Supervisor Bloomfield thanked the applicants for coming, and said the Board would probably be doing a resolution pertaining to the extensions at Thursday's meeting on October 28th.

4. DISCUSS APPROACH/TIMING FOR TIMBER TRAILS, LLC AND ORANGE AND ROCKLAND UTILITIES, INC. SEQRA REVIEWS: Attorney Caplicki reported the Timber Trails, LLC Public Hearing was closed, and the Orange and Rockland Utilities, Inc remains open. He said it is now time for the Town to initiate SEQRA REVIEWS, by declaring the Town as lead agency. He said resolutions would be prepared to do so at Thursday's meeting for both applications.

5. NEW YORK FARMS (AKA HERITAGE ESTATES) FOR CREATION OF WATER AND SEWER DISTRICTS AND SEWER TRANSPORTATION COMPANY: Supervisor Bloomfield stated just for the Board's information, he will be meeting this week with Attorney Rick Golden, Attorney Dennis Caplicki

Building Inspector Neal Halloran, and Dennis Lindsey, Town Engineer to give the engineers a chance to review this application, so that the Board can pursue the application.

6. TOWN JUSTICE DEPARTMENT HAS APPLIED FOR A \$30,00 GRANT TO REPLACE CARPET IN THE COURT ROOM AND COURT OFFICES, ADDITIONALLY \$8,600 LEFT OVER FROM \$2,010 GRANT CAN BE APPLIED TO THE PROJECT – RESOLUTION:

**TOWN OF GOSHEN
RESOLUTION**

**AUTHORIZATION TO COMPLETE AND SUBMIT APPLICATION
JUSTICE COURT ASSISTANCE PROGRAM (JCAP)**

INTRODUCED BY: Councilman Philip Canterino
SECONDED BY: Councilman George Lyons
DATED: October 25, 2010

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 25th Day of October, 2010:

WHEREAS, the Justice Court Assistance Program was established in the State of New York in 1999; the purpose of which is to provide state assistance to Town and Village Courts, and

WHEREAS, the Town of Goshen Justice Court is in dire need of funds for carpeting in the Court room area, hallway and stairway to the court offices, and

WHEREAS, upon proper application to the State of New York through the Justice Court Assistance Program, monies may be available to the Town of Goshen Justice Court for the aforementioned purposes,

NOW, THEREFORE BE IT RESOLVED, that the Justices of the Town of Goshen Justice Court and Court personnel are hereby authorized to complete and file with the New York State Justice Court Assistance Program an application to request up to the maximum amount available From the JCAP program for financial assistance to the Town of Goshen Justice Court for the aforesaid purpose (s).

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilman, Philip Canterino	<u>AYE</u>
Councilman, Louis Cappella	<u>AYE</u>	Councilman, Kenneth Newbold	<u>AYE</u>
Councilman, George Lyons	<u>AYE</u>		

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

Supervisor Bloomfield explained that there was an original grant done by a former Justice Clerk, received in 2010 for other work and there was \$8,600 left that was not needed to complete the original request. Supervisor Bloomfield asked the new Justice Clerk to inquire to see if this money could be used for additional carpet. The Justice Clerk inquired and was told the \$8,600 could be applied to obtain more carpeting. The foregoing Resolution was required to enable them to apply for the new money.

7. APPROVE MINUTES: Councilman Newbold made a Motion to approve the minutes of Work Session of September 13th and Regular Meeting of September 16, 2010. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

8. ARBITRATION VS LAWSUIT DECISION REGARDING VILLAGE/TOWN SEWER DISPUTE:

Attorney Caplicki reported that some weeks ago the Board moved to compel an arbitration in regard to the Village/Town sewer dispute which the Village opposed. He referred to a letter from Judge Slobod giving her decision directing the Village and the Town to go to arbitration. He said the Board has 45 days from the date of the decision to determine the procedures and the arbitrator/arbitrators, which will be selected by the two communities. He said he has initiated discussions with Village Attorney Donovan, and status wise this is as far as they have gotten.

Supervisor Bloomfield suggested that now that the public was Informed of the status, he would like to table the discussion to be continued in Executive Session.

With no further business Councilman Newbold moved to adjourn the meeting and go into Executive Session, with intent not to return, to discuss the following:

- 1, Justice Court Personnel
2. Inquiry
3. Dog Control Enforcement
- 4, Tax Certiorari Review
5. Al Turi Landfill Litigation
6. Wallkill River Flood Plain Cleanup Permit Information
7. Arbitration vs Lawsuit Decision in Village vs Town Water/Sewer dispute

The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Time: 8:00 p.m.

Valma Eisma, Town Clerk