

TOWN OF GOSHEN

COMBINED TOWN BOARD WORK SESSION AND REGULAR MEETING  
COMBINED TOWN BOARD AND TOWN PLANNING BOARD  
PUBLIC HEARING – CONTINUED

December 19, 2016  
MINUTES

A combined Town Board work session and regular meeting along with the Planning Board of the Town of Goshen was held on the 19<sup>th</sup> day of December, 2016 at Goshen Central High School located at 222 Scotchtown Ave., Village of Goshen, County of Orange, State of New York.

The Public Hearing was called to order by Supervisor Bloomfield at 7:30pm, followed by the Pledge of Allegiance.

Planning Board Chairman, Lee Bergus, read the Public Notice into the record.

1. PUBLIC HEARING: CONTINUED

**REGARDING LEGOLAND DEIS AND INTRODUCTORY LOCAL LAW NO. 5 OF 2016 (ENTITLED “A LOCAL LAW AMENDING THE TOWN OF GOSHEN COMPREHENSIVE PLAN”), AND INTRODUCTORY LOCAL LAW NO. 6 OF 2016 (ENTITLED “A LOCAL LAW AMENDING CHAPTER 97 (“ZONING”) OF THE CODE OF THE TOWN OF GOSHEN TO CREATE A COMMERCIAL RECREATION OVERLAY ZONING DISTRICT.**

Comments pertaining to Local Law No. 5 and Local Law No. 6, the DEIS and the Master Plan whether for or against Legoland New York were taken verbatim by a stenographer. When the verbatim minutes are completed, they will be available for viewing.

Reynell Andrews, Planning Board, made the motion to close the Public Hearing on Introductory Local Law No. 5 and Introductory Local Law No. 6. Giovanni Pirraglia seconded the motion. With combined Board members voting, the motion was approved on a vote of 13 AYES, 0 NAYS.

**At 11:00pm the public hearing was officially closed. The Town Board Members reconvened at Town Hall to complete matters before year’s end.**

The meeting of the Town Board of the Town of Goshen was reconvened on the 19<sup>th</sup> day of December, 2016 at 11:12pm in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Melissa Gallo	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember
	John VanDerMolen	Councilmember

Also Present: Richard Golden, Esq. Attorney for the Town  
Kelly Naughton, Esq. Attorney  
Sean Hoffman, PE Consulting Engineer  
Priscilla Gersbeck Town Clerk

**1. DISCUSS AND APPROVE MOTION TO AUTHORIZE THE SUPERVISOR TO SIGN NEGATIVE DECLARATION FOR INTRODUCTORY LOCAL LAW NO. 8 AND INTRODUCTORY LOCAL LAW NO. 9**

Sean Hoffman, PE presented an overview of the MS4 plan.

Councilman Newbold made the motion to authorize the Supervisor to sign a negative declaration for Local Law No. 8 and Local Law No. 9. Councilman Van Der Molen seconded the motion.

A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen  
0 NAYS

**2. DISCUSS O.C. ASSOCIATION OF TOWNS, VILLAGES, AND CITIES, INC. ANNUAL CONFERENCE FEBRUARY 18-22, 2017.**

As stated, for information only.

**3. DISCUSS AND APPROVE OFFER OF ROAD DEDICATION FOR RUTH COURT, HOWARD COURT, A 100 FOOT RIGHT-OF-WAY BETWEEN LOTS 2 & 3 AND A PORTION OF GATE SCHOOL HOUSE ROAD**

Attorney Naughton noted at the last meeting several items were to be completed for the road dedication agreement such as: reviewing details to the updated title requiring Legislative approval and payment levied on school taxes.

TOWN OF GOSHEN  
Resolution

ACCEPTANCE OF DEED FOR HOWARD COURT, RUTH COURT, SECTION 12, BLOCK 3, LOT 37, AND A STRIP OF LAND ALONG GATE SCHOOLHOUSE ROAD, IN CONNECTION WITH THE MEADOWS OF GOSHEN SUBDIVISION LOCATED ALONG MAPLE AVENUE AND GATE SCHOOLHOUSE ROAD

INTRODUCED BY: Councilmember George Lyons  
SECONDED BY: Councilmember Melissa Gallo  
Dated: December 19, 2016

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at the Town Hall in said Town on the 19<sup>th</sup> day of December, 2016, the following resolution was introduced:

WHEREAS, David Makan a/k/a The DM Equities of New York (hereinafter collectively "Owner") is the owner of the land known and designated as Howard Court, Ruth Court, a 100-foot strip of land, and a strip of land along Gate Schoolhouse Road, as described in Schedule "A" attached to the Deed, and which lands are situated within the boundaries of the Town of Goshen, and

WHEREAS, the Owner desires to convey to the Town of Goshen title to Howard Court, Ruth Court, a 100-foot wide parcel of land (SBL: 12-3-37) and a strip of land along Gate Schoolhouse Road, and

WHEREAS, Howard Court and Ruth Court have been fully constructed and offered for dedication to the Town of Goshen by Owner, pursuant to the relevant provisions of the Town Code and New York State Highway Law, and

WHEREAS, the Town Highway Superintendent and Town Engineer have recommended acceptance of said parcels of land for highway purposes, upon the filing with the Town of a maintenance bond in the amount of \$125,160.00 to guarantee any maintenance and repairs required to Howard Court and Ruth Court by the Town for a period of one (1) year after acceptance by the Town of Goshen, and

WHEREAS, the Town Board desires to accept the dedication of Howard Court and Ruth Court, as well as Section 12, Block 3, Lot 37, and a strip of land along Gate Schoolhouse Road in consideration of the transportation needs and demands of the Town, and finding that it is in the best interest its residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Goshen that, upon the satisfaction of the conditions noted below, the Town Board agrees to accept the deed and offer of dedication for Howard Court, Ruth Court, Section 12, Block 3, Lot 37 and a strip of land along Gate Schoolhouse Road, and authorizes the Supervisor to execute any and all documentation necessary to accept such offer of dedication, and directs the Town Clerk to record the Offer and Deed in the Orange County Clerk's Office.

BE IT FURTHER RESOLVED THAT the closing in connection with this acceptance shall take place within 120 days from the date of this Resolution. Should the closing fail to take place within 120 days from the date of this Resolution, this Resolution shall be null and void, unless the Town Board, by resolution, grants an extension for such closing to take place.

CONDITIONS:

1. The Town Clerk will hold \$15,000 in escrow for the sole purpose of ensuring that the developer pays the outstanding 2017 taxes, including interest and penalties, on the aforementioned properties.
2. The developer shall provide an additional deed, and related tax forms, solely for Section 12, Block 3, Lot 37, which shall be held in escrow by the Town until such time as the Orange County Legislature transfers the property back into the name of The DM Equities of New York, LLC. At that time, the Town Clerk is authorized to file the additional deed with the Orange County Clerk's office.
3. Notification that a title insurance policy for the parcel has been issued to the satisfaction of the Town Attorney. The title shall be unencumbered by taxes, liens or mortgages at the time of closing. (This includes providing the outstanding documents required and listed in the title report, completing the ALTA request form, and removing all outstanding mortgages from the title.)

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>		

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

4. **DISCUSS AND APPROVE REDUCTION OF PERFORMANCE BOND FOR MEADOWS OF GOSHEN IN THE AMOUNT OF \$99,840. THE TOWN WILL RETAIN \$125,160 TO ENSURE COMPLIANCE WITH THE CODE FOR MAINTENANCE GUARANTEE.**

As discussed several items are to be completed for the road dedication agreement. Therefore, the Town Clerk is hereby authorized to release \$84,840 of the cash performance bond, to retain \$125,160 as a cash maintenance bond, and to retain \$15,000 to ensure payment of 2017 taxes.

TOWN OF GOSHEN  
Resolution

RELEASING THE CASH PERFORMANCE BOND BEING HELD BY THE TOWN OF GOSHEN IN CONNECTION  
WITH THE MEADOWS OF GOSHEN SUBDIVISION LOCATED ALONG MAPLE AVENUE AND GATE  
SCHOOLHOUSE ROAD

INTRODUCED BY: Councilman George Lyons  
SECONDED BY: Councilman Kenneth Newbold  
Dated: December 19, 2016

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at the Town Hall in said Town on the 19th day of December, 2016, the following resolution was introduced:

WHEREAS, the Town of Goshen currently holds a cash performance bond in the amount of \$225,000.00 in connection with the Meadows of Goshen subdivision, located along Maple Avenue and Gate Schoolhouse Road; and

WHEREAS, the Town Board is in receipt of a letter dated December 19, 2016 from the Town Engineer advising that a portion of said monies being held by the Town could be released back to the developer, David Makan a/k/a The DM Equities of New York, on the basis that various site work items had been completed, and a bond for such items was no longer necessary; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Town Board, pursuant to the recommendation of the Town Engineer, hereby releases to the developer, David Makan a/k/a The DM Equities of New York, a portion of the cash performance bond held by the Town of Goshen;

BE IT FURTHER RESOLVED, that the amount to be returned to the developer, David Makan a/k/a The DM Equities of New York shall be further reduced by \$15,000, which the Town will hold pending the payment of outstanding school taxes, interest and penalties, which is being re-levied on the 2017 taxes for these properties. Therefore, the Town Board will be releasing to the developer the amount of \$84,840.00.

BE IT FURTHER RESOLVED, that the Town Board will retain \$125,160.00 of the cash performance bond, which is hereby converted to a maintenance bond to be held for a one-year period, and will retain \$15,000.00 to ensure the payment of outstanding taxes, interest and penalties on the property. Any monies held by the Town of Goshen for the payment of taxes shall be returned to the developer within 90 days of the payment of said taxes.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to take whatever steps necessary to accomplish the release of the aforementioned \$84,840 of the cash performance bond, to retain \$125,160 as a cash maintenance bond, and to retain \$15,000 to ensure payment of 2017 taxes.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>		

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

**5. APPROVAL OF MINUTES**

Councilman Lyons made the motion to approve the minutes of the combined work session/regular meeting on November 21, 2016 and work session minutes of December 5, 2016. Councilwoman Gallo seconded the motion.

Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen  
0 NAYS

**6. EXECUTIVE SESSION:**

With no items for the Executive Session, Councilman Van Der Molen made the motion to adjourn the meeting. Councilman Lyons seconded the motion. Motion carried.

**7. ADJOURNMENT: 11:30pm**

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Priscilla Gersbeck, Town Clerk