

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, September 22, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:35 p.m.

Town Board Members Present:        Mr. Peter M. Dolan                    Supervisor  
   Mr. Daniel Castricone                Councilperson  
   Mr. Thomas Darling                  Councilperson  
   Mr. Gary Phelps                        Councilperson  
   Ms. Lisa Spivak                         Councilperson

Town Board Members Absent:        None

Other Town Officials Present: Larry Wolinsky, Town Counsel; Mr. Daniel J. Carlin, Police Chief; Ms. Bonnie Franson, Town Planner; Mr. Jeffrey Marsden, Town Engineer, Mr. Thomas J. Egan, Planning Board Attorney; Messrs. Nils Gerling and Robert Thompson, Planning Board Members; Messrs. Francis Peverly and Andrew Rogers, Zoning Board of Appeals Members; Mr. David Maikisch, Building Inspector; and Mrs. Elaine M. Laurent, Town Clerk.

The meeting was opened by a pledge of allegiance to the flag.

**MINUTES**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to accept the Town Board Minutes of the Public Hearing and Regular Bi-Monthly Meeting held on September 8, 2008, as submitted.

**Adopted:**    AYES: [ 5 ]    NAYS: [ 0 ]    ABSENT: [ 0 ]    ABSTAIN: [ 0 ]

**MONTHLY REPORTS**

All monthly reports for August, 2008 were submitted at the September 8, 2008 meeting.

**PUBLIC COMMENTS ON AGENDA ITEMS**

Supervisor Dolan asked for public comments on agenda items. There were none.

**1. Town Supervisor/Town Board Update**

• **Removal of Illegal Trailers in Southfields**

Supervisor Dolan advised that two house trailers which have been situated at 1103 Route 17 in Southfields in violation of §92-2 of the Town Code have been removed and transferred to the owner's other property located in Chester. This action was taken pursuant to Summary Judgment granted by the Hon. Elaine Slobod, Acting Supreme Court Justice, Supreme Court of the State of New York, County of Orange.

• **Offer of Sale of Property on Benjamin Meadow Road**

Supervisor Dolan reported that, after consideration by the Town Board, from which he recused himself, the Town Board has determined not to take advantage of a right of first refusal to purchase property located on Benjamin Meadow Road for sale by the Renaissance Faire. Supervisor Dolan further reported that the property will now be offered to the public and that he intends to make an offer for himself personally. It was the consensus of the Town Board members that they had no objection to his purchase of the property.

• **Site Visits of Tuxedo Reserve Property**

Supervisor Dolan advised that site walks of the Tuxedo Reserve property have been conducted by the Town Board members, one on September 21 with two Board members and the other on today's date with three members.

• **Postponement of Public Hearing Continuation on Heavy Duty Towing Law**

Supervisor Dolan advised that the subject hearing will be held on a future date for which notice will be provided.

AGENDA ITEMS #3 AND #4 WERE NEXT CONSIDERED, FOLLOWED BY AGENDA ITEM #2.

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

Town Supervisor/  
Town Board Update  
*Removal of Illegal Trailers in Southfields*

*Offer of Sale of Property on Benjamin Meadow Road*

*Site Visits of Tuxedo Reserve Property*

*Postponement of Public Hearing Continuation on Heavy Duty Towing Law*

**AGENDA ITEMS (Continued):**

**3. Resolution Granting Special Permit for Adventure Race**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board, in accordance with the Zoning Code of the Town of Tuxedo under Article 3, Section 98-10, Column H, Item 8-K, grants and files a special permit for use of Town of Tuxedo roads by the New York Adventure Racing Association during its Shag Adventure Race to be held on Saturday, September 27, 2008; SUBJECT TO the applicant's obtaining liability insurance coverage naming the Town of Tuxedo as additional insured and furnishing a Certificate of Insurance covering the Town of Tuxedo at least 10 days prior to the commencement of the activities; and be it

**FURTHER RESOLVED**, that all signs and route markings be removed by the applicant within seven days after the event; and be it

**FURTHER RESOLVED**, that all of the foregoing be accomplished to the satisfaction of the Building Inspector.

**Adopted:** AYES: [ 5 ]      NAYS: [ 0 ]      ABSENT: [ 0 ]

**4. OTHER BUSINESS:**

**Resolution Authorizing Demand for Payment and Levy on Taxes**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Building Inspector is hereby directed to demand reimbursement from Patrick Kelly of all Town expenses, including but not limited to attorneys' fees, Town personnel labor fees and contractors' fees, associated with the various disputes between the Town and Mr. Kelly, for the period commencing from 2000 through the present, in connection with his property at 1103 Route 17, Southfields, New York, Section 5, Block 1, Lot 1; and be it

**FURTHER RESOLVED**, that, in the event of the failure of Mr. Kelly to provide payment of such expenses, the Town Supervisor, the Town Clerk, the Town Receiver of Taxes and the Town Counsel are hereby authorized to prepare and execute all documents, make all filings and perform all acts in order to effectuate the levy upon the 2009 taxes of Mr. Kelly for payment of such expenses.

**Adopted:** AYES: [ 5 ]      NAYS: [ 0 ]      ABSENT: [ 0 ]

**2. Presentation by Tuxedo Reserve Regarding Third Amendment to Special Permit**

Supervisor Dolan reminded the public that this is an informal presentation by representatives from Tuxedo Reserve regarding their proposed amendment to the Special Permit. It is not a public hearing and is intended to familiarize the Town Board and attendees with the proposed changes. After tonight, an in-depth review of the application will be made by the Town Board, the Planning Board and the Town's consultants to determine its completeness and whether additional environmental review will be required.

An official public hearing, which is the effective forum for public comment, as established by legal procedure, will be scheduled at a future date, with notice published and posted. As is the practice at all Town Board meetings, questions and comments from the public are welcome at tonight's presentation but should be kept as brief as possible.

Tuxedo Reserve representative Andrew Dance began the presentation by explaining that, following a more detailed inspection of the site, they realized that the plan needed to be revised due to topographical constraints and in consideration of water and sewer issues.

Utilizing a PowerPoint® slide show, Tuxedo Reserve representatives Messrs. Paul Milano, of Cooper Roberson Planners & Architects, and Mr. Don Powers, of Donald Powers Architects, described the proposed changes and how they would affect the development, as depicted in the slides.

Attached to these Minutes is a six-page overview of the proposed changes to the Preliminary Plan and the Special Permit as contained in the Tuxedo Reserve application for amendment.

**AGENDA ITEMS:  
(Continued)**

**Resolution  
Granting Special  
Permit for Adventure  
Race**

**OTHER BUSINESS:**

**Resolution  
Authorizing Demand  
for Payment and  
Levy on Taxes**

**Presentation by  
Tuxedo Reserve  
Regarding Third  
Amendment to  
Special Permit**

**AGENDA ITEMS (Continued):**

**2. Presentation by Tuxedo Reserve Regarding Third Amendment to Special Permit (Continued)**

A question-and-answer period with the public next ensued, with inquiries posed by Tuxedo Park residents Michelle & Jake Lindsay, Robert Curry, John Dawson, Kent Kroeber, Houston Stebbins, JoAnn Hanson, Barbara du Pont and Robert Silvay; Town residents Dale Mottola, Sue Scher, Andrew Rogers and Andrew Berish; Suffern resident Patsy Wooters; and Sloatsburg residents John Kwasnicki and Ann Marie Voss.

**BUDGET MODIFICATIONS:**

There were no budget modifications.

**PUBLIC COMMENTS:**

Supervisor Dolan asked for comments from the public. There were none.

**VOUCHERS**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

- Claim numbers 1,276 through 1,334
  - General Fund Claim totaling \$46,613.37
  - Part-Town Fund Claim totaling \$10,083.60
  - Highway Town Wide Claim totaling \$438.08
  - Highway Part-Town Claim totaling \$335.04
  - Tuxedo Refuse District Claim totaling \$30,951.00
  - Hamlet Sewer District Claim totaling \$1,378.57
  - Total abstract amount: \$92,281.22

Authorization for Payment was thereafter signed by Councilperson Spivak, Supervisor Dolan, and Councilperson Phelps.

**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:55 p.m.

**Adopted:** AYES: [ 5 ] NAYS: [ 0 ] ABSENT: [ 0 ]

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk

**AGENDA ITEMS:  
(Continued)**

**Presentation by  
Tuxedo Reserve  
Regarding Third  
Amendment to  
Special Permit  
(Continued)**

**BUDGET  
MODIFICATIONS**

**PUBLIC  
COMMENTS**

**VOUCHERS**

**ADJOURNMENT**