

**TOWN OF TUXEDO  
PLANNING BOARD MINUTES  
PUBLIC HEARING AND REGULAR MEETING  
February 9, 2009**

BOARD MEMBERS PRESENT:

Nils Gerling, Chairman  
Joseph Gartiser  
Mary Hanson  
Susan Goodfellow  
Robert Thompson

OTHERS PRESENT:

Thomas Egan, Planning Board Attorney  
Bonnie Franson, Tim Miller Associates  
Don Sioss, H2M  
Janet Galuska

**Joseph & Nancy Ribando** – Proposed 3 Lot Subdivision  
Section 11 Block 2 Lot 1.46; File #P8608-010

Mr. Gerling stated that the applicant requested to be removed from tonight's agenda.

Mr. Gerling made a motion to continue the Public Hearing until March 9, 2010 at 7:00 p.m. and Mr. Gartiser seconded the motion. Mrs. Hanson was opposed and the motion was approved by a majority vote.

Mr. Egan stated that the applicant should be required to appear at the next TAC meeting.

**1.0 CALL TO ORDER**

The regular meeting of the Planning Board of Tuxedo was called to order at 7:34 p.m. on Tuesday, December 8, 2009 in the Community Room of the Tuxedo Town Hall.

## 2.0 APPROVAL OF MINUTES

Mr. Gerling asked if there were any additions or corrections to the minutes of December 8, 2009 and there were none.

Mr. Thompson made a motion to approve the minutes of December 8, 2009 and Mrs. Goodfellow seconded the motion. All were in favor and the motion carried.

### 4.0 Sterling Forest LLC – Sterling Place – Final Approval Section 9 Block 1 Lot 5.4; File #P9010053

Mr. Heimbach stated that they were present to answer any questions from the Board and to request final approval of their application.

Ms. Fanson reviewed the draft resolution which included an issue regarding approval from United Water. Mr. Heimbach stated that a letter was sent to United Water and it was noted that they would not be able to give their approval until they received approval from the Planning Board.

Ms. Franson addressed issues regarding the landscaping and there was a brief discussion on how the maintenance should be handled. Some suggestions were create an easement which would be enforced by the town or to create a district, which was noted to be against code. Mr. Heimbach explained it would be the property owner's responsibility and he added that he believed that they had strong enforcement language.

Ms. Franson continued to review the draft resolution and Mrs. Hanson commented that since the flood plain had changed that there were now 13 houses in the flood plain. Mr. Cordisco responded stating that they are complying with all regulations pertaining to the change. Mrs. Hanson requested that a paragraph be added to the resolution that they must comply with the law and Ms. Franson stated that she would make the addition to the resolution.

There were some additional minor changes noted to the resolution and Mr. Heimbach stated that they would accept the changes.

Mr. Cordisco requested that the Planning Board adopt the resolution subject to the changes and authorized the Chairman to sign the plan.

Mr. Gartiser made a motion to adopt the resolution for conditional final approval as amended and to be signed by the Chairman once reviewed and approved by the Board and Mr. Thompson seconded the motion. Mrs. Hanson opposed the motion and it was approved by a majority vote.

### 4.0 Jasmine Imports – Proposed revised retail space – Final site plan approval Section 5 Block 4 Lot 17.1; File #P8801-001

Mr. Gerling noted that the comments were just received today.

Mr. Pendergast stated that they had addressed all comments received by the Board and would come back in March to discuss.

**5.0 Metro PCS - Red Apple Rest Site – Cell Tower Equipment Addition**  
Section 5 Block 3 Lot 14.1; File #P8912-093

The Applicant stated that although they would be co-locating they would have to make a slight expansion to the area. He explained that it is a 1.6 acre parcel and currently holds Sprint, T Mobile and AT&T. He stated that the equipment would be located on a concrete pad and will have a wooded area and buildings to block the views. He further added that it falls below the FCC's maximum exposure limit.

Mr. Sioss commented that the structure report looks fine.

Mr. Gerling stated that they haven't heard back from the county and added that no Public Hearing was required.

**Metro PCS - Iazzetti Site – Cell Tower Equipment Addition**  
Section 9 Block 1 Lot 13; File #P8704-007

The Applicant explained that the property was a 7.0 acre parcel on a flood plain/industrial zone. He stated that currently Sprint, T Mobile and Nextel are located at the site. He stated that the equipment would be on a 7 x 14 concrete slab within a slight expansion of the existing compound. He also noted that there would be minimal visual impacts.

The Applicant proceeded to present a letter of authorization and added that he will confirm that the Building Department received a copy of the letter.

Mr. Gerling stated that a Public Hearing would be waived.

It was noted that the applicant would return to the Planning Board.

**6.0 Set meeting dates for Planning Board and TAC Meeting in 2010**

Mr. Gerling proceeded to read the resolution to set the meeting dates for the Planning Board and the TAC for 2010.

Mr. Thompson made a motion to adopt the resolution and Mrs. Goodfellow seconded the motion. All were in favor and the motion carried.

**7.0 Adjournment**

There being no further business Mr. Gerling moved for adjournment at 8:05 p.m.