

**TOWN OF TUXEDO  
PLANNING BOARD MINUTES  
PUBLIC HEARING AND REGULAR MEETING  
April 13, 2010**

**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  
Deborah Villanueva, PB Recording Secretary  
William Koriak  
Thelma Smith  
David McMillen  
Kim Galuska  
Chris Schucht  
Janet Galuska  
Michael J. Sandor, MJS Engineering  
Geoffrey Chanin, Attorney for Applicant

<p><b>Joseph &amp; Nancy Ribando</b> – Proposed 3 Lot Subdivision Section 11 Block 2 Lot 1.46; File #P8608-010</p>
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Mr. Sandor gave an overview of their application process to date and stated that the application as it stands now was for a 3 lot subdivision with municipal water from the Village and on site septic, noting that they received a letter from the State Department of Environmental Conservation notifying them that expanding the sewer district was not possible.

Mr. Sandor referred to a report that was compiled by the local residents and stated that both he and Mr. Sioss responded to the report. He added that he believes that Mr. Sioss's letter had several inconsistencies with regard to his comments at previous public hearings and went against sound engineering principals. He proceeded to address those comments made by Mr. Sioss that he believed to be contradictory including comments regarding ground water flow,

drainage and soil tests. He stated that all comments made during previous TAC meetings and public hearings as well as comments made by the Highway Superintendent had been incorporated in to the plan as requested.

Mr. Sandor also stated that Mr. Sioss's letter notes a concern over their ability to construct septic systems in the area and states the possibility of seepage into neighboring properties. Mr. Sandor stated that the proposed septic systems meet all codes and requirements.

Mr. Sioss stated that he stands by his letter. He stated that there were soil tests conducted after heavy rains and there was no ground water. He added that there is a lot of bedrock in the area and since there was no ground water the water is running sideways.

Thelma Smith stated that in 40 years she has never had a water problem however with the past storm her basement was flooded and she lost everything.

Janet Galuska commented that she also believes that Mrs. Smiths water problems were as a result of 2 trees that had been taken down after the storm. She added that if that much damage was caused by the removal of 2 trees clearing all of the land could potentially have a huge affect.

Mr. Egan pointed out that a letter received from the Orange County Department of Planning stated that perhaps one home would be better. Mr. Gerling added that their first letter stated no building at all, their second letter stated perhaps one home and their third letter left it up for a local determination.

Mr. Thompson asked Mr. Sioss if there was any way to mitigate the situation and Mr. Sioss stated that he did not believe so.

Mr. Schucht questioned the drainage to Nursery Rd. noting that with the last storm the water just stopped flowing and there was standing water for a long period of time. Mr. Sandor stated that the drainage would go from the base of his driveway down. Mr. Sandor added that the lower new home would have a swale with a storm drain around the property.

Mrs. Rutherford, 93 Nursery Rd., stated that whenever curbing is added it is generally destroyed in the winter by the plows.

Mr. Gerling asked if there were any new questions or concerns from the public and there were none.

Mr. Gerling made a motion to close the Public Hearing and Mrs. Goodfellow seconded the motion. All were in favor and the motion carried.
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## **1.0 CALL TO ORDER**

The regular meeting of the Planning Board of Tuxedo was called to order at 7:30 p.m. on Tuesday, April 13, 2010 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 March 9, 2010 and there were none.

Mr. Thompson made a motion to approve the minutes of March 9, 2010 and Mrs. Hanson seconded the motion. All were in favor and the motion carried.

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

Mr. Gerling noted that since the Public Hearing was now closed, the Planning Board would have 62 days to make a decision. He added that the next Planning Board meeting was scheduled for May 11, 2010.

Mr. McMillen asked for clarification that since the Public Hearing was closed does that mean that no further comments would be accepted from the public and Mr. Gerling noted that that was correct.

Mr. Egan pointed out that there were 57 days until the June meeting if the additional time was necessary. He further commented that although the county offered several different determinations, the Planning Board is the ultimate deciding party.

## **4.0 Other Business**

Mr. Gerling stated that the Board was in receipt of the findings from the ZBA regarding Augusta Properties and noted that there was a minor change with regard to the name of one of the residents. He added that they plan to appear before the ARB next week.

## **4.0 Adjournment**

Mr. Thompson made a motion to adjourn at 7:45 p.m. and Mrs. Hanson seconded the motion. All were in favor and the motion carried.