

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, June 22, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 6:05 p.m.

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

Other Town Officials Present: Larry Wolinsky, Esq., Town Counsel; Ms. Bonnie Franson, Town Planner; Mr. David Atkinson, Town Engineer; Messrs. John Norton and Patrick Welsh, Police Sergeants; Mr. Edward Pfizenmaier, Acting Superintendent of Highways; Mr. Michael Marusich, Deputy Superintendent of Highways; 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 Workshop Session held on June 8, 2009, as submitted.

Adopted: AYES: [4] NAYS: [0] ABSENT: [1] ABSTAIN: [0]

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to accept the Town Board Minutes of the Regular Bi-Monthly Meeting held on June 8, 2009, as submitted.

Adopted: AYES: [3] NAYS: [0] ABSENT: [1] ABSTAIN: [1-Councilperson Castricone]

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for May, 2009 from the Dog Control Officer.

PUBLIC COMMENTS ON AGENDA ITEMS

Supervisor Dolan asked for public comments on agenda items.

Regarding Agenda Item #2, Mr. Steven Gross, an environmental planner representing Target Tuxedo, and Ms. Betsy Kohn, Co-Chair of the Sierra Club, made submissions, copies of which are attached to these minutes. Ms. Patsy Wooters, Chair of the Torne Valley Preservation Association, voiced her concerns about bedrock fissures and impacts on the water supply and urged that a scoping document be prepared.

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

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

No update was given at this meeting.

2. Resolution Requiring Preparation of Supplemental Environmental Impact Statement for Tuxedo Reserve 3rd Application for Amendment to Special Permit

WHEREAS, on November 15, 2004, the Town Board of the Town of Tuxedo ("Town Board"), as Lead Agency under the New York State Environmental Quality Review Act (SEQRA), issued a Findings

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

AGENDA ITEMS:

**Town Supervisor/
Town Board Update**

**Resolution
Requiring Preparation
of Supplemental
Environmental Impact
Statement for Tuxedo
Reserve 3rd Application
for Amendment to
Special Permit**

AGENDA ITEMS (Continued):

2. Resolution Requiring Preparation of Supplemental Environmental Impact Statement for Tuxedo Reserve 3rd Application for Amendment to Special Permit (Continued)

Statement for the Tuxedo Reserve Planned Integrated Development (the "Project") following the issuance of a Draft Generic Environmental Impact Statement dated September 1996, a Draft Supplemental Environmental Impact Statement dated October 1999, and a Final Environmental Impact Statement ("FEIS") dated November 2003; and

WHEREAS, on November 15, 2004, the Town Board adopted a Special Permit and Rezoning and Preliminary Plan approvals for the Project, with conditions (the "Project Approvals"); and

WHEREAS, subsequent to the issuance of the Project Approvals, Tuxedo Reserve Owner LLC (the "Applicant") received preliminary subdivision approval from the Tuxedo Planning Board for North Ridge, a sub-phase of the Project, conditioned on the Town Board adopting various amendments to the Special Permit, which were approved by the Town Board; and

WHEREAS, on August 28, 2008, the Applicant filed with the Town Board an Application to further amend the Special Permit and Preliminary Plan (the "Application") together with a "Technical Memorandum" addressing the potential environmental impacts of proposed amendments to the Special Permit and Preliminary Plan as set forth in the Application; and

WHEREAS, the proposed amendments to the Special Permit and Preliminary Plan include the following:

- Increase the amount of dedicated open space in the Southern Tract to 778 acres from 773 acres;
- Change year in which construction of the Project would commence to 2012 and would be completed to 2023;
- Change Phase One of the Project as follows: (1) to 731 residential units comprised of 282 single-family units, 252 townhouses and multi-family units; and 197 Active Adult units; from the currently-approved 714 units comprised of 409 single-family units, 305 townhouses and multi-family units; and (2) to development of the Commons in Phase One;
- Change Phase Two of the Project to 227 residential units comprised of 200 single-family units and 27 townhouses, from the currently-approved 197 active adult units;
- Change Phase Three of the Project to 237 residential units comprised of 223 single-family units and 14 townhouses, from the currently-approved 284 single-family detached units;
- Relocate single-family residential units from areas the Applicant represents as being more environmentally-sensitive areas to areas the Applicant represents as being less-sensitive habitats, such as the area in the vicinity of Mountain Lake and the northern portion of Phase Three;
- Increase the amount of neighborhood retail and commercial, recreational, and community amenity uses to 103,000 square feet, including an increase in allowed retail uses from the presently-approved 3,000 square feet to 30,000 square feet in Tuxedo, plus an additional 3,000 square feet for a market stand in Sloatsburg;
- Move the location of the Active Adult units to be in closer proximity to the Commons and expand the range of active adult unit types, including multi-family units, town homes, and carriage, cottage, and village units;
- Incorporate 75 additional town homes into areas outside the Commons;

**AGENDA ITEMS:
(Continued)**

**Resolution
Requiring Preparation
of Supplemental
Environmental Impact
Statement for Tuxedo
Reserve 3rd Application
for Amendment to
Special Permit
(Continued)**

AGENDA ITEMS (Continued):

2. Resolution Requiring Preparation of Supplemental Environmental Impact Statement for Tuxedo Reserve 3rd Application for Amendment to Special Permit (Continued)

- Allow the direct discharge of clean stormwater into the Ramapo River, a fourth order stream. In the event that the waiver to allow direct discharge is not approved by the Village of Sloatsburg and the Rockland County Drainage Agency, the Applicant has developed an alternative design which includes the installation of a detention/recharge basin along Quail Road in Sloatsburg, which would be required to meet all state and local requirements for stormwater detention;
- Evaluate a design alternative for the Project, in which a parcel of land owned by the Palisades Interstate Park Commission (“PIPC”) located adjacent to Phase 3 of the Southern Tract would be acquired in exchange for a conveyance to PIPC of the Light Industrial Office (LIO) development parcel in the Tuxedo Reserve Northern Tract (the “PIPC Land Swap”); and

WHEREAS, the Town Board referred the Application and the Technical Memorandum to the Tuxedo Planning Board for its advisory review and comment; and

WHEREAS, the Planning Board and its consultants conducted a detailed and thorough review of the Application and the Technical Memorandum, as a result of which the Application and Technical Memorandum were revised and resubmitted twice, most recently on April 14, 2009; and

WHEREAS, the Planning Board issued its Report to the Town Board in which it recommended that certain aspects of the Application be analyzed in a Draft Supplemental Environmental Impact Statement (“DSEIS”), including but not limited to the new proposed development area in the vicinity of Mountain Lake and the potential PIPC Land Swap; and

WHEREAS, the Town Board held a special meeting on May 18, 2009, and workshops on May 26, June 1, and June 8, 2009, in which the Town Board reviewed and considered the Application, Technical Memorandum and Planning Board Report; and

WHEREAS, the Town Board has received ongoing input from the Applicant; the Town Board’s own consultants, and the public with respect to the Application; and

WHEREAS, based on the collective input received, the Technical Memorandum has been further revised to (1) identify those aspects of the Application which will not have the potential to generate any new significant adverse environmental impacts and provide the analyses and reasoned elaboration to support that conclusion; and (2) identify those aspects of the Application that are determined to potentially result in adverse environmental impacts which must be analyzed in a DSEIS; and

WHEREAS, the Town Board and its consultants have reviewed the revised Technical Memorandum and deem it in sufficient form to enable the Town Board to make the required SEQRA determinations of significance with respect to the Application;

NOW THEREFORE, THE TOWN BOARD HEREBY RESOLVES AS FOLLOWS:

1. As Lead Agency for the Project, the Town Board determines, for those reasons set forth in the Technical Memorandum which is attached hereto as Exhibit A and is incorporated by reference herein, that the following elements of the Application do not have the potential to generate any new significant adverse environmental impacts and need not be further addressed in a DSEIS except as may otherwise be required in the Technical Memorandum: Land Use, Comprehensive Planning and Zoning, except impacts associated with the requested R-1 zoning changes; Population and Housing Characteristics;

**AGENDA ITEMS:
(Continued)**

**Resolution
Requiring Preparation
of Supplemental
Environmental Impact
Statement for Tuxedo
Reserve 3rd Application
for Amendment to
Special Permit
(Continued)**

AGENDA ITEMS (Continued):

2. Resolution Requiring Preparation of Supplemental Environmental Impact Statement for Tuxedo Reserve 3rd Application for Amendment to Special Permit (Continued)

Community Facilities and Services, except any potential fiscal impacts pertaining to them; Cultural Resources, except as specifically relates to the Mountain Lake Development area and the potential PIPC lands; Visual Quality and Community Character; Geology, Soils and Topography, except with respect to the Mountain Lake Development area, the potential PIPC lands and the overall construction-related impacts for the entire Project; Natural Resources, except with respect to the Mountain Lake Development area, the potential PIPC lands and project modifications; Hydrology and Stormwater Management, except with respect to the Mountain Lake Development area, the potential PIPC land and impacts to Tuxedo Lake; Water Supply and Energy; Sanitary Sewer Services; Solid Waste; Noise; Hazardous Substances and Traffic.

2. As Lead Agency for the Project, the Town Board determines that the following elements of the Application do have the potential to generate new significant adverse impacts not previously considered and must be analyzed in a DSEIS to be prepared by the Applicant: Mountain Lake Development Area impacts; impacts related to the potential PIPC swap; impacts of new development within the Tuxedo Lake drainage area; fiscal impact of Project amendments; Construction Impacts of the Project; impacts related to Development Phasing and impacts associated with proposed R-1 zoning changes.

On a roll call vote as follows, this Resolution is hereby adopted:

Adopted:	Councilperson Daniel Castricone	Aye
	Councilperson Thomas Darling	Absent
	Councilperson Gary Phelps	Aye
	Councilperson Lisa Spivak	Aye
	Supervisor Peter M. Dolan	Aye

3. Resolution Authorizing Bid for Sewer Jet

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby authorizes the Town Clerk to advertise for bids for a truck and chassis-mounted sewer jet, as per bid specifications received from the Acting Highway Superintendent and approved by Town Counsel, with bids to be opened on Thursday, July 9, 2009 at 1:00 p.m. in the Town Clerk's office.

Adopted: AYES: [4] NAYS: [0] ABSENT: [1]

4. Resolution Approving Settlement of Tuxedo Square Tax Certiorari

Supervisor Dolan offered the below resolutions and moved their adoption; Councilperson Castricone seconded their adoption.

WHEREAS, Tuxedo Square Building, LLC has commenced tax certiorari proceedings against the Town of Tuxedo in the Supreme Court of the State of New York, County of Orange, for the 2003-04, 2004-05, 2005-06, 2006-07, 2007-08 and 2008-09 tax assessment years, bearing Orange County Index Numbers 4669/03, 4581/04, 4720/05, 5495/06, 6176/07 and 7094/08; and

WHEREAS, it appears from the recommendation of the Gregory G. Stevens, Town Assessor, and John H. Thomas, Jr., Esq. of Jacobowitz and Gubits, counsel for the Town in the aforesaid proceedings, upon a thorough investigation of the claims, that further proceedings and litigation by

**AGENDA ITEMS:
(Continued)**

**Resolution
Requiring Preparation
of Supplemental
Environmental Impact
Statement for Tuxedo
Reserve 3rd Application
for Amendment to
Special Permit
(Continued)**

**Resolution
Authorizing Bid for
Sewer Jet**

**Resolution
Approving Settlement
of Tuxedo Square Tax
Certiorari**

AGENDA ITEMS (Continued):

4. Resolution Approving Settlement of Tuxedo Square Tax Certiorari (Continued)

the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, Tuxedo Square Building, LLC are willing to settle these proceedings, without interest, cost or disbursement, in the following manner:

2. That the proceedings for the 2003-04, 2004-05, 2005-06, 2006-07 and 2007-08 tax years be, and they have been, discontinued by Stipulation of Discontinuance dated May 13, 2009 filed with the Court;

3. That the real property taxes of the petitioner(s) for the 2008-09 School taxes, and for the 2009 State, County and Town taxes, be adjusted accordingly, and that petitioner(s) be reimbursed for any overpayment without interest, if paid within sixty (60) days) of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be.

NOW, THEREFORE, BE IT RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to §68 of the Town Law, and be it

FURTHER RESOLVED, that Gregory G. Stevens and John H. Thomas, Esq., be and they hereby are designated as the officers of the Town who shall apply for such approval pursuant to the aforesaid section and law.

Adopted: AYES: [4] NAYS: [0] ABSENT: [1]

5. Tabled Discussion of Establishment of Guidelines for Mulch Collection at Recycling Facility

This item was tabled until a future meeting to be announced.

OTHER BUSINESS:

Resolution Granting Special Sign Permit for St. Elizabeth's Chapel Barbeque

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby issues a special sign permit, for the period of June 22 through July 26, 2007, to St. Elizabeth's Memorial Chapel to place a maximum of twenty (20) signs measuring up to 20" x 30" at various locations throughout the town, except at intersections with State roads, to publicize a Chicken Barbecue Fundraiser to be held at Murphy Field on Saturday, July 25, 2009; PROVIDED, HOWEVER, that all such signs be removed on July 26, 2009.

Adopted: AYES: [4] NAYS: [0] ABSENT: [1]

Resolution Authorizing Justice Court Application for Grant Funds

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby authorizes the Tuxedo Town Court to apply for funding under the 2009 Justice Court Assistance Program for office equipment and security equipment, including indoor video surveillance cameras and accessories.

Adopted: AYES: [4] NAYS: [0] ABSENT: [1]

**AGENDA ITEMS
(Continued):**

**Resolution
Approving Settlement
of Tuxedo Square Tax
Certiorari (Continued)**

**Tabled Discussion of
Establishment of
Guidelines for Mulch
Collection at Recycling
Facility**

OTHER BUSINESS:

**Resolution
Granting Special
Sign Permit for
St. Elizabeth's Chapel
Barbeque**

**Resolution
Authorizing Justice
Court Application for
Grant Funds**

OTHER BUSINESS (Continued):

Resolution in Support of the Submission of a Grant Application to the NYSDOS Smart Growth Program to Conduct a Feasibility Study for a Trail System linking various Town neighborhoods to the Tuxedo Hamlet Town Center

Supervisor Dolan offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Tuxedo (“Town Board”) is in receipt of a Smart Growth grant application that encourages the revitalization of municipal town centers within the lower Hudson Valley region; and

WHEREAS, the Town of Tuxedo is located in Orange County, an eligible County within said region; and

WHEREAS, the Town of Tuxedo’s municipal center is the hamlet of Tuxedo, which is the focal point for government, community facilities and services, civic, retail and commercial uses and activities within the Town of Tuxedo and is a major park and ride location for commuters accessing a Metro North rail line that serves northern New Jersey employment centers and New York City; and

WHEREAS, due to intervening state parkland, the Town’s residential neighborhoods and hamlets are physically separated from the Tuxedo hamlet and the hamlet is accessible only via a State Highway, NYS Route 17; and

WHEREAS, the Town Board has approved a 1,195-dwelling-unit development, Tuxedo Reserve, located immediately south of the Tuxedo hamlet, which will be served by uses and facilities in the hamlet. Said Tuxedo Reserve development also has limited access to the hamlet area; and

WHEREAS, the Town of Tuxedo has demonstrated continuous support and commitment to the revitalization and redevelopment of the Tuxedo hamlet and has initiated various planning studies and capital improvement projects for its revitalization, including preparation of a Revitalization Plan, reconstruction of a park and ride facility for Metro-North train access, revitalization of the historic Tuxedo train station, and redevelopment of a former power station property into the primary Town recreation center; and

WHEREAS, the Town seeks to expand accessibility to the Tuxedo hamlet via construction of a trail that would generally run parallel to the Ramapo River, NYS Route 17, connecting the Tuxedo hamlet to residential neighborhoods and other hamlets to the north of the Tuxedo hamlet (Laurel Ridge, Clinton Woods, Southfields, and Arden) and connect to Tuxedo Reserve to the south. The purpose of the trail would be to provide the Tuxedo population with alternate forms of transportation to and from the hamlet;

NOW THEREFORE, THE TOWN BOARD HEREBY RESOLVES AS FOLLOWS:

1. On this date, June 22, 2009, the Town Board resolves to submit a NYSDOS Smart Growth Program grant application for purposes of funding a feasibility study for the construction of a trail that would run from the Town’s northerly border near Arden to the Town’s southerly border with Rockland County – said trail would run generally parallel to the Ramapo River and NYS Route 17; and

2. Tim Miller Associates, Inc., town planning consultant, shall prepare said grant application on behalf of the Town Board.

**OTHER BUSINESS
(Continued):**

**Resolution
in Support of the
Submission of a Grant
Application to the
NYSDOS Smart
Growth Program to
Conduct a Feasibility
Study for a Trail System
linking various Town
neighborhoods to the
Tuxedo Hamlet Town
Center**

OTHER BUSINESS (Continued):

Resolution in Support of the Submission of a Grant Application to the NYSDOS Smart Growth Program to Conduct a Feasibility Study for a Trail System linking various Town neighborhoods to the Tuxedo Hamlet Town Center (Continued)

The adoption of the foregoing resolution was seconded by Councilperson Spivak and duly put to a vote on roll call, which resulted as follows

Adopted:	Councilperson Daniel Castricone	Aye
	Councilperson Thomas Darling	Absent
	Councilperson Gary Phelps	Aye
	Councilperson Lisa Spivak	Aye
	Supervisor Peter M. Dolan	Aye

Resolution in Support of the Submission of an Orange County Planning Grant Application

Supervisor Dolan offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Tuxedo ("Town Board") is in receipt of a 2009 Orange County Planning Grant Application that encourages a variety of eligible activities within the County; and

WHEREAS, the Town of Tuxedo is located in Orange County, an eligible municipality; and

WHEREAS, the Town has been exploring the implementation of green technologies at the highway department garage and has also been exploring the feasibility of reconstructing a hydropower plant along the Ramapo River.

NOW, THEREFORE, THE TOWN BOARD HEREBY RESOLVES AS FOLLOWS:

1. On this date, June 22, 2009, the Town Board resolves to submit an Orange County Planning grant application for purposes of funding feasibility studies that would examine the potential installation of geothermal and solar panel system for the highway garage, and would provide seed money for additional analyses associated with the reconstruction of a hydropower plant along the Ramapo River; and

2. Tim Miller Associates, Inc., town planning consultant, shall prepare said grant application of behalf of the Town Board.

The adoption of the foregoing resolution was seconded by Councilperson Spivak and duly put to a vote on roll call, which resulted as follows:

Adopted:	Councilperson Daniel Castricone	Aye
	Councilperson Thomas Darling	Absent
	Councilperson Gary Phelps	Aye
	Councilperson Lisa Spivak	Aye
	Supervisor Peter M. Dolan	Aye

There were no further items of Other Business to come before the Board.

PUBLIC COMMENTS:

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

**OTHER BUSINESS
(Continued):**

**Resolution
in Support of the
Submission of a Grant
Application to the
NYSDOS Smart
Growth Program to
Conduct a Feasibility
Study for a Trail System
linking various Town
neighborhoods to the
Tuxedo Hamlet Town
Center (Continued)**

**Resolution
in Support of the
Submission of an
Orange County
Planning Grant
Application**

PUBLIC COMMENTS

BUDGET MODIFICATIONS:

There were no budget modifications.

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 822 through 827, and 829 through 902 (828 Skipped)
General Fund Claim totaling \$136,981.86
Part-Town Fund Claim totaling \$23,006.1
Highway Town Wide Claim totaling \$17,619.34
Highway Part-Town Claim totaling \$790.77
Tuxedo Refuse District Claim totaling \$-0-
Hamlet Sewer District Claim totaling \$3,761.37
Total abstract amount: \$182,159.46

Adopted: AYES: [4] NAYS: [0] ABSENT: [1]

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, to adjourn the meeting at 8:30 p.m.

Adopted: AYES: [4] NAYS: [0] ABSENT: [1]

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**BUDGET
MODIFICATIONS:**

VOUCHERS

ADJOURNMENT