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TOWN OF TUXEDO PLANNING BOARD
TUXEDO, NEW YORK

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In Re
PUBLIC HEARING
TUXEDO RESERVE PROPOSED SPECIAL PERMIT AND
PRELIMINARY PLAN AMENDMENTS FOR
TUXEDO RESERVE AND PROPOSED REZONING FOR TUXEDO
RESERVE, HEARING ON DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT
-----X

Monday, 7:30 P.M.
October 26, 2009
Eagle Valley Firehouse
Tuxedo, New York

B E F O R E:

TUXEDO TOWN BOARD

PRESENT:

PETER M. DOLAN, Supervisor
DANIEL G. CASTRICONE, Councilperson
THOMAS DARLING, Councilperson
LISA SPIVAK, Councilperson
GARY PHELPS, Councilperson

ALSO PRESENT:

LAWRENCE WOLINSKI ESQ., Attorney for Town
JEFFREY MARSDEN, Town Consultant
BONNIE FRANSON, Town Consultant
ELAINE LAURENT, Clerk

COVENANT REPORTING
Certified Shorthand Reporting
26 Fleetwood Drive
Newburgh, NY 12550
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1 MR. CHAIRMAN: I'd now like to open the
2 Public Hearing part of the Town Board meeting. I'd
3 like to make a motion that we open the public
4 meeting up on October 26th at 7:40.

5 COUNCILPERSON DARLING: Second.

6 MR. CHAIRMAN: All in favor say aye.
7 Opposed. Carried.

8 I'll try to say this as loud as possible.
9 If anyone has any questions, we can address them.
10 These are the procedures, rules and guidelines that
11 I am trying to follow tonight. This is a combined
12 public hearing, public comment, with respect to the
13 Draft Supplemental Environmental Impact Statement, a
14 Local Law amending Local Law 4-A, and a Local Law
15 Amending the zoning map of the Tuxedo Reserve. With
16 respect to the SEQR hearing, we would like to remind
17 you this is a hearing on a Draft Supplemental
18 Environmental Impact Statement. Therefore the
19 comments should be addressed to the impacts of these
20 projects, these changes, that are done on the SDEIS.

21 This is not a hearing to reopen the
22 environmental review of the entire Tuxedo Reserve
23 Project, and particularly those aspects of the
24 project which have not been changed. In the
25 interests of time and clarity there will be no

1 questions and answers permitted between the public
2 and the Town Board, and the public and the
3 applicant. We have a stenographer present, and the
4 stenographer will take an exact transcript of your
5 testimony.

6 When you speak please give the stenographer
7 your name and address, and if you are representing
8 an organization, the name and the address of the
9 organization. Please speak at a slow pace, enough
10 that the stenographer will be able to get all of
11 your testimony.

12 (Multiple comments from the floor)

13 MR. WOLINSKY: I will pick up where the
14 Chairman left off. All substantive testimony
15 received at this hearing will be responded to in the
16 Final Supplemental Impact Statement that will be
17 prepared after the close of the public hearing and
18 the public comment period. The Supervisor is going
19 to call your name from the sign-in sheet that you
20 just completed, and you will come up to the front,
21 or the podium, and you will have three minutes to
22 speak. There will be no deferral of your time to
23 another person in order to lengthen that other
24 person's time to speak. Everybody gets the same
25 period of time to speak, so we can get through as

1 much as we can of a large crowd this evening.

2 Please do not be redundant with your
3 comments. If a prior speaker has already made the
4 point, you do not need to repeat that same point.
5 That will help us get everybody who wants to speak
6 tonight the opportunity to do so. The hearing will
7 be stopped no later than --

8 MR. CHAIRMAN: 10:00.

9 MR. WOLINSKY: 10 p.m. If we have not
10 finished by that time we will adjourn the hearing
11 and continue at a later date. Once the hearing is
12 concluded there will be a minimum additional ten day
13 period to submit written comments. We encourage the
14 submission of written comments. When the hearing is
15 concluded we will explain the next steps in the
16 process.

17 MR. CHAIRMAN: I have a sign-up sheet so
18 far for Tuxedo residents only. I do not yet have
19 the sign-in sheet for the non Tuxedo residents.

20 I will start off the top of the list and
21 read down people's names, and if you would come up
22 to the podium.

23 I'm going to give everybody an opportunity
24 to speak, if they want to speak.

25 If you have anything you want to give us in

1 writing, please bring them up to myself and then
2 give it Elaine Laurent, our Town Clerk, to make sure
3 it is published.

4 The first person on the sheet, if she wants
5 to speak, is Evelyn David.

6 MS. DAVID: Good evening. Thank you very
7 much for letting me speak. I'm addressing my
8 comments in response to the Target Tuxedo letter.
9 This is how I want to start, okay: While the Obama
10 administration, and the rest of the world, is
11 passing stricter laws to protect the environment,
12 Tuxedo seems to be going in the opposite direction.
13 Reading the Target Tuxedo letter, I was shocked and
14 alarmed at words like, blasting mountain sides;
15 building 30 to 50 foot retaining walls; bankruptcy,
16 thirty thousand square feet of commercial space --
17 we can't even utilize our available space; tax
18 revenues which will or will not be positive -- there
19 is a chance they will be, there is a chance they
20 won't be; no where did the word green appear; no
21 where was sustainable development mentioned; no
22 where was protecting the environment and wildlife
23 mentioned, nor energy conservation.

24 Building on or near the watershed was
25 mentioned and this will not only pollute our water

1 source, the Tuxedo Lake, and further down the road,
2 but the buildings will eventually sink and crack.
3 Buildings on fissures is also mentioned, and this
4 will allow pollution to seep further into the water
5 table, and eventually into the Ramapo River.

6 Retaining walls and huge changes to the
7 land cause flooding and other things, and this all
8 brings down property values, and that was probably
9 the beginnings of our problems down the road. I
10 know it's a real problem, but everybody has to
11 really think about what they are doing here. The
12 real question here is why is Tuxedo in a regressive
13 mode, okay. That I don't understand. I cannot get
14 it. I cannot get it. With all the intelligence,
15 the smart people, and a way to develop an area and
16 make it really beautiful, to add to the beauty that
17 we already have, it just is mind boggling to me.

18 If the developer had bought unbuildable
19 land that he cannot build on, then he can't build on
20 it. That's it. He should have walked the land to
21 find out what he was buying. If an individual does
22 that, they can't get zoning rules changed, because
23 they made a mistake when they bought the land.

24 The zoning laws are created to protect and
25 preserve the community and the environment. With

1 global warming and eventual large climate changes on
2 the horizon Tuxedo should be enforcing stricter
3 zoning codes. I strongly urge you to look 30 to 50
4 years into the future, and listen to the
5 environmentalists and the sustainable developers.
6 There are also models, further up the road in
7 Warwick. There are communities there that have been
8 built with very strong zoning regulations. They are
9 very nice developments and have added to the
10 community greatly. I'm sure Tuxedo could end up
11 with something like that.

12 Thank you very much for letting me speak.

13 MR. CHAIRMAN: Dan Glading.

14 COUNCILPERSON DARLING: Can we also please
15 keep the comments to the SDEIS.

16 MR. GLADING: I'm Dan Glading. I live on
17 102 Ridge Road. I've been on the Library Board for,
18 it seems like forever. I want to speak about the
19 library. The doubling of the population will mean
20 we require additional library facilities. When we
21 went through this business five years ago, it ended
22 up with the library was going to be given a half
23 acre parcel in the center of Tuxedo Reserve to build
24 a library and there was a twelve year sunset
25 provision where if the library did not present

1 funding in twelve years, the land would revert back
2 to Tuxedo Reserve.

3 We have had some changes of circumstances.
4 The library is busier than it has ever been.
5 Circulation is up 38 percent in the last four years,
6 and we also have a change in the way we approve the
7 library budget, now the voters approve any increase
8 in the library budget. Since the time of the
9 approval we have met with the developers and we have
10 had some very good conversations. At one point they
11 told us they were willing to build a library
12 building for us, and pay for the building in the
13 development. The sense was that it would be handed
14 to the library to manage and operate. That was
15 never put into writing, but it was going to be a
16 vast improvement, from the library's point of view,
17 because we wouldn't have to pay for the construction
18 of a new facility.

19 We have also discussed with the developer
20 about the twelve year provision, if you don't break
21 ground, have financing in twelve years, you would
22 lose the land, and the way things are written now,
23 including what I see as the applicant's version of
24 an amended resolution, that has not changed. Five
25 years ago, twelve years made sense. Now the

1 proposal here is that if we don't get financing
2 within seven years, that we would lose the land. So
3 we'd like to get that fixed. At one point I talked
4 with the developer about changing the concept to ten
5 years after their first certificate of occupancy,
6 and that made a lot of sense, because there will be
7 a real market for our library, and it's a reasonable
8 time frame for us.

9 I'd also like to ask, in the resolution
10 here, if we could change the concept -- it is
11 written now that the developer has a choice of
12 either giving the library the land or building a
13 library facility. That's certainly what we
14 discussed with the developer. I would like the
15 concept of the size of that facility, if they do
16 build it, would be five thousand square feet or
17 greater.

18 So those are my thoughts on what we've seen
19 so far. Thank you for your support of the library.

20 MR. CHAIRMAN: Sue Scher.

21 MS. SCHER: We weren't aware ahead of time
22 that we'd only have three minutes, and I did time
23 myself for five minutes, so I hope you'll bear with
24 me a little bit.

25 MR. CHAIRMAN: Traditionally you'll get

1 three minutes, then if you need to continue you get
2 another two minutes after that. You're on.

3 MS. SCHER: I'm Sue Scher, 33 Hillside
4 Avenue, the Hamlet in Tuxedo. There are several
5 short points that I'd like to make tonight. I'm not
6 an expert in development but I am though an expert
7 in being a citizen in a community that has been
8 facing major development for at least the 23 years
9 that I've been living in the Town. A lot
10 of tissues that are coming up tonight are not new
11 issues to this town. They have been coming up
12 throughout the various developments that have been
13 coming up in Tuxedo, I'd like to urge you to pay
14 attention to people who have been really thinking
15 about this town for quite a long time. I've
16 presented them, and I will show you, with some
17 photographic material of some scenes around our
18 town, that to me exemplify some concerns.

19 The first is a picture of a pile of rocks
20 that were put in by Sterling Mine Estates, on Route
21 72 on Sterling Mine Road, but were never completed.
22 I keep waiting for that pile of rocks to be
23 landscaped. Haven't we turned bond money back to
24 the developer? Haven't the houses been landscaped?
25 How does this relate to Tuxedo? Well, if we as a

1 town can't hold the small scale developer
2 responsible when they tear down hillsides or make
3 them look worse, worse than when they began, how are
4 we going to be able to oversee The Related Companies
5 and who knows how many other construction companies
6 to whom they are going to turn? How can we allow
7 changes if we can't be sure that they are going to
8 make our town look better. The second set
9 of pictures is of a development, also on Sterling
10 Mine Road, that went bankrupt, okay. No wonder
11 people in Jersey feel they should have a say about
12 what is going on in Tuxedo. They have to pass it
13 every day. I don't. After the trees were torn
14 down, the land was leveled and left that way for
15 several years, when building finally began. It
16 looks like they got half to three quarters of the
17 way through, and then they ran out of money. They
18 stopped, and they didn't even pick up behind them.
19 It's just a total mess, okay.

20 How does this relate to Tuxedo Reserve?

21 Well, I've been wondering about why we're in such a
22 rush to give The Related Companies a second round of
23 approvals right now. Didn't the town approve the
24 North Ridge Section a year ago? They have not begun
25 any building, doing any building on it; why? They

1 don't have money, okay, to begin the building.
2 Doesn't it make sense for us to see if they ever get
3 money to begin building and complete some buildings
4 and see what they can sell in that first phase? Do
5 you want them to begin building and run out of
6 money, leaving blight just off the center of town.
7 I am not a fiscal expert. Tuxedo Reserve's fiscal
8 experts are not our experts. It's been several
9 years since major changes have happened in real
10 estate, and in the financial market. Since the town
11 hires its own fiscal experts, it's not the
12 responsibility for other groups of citizens to have
13 to foot the bill for a fiscal review or any other
14 expert review, that should be conducted directly by
15 the lead agency and to advocate for the town
16 residents. The SEQOR law is written that way. We
17 should be doing our own studies before we rush to
18 approve them.

19 The third issue, the one about which I'm
20 most concerned, is the plan for the development at
21 Mountain Lake. Just because the town approved a
22 certain number of units several years ago, doesn't
23 mean that number has to be a given. When Tuxedo
24 Reserve began to implement the plans for North
25 Ridge, they found that their experts were not so

1 expert. They found that they could not build the
2 number of units they had expected. The land could
3 not hold those numbers. And rather than decreasing
4 the number of planned units, they looked around to
5 find a place to put the surplus. They put them on
6 land that had previously been, and appropriately
7 been, left as open space. It was open space because
8 it's on land and a bog that serves as a wildlife
9 connection between the two water bodies, okay. They
10 say that there is going to be other alternative ways
11 for the amphibians to get through the corridor, but
12 that land that they talk about is filled with steep
13 ridges and would be useless as a wildlife corridor.

14 MR. CHAIRMAN: Sue, that's it.

15 MS. SCHER: Just one other thing I want to
16 say. And I do have a picture here of Tuxedo Lake.
17 When I searched the Tuxedo Reserve website looking
18 for a picture of Mountain Lake to show you I found
19 an interesting description of their plans for that
20 site. It includes a club. It says, "The mountain
21 club located in a residential enclave at the edge of
22 Mountain Lake, is home to an outdoor ice skating
23 rink, platform tennis, a summer lawn, and a rock
24 beach at the edge of the lake. Is that in the
25 SDEIS? There is more. You can read it.

1 MR. CHAIRMAN: Thank you.

2 Kristia Cavere.

3 MS. CAVERE: Good evening. Ladies and
4 gentlemen in the back, can you hear me? Okay. My
5 name is Kristia Cavere. I'm strongly opposed to the
6 Tuxedo Reserve proposal. I have two main concerns.
7 The first concern that has not yet been addressed by
8 your speakers has been about the Smart Code. This
9 impacts the zoning, and the architecture, and also
10 the landscaping:

11 What Tuxedo Reserve is proposing is to
12 override our existing Town Code from Tuxedo. The
13 Reserve basically wants their own rules and
14 standards, and this would also apply to any
15 developer who would buy this property. I feel that
16 Tuxedo must have their own zoning laws and
17 architecture and landscaping laws be followed by The
18 Tuxedo Reserve and any developer that should buy the
19 property from them should they decide to sell it.

20 This is our town, and our architecture,
21 zoning and landscaping cannot be at the whim of this
22 developer, or any developer they sell to.

23 My second concern is about downtown Tuxedo.
24 The original plan as proposed in 2004 was focused to
25 revitalize our downtown. This second plan, by

1 increasing the commercial space from three thousand
2 square feet to over thirty thousand, would basically
3 give us a second downtown between Tuxedo and
4 Sloatsburg. We cannot find real estate -- the real
5 estate in Duck Cedar Inn cannot be filled, and
6 neither can the real estate in our own town square.
7 How exactly do they propose to fill thirty thousand
8 square feet of real estate?

9 As our first speaker very eloquently
10 mentioned, there have been no environmental impact
11 studies from this proposal. That is something that
12 must occur, as well as, as the speaker before me
13 mentioned, more fiscal analysis. We are all aware
14 that the economy we are facing as a country, and as
15 a state and a community, is vastly different from
16 the economy that we faced in 2004. More fiscal
17 analysis is needed before we can proceed. Many of
18 us have chosen Tuxedo because it is green, it is
19 undeveloped. We are between Bergen County, which is
20 very developed, and the northern parts of Orange
21 County, which are also very developed. I think that
22 as a community it would be in our best interests to
23 preserve as much as possible of Tuxedo and really
24 let it remain this light in the midst of all these
25 mini-metropolese that are being built all around us.

1 Thank you.

2 MR. CHAIRMAN: Nils Gerling. Nils is our
3 Planning Board chairman, who has been working on the
4 project for how many years year?

5 MR. GERLING: Too long.

6 MR. CHAIRMAN: I just want to make a little
7 statement -- not really a statement -- but I did a
8 little bit of analysis today about how many hours
9 actually this project has been looked at since 2004.
10 I actually have been shocked. Basically we spent,
11 Related Companies spent, one million six hundred
12 thousand dollars, roughly, in Planning Board
13 consultants. That works out to be thirteen thousand
14 hours the project has actually been looked at by our
15 planning consultants, our own planning consultants;
16 thirteen thousand hours have been looked at. So I
17 want to say, Nils, thank for spending thirteen
18 thousand hours, of your time probably, in the last
19 four and a half years, looking at the project. This
20 is after, after it was adopted. Just so you knew
21 that.

22 MR. GERLING: Going through this Draft
23 Environmental Impact Statement, I started off with
24 some of the tables. One of the first tables I come
25 across is table 3-9, on page 3-8. After finding two

1 errors I stopped at that point. There are no age
2 restricted units for multi-family. How come it's
3 worth eighteen million dollars? How come the market
4 values for multi-family homes are the same for one,
5 two, and three bedroom units, even if they are based
6 upon rental approach.

7 Title. At the title it says number of
8 beds. I do hope they mean the number of bedrooms
9 and not the number of beds.

10 The no-swap table, on table 3-13 on page
11 3-12, I stopped counting at four math errors, and
12 the total count for single family homes is missing.
13 When we get to the part where we have a swap
14 indication, there is no table provided, and if we go
15 through the numbers, taking out the numbers for the
16 light flex, industrial and warehouse facilities, the
17 net gain would only be \$558,085, not the number that
18 they said.

19 Due to the errors in this document I would
20 like to ask the Town Board to hire capable
21 consultants that have the background to go through
22 and audit, and to verify the veracity of the
23 numbers, and their origin. There are math errors
24 throughout the document.

25 Part of the thing is, even in the document,

1 in itself, at one point they assume that a ten
2 thousand square foot library addition will be
3 required; but then on page 1-8, table 1-3, they are
4 only going to indicate a half acre and five thousand
5 square feet. The square foot addition is only half
6 the anticipated need. Is there a problem here?
7 They make a statement where there is no anticipation
8 to have a negative impact on the existing retailers
9 in Tuxedo; that's in phases one and two. They do
10 not make this statement for phase three. Depending
11 on the type of competing retail units that are built
12 in the Reserve, it might have a negative impact on
13 the existing retailers in Tuxedo. I did not check
14 all the tables in the first three sections for
15 accuracy. Professionals should do this.

16 In the document they also mention that we
17 have police officers whose salaries that they talked
18 to the police chief on are \$61,000, and in the
19 highway department we found out they need four
20 additional people, at a different amount of money.
21 So I just wonder how much work they did to verify
22 their documents, so I would suggest that at some
23 point, that when the Town Board goes through the
24 numbers, you meet with the accountant, your clerk,
25 your budget officer, Ed Sullivan, and meet with the

1 consultants, and get the correct numbers out, so we
2 have everything that we have, that's supposed to be,
3 because the highway department, apparently it costs
4 them \$71,000 a year, with benefits, and I didn't
5 know you were paying your highway people more than
6 you were paying your police officers.

7 MR. CHAIRMAN: Joanne Hanson.

8 MS. HANSON: My name is Joanne Hanson. I'm
9 a resident of Tuxedo Park since 1998, and I'm also
10 the Chair of the Village Planning Board. However,
11 I'm speaking as a resident and as a taxpayer. I'm
12 very happy to see you all here this evening. I'm
13 also happy to thank the board, and prior boards, for
14 all the work that they have done on this project
15 over the years. The question before the Town
16 Supervisor and the council is, what is the best way
17 to achieve the Town's objectives of maintaining our
18 schools, and improving our sewer plan. Do the
19 requested changes from the original permit issued in
20 2004 help or hinder the Town and those goals that
21 they hope to achieve from having this development
22 happen? After long negotiations the 2004 permit
23 said that, in page ten, in bold letters, under no
24 circumstances shall the number of multi-family units
25 be greater than 305. Now the Related Company is

1 sharply increasing that number to 413, and it's
2 loading 390 of them into the first phase of the
3 construction. The applicant's original SEIS raises
4 questions about the number of school children. The
5 number of one bedrooms has been decreased, the
6 number of two and three bedrooms has been increased;
7 we need to look at, is it realistic to think that a
8 half a child per housing unit is going to work.

9 The fiscal analysis also needs to look at
10 the impact if the proposed age restricted housing
11 does not work, if it fails, as it has in Goshen,
12 what will be the impact of the additional school
13 children. I provided to the board the study that
14 was provided to the Town of Goshen when the
15 developer came back to change it from age restricted
16 to regular.

17 The fiscal analysis has to address the
18 potential local impact of having condos, which are
19 typically less favorable for local tax revenues,
20 because the totality of the units is limited to the
21 value of the overall building. The fiscal impact if
22 a developer of multi-family units comes in and
23 requests exemptions under Article 18 and 19, also
24 needs to be studied.

25 The development is not scheduled to start

1 until 2013. The developer is unlikely to pull a
2 building permit until close to that time, so the
3 status of the land is unlikely to change in the
4 intervening years, which means that the Town is
5 unlikely to get additional tax revenue. There is
6 time to negotiate these important matters. If the
7 Town stays with the currently authorized 253
8 multi-family units the Town will have the
9 opportunity to see who will be the developer of this
10 project. Currently, in the bankruptcy papers,
11 Related is attempting a bulk sale of the property.
12 The Town will have ability to judge whether age
13 restricted units are successful. The Town can judge
14 from the initial 250 units whether or not how many
15 children are being generated, what kind of tax
16 revenues are being generated, what kind of prices
17 are being achieved for the multi-family, and overall
18 judge whether multi-family is a beneficial thing for
19 the Town of Tuxedo. If it is, the Town can then
20 choose to deviate from the original 2004 permit and
21 increase the number of multi-family units at a later
22 point in time. Given all the uncertainties
23 regarding school children and taxation, I think it
24 would be more prudent for the Town to stay with the
25 original permitted 253 units, and request, and see

1 how those work, before we make changes to the long
2 negotiated existing permit.

3 MR. CHAIRMAN: Okay, Jim Hays.

4 MR. HAYS: My name is James Hays. I'm a
5 resident of the Town of Tuxedo. I reside at 4 Cliff
6 Road in the Village of Tuxedo Park. I have been a
7 resident of the Town for over twenty years. I'm
8 currently a Trustee of the Village, and the Village
9 Deputy Mayor. I speak tonight not as an official of
10 the Village or on behalf of the Village, but rather
11 as a resident of the Town of Tuxedo. This
12 development will go forward, it has a Special Permit
13 that was granted in 2004. One-way or the other
14 something will happen. I don't speak tonight to
15 oppose the development. Rather I speak on a couple
16 of issues that I have concerns about their
17 consequences, and the uncertainties that lie around
18 them. First, I understand, it is my understanding
19 that the modification of Local Law 4-A, of 1998, PID
20 Law, requires a SEQR review. This review should
21 include an analysis of the fiscal impact of the
22 proposed changes in housing mix from no less than
23 866 single family detached and semi-detached units
24 that were part of the 2004 Special Permit, no less
25 than 761 single family detached and semi-detached

1 units, that produces an increase in concentration or
2 increase in the number of multi-family units by
3 something like 41 percent. Because age restricted
4 housing, as the previous speaker mentioned, is not
5 selling at this time, the analysis should be done
6 with and without age restricted housing.

7 Second, I would like to ask what the
8 developers, Tuxedo Reserve Owner L. L. C. and Tuxedo
9 T. P. A. Owner L. L. C. currently, what their
10 current intentions are. On December 3, 2008,
11 lawyers acting on behalf of Tuxedo Reserve and
12 Tuxedo T. P. A., brought pleadings before the U. S.
13 Bankruptcy Southern District Court, in the case of
14 Lehman's Brothers Holdings Incorporated. On page
15 four of those pleadings they state the following:
16 "The project time line approved by the second
17 amendment to the project and building loan
18 agreements, proposed a construction start to rough
19 in the project main spine, which I assume is Quail
20 Road, in October of 2008. This milestone was
21 critical to the project's ability to meet its first
22 bulk land sale scheduled for the second quarter of
23 2009. The debtor's default in funding the project
24 and building loans will seriously impede the
25 project's ability to proceed on any foreseeable

1 schedule, and may result in a loss of jobs for
2 Tuxedo consultants and contractors."

3 I think it's important that the Town Board
4 now know what the intentions of Tuxedo Reserve T. P.
5 A. is; do they intend to engage in substantial
6 infrastructure development, such as building a
7 sewage treatment plant, roads et cetera, or do they
8 plan to do minimal construction, minimal
9 infrastructure work, and sell all or part of the
10 land? Thank you.

11 MR. CHAIRMAN: Mary Hanson. Mary also is a
12 member of the Town Planning board.

13 MS. HANSON: Good evening. I live at 354
14 Bramer Town Road, Tuxedo. I'm on the Planning Board.
15 I agree with all the comments made by my chairman,
16 Mr. Gerling. I also reviewed the public document. I
17 didn't go over all the charts as well as Nils did,
18 but I found, my main thrust in this is, what is it
19 going to cost the taxpayers of this town now? If
20 you go over this document, we're taking their word
21 for it that we are not going to pay a huge amount of
22 the fire department cost, the highway department
23 costs. I didn't even go through the library.
24 Mr. Hanson has covered some of those things I was
25 going to discuss. But if you go over the document

1 in 2003, the fire department estimated well over
2 \$1.5 million just in pumpers, mini-tankers, that is
3 without a building. Are we going to be paying for
4 this? I am just talking about the fire department
5 here. I spoke to Greg Stevens this morning, who is
6 our tax assessor. He told me, to my shock, that he
7 was not asked to review these documents. I asked
8 him, how much does a condo pay in taxes in South
9 Field. South Field is on the northern part of the
10 town. They pay a thousand dollars a year to Tuxedo.
11 We are looking at big expenses here, folks, and we
12 had better make sure that our taxes are not going to
13 fund Tuxedo Reserve.

14 MR. CHAIRMAN: Robert McQuilkin.

15 MR. MCQUILKIN: Robert McQuilkin. And I'm
16 on the Village Planning Board, but I'm here also
17 just as a resident. I'm at 82 Circuit Road. And
18 every one has spoken very eloquently so far, and I
19 don't have a lot to add. I just want to chime
20 in again and say how concerned I am about the fact
21 that when the previous Town Board made their
22 revitalization of downtown Tuxedo a cornerstone of
23 their approval, denying the applicant's original
24 request for a large amount of retail space, that the
25 revised permit is seeking a ten fold increase of

1 retail space, and I think when we don't have a
2 critical mass of people to fill the hamlet's shops
3 all along 17, and it's already being already, sort
4 of watered down by Duck Cedar and various other
5 places, we really need to focus on revitalizing the
6 hamlet, and Route 17. I think it's a terrible idea
7 to pull retail space up into Tuxedo Reserve.

8 The other thing I was going to add is a question
9 to raise; which is, is there anything in the budget
10 to cover the increased wear and tear on the roads in
11 Tuxedo Reserve, which are very steep, have lots of
12 switchbacks, have a great many retaining walls, as
13 people have said, some as high as thirty feet? It
14 strikes me as very expensive and I wonder how this
15 is going to be paid for, which goes to Mary's point
16 I think as well. Thank you.

17 MR. CHAIRMAN: Mary Graetzer.

18 MS. GRAETZER: My name is Mary Graetzer.
19 I've been a resident of the Town of Tuxedo for 37
20 years, which is even longer than this project has
21 been before the town.

22 It seems to me that the longer the
23 application goes on, the more questions arise. I
24 know that some of this is a natural phenomenon but
25 there are several questions that I feel need to be

1 answered before this project moves on to the next
2 stage, construction. For example, Mountain Lake;
3 under the 2004 Special Permit, Mountain Lake was
4 identified as a major wildlife corridor and as such
5 no building was planned for that area. It was to be
6 used for open space and passive recreation.

7 However, under the new plan, there are 49 houses
8 proposed for Mountain Lake, not to mention a stone
9 beach, a boat house, and a club of some sort. That
10 doesn't sound very passive to me.

11 The DSEIS states that, and I quote, "The
12 proposed modification discussed herein would enhance
13 the project's protection of environmentally
14 sensitive lands by relocating certain developments
15 to less sensitive areas, such as the Mountain Lake
16 area." As far as I can tell the applicant has never
17 identified just where these environmentally
18 sensitive lands they are now proposing to protect
19 now are, so it's a little hard to judge whether or
20 not they are more environmentally sensitive than the
21 Mountain Lake area.

22 The applicant outlined several alternatives
23 to the newly proposed plan. One is to simply build
24 the project as approved in 2004. They have been
25 pretty forthright in admitting that there are

1 deficiencies in that plan, although usually when
2 making that point they are arguing that the Town
3 Board wouldn't want them to develop the original
4 plan because of the adverse impacts that would
5 occur. Related received their Special Permit for
6 1195 units in 2004, in the middle of what was a hot
7 real estate market. Those conditions continued
8 until about the middle of 2008. Given the market
9 conditions I have to believe that if Related could
10 have built phase one of their project, they would
11 have. There was obviously some impediment to doing
12 so. Could it have been regulatory impediments
13 imposed by another agency such as the D. E. C. in
14 regard to wetlands and vernal pools, or did they
15 discover that site conditions such as steep slopes
16 and rock outcrops made the project physically
17 unworkable? If the reason why was, as they state in
18 the SDEIS, just to avoid environmentally sensitive
19 lands, why then did they need to change the housing
20 so dramatically, making more than a third of the
21 proposed units multi-family. The applicant has
22 failed to identify just what are the adverse impacts
23 to which he is referring.

24 A second alternative involves moving the
25 development to lands that would be acquired through

1 a land swap with the PIPC and there are no
2 indications that the PIPC is amenable to such a
3 swap.

4 I believe there may be a third alternative,
5 which the applicant never proposes. How about
6 lowering the number of units built? Nothing in the
7 Special Permit says Related is required to build all
8 1195 units. You as a Town Board are charged with
9 reviewing SDEIS, and the amendments, and determining
10 what will be good for the Town. What is good for
11 the developer is not necessarily what is good for
12 the Town.

13 Related needs to identify the specific
14 areas of concern, as well as what the adverse
15 impacts are if they were to develop as originally
16 proposed. They need to be candid about what areas
17 of the plan would not be developed by the applicant
18 due to regulatory, fiscal or other impediments.
19 Otherwise how can you as a Town Board truly compare
20 what would happen under the proposed amendments as
21 opposed to what would occur under the approved plan.
22 Let's face it, market conditions are still not
23 great. And it is doubtful if construction would
24 start straight away even if these amendments are
25 passed. There is time therefore. A time to

1 discuss, and time to negotiate. This development is
2 billed as the largest ever in Orange County. It
3 will impact our town and our lifestyle forever.
4 Once the project is built it can't be unbuilt, if it
5 turns out to adversely affect the town. Please take
6 the time now to make sure that you are getting the
7 deal that's best for the town.

8 MR. CHAIRMAN: Alyse McCathern.

9 This is Alyse McCathern. She was the
10 previous town councilperson for the Town of Tuxedo,
11 and, for disclosure, she is an employee of
12 Jacobowitz and Gubits, which represents us at our
13 town council here. Yes, Alyse.

14 MS. MCCATHERN: Thank you, Peter. I am a
15 member of the former town board. I did vote for
16 this proposal in 2004, after nine years of review.
17 I speak here tonight not for anyone else on that
18 board at that time, but only for myself and
19 certainly not for my law firm. I want to commend
20 the board. I know this is very difficult. I have
21 sat through hours and hours and frankly years of
22 this type of review and it is not an easy thing.
23 I am going to limit my comments very briefly to four
24 areas, and I really am speaking here to the board
25 and specifically to the board, and not necessarily

1 to the public. In preparation I reviewed our
2 Special Permit that we granted and I reviewed our
3 lead agency findings statement. And there are four
4 areas that I hope this board, and I'm sure you will,
5 take into serious account when you consider your
6 decision here. The first area being financial, and
7 I trust that these are not being touched in the
8 proposed new project that's before you, but
9 certainly we included our pilot agreement, which
10 called for the developer to pay the Town of Tuxedo
11 \$150,000 a year for fourteen years in the area on
12 the northern tract, that was non-residential, and
13 which they considered probably wouldn't be developed
14 for some time. We put aside six million dollars
15 from the applicant to revitalize the hamlet, two
16 million dollars in grants, four million dollars in
17 revolving loans, because we had done a very thorough
18 study of the hamlet, and we had a revitalization
19 plan that we were hoping this applicant would help
20 fund, in exchange for the doubling of size of our
21 town.

22 So again I hope that that isn't going to be
23 touched in any way here as we go forward. We did
24 limit in our approval to retail of three thousand
25 square feet, in Tuxedo Reserve, and we did this to

1 protect the businesses in the hamlet, and I would
2 hope that there is an economic impact study done of
3 what that might do to the businesses in the hamlet
4 if that is increased to thirty thousand. I'm not
5 saying I'm against that, but I trust that this board
6 will take that into account when they consider
7 perhaps increasing.

8 The second category is environmental. We
9 preserved over seventeen hundred acres; the Northern
10 Tract in its entirety, Fox Hill in its entirety, and
11 a significant portion of the Southern Tract, and
12 that included Mountain Lake, which at the time of
13 our decision we determined after consulting with our
14 own consultants that that was an environmental
15 treasure that should not be built upon. My one
16 comment here is that I do not believe that Mountain
17 Lake should be developed.

18 The third area I'd like to talk about very
19 briefly is community character. When we determined
20 how big a house could be fit on a lot, we asked our
21 consultant to do a three dimensional video to show
22 us the different proposals that the applicant had in
23 front of us, and so we could actually look on this
24 video and drive down this proposed street that would
25 show us, you know, a particular size house on a

1 particular size lot. That resulted in very specific
2 bulk standards being developed so that we did not
3 have yet one more, you know, development that looked
4 like, you know, big huge houses on little tiny
5 postage stamps. So if that has not been done, I
6 would highly recommend that that be done before you
7 make any changes to the Special Permit, so that you
8 can see, visually, what this is going to look like.
9 It's very much one thing to look at it in a two
10 dimensional little drawings on flat paper, and it's
11 another thing to pretend you are in a car and
12 actually see how close those houses are, how big
13 they are in relationship to the house next to them,
14 and how much space there is between them, so I would
15 highly recommend that.

16 We were expecting to get a certain type of
17 development, a certain quality of development, and
18 so we held the developer to that by attaching their
19 own guidelines, which very specifically show types
20 of houses that are going to be built, and more
21 importantly, the materials that are to be used.
22 Both our own Local Code and part of the Special
23 Permit is that all of this development would be
24 reviewed, and subject to approval by an
25 Architectural Review Board. I have to say,

1 personally, I think this board has not been
2 favorable to the A. R. B. I find that very
3 disturbing, and so I'm somewhat concerned that -- I
4 would not like to see the role of the A. R. B. at
5 all weakened, especially to Tuxedo Reserve, or
6 frankly, any other development in this Town.

7 We did limit it. I am not going to go over
8 this again. We did limit it to 305 or so
9 multi-family. You know, my own personal take here
10 is that I do not believe residential development is
11 typically tax positive. It's either more or less
12 tax negative, in my personal opinion. So I'm I am
13 somewhat concerned the increase in multi-family, but
14 I would leave that to your able consultants to
15 advise you as to the fiscal impact on that, as well
16 as everything else.

17 And finally, enforcement. This is a big
18 project. Even small projects are very very
19 difficult to enforce. We included a lot of
20 enforcement mechanisms in the Special Permit, in the
21 findings. And I'm sure that you will not abandon
22 those. I would be very surprised if any board did.
23 Specifically to my mind the most important being the
24 traffic monitoring. And if you look, as I'm sure
25 you have, in the details of the findings in the

1 Special Permit, you'll see that we set up traffic
2 monitoring, so that at certain points within the
3 development all of the traffic would be monitored
4 such that if traffic impact could not be mitigated,
5 then building permits would be stopped.

6 COUNCILPERSON DARLING: Thank you, Alyse.

7 MS. MCCATHERN: If I could have just --

8 COUNCILPERSON SPIVAK: You've already been
9 like ten minutes now.

10 (Multiple comments from the audience)

11 COUNCILPERSON DARLING: I understand, but
12 you have to understand there is a process here.

13 MR. CHAIRMAN: Gary Pompan.

14 MR. POMPAN: Gary Pompan, I am a resident
15 of Tuxedo. I have given you my written comments.
16 Also I happen to be a member of the Board of
17 Trustees of the Village of Tuxedo, but I am here as
18 a resident of Tuxedo. It is difficult to speak
19 after all these speakers have made all these great
20 points, but I feel compelled to say a few words,
21 some of which may be redundant. So please bear with
22 me. We moved here into Tuxedo in 2000. We have
23 been residents for nine years, and have heard about
24 the development, lived through part of the
25 discussion, obviously until the period of 2004, when

1 the Permit that was long sought after was finally
2 negotiated.

3 2004, 2005, 2006, 2007; we're now in 2009.
4 No ground has been broken. Why? There has to be a
5 reason. One of the most prosperous periods of
6 development in this country, we still have not seen
7 anything done in this community. Now in 2009, when
8 we are in a very uncertain economic time, the
9 developer is coming to the council, to the town, and
10 asking for modifications. And as I said earlier,
11 I'm not against development but it has to be
12 prudent, well thought through and economically
13 positive to our community. What are we going to get
14 to agree to the modifications? Will the town get
15 its much needed sewer treatment plant? Will the
16 town in fact get a higher tax assessment with a
17 to-be developed property? Will this project save
18 our school or will it become a burden for
19 generations to come? And once said and done, what
20 will be the tax impact to the residents of Tuxedo?
21 I ask this council to be able to answer these
22 questions. If there is any hesitation at all, then
23 let's do the prudent and business like thing, and be
24 assured we are getting something for the
25 modifications being requested.

1 If this project is worth doing it will get
2 done. If the Related Companies is so competent with
3 what they have presented to the council and the
4 town, and this will make the project shovel ready,
5 and they are agreeing and assuring the town today,
6 before anything is done, and assuring the residents
7 that we are going to get the sewer plant.

8 And some say that the tax economics of the
9 plan should not be an issue. I am a tax lawyer and
10 accountant by training and have been doing this for
11 over 30 years in the area of transactions. I know
12 projections. They can go either way. You can get
13 smart people, you can develop anything you want.
14 The reality though in a project like this, when it
15 sets in, when the homes are built, there is a
16 marketing effort, and the buyers actually arrive. I
17 think that we all can understand the difficulty in
18 the market today. I ask all of you who have not
19 seen Sundays New York Times real estate section to
20 look at that section and see the recent home sale in
21 Tuxedo that is listed. That will tell you that that
22 price home on a 1.6 acre lot, sold for
23 significantly, significantly less than what the
24 Related Company is projecting for homes on much,
25 much smaller lots.

1 What I would say and ask this council to do
2 is to look at this in a modified and phased
3 approach. Do not give up your negotiating position.
4 There is nothing to be gained by that, and actually
5 everything to be gained by being clear that we still
6 have a position, as the years go on, and we get
7 through these difficult times. Thank you.

8 FROM THE FLOOR: Can I ask a question,
9 please.

10 MR. CHAIRMAN: No, you can't.

11 FROM THE FLOOR: I want to know if you have
12 any precedent of this company --

13 COUNCILPERSON DARLING: Folks, could we
14 please stick to the SDEIS? That is what this entire
15 meeting is about.

16 MR. CHAIRMAN: Sir, at the --

17 Sir, sir, sir.

18 At the end of the meeting we are going to
19 have public comment, and you can have public
20 comment -- or no, but you can sign up to speak, so
21 you can speak.

22 FROM THE FLOOR: I only want to ask a
23 question.

24 MR. CHAIRMAN: Sign up. What is your name?

25 MR. SLOE: Bill Sloe, better known as

1 Bernie Madoff. Tuxedo.

2 MR. CHAIRMAN: Mr. Sloe, what will happen
3 is, at the end of this public hearing, or if it
4 lasts through another meeting, we will address all
5 the questions that are asked of us. I can't address
6 all the questions as they come up here, because
7 obviously there are a lot of questions and we'd be
8 here for three weeks. So we're doing this in a
9 fashion that we're going to do written responses
10 back to everybody.

11 COUNCILPERSON DARLING: And again, the only
12 questions that will be addressed are questions
13 pertaining to the SDEIS.

14 MR. CHAIRMAN: Kathleen Norris.

15 MS. NORRIS: Kathleen Norris, Tuxedo Park,
16 New York. Talk about redundancy. We have been
17 having public hearings on this project since the
18 1970s. We have all been asking the same questions
19 and saying pretty much the same things for years. I
20 think if we keep repeating it often enough maybe the
21 Town Board will hear it. I feel like I'm on the
22 Titanic. Are you coming with me on this ride?

23 It is inherent in our nature, not to
24 mention the Constitution of the United States, that
25 one should be able to do with one's own property

1 what he or she wishes. However, freedom is not a
2 license to adversely affect other people's rights to
3 enjoy their own property. Freedom to buy a gun
4 doesn't give the buyer the right to purposely shoot
5 people. Well, it's the same thing.

6 Therefore, regarding the Tuxedo Reserve
7 Development, as everything has already been said and
8 nobody has answered any of the questions that we
9 have all posed, what happens when and if the current
10 owner of this project divides it up amongst the
11 various developers; who will be responsible for its
12 build out, architectural appearance, mess, and
13 traffic? Who? When you can't take a shower while
14 the neighbor is watering their lawn -- not enough
15 water, which has already happened in Table Rock and
16 Hamilton Estates -- what will you do about it and
17 who will be responsible? When you were sued by New
18 Jersey residents for water pollution because the
19 Ramapo can take no more effluent, cleaned or not,
20 what will you do about it, and who is going to pay
21 for that lawsuit? When you have an additional nine
22 hundred children wanting to come to your public
23 school, who will pay for it? Alyse was talking
24 about the six million dollar bond; that won't pay
25 for one school room door. The money certainly won't

1 come from your favorite old cash cow, Tuxedo Park,
2 because their properties will be totally devalued by
3 the construction going on for the next 50 years.
4 When you can't -- almost finished -- when you can't
5 get down Route 17 because the traffic is all blocked
6 up, what do you do? When your police department,
7 fire department, and D. P. W. are expanded to deal
8 with a new development, who will pay for it? As
9 there is no stopping this thing, and as my Town
10 Board, who is supposed to be working for us, and
11 representing us, you must already know the answers,
12 so I beg you to publish these answers in a letter
13 mailed to every house in town, and a copy in the
14 newspaper, now, as you put your names to the
15 approval of the Tuxedo Project, because we need to
16 have the answers; all the questions are there.

17 MR. CHAIRMAN: Charlie Hunt.

18 MR. HUNT: Charlie Hunt. I live in Clinton
19 Woods. I don't know if I can follow that. My
20 background is strategic planning and outcomes
21 research. As I listen to the comments, especially
22 Alyse, because I have watched Alyse negotiate this
23 with Glen Ventremil five years ago. I have three
24 points. One is, in what I've read there are very
25 favorable sales figures for units, but in light of

1 the available mortgages and the current housing
2 status, and the sale of the unit in Tuxedo Park, the
3 house in Tuxedo Park, I'm concerned that there is no
4 scaleable monitoring, so that if we don't hit this
5 trigger point for phase one, and phase two and phase
6 three are put on hold or clamped down; there is
7 optimistic residency figures in terms of school age
8 children, but if that balance changes because of the
9 economics, I haven't seen specific trigger points
10 that say, we will go no further than phase one. And
11 something will happen, but there has got to be a
12 trigger point to say, if we don't go further than
13 that, if we don't achieve our objectives, if we
14 don't meet our goals, then we have to stop, because
15 the third point that is of concern is that, I've
16 read in between the lines, that there is an
17 opportunity for a sale to a third party or third
18 party developers, where we have no control. And if
19 we think those thirteen thousand hours were built up
20 because we constantly reworked the situation, those
21 third party developers will call for additional
22 thousands of hours.

23 So in light of what I heard Kristia say,
24 and Alyse in particular, I think we should build
25 in firm concrete trigger points where if we don't

1 achieve this for phase one, then we will not allow
2 phase two to go forward until we have met our goals
3 and objectives. That's all I have to say.

4 MR. CHAIRMAN: Ken Magar. Ken Magar was
5 our previous Town Supervisor before me, for ten
6 years.

7 MR. MAGAR: Not being accustomed to public
8 speaking, for those town residents who are new in
9 the area, and don't know me, I have spent a few
10 years as fire inspector in the town, six years as
11 town building inspector, and ten years sitting in
12 Peter's seat, as the town supervisor. Most of those
13 ten years as supervisor was spent in reviewing this
14 project. I was unfortunately out on fire call and
15 also in the back of the room and missed Elise's
16 presentation so this should be interesting. Not
17 that the previous Town Board agreed across the board
18 all the time anyway. In 2004 we approved this
19 development, after ten years of rigorous research
20 and reviews. The Town Board, and I believe the
21 developer at that time, believed that it was a
22 viable development. I don't believe that either the
23 Town Board nor the developer was naive enough to
24 believe that it was cut in stone. As Tommy Saliano
25 will tell you, a development must be fluid. It has

1 to be changed; roads, when you get into the field,
2 need to be realigned; houses have to be moved, a few
3 feet here, a few feet there. Moving five, ten,
4 fifteen or twenty houses to a completely new
5 location, is not a realignment of a development;
6 it's a change in site plan. It's a change in master
7 plan. It's a change in zoning. This is one of the
8 issues that disturbs me.

9 Now I must add that I am retired now, I do
10 travel on and off, and I haven't had enough time to
11 devote to the review of the existing proposal but
12 this is just one of the situations that disturbs me.
13 Having said that, and I speak mostly to the town
14 residents, okay, not being disrespectful to the
15 residents of Rockland County, and Bergen County, and
16 New York City, that may be here, okay, this is a
17 Tuxedo issue. Without development, it is my
18 personal opinion, that this town will die. Slowly
19 and surely. Our school system will die, okay. We
20 need development. It is our purview to make sure
21 that this development is reasonable and capricious
22 (sic). I believe that the system, okay, if you let
23 it work, works. We went through numerous, I don't
24 know how many, public hearings on this issue. We
25 have counsel, and advisors over here that have been

1 with this project from the start. It is the one
2 seamless continuity that you as residents have okay,
3 and I trust their judgment. Your input is
4 important. This board, as your previous boards,
5 will listen, and that's what the public hearing is
6 for, for them to listen, okay. Get your comments
7 in, make them brief and make them to the point,
8 okay, and let the system work. It worked in the
9 past, it will work.

10 For the developer, my point is this; if you
11 had a viable development in 2004, take it and work
12 with it. If you want changes, shelf them. After
13 ten years of development, and this is a ten,
14 fifteen, or twenty year project; after you have made
15 your initial profit, come back in for your
16 revisions, but get the project started, get moving.
17 As someone just mentioned, we've been five years,
18 and we can't even make an agreement on a sewer
19 treatment plant. Let's move on the project. Thank
20 you.

21 MR. CHAIRMAN: Houston Stebbins. Houston
22 Stebbins is presently the Mayor of the Village of
23 Tuxedo Park.

24 MR. STEBBINS: Thank you, Peter. I'm
25 pleased to address the board, the Town Board this

1 evening, as the Mayor of the Village of Tuxedo Park,
2 to raise and present two major areas of concern; the
3 impact on Tuxedo Lake from the Tuxedo Reserve
4 development, and taxes. First, the Village
5 respectfully requests new language be added to the
6 amended permit, that will establish necessary
7 conditions to protect Tuxedo Lake from the Tuxedo
8 Reserve Project. Our concerns involve protecting
9 the watershed and aquifer of Tuxedo Lake, and
10 maintaining the status quo, both pre and post, on a
11 continuous basis, for the Tuxedo Reserve
12 Development.

13 We seek to safeguard the management of
14 stormwater flows, and to avoid outcomes that could
15 give the New York State D. E. C. pause to increase
16 Tuxedo Lake dams classification, due to their
17 concern, the D. E. C.s concern about increased
18 stormwater run off entering Tuxedo Lake from Tuxedo
19 Reserve. Likewise we must protect and preserve
20 Tuxedo Lake's aquifer and water quality from
21 blasting, and new sources of pollution, before they
22 impact the Lake and threaten the community's supply
23 of drinking water.

24 Accordingly, given the uncertain timing of
25 the approval for Tuxedo Reserve's amended permit,

1 and the lack of specific engineering plans to manage
2 stormwater at this stage of the development, the
3 proposed amendment needs new requirements and
4 conditions for all development within or contiguous
5 to the watershed of our Tuxedo Lake reservoir, that
6 would, first, protect and preserve Tuxedo Lake, both
7 quantitatively as a body of water created by a dam;
8 for example by paying attention to the volume and
9 duration of stormwater flows, and qualitatively as
10 an aquifer and sole source reservoir supplying water
11 to the hamlet and the village, for example by
12 focusing on the lake bottom substrata and sediment
13 loading, and pollution and chemical loading as well.

14 The permit should also require the
15 engineering for stormwater management to be approved
16 in writing by the town engineer, with the
17 concurrence of the village engineer, for this
18 engineering must be modeled and tested in the field,
19 by Tuxedo Reserve, to ensure no adverse effects
20 occur, even under severe rain events of more than
21 150 percent of a hundred year storm, which is the
22 dam safety standard applied by the D. E. C. to the
23 Tuxedo Lake dam.

24 In addition the permit should include
25 monitoring of the quality and quantity of stormwater

1 discharge from the development, and/or the actual
2 effect of development on Tuxedo Lake. While
3 monitoring shall occur at such times and in such
4 manner as determined by the town engineer, with the
5 concurrence of the village engineer, to be
6 appropriate under the circumstances. The permit
7 should also mandate that any actual adverse effect
8 on Tuxedo Lake, must be mitigated promptly, and
9 finally the permit should require a sample water
10 analysis or such other reports if deemed necessary
11 by the town and village engineers, to establish a
12 base line, before construction begins, of present
13 stormwater run off conditions of the project site,
14 within the watershed of Tuxedo Lake, which report
15 would be used to determine any increase or adverse
16 quantitative or qualitative effects on Tuxedo Lake,
17 both during and after the development of Tuxedo
18 Reserve.

19 As a practical matter these proposed
20 requirements endeavor to be specific and make clear
21 the necessity of protecting Tuxedo Lake and of
22 providing strict compliance with a general
23 obligation that Tuxedo Reserve already bears. The
24 incremental burdens of adopting the requested
25 requirements and conditions to the amended permit

1 should not therefore be onerous but certainly are
2 critical.

3 Secondly, to best serve all the residents
4 of the town, the board would be well served to
5 engage the services of an independent specialist
6 firm to help it make an assessment of the critical
7 core issues presented in this amended permit,
8 particularly a fiscal analysis. For several years
9 as mayor I have heard residents complain, as I
10 believe Supervisor Dolan has as well, about
11 burdensome taxes. The major contributor to the
12 aggregate growth in taxes over the past ten years,
13 for both the town and village, has been school
14 taxes. Therefore it's especially important that the
15 forecasted benefit of this development, which shows
16 itself contributing a positive tax result for town
17 and village taxpayers, should be studied carefully,
18 and required to be realized, by having these
19 favorable economics be protected by the developer,
20 in the amended permit. For example, through
21 contingent cash payments, since all too often, the
22 actual experience of many other communities,
23 similarly situated to Tuxedo today, has been the
24 realization of significant negative tax impacts.

25 The importance of avoiding a higher tax

1 burden and ensuring a positive tax result for this
2 project, for our town wide community, is underscored
3 and magnified by the financial stress of these
4 difficult times in our national community.

5 Thank you for giving me this opportunity.

6 MR. CHAIRMAN: Mary Yrizarry.

7 MS. YRIZARRY: My name is Mary Yrizarry. I
8 live at 147 Benjamin Meadow Road, in the north part
9 of the town. The concept of creating a new
10 development based upon a variety of housing stock,
11 clustered around a social commercial center, with a
12 lot of open public park-like space, is the current
13 politically correct view for this kind of
14 development, and I have no quarrels with it.
15 However, I do have a quarrel with the ratio of
16 developed space versus the amount of space for open
17 space. However I do not have any credentials to
18 comment substantially on the various issues that
19 have been discussed in the SDEIS for Tuxedo Reserve,
20 but I do have credentials, as a resident of the town
21 of Tuxedo, to make comments in relation to the
22 issues that will be raised here by others who have
23 appropriate credentials. I urge the Town Board to
24 listen to what is being said by people with real
25 concerns about this development, and not to dismiss

1 them out of hand just because they are not from the
2 Town of Tuxedo or that they don't agree with them,
3 if they are. Whether you like it or not, Tuxedo
4 Reserve is not an island. It is part of a large,
5 mountainous and forested region whose natural
6 resources we share with our Tuxedo neighbors,
7 surrounding communities and many others down stream
8 and further away. Every one is concerned for clean
9 water, clear air, safe roadways, adequate town
10 services, taxes, and a natural aesthetic, are issues
11 that you as lead agency for the SDEIS, must take
12 into consideration. The previous Town Board
13 struggled with these issues, and many more, over
14 many, many years. They listen to many views and
15 give their best to accommodate as many of them as is
16 reasonable and feasible, including concerns for
17 schools, library, traffic, the environment, water,
18 sewer for the hamlet, as well as the development,
19 the chamber of commerce, fire safety, housing
20 density, taxes, construction phasing, and on and on.
21 The final document was not perfect and since then
22 more information has come to light, by both the
23 developer, who obviously has not a clue about the
24 terrain they were dealing with, and outside
25 observers who have much more insight, now than was

1 earlier available. So when reading this SDEIS, when
2 the developer repeats, at the end of almost every
3 modification statement, quote, "...no significant
4 adverse impact," unquote, I suggest you take it with
5 a grain of salt. Many of the people you hear from
6 at this hearing may well show that that statement is
7 untrue.

8 Although I live in the north end of Tuxedo
9 I care about how this development will affect every
10 one who lives here and near here, in services and
11 taxes, environmentally, and how they interact
12 together. I urge you to take tonight's testimony
13 seriously, and as a responsible public citizen
14 consider the testimony offered with the seriousness
15 with which it was presented.

16 MR. CHAIRMAN: Michelle Lindsay.

17 MS. LINDSAY: Michelle Lindsay. I live on
18 Eagle Mountain Road in Tuxedo Park. The first
19 public hearing that I attended regarding Tuxedo
20 Reserve was in 1996, and at that time the project
21 called for about three thousand units, and now we
22 are down to one thousand one hundred ninety-five, so
23 it is encouraging to know that the concerns of
24 citizens can be taken into account, for the
25 betterment of Tuxedo. As previous speakers have

1 spoken about the Smart Code, and had pointed out
2 problems with Sterling Mine Estates, I do feel like
3 I have to emphasize that, again, we need to know
4 exactly how the town is going to control the quality
5 of the building and landscaping of this developer.
6 About one and a half years ago I spoke before your
7 board about the Sterling Mine Estate development,
8 and my concern was the eye sore that was allowed to
9 develop and be left as it is; I also had safety
10 concerns and we talked about that, and the town
11 board did put in light reflectors so people would
12 not unknowingly drive into the ditch that's right
13 along Sterling Mine Road. But that's about as far
14 as improvements to this eye sore went, and so I am
15 very concerned that the developer wants the Smart
16 Code, and if the developer, as they have indicated,
17 plans to sell parcels or perhaps all of it, to
18 different developers, what is going to be the
19 control? How are we going to control this
20 development?

21 I know a lot of people recently, but by
22 the numbers here, probably not now, a lot of people
23 used to think, well, what does it matter if this
24 Special Permit gets amended, nobody is going to
25 develop in this economic environment. But the

1 Special Permit will go with the property, to
2 whomever, whenever, somebody decides to build. So
3 we do need to be very concerned about it now. We
4 can't just shove it off and say, it doesn't matter,
5 it's not going to be built.

6 There were a few things that have come up
7 in previous planning board meetings that I attended,
8 and there is one that concerned me. I don't know if
9 there is, you know, an answer for this yet. In one
10 of the presentations that Andrew Dance gave, they
11 spoke about the water facilities in Tuxedo Reserve,
12 and the water plant, the water facility is going to,
13 or the plan is, that they will be maintained by
14 homeowners association, however that is developed.
15 It was also said that if there is a point in time
16 when the homeowners association felt that they could
17 no longer maintain the water facility, that the town
18 would have to take it over and maintain it. I
19 haven't heard any other resolution to this issue.

20 I also want to quickly express my concern
21 about the land swap with the Palisades Interstate
22 Park Commission, where the developer will give to
23 Palisades Interstate Park Commission land that is
24 zoned for light industrial and office development.
25 In exchange PIPC would give the developer land near

1 South Gate Road, or along South Gate Road. I
2 wonder, does it make sense for the town to give up
3 the possibility in the future that we would have
4 businesses along Long Meadow Road that would be more
5 beneficial to the town, as far as tax revenue goes.
6 Do we want to give that up? If we give it up it's
7 gone forever. That's something that really concerns
8 me. Thank you.

9 MR. CHAIRMAN: Ulrich Pendl.

10 MR. PENDL: Ulrich Pendl. I speak for my
11 wife, Mrs. Pendl, Mary Ann Pendl, and myself,
12 Ulrich. My wife has lived in the Park for about 50
13 years, and I live in the Park for about 30 years.
14 And I want to comment only on a small part of the
15 document which we are talking about. It's called
16 chapter three. It's called economic and fiscal
17 analysis. This analysis is based upon quote,
18 "market data provided by the applicant". I repeat,
19 market data provided by the applicant. That's like
20 the famous fox in the hen house. In other words, in
21 this case the fox is designing the fence of the hen
22 house. The revenue numbers in particular have
23 little to do with reality, and seem to be based upon
24 numbers valid maybe some seven years ago. What they
25 did, they just doubled this number, and since it

1 would look obvious, they took a few thousand dollars
2 off here and there. A particularly glaring example
3 was mentioned already, which is really wishful
4 thinking, a four bedroom house located on one third
5 of an acre, one next to the other, is supposed to be
6 sold for one point five million dollars, and they
7 want to send sixty-six of these so-called mansions.
8 The claim by the developer, as well as by your town
9 board, that the development of an additional almost
10 twelve hundred units, in a town of our size, will be
11 tax neutral, or even tax positive, is suspect, to
12 say the least.

13 It is well known that in general, and that
14 comes from Mr. Magar, by the way, it is well known,
15 and I've checked this with many others, it is well
16 known that in general a tax dollar received from the
17 residents, necessitates about a dollar thirty, and
18 that is a very low number, in services to be
19 provided to the community. Ideally, and with big
20 cities like New York et cetera, this short fall is
21 covered by business taxes. There is no business, no
22 industry, no commerce in our small community big
23 enough to make-up for discrepancy, and it is a
24 fallacy to believe that the development will bring
25 business to the town.

1 Tuxedo is simply geographically, if you
2 have ever taken a measure, and measured on the map
3 how wide we are, is simply geographically not big
4 enough to bring in all the industry, all the
5 commerce, all the trade, which we need to make up
6 for the shortfall of the taxes of these twelve
7 hundred units. It is quite the deplorable in my
8 mind that our Town Board did not find it necessary
9 to redress such an important fiscal study from an
10 independent firm, rather than from the applicant
11 himself. In addition the developer has altered the
12 composition of the housing plan, baiting the town
13 with the low school children number, and switching
14 to include substantially more housing for families
15 with children. Now I'm sort of a little expert on
16 the school. Every taxpayer knows the impact of
17 TUFSD, Tuxedo Union Free School District, the
18 expenses of that school district on his or her
19 school taxes. You all pay taxes here, because we
20 are all property owners. These taxes will rise,
21 rather than bringing us back to a reasonable New
22 York State average. I don't know if you realize
23 that we pay about three times -- the child in the
24 Tuxedo public school costs about two to three times
25 more than the average of New York State school

1 children. How long will we be able to bear that? I
2 don't agree with Mr. Magar that the town will die if
3 we don't grow: The town is one hundred years old.
4 The town will never be more than it is, because as I
5 said before, geographically it is unbelievably
6 impossible to put more in between the super
7 highways, the railroad, the river, and Route 17. It
8 just doesn't work. I strongly recommend to the
9 board to take more time and more input from the
10 residents, not only from the so-called experts, from
11 the residents, before voting in anyway on this
12 project, which will alter forever the nature of our
13 town. Thank you.

14 MR. CHAIRMAN: Susan Goodfellow. Susan
15 Goodfellow is also a member of the Town planning
16 board.

17 MS. GOODFELLOW: Yes. Thank you. I am a
18 member of the Planning Board. but I'm here this
19 evening to speak as a resident. I live at 7 Stable
20 Road. A great deal has been said this evening and I
21 am going to confine myself to some comments about
22 stormwater management. As we all know, this is a
23 very challenging site to deal with, and one of the
24 most challenging aspects of building on this
25 property for the developer to approach is stormwater

1 management, and we know it's particularly important
2 that this issue be addressed with great care,
3 because this water goes into the watershed that
4 provided drinking water for thousands and millions
5 of people south of us, in New Jersey, whether we
6 like to acknowledge them or not, and as Houston
7 said, more locally, the development has plans that
8 will impact our Tuxedo Lake watershed, which
9 provides water, drinking water for about six hundred
10 and fifty families, and all of the school. So it is
11 very, very important that this issue be handled
12 very, very carefully and very, very responsibly.

13 A number of years ago, when the Hamilton
14 Estates project was going in, I came to a public
15 hearing and expressed some concern about how the
16 stormwater management was going to be handled
17 because of the ponds. I was concerned about the
18 organic material that would flow into the pond and I
19 was concerned that it would contribute to its
20 degradation. I was reassured that really there is
21 going to be no problem, there is an excellent
22 stormwater management plan that would be
23 implemented. Well, we know today that there are
24 serious problems with that, with that pond, and
25 in part because there weren't proper controls placed

1 upon evaluating what was happening when, and so I
2 would ask that in the interests of preserving our
3 water quality, drinking water quality, that you
4 require the developer to develop a protocol for
5 water testing of the waterways going off of the
6 watershed and into the lakes and into anything
7 that's going to impact drinking water. And before
8 construction begins, throughout construction, and
9 following construction, and that you have also as
10 part of the homeowners set of requirements, that
11 they too have a protocol that must be followed to
12 monitor water quality. We know that once you
13 degrade water quality, it's exceedingly difficult to
14 bring it back. It's also very, very expensive. So
15 in this instance an ounce of care is worth a pound
16 of cure. Thank you.

17 MR. CHAIRMAN: Peter Regna.

18 MR. REGNA: Thank you. Good evening. I am
19 Peter Regna, 117 West Lake Road, Tuxedo Park. I
20 appreciate the town council's dedication to Tuxedo,
21 and for the opportunity of this public hearing. The
22 SDEIS, the Supplemental Draft Environmental Impact
23 Statement, is really about evaluating risks. It's
24 supposed to deal with risks to the environment,
25 risks to people, fiscal risks, health risks, utility

1 risks, et cetera. And my topic is risks. By
2 anyone's measure Tuxedo Reserve is an enormous and
3 complex project, and we, Tuxedo's residents, have
4 already accepted many significant and consequent
5 risks through the approval of its Special Permit in
6 2004. We have accepted the risks that several
7 thousand additional cars and trucks won't bring our
8 rush hour traffic to a standstill. We have accepted
9 the risk that the Tuxedo Reserve development will,
10 from day one, always be tax positive, and won't
11 increase our individual school and town property
12 taxes. We have accepted the risk that years of
13 noise, dust, blasting, construction, and thousands
14 of truck trips in and out won't disturb our lives or
15 our livelihoods. We have accepted the risks that
16 twelve hundred new units burning fossil fuels won't
17 affect our air quality, even after thousands of
18 photosynthesizing trees are removed. We have
19 accepted the risk that Tuxedo Reserve's doubling of
20 the town's population won't adversely affect the
21 safety, serenity, and low crime rate that brought us
22 all here in the first place.

23 We have accepted the risk that Tuxedo
24 Reserve won't displace our existing hamlet
25 merchants, that commuter buses won't be overloaded;

1 and there will still be enough parking at the train
2 station.

3 We residents are already shouldering all
4 this risk; but where does the burden end? I say
5 respectfully, enough is enough. Yes, Tuxedo Reserve
6 has generously contributed to the restoration of our
7 train station, and yes, they have promised grants
8 and loans for hamlet revitalization, but Tuxedo
9 Reserve's revised project has to earn approval on
10 its own merit, not upon receipt of gifts and favors,
11 as welcome as they may be.

12 Tuxedo Reserve has complained vociferously
13 that approval of their development plan and Special
14 Permit took over ten years. Well, they had those
15 ten years to get it right. Why are they now adding
16 additional risk propositions to the project? Why
17 are we residents being asked again to take on still
18 more risk, of massive new retaining walls, denuded
19 cut and fill areas, and accept that they won't
20 produce flooding, erosion, and huge maintenance
21 costs for our D. P. W., and hence for us as
22 taxpayers. Why should we, current residents, be
23 called upon again, to accept the risk that Tuxedo
24 Reserve's newly proposed modification won't
25 discharge bituminous contaminator run off into the

1 Ramapo, and into Tuxedo Reservoir, when the entire
2 project is now within these watersheds? Why are we
3 asked to absorb the risk that by shifting housing
4 units away from vernal pool amphibians but into the
5 bowl of Mountain Lake, we will reduce environmental
6 hazard, when this precept so smacks of commercialism
7 rather than environmentalism?

8 Why should we residents accept the risk
9 that loading phase one with multi-family units will
10 somehow reduce the number of school children by a
11 third? We are told that each high school student
12 costs approximately \$24,000 per year to educate,
13 which itself is two to four times the school taxes
14 collected from a Tuxedo Reserve unit. Why should we
15 risk accepting that hundreds of active adult units
16 will remain so, even though the target baby boomer
17 market will likely be in its seventies, with no
18 successor wave to sell to?

19 Why should we bear the risk that these
20 units may become family homes, with the consequent
21 demands for more schools and teachers.

22 I will take my extra two minutes.

23 MR. CHAIRMAN: I give you two already.

24 MR. REGNA: I have one more paragraph. Why
25 again are we called upon to accommodate the risks

1 that either the developer or the homeowners
2 association will be able to manage a hundred thirty
3 thousand square feet of stores, library, storage,
4 welcome center, clubhouse, pool, post office,
5 business center et cetera. According to the A. K.
6 R. F. Consultants, this is a sixty thousand square
7 foot increase over the original plan. That's 1.3
8 football fields of additional space to maintain and
9 manage. Who steps in if these properties
10 deteriorate or the enterprises fail? Why should we
11 current citizens of Tuxedo be risking the experiment
12 of applying a prototype Smart Code for the first
13 time to a huge scale development in extremely
14 difficult terrain? Where is the evidence that Smart
15 Code works at all, much less side by side with a
16 municipal code in a twelve hundred unit cluster .

17 Again I respectfully say, enough is enough.
18 There is so much risk associated with this oversized
19 PID that it seems we are naively setting ourselves
20 up for yet another real estate debacle. As always
21 we taxpayers will be called upon for the bail out.
22 Let's just stick to what we promised, the 2004
23 Special Permit. That's quite enough risk in itself,
24 to the stability of our town and to the well being
25 of its current residents. Thank you very much for

1 your kind attention:

2 MR. CHAIRMAN: John Kilduff.

3 John Kilduff is the president of our
4 ambulance corps.

5 MR. KILDUFF: Tonight I do not speak for
6 the ambulance corps. I just want to make that
7 clear. I live at 3 Crows Nest Road in the Park. I
8 just want to put a bit of a finer point on Peter's
9 point. When I connect the dots here tonight, there
10 can be only one answer to this application;
11 application denied. Okay. You heard the risks from
12 Peter. They are huge. You have the Tuxedo Lake
13 Reservoir, the Ramapo River, the Mountain Lake,
14 which is this passageway for the wildlife. We are
15 asked to believe and trust in these folks' analyses,
16 suggestions, models, when we saw our town -- when we
17 had Nils up here in a matter of minutes, disassembling
18 and putting a hole in the side of every single one
19 of their basic numbers. What are their models
20 looking like? So if we're asked to have them
21 rejigger, and, you know, two thousand, Peter's
22 point, 2004 when -- I was here, I just moved up here
23 actually, I grew up in Suffern, and saw the
24 development there, which wasn't all that great; that
25 was bad enough. This goes forward, horrible. And

1 to risk the environment that we're looking at here,
2 that's enough, and when we can't rely on their
3 numbers, that's enough. Tonight is about a process,
4 about all of us collectively going through this
5 application with a fine tooth comb, which, Thank
6 God, we have a lot of great people who love this
7 town, who did that, and it is pretty clear, the
8 numbers don't add up, the risks aren't worth it;
9 they had a deal in 2004. Sorry it didn't work out
10 for you.

11 I just have one other point. Maybe
12 there is an alternative for this land. They,
13 Related Companies, also built a beautiful, majestic
14 Time Warner Center in New York City. Give it some
15 time, folks, the land up here may in fact become
16 very valuable in terms of a carbon offset, car
17 carbon sink credit. So give it some time, and I
18 think for tonight's application; application denied.
19 Thank you.

20 MR. CHAIRMAN: Bill Sloe.

21 MR. SLOE: Bill Sloe, 26 Wood Lanes Drive,
22 Tuxedo. I'm in the Woodlands of Tuxedo. I've been
23 here ten years. My question is a very basic one,
24 that you do in any business, in any human
25 relationship; what is the history of the developer?

1 You keep using the word developer; who are they?
2 What have they done? What have they built? Are
3 they Levitt, are they Trump; who are they? And
4 let's look what they have done. Everybody says,
5 let's trust them, what are they going to do et
6 cetera, what is their history? Thank you.

7 MR. CHAIRMAN: Thomas Wilson.

8 MR. WILSON: Thomas Wilson, 24 Pine Hill
9 Road, Tuxedo Park. I have lived here in the
10 community for about eight years. I have to echo
11 John Kilduff's sentiments; application denied.
12 After thirteen thousand hours that the town has
13 spent looking at this, I think the project is
14 already tax negative. If we're being asked to
15 increase this from 3000 commercial square feet, to
16 30000 commercial square feet, add multi-family
17 housing, that will increase it by 40 percent, then
18 new zoning to supercede the town, we're basically
19 being asked to subsidize the sale of the property to
20 another developer.

21 I'd like to give a little market color,
22 from my perspective; back in 2007 I was pretty
23 prescient, and I had a feeling that the market, the
24 real estate market was going to turn down, so I put
25 my house on the market. It's a three bedroom house

1 in Tuxedo Park, sits on one and a third acre. We
2 put it on market for \$1.29 million. I overpriced
3 it. We then cut the price by about two hundred
4 thousand. Then we cut it down from 1.3 to 1.1, then
5 we re-priced it down to 990. We did not get one bid
6 on the house.

7 So if somebody is telling me in a report
8 that they are going to sell a four bedroom house, on
9 one third of an acre, that's one acre less than what
10 we have, for \$1.5 million, bring them my way. I've
11 got an extra acre of land I can give them and I'm
12 not surrounded by multi-family housing.

13 In many ways this project seems to be very
14 similar to a proposed casino going into a city, and
15 I'd hate for this beautiful town to be like Atlantic
16 City. One more time I'd like to reiterate John
17 Kilduff's statement; application denied. Thank you.

18 MR. CHAIRMAN: George Williams.

19 MR. WILLIAMS: George Williams, Clubhouse
20 Road, Tuxedo Park, and Central Park South, New York
21 City. Mr. Regna was talking about risks. I'm just
22 going to say something briefly about sewage
23 treatment. My profession over the last 28 years has
24 been exactly what Related Companies is all about.
25 In the last 25 years, I started with the real estate

1 business in New York City. I've represented
2 developers like Related, whether they be
3 international, or domestic developers, in acquiring
4 land, getting approvals like Related is trying to do
5 right now; building property, buying properties, and
6 so on. I know a little bit about it. As a matter of
7 fact I'm here in in Tuxedo Park because I am in this
8 neighborhood looking for development sites. Luckily
9 enough I wasn't here, when was this, ten years ago
10 to find this site. If I was I would never have told
11 Related to go ahead with the project. But I'm not
12 here to discuss that right now. One little thing
13 that I fell upon in the approvals. Phase one of the
14 project requires that they build 75 units. But the
15 water, the sewer treatment facility, isn't going to
16 be built unless eighty units are built. Now let me
17 tell you a little story. I have friends of mine,
18 prior to 1988, bought their parents a home in Staten
19 Island, in a development just like this one. It was
20 called Captains Corners. Feel free to go and check
21 it out. The long and the short of it is, they built
22 phase one. 1988 hit, just like this market. Phase
23 two, sixteen, seventeen years later, started right
24 up. This market was hot and it sold. I just want
25 you to understand the ramifications of that. They

1 can build their seventy-five units, and fifteen,
2 seventeen, twenty years from now, maybe we get to
3 phase two, and maybe you get your sewer treatment
4 facility. Thank you very much.

5 MR. CHAIRMAN: Are there any other town
6 residents here that would like to speak? Okay.

7 We have thirteen people on the speakers
8 list for Tuxedo non-residents.

9 John Kwasnicki.

10 MR. KWASNICKI: My name is John Kwasnicki. I
11 live at 16 Cranberry Road, Sloatsburg, New York.
12 Sloatsburg is an involved agency with the Tuxedo
13 Reserve Project. I just now handed the town board
14 eight pages of opinions and comments on this
15 development, but I have a summary here of what these
16 comments and opinions say. The Town of Tuxedo PID
17 code history is missing from this document. I'm
18 talking about from when it occurred, where it came
19 from. The lack of the Tuxedo Reserve's PID with the
20 zoning controls, the Tuxedo Reserve village
21 agreements with Tuxedo Park and Sloatsburg, and also
22 the Town of Tuxedo master plan of 1972, and SEQR
23 questions, Sloatsburg 2007 zoning code, stormwater
24 controls, by the village engineer, that also would
25 involve Tuxedo Reserve's sewer plant. The Town of

1 Tuxedo's Town Board draft management plan of March,
2 2008 seemed to disappear, but Tuxedo Reserve has
3 comments in their draft.

4 And lastly I would like to show four
5 picture attachments to the eight pages that I just
6 now submitted to the Town Board, and it's somewhat
7 alarming that this kind of development can happen,
8 in the Village of Sloatsburg because the major
9 private road, Tuxedo Reserve owns 40 acres in
10 Sloatsburg. If you can visualize next to Jessie's
11 Bagels. On these 40 acres of this private road, I
12 have photographs that show the rough grade of the
13 road, more pictures of the rough grade and fill.
14 And banks of dirt and it even shows an old dug up
15 drain pipe. And lastly a picture of a water well.
16 This all happened back in, the water well back in
17 2006 -- when in Rockland County you have to have a
18 water well permit, and the Rockland County Health
19 Department controls this. When they saw this, and
20 the thing of it is, the conclusion was, that it
21 seemed like the Tuxedo Reserve was going to take the
22 water from these wells and transfer it over the line
23 into their development, and the question is, in the
24 Village of Sloatsburg, who is allowing this kind of
25 non-enforcement of this road. Thank you.

1 MR. CHAIRMAN: Randy George. Randy is
2 mayor of North Haledon.

3 MR. GEORGE: My name is Randy George. I am
4 the mayor of North Haledon, a town down the road,
5 but it gets water from your aquifer. I was here a
6 few years ago when they tried to develop the
7 doughnut in Sterling Forest, and I made a passionate
8 plea, telling everyone, please, development is not
9 the panacea you are led to believe. I've been on
10 the Planning Board for eleven years. I have never
11 once seen a plan that said it will adversely affect
12 the town. They never say that. Every plan will not
13 adversely affect the town.

14 When I first became mayor eleven years ago
15 there was a plan; they want to put nine hundred
16 units in a hundred acres. It was ridiculous; nine
17 units an acre. The average in our town was three.
18 After many months we got them to agree to three
19 units an acre, similar to what this former board did
20 by lowering the numbers. Many of you have come up
21 here, and it's quite refreshing to see so many
22 people take an active interest in their government,
23 and your board should be commended; you have no idea
24 what it's like to sit here and listen to this, the
25 same story over and over again, where passionate

1 residents are just trying to impress upon their
2 board how important it is.

3 So I'm here to tell you that the numbers
4 will never be accurate. We were told we were only
5 going to get twenty kids. We got sixty kids. That
6 triggered a thirty million dollar referendum in our
7 school. Our schools were old to begin with, but we
8 were okay. Once these additional children came they
9 pushed our class sizes past 25 children, which
10 triggered an A.(sic), which triggered more square
11 footage for the classrooms. It was only a hundred
12 square feet, but there was no way to give each
13 classroom the hundred square feet. So we had to
14 demolish our old school, which was a hundred years
15 old and probably should have been demolished, but we
16 had to spend thirty million dollars for the new
17 development. They sold for two hundred thousand
18 dollars more than they said they would sell for.
19 And now when the recession hits we have 25 to 30
20 people coming in asking us to lower their taxes,
21 taking us to court every year and winning. So now
22 they are paying less taxes because their homes are
23 worthless. All that does is shoulder the burden on
24 all the other taxpayers.

25 About ten years ago there was a case in New

1 Jersey called the Morristown case, that said all
2 town houses, condominiums, now the towns must
3 provide services for them: Before then they were
4 private developments. They plowed their own roads,
5 pick up their own garbage, maintained their roads.
6 We gave them, you would give them, police, ambulance
7 and fire. Now we have to do all that. Of course
8 the developer is gone. We didn't get any money for
9 this. We had to buy a three quarters of a million
10 dollar ladder truck to accommodate the new height of
11 these buildings.

12 I would like two minutes, please.

13 So all these hidden costs were not factored
14 in. They said they spent thousands of hours to get
15 it right, and on the surface it appears like they
16 did, with the original permit. The developer is
17 only back here for one reason, and one reason only,
18 it's economics. They cannot build it, because they
19 cannot sell it, for the price they need. So what
20 they are doing here is they are asking the board,
21 give us more density, give us more multi-units, give
22 us more commercial property. That's only to help
23 them with their bottom line.

24 Everything I hear says that you're going to
25 hurt your business district. Everything I hear, you

1 understand that it's going to cost you money to the
2 taxpayers, when it's all said and done. And I'm
3 selfish. Sixteen hundred homes in my town, I'm one
4 of them, have private wells. We get the water from
5 you. I need your water to be preserved. That's why
6 I have taken the time to get up here. I can assure
7 you I have better things to do. But this is so
8 important. I come up here all the time. I love
9 your town. I love this area. It is one of the
10 nicest areas I've ever seen, and one day I hope to
11 retire up here.

12 I hope that this permit, this amended
13 permit is not granted. I hope the board sees the
14 wisdom of listening to all the people who put them
15 there, and I just hope that all of us are vigilant
16 and continue to come out.

17 MR. CHAIRMAN: Geoff Welch.

18 MR. WELCH: Geoff Welch, 15 Liberty Rock
19 Road in Sloatsburg. My comments are on the
20 supplemental environmental impact statement, which I
21 did read. I am an environmental consultant to the
22 Town of Ramapo and the Village of Suffern. I do
23 watershed protection, and I'm a Ramapo Watershed
24 Keeper for the Ramapo River Watershed. I'm going to
25 give you remarks later on water related issues later

1 in the process. Tonight I'm taking about impacts on
2 natural resources.

3 I read the report and I disagree totally
4 with the conclusions, which are not surprising,
5 since the consultant was working for the applicant,
6 that the project would have no significant impact
7 upon natural resources on the site. The D. E. C.
8 listed wetlands on the site are valuable habitat,
9 and it's crazy in New York that we have a minimum
10 buffer of one hundred feet, buffer around a state
11 listed wetland. There is all types of science out
12 there that much, much greater buffers are needed,
13 even in vernal pools. In New Jersey they are saying
14 a vernal pool needs a thousand foot buffer, so what
15 should a large habitat area in New York State
16 require? One hundred feet is way inadequate. Some
17 development is farther away than the hundred feet,
18 but then you have some development right on the
19 hundred foot buffer, and if you are only protecting
20 one hundred feet it's always at risk from future
21 changes in the plan.

22 One species, a species that was reported as
23 being on the site on several occasion, and is
24 probably nesting in the wetlands, Red Shouldered
25 Hawks, observed on numerous occasions in the spring

1 and fall of 2007 and 2008, primarily identified in
2 association with a large New York State D. E. C.
3 wetland, S. L. 24. I'll skip ahead a little bit.
4 Based on the pair bonding and active defense of the
5 territory, it's likely that this species is nesting
6 within the large forested wetland. Later in the
7 study, the study says, this wetland and its
8 associated hundred foot adjacent area, are being
9 preserved as open space. Therefore the impact to
10 the this species' habitat are not anticipated.
11 That's crazy. Red Tailed Hawks are known to avoid
12 humans and they don't like impacts. If you read the
13 New York State fact sheet on Red Shouldered Hawks,
14 the primary problems facing this species is loss of
15 habitat. Since European settlement in the 17th
16 Century, and especially since the 19th Century, the
17 closed canopy forest has been cut for logging,
18 agricultural, urban and suburban development.
19 Disturbances from humans in the form of off-road
20 vehicles, hunters, horse back riders and
21 suburbanites in general have pushed Red Shouldered
22 Hawks into the deepest, wildest areas left. If you
23 take away the buffer, you put houses around these
24 wetlands, you're destroying the habitat, a quality
25 that this species needs, as a species of special

1 concern, and also a species of great conservation
2 need.

3 I will skip over to another species that I
4 told the town last -- no, it was starting in March,
5 I told some people I had heard from someone who did
6 work on the site that there was a copperhead den.
7 So I have more information now, and here is the
8 location of the copperhead den. This was a field
9 worker doing work involving salamander studies, so
10 he observed -- he also sent me a report on his field
11 data and observations -- he observed nineteen
12 copperheads around this den site, and the den site
13 was also confirmed by a leading herpatologist who
14 went to see if it was a den or not. This is
15 significant new information. This is in phase one
16 of the development. You cannot have houses near
17 copperhead dens. They are more aggressive than
18 rattlesnakes. They are a poisonous, venomous snake.
19 They were living there for generations in the same
20 den. Black snakes are also there.

21 When you put the development in between, on
22 the upland areas, between two major wetlands, you're
23 taking away key habitat. The studies for the
24 habitat, you know identified all types of creatures
25 in the vernal pools and were very well done, but the

1 conclusions in the study are completely opposite of
2 what you would conclude.

3 If you want to preserve the natural
4 environment on the site you wouldn't build it. It
5 would be much better preserved as a key link between
6 Sterling Forest, the Ramapo River Watershed,
7 Harriman Park on the other side.

8 And the greater Sterling Forest area has
9 been identified as a critical treasure of the
10 highland region that we have been working for
11 decades to preserve, including Sterling Forest and
12 tracts of New Jersey, and active purchases are going
13 on down in Rockland County now, so this is a long
14 ranging effort. This is a key site.

15 MR. CHAIRMAN: I said 10:00 we would be
16 stopping. It's 9:58. We have nine more people that
17 would like to speak. If we can try to keep our
18 conversation down to three minutes, it would be
19 greatly appreciated, so we can get home at a safe
20 hour tonight.

21 Next, Betsy Kohn.

22 MS. KOHN: My name is Betsy Kohn. I'm the
23 co-chair of the Sierra Club, North Jersey Group. We
24 cover Bergen, Passaic and Northern Morris Counties.
25 Last summer I reported that the executive committee

1 of the New Jersey Chapter of the Sierra Club, passed
2 a resolution in opposition to the Tuxedo Reserve
3 Development. I want to be sure that is put on the
4 record tonight. I have given you a copy.

5 One of our main concerns is the adverse
6 impact this project will have on the health of the
7 Ramapo River and watershed. It's a sole source
8 aquifer, with headwaters in New York and it provides
9 drinking water for over two million New Jerseyans.
10 In fact up to 64 million gallons per day are
11 supplied to the Wanaque Reservoir and up to 23
12 million gallons per day are piped over from the
13 Ramapo to the Oradell Reservoir in Bergen County.

14 In New Jersey the Ramapo River watershed is
15 protected under the Highlands Act, and it is in the
16 Highlands Preservation Area, an area specifically
17 delineated under law, as quote, "An area of
18 exceptional natural natural resource value, that
19 includes watershed protection and other
20 environmentally sensitive lands where stringent
21 protection policies are to be implemented", unquote.

22 The goal of the Preservation Area as set
23 forth in the Highlands Regional Master Plan is to
24 protect, quote, "To the maximum extent possible
25 contiguous areas of land, including contiguous

1 forest, wetland, vegetated stream corridors, steep
2 slopes, and critical habitats."

3 Water quality in this bi-state watershed
4 that these two states share is already severely
5 stressed, from the existing level of development.
6 In New Jersey it barely meets, even now, and that
7 was ten years ago, so it probably does not today, E.
8 P. A. standards, and it is listed by the Highlands
9 Regional Master Plan as impaired. So it makes
10 little sense that just because of a state line, this
11 fragile watershed downstream in New Jersey gets a
12 higher level of protection than in New York, where
13 upstream it is given over to massive development,
14 meaning Tuxedo Reserve.

15 We believe that this project undermines all
16 the efforts that have been done for years by the
17 citizens of New Jersey to safeguard their water
18 supplies. In view of the environmental sensitivity
19 of the site, and its unsuitability for development,
20 we believe that the developer is offering a false
21 choice by asking you to accept proposed
22 modifications or to take no action. Neither option
23 is good for the natural environment and both will
24 further degrade this watershed, and threaten water
25 resources.

1 You have a copy of these. I did want to
2 say something about the ratables chase, which Mary
3 George expressed so passionately. That's what it is
4 called, a ratables chase. You never catch up. You
5 know, it goes like this; I mean the studies have
6 proven it. You never get the income back when you
7 develop that you expect, the revenue in response.
8 It goes like this; new development creates a greater
9 need for infrastructure and services, mainly
10 education, which in turns a greater need for more
11 ratables, to meet expenses, which creates a greater
12 need for more development, and so on. It's an
13 endless circle. You never catch up. And what you
14 would do with the size of this project is you would
15 get into such a hole you would never get out. A
16 money pit, you'd never get out of it. You wouldn't
17 do that to your own house. Why you would do it to
18 your community? I urge you to heed all these
19 concerns. Thank you.

20 MR. CHAIRMAN: Janet Burnet.

21 MS. BURNET: Janet Burnet. I live in
22 Suffern. I am a stakeholder in this process by
23 virtue of the fact that I live in the Ramapo River
24 Watershed, a E. P. A. designated sole source
25 aquifer, and a vital drinking water source that we

1 all share. We drink, all of us, from the same water
2 supply her on the New York New Jersey border,
3 whether we live in Rockland, or Bergen, or the
4 Ramapo watershed, portions of Orange County,
5 including the Town of Tuxedo. I am also a
6 stakeholder by virtue of my membership in several
7 regional nonprofit organizations; Ramapo River
8 Watershed Municipal Council; The Hudson River
9 Watershed Alliance, and New York State Committee of
10 the Four State Highlands Coalitions; Sterling Forest
11 Partnership, and the Rockland Sustainable Water
12 Group.

13 The recent proposal by United Water, New
14 York to build a desalination plant, which they
15 support, and they support their claim that it is
16 needed, but their claim is that the Ramapo watershed
17 cannot sustain withdrawals to meet demand. This
18 constitutes new information and begs for closer
19 review of water issues related to the proposed
20 Tuxedo Reserve.

21 Why is this? The Tuxedo Reserve
22 performance standard for water supply anticipated a
23 maximum average daily demand of 803,237 gallons of
24 water per day. On a yearly basis this equals
25 293,181,505 gallons of water per year, year after

1 year after year. United Water has apparently stated
2 that they will be able to provide these hundreds of
3 millions gallons of water per year by withdrawals
4 from the Ramapo watershed, yet at the same time
5 United Water claims that it is running out of water
6 to provide in Rockland County, where United Water
7 also withdraws about 40 percent of the Rockland
8 water supply from the very same Ramapo watershed. .
9 What is the truth? Is there so little water that
10 United Water has to build a desalination plant on
11 the shores of the Hudson River, or is there so much
12 that United Water has no hesitation in promising to
13 serve Tuxedo Reserve?

14 I'm here tonight to ask you to take a very
15 close, very hard look at water reserves and at
16 United Water's ability to provide or not. I urge
17 you to get into discussions with officials from
18 Rockland and New Jersey, as well as Orange County
19 water officials. This watershed belongs to all of
20 us, and is a shared resource.

21 We need watershed wide regional planning.
22 The 2008 New York State D. E. C. report called the
23 Ramapo Hackensack River Basin waterbody inventory
24 and priority waterbodies list, encompasses the
25 Tuxedo area of Orange County, and clearly states

1 that about sixty percent of the 320 river miles on
2 the Ramapo Hackensack River basin are already,
3 quote, "Either not supporting uses or having at
4 least minor impacts or threats to water quality, and
5 that the most recently cited impacts are due to
6 stormwater run off from development, such as the
7 proposed Tuxedo Reserve."

8 I hope that the Town of Tuxedo can be
9 counted on to protect our regional water supply. I
10 believe that water is a public trust, and that you
11 as elected officials not only have a responsibility,
12 but also a sworn duty to uphold the public trust.
13 This is especially important in light of new
14 information from United Water, and the United States
15 Geological Survey studies that claim, "We are facing
16 deficits in water supply from the Ramapo watershed
17 even before Tuxedo Reserve is built."

18 MR. CHAIRMAN: Cynthia Soroka.

19 MS. SOROKA: Cynthia Soroka, New Jersey.

20 I'd just like to take a moment to ask
21 everybody to have like a moment of silence for just
22 a second. (Pause) That moment of silence is not for
23 the animals; it is not for the birds; it's not for
24 the insects; it's not for the snakes; that moment of
25 silence is for us, the human beings. The reason for

1 that being is the fact that we are destroying our
2 water, and our air quality by having anything like
3 this occur. Because this is not an impact just for
4 Tuxedo. This impacts a global environment at this
5 point. Whatever we do as humans now is not
6 development. It is destruction and as we destroy
7 more and more, it is not going to be that the planet
8 suffers, it's going to be that we suffer. From
9 allergies because air quality now in New Jersey,
10 Bergen County, is said to be, according to E. P. A.
11 quality standards, lower than it should be.

12 You are right over the border of Bergen
13 County. If you put this forward and actually have
14 this happen, you will not have the same air quality
15 you have today. Meaning there will be more allergy
16 sufferers. People will be going to the doctor more
17 and health care will rise. What I suggest to the
18 developer is not that he is an evil doer or a person
19 who is not responsible, but he doesn't understand
20 that many places have had these situations where
21 they wanted to develop and instead of developing
22 they took the lands, and they went to someone like
23 the State of New York, or there are many
24 environmental organizations that buy up parcels of
25 land, that have sensitive areas, such as around

1 watersheds or anything of that nature, and they
2 might actually want to buy this piece of land from
3 this developer. Thank you.

4 MR. CHAIRMAN: Thank you. Steve Gross.

5 MR. GROSS: I'll go last if you --

6 MR. CHAIRMAN: You're up.

7 MR. GROSS: I'd rather go last and let other
8 people --

9 MR. CHAIRMAN: Steve, you're up.

10 MR. GROSS: Let me ask one question though,
11 before we try and squeeze everybody in; the public
12 notice on this was eleven days prior to the -- it
13 was October 15 which is eleven days prior.

14 MR. CHAIRMAN: Steven, come on up.

15 MR. GROSS: Okay, but this is off my time.
16 I want to know if you need to renotice this to be
17 fifteen days in advance? Because SEQR requires
18 fifteen days notice, and you may have to run a
19 second public hearing to have the fifteen day
20 notice. You only have eleven days.

21 BOARD MEMBER CASTRICONE: Steve, we are in
22 no hurry to shut this public hearing down. Let's
23 hear what you have to say.

24 MR. GROSS: I have a lot more than you are
25 giving me time to say. So I'm going to try to hit

1 on some quick points and then I just want to see if
2 I can get to a longer one. Number one, table 320,
3 this board has referred to the fact that the
4 applicant provided an analysis with the reduction in
5 home values, that it would still be tax positive to
6 the town, and he did a five percent, ten percent,
7 fifteen percent, twenty; and he in fact says there
8 would be, under all the scenarios there would be a
9 positive fiscal benefit to the town.

10 However that table doesn't consider the
11 impact of the town budget at all. That table is
12 only the school budget, and I think you need to look
13 at that because the town budget is in far more
14 danger than the school budget is, according to the,
15 at least according to his figures.

16 That's number one. Number two, it was
17 brought up earlier by a couple of speakers, a
18 discovery that we made just the last couple of days,
19 that we were unaware, that Mountain Lake was being
20 developed as a recreational resource. And it was
21 first found by someone who noticed it on the Tuxedo
22 Reserve website, that it had been promoted that way,
23 and then I went searching and I found in an appendix
24 to an appendix, Appendix F to Appendix A, one
25 sentence that notes that Mountain Lake, Mountain

1 Lake boat house being proposed, that would be open
2 to the public for recreation.

3 And in addition to that they note a
4 Mountain Lake Club located in a residential enclave
5 at the edge of Mountain Lake.

6 (Inaudible).

7 MS. LAURENT: Please speak slower.

8 MR. GROSS: This is the same problem I had
9 last night. That's why I need more time.

10 COUNCILPERSON DARLING: You can submit it.

11 MR. GROSS: You will get it in writing.

12 Okay. The issue with that is two fold. Number one,
13 that this whole part of the development has not been
14 identified in any meeting that I've ever been to,
15 that was, in all the time I've been looking I was
16 unaware that Mountain Lake was being developed as a
17 recreational resource. The second part of that is
18 that this creates ramifications. Mountain Lake and
19 the surrounding area is a New York State regulated
20 wetlands, which means that they would require a
21 wetland permit for anything that they would do
22 there, including just developing the beach.

23 That impact, the impact on wetlands, in
24 that regard, has never been noted in any of the SEQR
25 documentation, whatsoever on the permitting. In

1 fact the analysis for Mountain Lake talks about how
2 there is no wetland impact at all and they have
3 cited that as one of the reasons why it's more
4 important to put the units there, to avoid impacts
5 elsewhere. Apparently that's not the case.

6 It seems to me, just as every one has been
7 saying, that it's just more economically viable for
8 them to put the development there, and they get to
9 develop Mountain Lake as a recreational resource and
10 amenity to boot. That has been undisclosed and kept
11 from this board.

12 Moving on. I'm going to try to get some of
13 this in here, okay. One thing I want to say about
14 Mountain Lake though is that between the wetland
15 impact, between the wildlife impact that was
16 mentioned, one more, forest fragmentation; that
17 corner of the property was cited as being
18 unfragmented forest, which is an incredibly
19 important and fragile and rare habitat, that needs
20 to be protected. In fact the SDEIS itself notes
21 that there are only three truly unfragmented forests
22 left in New York State; Catskill Reserve, Adirondack
23 and Sterling Forest. This is considered part of the
24 Sterling Forest unfragmented forest. They note
25 that, the SDEIS itself notes that Mountain Lake

1 development will be responsible for the elimination
2 of 94 acres of unfragmented forest, leaving 202.
3 That means that there is 296 acres under the old
4 proposal, under the old permit, and that's being cut
5 down by a third, so 94 acres of 296 would disappear,
6 leaving only 202. Between the forest fragmentation
7 and the wetlands that have not yet been identified,
8 and the identified impact by speakers tonight on the
9 wildlife corridor that would be destroyed, Mountain
10 Lake, that development in Mountain Lake just seems
11 like a bad idea. I support the people who have said
12 that the board should consider the alternative of
13 reducing the lot count rather than trying to squeeze
14 lots into areas that they don't belong.

15 The other area I want to hit on --

16 MR. CHAIRMAN: Steve, we're going to have a
17 continuation of the public hearing. But because of
18 time issues and stuff like that --

19 MR. GROSS: That's why I wanted to go last.

20 MR. CHAIRMAN: But you would still get the
21 same amount of time.

22 Andrew Lawrence.

23 MR. LAWRENCE: New York HighLand Coalition.
24 I represent the New York Highlands Coalition, a
25 group formed in response to the 2004 Highlands

1 Preservation Act, signed into law by President
2 George W. Bush. It concerns the Highlands and the
3 contiguous border, four states, Pennsylvania, New
4 Jersey, New York, and Connecticut. There are
5 thousands of people in our organization that are
6 represented by the statement that I'm going to read,
7 that will be quick, and we are concerned about this
8 development. The quotes that I will give are
9 directly from the 2004 Highlands Act, which can be
10 easily Googled, and you will be able to see it
11 quickly.

12 We wrote a letter, as a Coalition, to
13 Supervisor Dolan; "We in the New York Highlands
14 Coalition believe that the proposed Tuxedo Reserve
15 development does not meet the standards spelled out
16 in the 2004 Highlands Act which calls for conserving
17 priority land and natural resources in the Highlands
18 region. We believe that this proposed development
19 does not, quote, 'recognize the importance of the
20 water, forest, agricultural, wildlife, recreational,
21 and cultural resources of the Highland region,' end
22 quote. The Act states that the Highland region
23 holds natural significance to the United States.
24 This development will work against the purposes of
25 the Act. The New York Committee of the Highlands

1 Coalition is a group of more than fifty non-profit
2 environmental and community organizations. Our
3 purpose is to protect the high priority conservation
4 land in the Highlands, and as the Act calls for, to,
5 quote, 'continue the ongoing forest service programs
6 in the Highland region, to assist the Highland
7 states, local units of government and private forest
8 and farm landowners in the conservation of lands and
9 natural resources in the Highland region,' close
10 quote. We believe that the standards spelled out
11 under the Act have not been honored in this project.
12 The best use of this land would be for landowners
13 and local officials to seek preservation of this
14 property, thus avoiding the segmentation and further
15 fragmentation of a valuable section of the
16 Highlands."

17 This is signed by Andy Kumura, co-chair,
18 New York State Committee. We sent copies to Senator
19 Charles Schumer, Senator Gilbrand, Governor David
20 Paterson, and County Executive Edward Diana.

21 Thank you.

22 MR. CHAIRMAN: Patsy Wooters.

23 MS. WOOTERS: Patsy wooters. I live at 19
24 Mansfield Place, Suffern, New York City, which is
25 downstream, where the traffic and the pollution

1 would go. I would like to address the board, since
2 you are the ones who are making the decision. I love
3 you all, but these are the people that I really
4 would like to hear what they have to say. I know I
5 always say the same thing again, and I'm going to
6 try and be different this time. I am going to refer
7 specifically to the documents that were posted
8 online. First the Draft Supplemental Environmental
9 Impact Statement. While related terms, the SEIS is
10 in fact a DSEIS, since it does not respond to public
11 input. In chapter five, natural resources, page
12 5.8, states, quote, "Wetlands elsewhere on the site
13 that have been previously proposed for development
14 would be protected. Therefore the proposed
15 modifications would not have the potential to
16 generate any new significant adverse impacts to
17 wetlands," unquote. Clearly mistakes were made in
18 planning this project in the past, or we wouldn't be
19 here today. You talked about the amount of money
20 that the Related Company has spent. It had to have
21 been a big mistake or they would never have spent
22 that. If that such happened with respect to wetland
23 disturbance, which is likely, that should not mean
24 mistakes may continue around Mountain Lake. This is
25 called false reasoning. What I'm saying is that

1 they made mistakes in the past but that's not an
2 excuse for making more.

3 In the same page, section under wildlife,
4 states, "Species are generally tolerant of limited
5 human activity, as long as undisturbed habitat would
6 remain," and it goes on and it says, "It is
7 anticipated that wildlife species would likely
8 continue to utilize the surrounding undeveloped
9 uplands." So the argument that's being made here is
10 that Tuxedo Reserve would be sited within thousands
11 of acres of unfragmented forest, so taking wildlife
12 habitat is justified. What has been preserved at
13 considerable public expense does not mitigate loss
14 here.

15 In figure 5.6 it shows the wildlife
16 connectivity. However, in the design guidelines,
17 landscape regulating plan sixty-two, it shows high
18 density urban development across the corridor in two
19 places. Figure T. 4.2 on page 54, illustrates this
20 density of housing. I live in such an urban area,
21 and I can tell you, there is no wildlife in my back
22 yard, as there is where Tuxedo Reserve will be
23 built.

24 In chapter six, hydrology and storm water
25 management; 6.5, the report states, quote, "Since

1 the overburdened E. G. F. soil, where present
2 characteristically generally exhibits low
3 permeability, the rate of groundwater recharge
4 afforded to the underlying bedrock is expected to be
5 typically low. Likewise infiltration of groundwater
6 directly into the bedrock is low, except where
7 bedrock fractures are directly exposed at grade."
8 This statement begs the question that construction
9 would expose bedrock fractures and thus allow
10 pollution to be rapidly introduced into the
11 groundwater. Please note that the map that was
12 taken from Henry, without attribution, is only a
13 limited schematic and not fine resolution, and the
14 fissure map for Sterling Forge and Torn Valley, show
15 much more frequency of fissures.

16 On page five of the report it states that,
17 "The accumulated water in the lake is, quote,
18 perched, unquote, atop underlying bedrock at very
19 low permeability if limited fracture occurs. This
20 is the same thinking that leads to the landfill in
21 Torn Valley, which ended up becoming a Superfund
22 Site. We thought the water wouldn't get through. So
23 be careful here.

24 In the SDEIS appendices, in Appendix A on
25 page five, the technical memorandum states, quote,

1 "The proposed modifications include a proposal to
2 allow the direct discharge of clean stormwater into
3 the Ramapo River, a fourth water stream. In the
4 event the waiver to allow direct discharge is not
5 approved by the Village of Sloatsburg and the
6 Rockland County Drainage Agency, the applicant has
7 developed an alternative design which includes the
8 installation of a detention recharge basin along
9 Quail Road in Sloatsburg which would be required to
10 meet all state and local requirements for stormwater
11 detention.

12 MR. CHAIRMAN: Thank you. Thank you.

13 MS. WOOTERS: I --

14 MR. CHAIRMAN: Pat, give it to us in
15 writing.

16 Thank you very much.

17 MS. WOOTERS: You know, I spent many hours
18 too on this. I would appreciate 30 seconds more to
19 finish this one paragraph.

20 MR. CHAIRMAN: Fine.

21 MS. WOOTERS: On October First a couple of
22 us from Torn Valley Preservation Association met
23 with Scott Copper at Region 3 D. E. C. who said
24 categorically there is no more direct discharge.
25 Detention basin is an outdated term. Under MS-4

1 regulations for urban development, retention basins
2 are required, though they only remove eighty percent
3 of systemic solids and sixty percent of phosphorus,
4 not matching water quality on undeveloped land.
5 Also the Tuxedo Reserve homeowners association would
6 be responsible for maintaining this retention basin,
7 which means regularly removing the retained sludge
8 and disposing of it. I hope the fiscal analysis
9 factored in this cost when he was estimating the
10 sales price of the the homes. I do have more.
11 Sorry that I couldn't finish it.

12 MR. CHAIRMAN: Chief Perry.

13 MR. PERRY: I live in Hillburn. That's the
14 lovely little village down the street, that's
15 basically surrounded by the development of --

16 MR. CHAIRMAN: Could you give your full
17 name.

18 MR. PERRY: Dwayne Crawford Perry. I live
19 on 13 Boulder Avenue in the Village of Hilburn, New
20 York. I just wanted to share a story. Hopefully
21 you guys can draw your own conclusions about this
22 development. During phase one, just beginning,
23 which just began, they were building their road,
24 back here behind the bagel place. It came to our
25 attention that they had potentially found some

1 artifacts and potentially some remains. We tried to
2 follow through on it. It looked like a fairly
3 reliable source. So being naive in the way of
4 considering -- we approached some of our good people
5 here in Tuxedo. We told them, look, potentially
6 there are some remains here we would like to look
7 at. Not me, not them. But let's at least take a
8 look see if it needs to be followed through on.

9 Well after looking at me like I fell out
10 the back of a pumpkin truck for a while, they
11 eventually agreed to direct me to the developers,
12 who happened to be down in the old Jefferson house
13 on 17 in Sloatsburg. Well, I went in there and
14 kindly I I told them, I said, listen, can you join
15 us and go look at it. He instantly said no because
16 we don't want you to see the site. I understood
17 because very often I take remains around with me
18 when I'm approaching people that may have a
19 potential site. So low and behold in a great
20 generosity they provide a wonderful archeologist and
21 I mean that sincerely. Our archeologist joins them
22 a week or so later. And this site was, needless to
23 say, bulldozed, dumped on, altered, changed, with no
24 hope whatsoever of finding any remains, or
25 artifacts. And the reason I'm saying it, what I

1 found distasteful is that this site has literally
2 acreage -- I don't even know how many acres --
3 hundreds of acres. But they couldn't put off where
4 they may have found something. They couldn't put
5 off where maybe my ancestors might have been buried.
6 They were far too sophisticated and worldly. So
7 they just dumped it and ran it over. I want to
8 thank you for that concern, and I would like to also
9 thank you who may know this story from Tuxedo. I'll
10 be off in a moment. For your wonderful follow-on
11 and thinking everyone maybe but perhaps not may
12 speak English. Thank you.

13 So what I would like to suggest is what I
14 asked before. Yes, there are regulations governing
15 these artifacts et cetera. What I would like to ask
16 is that if you go forward with this other
17 development, if indeed you do, that you establish a
18 local oversight person that can be available,
19 perhaps on-site, you can maybe employ one of your
20 local folks that need a job, and if something is
21 there, you have a rational means of making a follow
22 through. Thank you.

23 I would just like to congratulate everyone
24 who spoke. I encourage everyone to be vigilant,
25 because indeed what is happening now is you guys are

1 the new Indians.

2 MR. CHAIRMAN: Jeff Genser.

3 MR. GENSER: Jeff Genser, 32 First Street,
4 Suffern, New York. I'd just like to say to you
5 folks, I'm not a rocket scientist. It doesn't take
6 a rocket scientist to understand that this project
7 is bogus, you all should take a paper and pen to go
8 out and get signatures, get a petition, get this on
9 the next ballot, have a referendum; do you want
10 Tuxedo Reserve built or not? Yes or no. I'm sure
11 you will get the answer to be no. Go down to
12 Rockland County, and see what happened to the Town
13 of Ramapo. Go to Bergen County, and see Saddle
14 River, where you have a mansion, where you can spit
15 out your window into your neighbor's bathroom. So I
16 am not a very eloquent speaker, but I know about
17 risk. I know the difference between right and
18 wrong. I have lived my life by the Golden Rule.
19 This is wrong. This should not be allowed to
20 happen. I hope you people, in fact I know you
21 people, are super intelligent, eloquent, articulate,
22 people. You know deep down in your heart this
23 should never happen. You'll regret it if you live
24 long enough. Your children will regret it and they
25 will say, why did my parents allow this to happen.

1 That's what I have to say. I hope you take it home
2 and think about it tonight. Have a good evening.

3 MR. CHAIRMAN: Ed McGowan. He will be the
4 last speaker tonight.

5 MR. MCGOWAN: Good evening. Ed McGowan,
6 science director of the Palisades Interstate Parks
7 Commission. Also the director of trail side museum
8 and zoo at Bear Mountain. I'd like to begin by
9 addressing the PIPC land swap, and there was a
10 letter that was sent to the Town Board in late June,
11 June 25th, 2004, from our executive director, and in
12 that letter he made it clear, I can read a little
13 bit over here too, he said, I'm skipping parts, but
14 in summary; The Commission has not reviewed any
15 proposal for a land swap and indicated we would not
16 undertake any review while they were seeking various
17 local approvals. They meaning the applicant. For
18 their development project. It was our understanding
19 that the local approvals sought were unrelated to
20 any proposed land swap. However it appears clear
21 they have included plans for development on lands
22 currently owned by Palisades Interstate Park
23 Commission, for which they seek town approval. As
24 such it seems premature and inappropriate for the
25 town to be considering granting of any development

1 approvals for lands currently owned by PIPC, for
2 which the Commission is not a said party to said
3 application.

4 So that's kind of a long winded way of
5 saying that we have not approved anything. The PIPC
6 land swaps that have been referred to tonight are
7 not on the table at this point. That's a letter
8 that the Town Board should have.

9 Onto the Supplemental Draft Environmental
10 Impact Statement. A number of people have addressed
11 some of the deficiencies with it. I'd just like to
12 agree with -- there are some statements in there
13 that just aren't supportable. Generalities about
14 the project not having any adverse or long term
15 impacts. I think you would have a very hard time,
16 finding and impartial expert that would read that
17 report and come to that conclusion. So that's the
18 first thing just in a general sense.

19 There are some good parts. There is a
20 discussion of fragmentation where the applicant lays
21 out first of all the significance of this area
22 in terms of the existence of large intact forest.
23 As a previous speaker mentioned, they discussed the
24 Catskills and the Adirondacks in the same context.
25 Then they listed the consequences of fragmentation.

1 Again this is mainly for wildlife but also, we have
2 water issues, and other things here, and then kind
3 of swept aside the project and said there wouldn't
4 be any impact on fragmentation.

5 If you take a real critical look at that,
6 if in fact you put that many houses on that many
7 acres, you're going to end up with fragmentation. A
8 lot of the mitigation measures really aren't that
9 meaningful. I had better hurry.

10 In reviewing -- one of the things I like to
11 look at in these reviews is the species list,
12 because it is a window into the environmental
13 analysis and how thorough they are and their level
14 of expertise. There are some interesting omissions
15 in this list. Species that most certainly are on
16 the property that are common, that they should have
17 found, and Geoff mentioned the northern copperhead;
18 there is no black rat snake listed. Those species
19 tend to cohabit with timber rattlesnakes, which make
20 you wonder if they did sufficient work for timber
21 rattlesnakes. It really is in the applicant's best
22 interests to do work for timber rattlesnakes
23 properly, so they don't encounter problems down the
24 line, as happened with so many other developments in
25 this area. Timber rattlesnakes being a threatened

1 species.

2 Another omission is the golden winged
3 warbler which is a species in dramatic decline. The
4 Sterling Forest area is considered one of its
5 remaining strongholds in the northeast. And I am
6 working on a research project on that species and
7 there is terrific looking habitat on the property
8 but it is absent from the list.

9 Then just quickly there are some species
10 listed as being there that are unusual as well. And
11 that's either misidentifications or some pretty
12 exciting finds. One of them is the northern leopard
13 frog, which is a very common species but this would
14 be really the southernmost occurrence for that
15 species. So there is a northern leopard frog and a
16 southern leopard frog.

17 Finally we are going to end on the world's
18 smallest mammal, the Least Shrew, and that's listed
19 as being on the property. That's a species I have
20 looked for for twenty years. It's not known in New
21 York State. It's listed as a historic record from
22 1900 from West Point, and from 1930, and so if in
23 fact that turns out to be on the property, that is
24 New York's most endangered mammal. So there you
25 have it.

1 All kidding aside, there are some serious
2 deficiencies in the environmental review, and these
3 things need to be looked into, and I am going to
4 pass along that record of the Least Shrew to the
5 state mammologist.

6 MR. CHAIRMAN: After consultation with the
7 town attorney, we will keep the public hearing open
8 until November 23rd. We can still have a regular
9 Town Board meeting on November 9th but for legal
10 reasons we cannot make the continuation of the
11 hearing until November 23rd.

12 I do want to explain to everyone, after the
13 23rd, if we can close the public hearing we will
14 close the public hearing. Then the Town Board will
15 start to compile all the information, and basically
16 start working on the project. We will conduct a
17 series of workshops with our town attorney, our town
18 planner, our town engineer and also the applicant.
19 These workshops obviously are open to the public at
20 any time but there may not be any public comment
21 period during them, but that is our next procedure.

22 We would like to have all letters and
23 submissions by that date also. When we actually
24 close the public hearing there will be a minimum of
25 an additional ten days to submit additional

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material.

The quicker we get the information the quicker we start working on the project. Right now we're in the discovery phase of the project.

I'd like to make a motion to continue the public hearing to November 23rd at 7:30, at Town Hall.

(Seconded, motion carried.)

(Meeting adjourned.)

CERTIFIED TO BE A TRUE AND accurate transcription of the within proceedings

Neil Bostock

Official Reporter

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TOWN OF TUXEDO PLANNING BOARD.
TUXEDO, NEW YORK

-----X

In Re
PUBLIC HEARING
TUXEDO RESERVE PROPOSED SPECIAL PERMIT AND
PRELIMINARY PLAN AMENDMENTS FOR
TUXEDO RESERVE AND PROPOSED REZONING FOR TUXEDO
RESERVE, HEARING ON DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT

-----X

Monday, 7:40 P.M.
November 26, 2009
Tuxedo Town Hall
Tuxedo, New York

B E F O R E:

TUXEDO TOWN BOARD

PRESENT:

PETER M. DOLAN, Supervisor
DANIEL G. CASTRICONE, Councilperson
THOMAS DARLING, Councilperson
LISA SPIVAK, Councilperson
GARY PHELPS, Councilperson

ALSO PRESENT:

DONALD NICOL, ESQ., Attorney for Town
JEFFREY MARSDEN, Town Consultant
BONNIE FRANSON, Town Consultant
ELAINE LAURENT, Clerk

REPRESENTING THE APPLICANT:

ANDREW DANCE, Attorney
STEVEN BARSHOV, Attorney

COVENANT REPORTING
Certified Shorthand Reporting
26 Fleetwood Drive
Newburgh, NY 12550
(845) 674-1944

1 SUPERVISOR DOLAN: I apologize for the last
2 meeting; I wasn't expecting the crowd, and it wasn't done
3 intentionally, but we did not have a microphone there, so
4 at this meeting I'm hoping every one has an opportunity to
5 speak that would like to speak. What I would like to do
6 is, people who haven't had an opportunity to speak first,
7 basically be given that opportunity to speak, and after
8 that anyone who would like to speak is more than welcome
9 to. I am still going to try to hold it to a three minute
10 speaking interval, then you get an additional two minutes,
11 after that, for anything more.

12 So we're going to continue the public hearing to
13 receive public comment on Tuxedo Reserve DSEIS statement,
14 and Amended Special Permit, propose rezoning and
15 preliminary plan amendments.

16 Since we started with residents first last time,
17 this time we will start with non-Tuxedo residents, and the
18 first person on the list would be Robert J. Drennen.

19 MR. DRENNAN: Robert J. Drennen, from Suffern.
20 Co-chair of Torne Valley Preservation, and Ramapo
21 Highlands Coalition. The item I have just given you, and
22 I won't read the whole thing, I will call your attention
23 to a couple of sentences in each paragraph. By the way,
24 my point of this whole thing is that it's an indicator of
25 the quality of work that the applicant has done. There

1 have been a lot of details that were overlooked,
2 misstated, have been changed in different locations. This
3 is another item. In the first paragraph, last sentence;
4 they have applied for 1195 residential units. It's
5 actually 1196. That sounds like a small item until you
6 start getting into the state regulations. I call your
7 attention to paragraph two. You've been reviewing the
8 application for 1195 units, but you are responsible for
9 1196. The other unit is in Rockland County, in Sloatsburg
10 and you are responsible, because, as it states in this;
11 the access to it is through your road, Tuxedo Reserve's
12 roads. It's not accessible through Sloatsburg.

13 So you have got sewage, water, drainage,
14 driveway, snow, everything. This is a violation under the
15 SEQRA review process, because you're not allowed to
16 segment. They have applied for application for this lot.
17 You have it on your map. They have applied to Sloatsburg
18 for this lot, separate from their application to you.
19 That is segmentation. That is not allowed under the SEQRA
20 review process. The actual third paragraph it points out
21 why this affects you. It is only one lot, but it is two
22 point something acres. You have the actual detail right
23 there. The arrow on the left-hand side shows you how
24 much.

25 It seems to me that the applicant needs to

1 adjust all of their analyses, including municipal
2 services, calculations to vary disturbance, impervious
3 surfaces, stormwater run off, et cetera, to include this
4 lot. 2.27 acres is not a small parcel. It needs to be
5 included.

6 Now, one-way around this is for them to take one
7 lot away from what their application is in Orange County,
8 Tuxedo, so they can drop to 1194, then put this in as the
9 eleven hundred and ninety-fifth, but you still have to
10 review it. You cannot segment. They are not allowed to
11 segment their property in Orange County from the property
12 in Rockland. Thank you.

13 SUPERVISOR DOLAN: James G. Barbour,
14 Consultant for Saugerties.

15 MR. BARBOUR: James G. Barbour. I am a freelance
16 consultant and I'll tell you why I'm here. I am a
17 biologist and ecological consultant, and much of my work
18 has been in the Hudson Highlands, including a lot in the
19 Town of Tuxedo. Starting in 1993 through 2005, I was on a
20 team led by New York State botanist Dick Mitchell. We
21 surveyed all of New York's Palisades Parks, including
22 Sterling Forest when it became a park, recording all the
23 vascular plant species. Another thing I did recently was
24 I surveyed and mapped ecological communities for the New
25 York Natural Heritage Program, in some of the parks, and

1 then in 2007 I actually worked on the Tuxedo Reserve site,
2 field checking community boundaries for the firm of REIS,
3 led by Dave Washburn, who was hired to produce a community
4 map and GIS of the site, so I got very familiar with the
5 Tuxedo Reserve site, walking around confirming these
6 habitat boundaries.

7 And I think this is a site that's as grand and
8 biologically diverse as any state park that I've explored
9 in this area, and I'd say it's even more, you know,
10 biodiverse and beautiful than the Sterling Forge site
11 which was the last addition to Sterling Forest.

12 Now, from my review of the Tuxedo Reserve SEIS
13 and natural resources report, which is Appendix G., I'd
14 have to say that the work done here is less than thorough.
15 Superficial, spotty, and glancing are more accurate words.
16 I'll be submitting more detailed written comments, but now
17 I can only be general, and cite examples, which I will now
18 do.

19 On endangered, threatened, and special concern
20 species, which is page 5.5 on the SEIS, it says wildlife
21 surveys of the project site, including the area in the
22 vicinity of Mountain Lake, which is an important area
23 there, did not identify any threatened or endangered
24 species. Well, it's no wonder. The one thing the
25 inventory focused only on rare animals, not on rare

1 plants. Now in the heuristic survey that I worked on from
2 '92 to 2004 in the Hudson Highlands, we found over seventy
3 species of New York State rare, threatened or endangered
4 plants, and many of these occur in habitats found at
5 Tuxedo Reserve.

6 Now as a contractor to REIS I was ground
7 checking the ecological community boundaries, not actively
8 searching for rare plants. Even so I found yellow
9 harlequin and small flowered crow foot, which are both on
10 the New York State Natural Heritage list. In the sedge
11 oak lands west of the Mountain Lake corridor; this is a
12 critical pathway for wild life in an area with potential
13 for more rare state plants.

14 On rare animals there are two I'd like to
15 mention. The eastern box turtle found on the site is a
16 special concern species. That wasn't acknowledged in the
17 SEIS. And there is an incident in which an individual
18 timber rattlesnake, a New York State threatened species,
19 was found and killed on the site. This is a serious
20 omission in the information, and it's also a violation of
21 the New York State D. E. C. recording procedures for their
22 threatened species. As far as the rattlesnake is
23 concerned, the open, rocky, ridges that are on the site,
24 and some of the power line cuts, are good basking areas
25 for snakes, and the migratory corridors between Bog Meadow

1 and Mountain Lake may be a critical dispersal corridor for
2 the timber rattlesnake. It could also be critical summer
3 foraging habitat.

4 While I'd like to talk more about that, I'd also
5 like to say there is no mention of rare invertebrates in
6 the rare animals report, and I found the orange tip
7 butterfly, which is a listed species here, and there could
8 be other rare butterflies and other insects on the site,
9 but there were no search for invertebrates, and on the Bog
10 Meadow Mountain Lake corridor, the corridors are not
11 really discussed or defined. They are basically just
12 mapped, and in the 2004 preliminary plan this Mountain
13 Lake Bog Meadow corridor is shown as unbroken, open space,
14 with no development. And the current plan includes a 21
15 acre residential development, and a corridor directional
16 arrow with views northwest up a steep cliff. This is not
17 a corridor. It's just a challenge to small earthbound
18 wildlife.

19 Let me wind it up. This is the equivalent of
20 Hannibal crossing the Alps to little snake salamanders and
21 shrews, which are not birds or elephants, and the other
22 impact of this or disturbance leading to the penetration
23 of predators and competitive species far into the forest,
24 and studies have shown that these kind of open holes in
25 the forest can drive interior forest species farther

1 back --

2 COUNCILPERSON DARLING: I'm sorry, folks, I'm
3 sorry, we can't give everybody ten minutes. We can't.

4 Please submit your additional comments in
5 writing.

6 SUPERVISOR DOLAN: Just so everyone understands,
7 since the last board meeting every town board member has
8 gotten a copy of everything that was said. So what I have
9 done personally, I've actually read it. It's one hundred
10 and ten pages. I have actually read it twice. So for me
11 it was very helpful to read this.

12 So we do have a time schedule here.

13 Mr. Wasnicki, do you want to speak again?

14 MR. WASNICKI: I do have a page and a half that
15 I'd just like to add to my other comments.

16 SUPERVISOR DOLAN: Thank you.

17 Peggy Wissler.

18 MS. WISSLER: Peggy Wissler, resident of Suffern,
19 and concerned citizen.

20 This bed rock geologic map of Tuxedo shows a
21 pervasive and complex system of fractures. Each blue line
22 represents a fracture which is transporting water. From
23 this map it is obvious that pollution for construction and
24 housing will have multiple routes into the groundwater,
25 potentially degrading the water for Tuxedo Reserve

1 residents, and those downstream. And even degradation of
2 water quality for those millions in New Jersey would
3 result in an interstate issue with the federal government
4 also involved.

5 Needless to say this is to be avoided. This
6 project has to be given a proper study of how it would
7 affect New Jersey. That's all I have. Thank you.

8 SUPERVISOR DOLAN: Steven Gross.

9 MR. GROSS: Steve Gross, Hudson Highlands
10 Environmental Consulting. I am going to focus my comments
11 tonight on an issue that I was looking at. I was looking
12 at where the development is being moved from, and looking
13 at that issue in what is the phase three portion of the
14 property, there is a wetland that -- here is a map from
15 the FEIS, I'll show it to the board first -- where there
16 is a wetland up in this corner of the property, that is
17 mapped in the FEIS as being a federally regulated wetland;
18 is mapped that way on most of the figures. Interestingly
19 on the new wetland map, that is included in the SEIS.
20 Where you had four state wetlands shown on the old map,
21 there are now five shown on the new wetland map. And the
22 wetland that was previously mapped as federally regulated
23 is now currently mapped as being a state regulated
24 wetland, with a hundred foot buffer around it.

25 I was very confused by this, because it's not

1 noted anywhere in the SEIS or any documentation that there
2 has been a state wetland added. It is still not on any of
3 the state maps. I'm surmising that maybe what happened is
4 that when the state came out to review the mapping, that
5 they decided that perhaps this wetland should be added to
6 the list. I don't know. I haven't gotten any information
7 from that. Certainly no information in the SEIS to that
8 degree.

9 Now what makes this very interesting is that in
10 the old plan, there is a lot of development clustered
11 around that wetland, right up to the boundary, because
12 they could. They are a federal wetland. They can go
13 right up to the boundary. In the new plan that has all
14 been moved out of that area, moved from what would be the
15 hundred foot buffer. My question is then, what happened?
16 Did the state decide that this is now a state regulated
17 wetland, and was this applicant thereby forced to remove
18 the units from that wetland?

19 That brings up two questions; one, if that's the
20 case, then why hasn't that been disclosed to this board?
21 And secondly what does that mean about the 2004 plan as an
22 alternative? They have been stating all along that if you
23 don't want to approve these proposed amendments, we'll
24 simply build what was approved in 2004. Well, the
25 question is, can they? Or will they be banned from doing

1 that by not being able to get state permits? And again
2 I'm working off of their own map, one map that's in the
3 SEIS, that is purporting to be a state regulated wetland.
4 That's the only thing I've got to go by. At the very
5 minimum the fact that they are showing this as a state
6 regulated wetland on that map, and federally regulated on
7 the other maps, is very sloppy, and they are giving
8 conflicting information, and not allowing me or you to do
9 a proper review.

10 Now as far as it being a viable alternative
11 though, perhaps it still is, because I found an
12 interesting statement on page 6-7 which states, "In the
13 future without the proposed modifications it is expected
14 that the Tuxedo Reserve project would proceed in
15 accordance with the plan analyzed in the 2003 FEIS and
16 approved in the 2004 special permit. This plan would be
17 subject to the piecemeal refinements during the
18 subdivision review process, which would result in a final
19 plan substantially similar to the proposed modifications."

20 The statement goes on to say there would be no
21 additional development within the Mountain Lake and Tuxedo
22 Lake watersheds, from that which was analyzed in the FEIS.
23 Now did you get the most important part there? I repeat
24 it. "This plan would be subject to the piecemeal
25 refinements during the subdivision review process, which

1 would result in the final plan substantially similar to
2 the proposed modifications, but there would be no
3 additional development within the Mountain Lake and Tuxedo
4 Lake watersheds, from that which was analyzed in the
5 FEIS."

6 In other words the applicant is stating, in
7 their document, that there was a possible alternative
8 layout that would be substantially similar to the proposed
9 modifications, accomplishing the avoidance of sensitive
10 environmental features, but without the need to move units
11 into either the Mountain Lake or Tuxedo Lake watersheds.
12 I think it's quite clear that such an alternative would be
13 precisely what people here have been asking for. And here
14 the applicant is saying that it is indeed possible. These
15 are their own words out of their SEIS. According to them
16 this alternative would become reality if the proposed
17 modifications are denied. If this is the case, then
18 perhaps the board would like to deny the application. It
19 sounds like it might be better than the plan that's before
20 you.

21 SUPERVISOR DOLAN: Mary Ellen Shaw.

22 MS. SHAW: My name is Mary Ellen Shaw. I'm with
23 the Sierra Club, the North Jersey Group. Just a few words
24 to show we are here. We have concerns about how the
25 Ramapo River will be affected; storm water run off,

1 additional impervious surfaces. We're concerned with the
2 actual flow levels in the Ramapo River, how they run very
3 low, and the more development you guys have up here, the
4 less flow we have in the river down there. Also the storm
5 water treatment plant, which is not in your purview, is
6 affecting that. Mahwah for instance takes its water, has
7 its ground wells right along the Ramapo River, and
8 actually supplies water to other towns down there.

9 We just want to point out the effects that this
10 will have. We call this in New Jersey, it's called
11 uncontrolled sprawl, and we actually argue over every
12 single acre of available space in New Jersey. And you
13 people are going to be -- you already are -- fighting the
14 same thing. Thank you very much.

15 SUPERVISOR DOLAN: Janet Burnett.

16 MS. BURNETT: Janet Burnett, executive director
17 of the Ramapo River Watershed Intermunicipal Council.
18 It's an all volunteer staff. We have 26 municipalities,
19 including the Ramapo Lenape Indian Nation, and the
20 Palisades Interstate Park Commission as members. And this
21 is a map. Ramapo Watershed goes all the way down to, past
22 the New York State border, into northern New Jersey. This
23 is a shared watershed. This is where we all get our
24 drinking water from. I live in Rockland but I drink the
25 same water that everybody here in Tuxedo drinks.

1 Basically it all comes from the same basin, watershed,
2 Ramapo River watershed.

3 We have a concern, multiple concerns.
4 Especially we're concerned about water quantity. We're
5 also concerned about water quality. With regard to
6 quantity, Rockland County is being faced with being
7 required to go along with a plan by United Water to build
8 a desalination plant on the basis that United Water claims
9 that our local watersheds do not contain enough water,
10 over time, to satisfy all the needs. Well, one of the
11 problems there is that we get 40 percent of Rockland
12 County's drinking water from the Ramapo watershed, which
13 is the same watershed that Tuxedo Reserve proposes to
14 withdraw up to eight hundred thousand gallons of water per
15 day. So we're here to ask for better regional planning,
16 trans-boundary planning. We really haven't been included
17 in the process in Rockland County in terms of regional
18 planning for water withdrawals from Tuxedo Reserve, which
19 really constitutes, in terms of numbers, an entire new
20 village compared to the sizes of the villages on either
21 side here. We have Sloatsburg, it's relatively small;
22 Hillburn, Village of Tuxedo, and then you have got another
23 whole town practically coming on line.

24 Additionally we have waste water treatment
25 concerns. Over and over Tuxedo Reserve has put it about

1 that they are going to hook into the western Ramapo
2 treatment plant. They have never been given permission.
3 The legislature has said they are not going to get
4 permission to do that. The Rockland County Sewer District
5 Number One has said they are not going to be allowed to do
6 that. And the Tuxedo Reserve quality standards here
7 exhibit a waste water treatment plan which is pretty thin
8 and it's not very high. And we downstream here have
9 invested millions of dollars in a very high quality
10 treatment plant that's going to put back one point five
11 million gallons per day of recharge into the aquifer. And
12 we don't want to have to then, you know, suffer a lower
13 quality water treatment north of us, upstream. Neither do
14 we want for water to be piped downstream, avoiding
15 recharge upstream, to be treated down at the western
16 Ramapo treatment plant. It doesn't make sense. It's not
17 cost effective and it's not good watershed management.

18 So I would like to suggest that until things are
19 better worked out, that you just -- if it's possible
20 legally -- just to deny the permit, table it. There are a
21 lot of variables here. We're in the worst economic
22 climate since the depression. They need permission from
23 the Palisades Park Commission for that exit and extra
24 land. There are so many variables here. And, you know,
25 not only that, but personally, when you think about

1 decision making, if it takes you like days and days and
2 days to decide to make a decision, you kind of get to mull
3 it over and think, maybe it's not all that good; maybe the
4 pieces are not falling into place. But when a decision
5 draws out over decades and decades, and questions and
6 questions come up, and more and more risks become evident,
7 maybe you are just looking at something that isn't a good
8 idea. Thank you.

9 SUPERVISOR DOLAN: Howard Horowitz.

10 MR. HOROWITZ: Howard Horowitz. I am speaking
11 as a resident of Warwick. Although I am also a professor
12 at Ramapo College, where I teach water and forest
13 resources, although I'm speaking for myself right now. I
14 first want to reiterate what Janet said about the issue of
15 sewage. We had the Ramapo River watershed conference last
16 year. At the conference we heard explicit and vehement
17 refusal on the part of Rockland County to take sewage from
18 Tuxedo Reserve. And it's an issue that isn't really
19 clearly dealt with yet. It's something obviously of
20 significant importance.

21 More broadly, the issue that the Tuxedo Reserve
22 is bigger than the thing itself. Certainly it affects the
23 whole region in many, many ways. We have seen a gradual
24 change over the last half century from the vision of
25 suburban utopia to a recognition that the areas that are

1 actually still contiguous wild lands are most valuable and
2 have the highest and best use. That change over is one of
3 a series of changes that have happened in this region from
4 the industrial vision, to suburban utopian vision, to a
5 recognition now -- although those things are there, they
6 are confined to their limits now, and the areas that are
7 open and wild are most valuable as open and wild land.
8 Particularly we see just in the last few weeks a whole
9 series of newspaper and magazine discussions of the
10 problems of species having to migrate northward, through
11 issues of global warming, and maintaining corridors with
12 migrations is so important.

13 The reality is Tuxedo Reserve is part of that
14 open corridor, which also includes Sterling Forest,
15 includes areas that people have been fighting to maintain,
16 to the extent that we possibly can, because once they are
17 gone, they are gone. And this is a very central part of
18 it.

19 Specifically, and I won't have time to go into
20 specifics here, but just to say that it's true that there
21 is thousands of tons of rock blasting, steep slopes carved
22 out, fractures affected; areas of forest turned into
23 lawns, with pesticide application and fertilizer
24 application. All these things affecting the watershed.
25 As was mentioned there are known fractures and pathways

1 for contamination to occur. The EIS itself shows, if you
2 look at the maps, that some of the proposed buildings do
3 interrupt wildlife migration.

4 So for all these reasons I think in the long run
5 we should recognize that this is a place that's highest
6 and best use is to be kept as wild land. Thank you.

7 SUPERVISOR DOLAN: Now going to Tuxedo
8 residents. The first one is David Dupont.

9 MR. DUPONT: I did not speak last time. I
10 wasn't able to attend last time. I trust each of the five
11 of you left last month's meeting in Eagle Valley with a
12 clear impression that the entire Tuxedo community is
13 deeply concerned about the scope and magnitude of the
14 changes that Related Companies is proposing, is asking
15 this board to approve. Allow me to suggest why so many
16 town and village voters are turning out for not only this
17 meeting, but last month's as well.

18 The Related Companies have proposed major
19 changes to the existing plan to include increasing the
20 commercial real estate by a multiple of ten. And while
21 materially changing the housing mix and the price point of
22 that housing mix. All of us here tonight want to see the
23 town board employ complete transparency in evaluating
24 these requested changes. And to do so in a slow,
25 deliberate manner, retaining outside experts to help you

1 completely and thoroughly evaluate the impact on our
2 community of each of the requested changes.

3 Transparency, community input, slow and
4 deliberate review and discussion with outside expert
5 advise are the keys to insuring any changes you approve
6 will in fact improve upon the existing current plan.

7 Thank you.

8 SUPERVISOR DOLAN: Thank you. Gardiner Hempel.

9 MR. HEMPEL: Gardiner Hempel, Jr. I am a
10 resident of Tuxedo Park. I'm president of the Tuxedo Park
11 Fire Department. I am also one of the commissioners of
12 the Tuxedo Joint Fire District Board of Fire
13 Commissioners. The district is comprised of three fire
14 companies; Tuxedo Park, Eagle Valley, and Sterling Forest.
15 I'm paraphrasing from a letter we submitted on Friday,
16 copies to you just now, from the Board of Commissioners.

17 "On behalf of the Board of Fire Commissioners,
18 of the Tuxedo Joint Fire District, I wanted to comment on
19 the proposed amendments that Tuxedo Reserve has made, or
20 may be making to its special permit. Our comments are
21 focused on the process by which Tuxedo Reserve
22 communicates any changes that have a potential impact on
23 our future operations as fire companies responding to fire
24 calls within the proposed development. Our objective is
25 to ensure compliance with the New York State fire code

1 regulations, as well as the safety of the volunteer
2 firefighters, and the operation of our trucks. In
3 addition to the safety of the residents of the town, and
4 the development, as well as understanding the potential
5 financial impact to the taxpayers of such proposals.

6 Specifically we ask that the town board not vote
7 on any proposal until such time as the board of fire
8 commissioners has had the opportunity to meet with
9 representatives of Tuxedo Reserve, to hear the latest
10 changes, and final proposal which impact the above, and we
11 have affirmatively concurred with them.

12 Representatives of Tuxedo Reserve have met with
13 the Board of Fire Commissioners on several occasions over
14 the past few years to describe various roadway issues such
15 as turn arounds and street widths, hydrants, curbing,
16 building height considerations, and sought our input as to
17 any concerns and suggestions we had with respect to those
18 design matters. On at least one occasion Tuxedo Reserve
19 followed up the meeting with a letter describing its
20 proposed revisions resulting from our discussions and
21 asked us to confirm our approval of those changes. We
22 welcome this interaction to ensure the safety of all
23 residents of the town. There was at least one change
24 proposed by Tuxedo Reserve which we provided our comments
25 of concern to which we have not yet received any response

1 for consideration. Since this important safety
2 shortcoming was identified in our last discussion with
3 Tuxedo Reserve on December 1, 2008, we believe it is very
4 reasonable to expect them to bring forward a proposal to
5 remedy that problem now, and prior to your vote on the
6 proposed amendments.

7 Specifically Tuxedo Reserve was proposing that
8 the maximum building height of multi-family buildings in
9 the commons be measured at 52 feet from the base of the
10 building to the midpoint of the eave and ridge of the
11 roof. The issue we discussed was whether firefighters
12 would be able to gain access to the roofs of such
13 buildings to execute venting operations. Venting
14 operations are critical to the overall fire suppression
15 strategy. We determined that given the distance of the
16 road to the structures, the proposed height of the
17 buildings and the maximum height of the one ladder on our
18 extendable ladder truck, we simply would not be able to
19 reach the roofs with our equipment. We did the
20 trigonometry at the meeting and it was apparent to the
21 representative from Tuxedo Reserve, the fire commissioners
22 and the fire chiefs, that revisions to their height
23 proposals were necessary. We are still waiting to hear
24 back from Tuxedo Reserve on this very critical issue.

25 We understand Tuxedo Reserve may have had

1 further changes to their proposed plans since they last
2 met with us in December, 2008. Any such changes will need
3 to be viewed and agreed with the board of fire
4 commissioners. Our understanding was that Tuxedo Reserve
5 had requested to attend our meeting on August 6, 2009, and
6 we were anticipating meeting with representative at that
7 time. However, no one from Tuxedo Reserve appeared at
8 that meeting as planned, nor have we heard from them as to
9 why they did not appear. Moreover, we have not received
10 any requests from them to reschedule a meeting, to
11 consider the above referenced open matter, and any other
12 proposed changes that they may be considering.

13 Again we ask that the town board not vote on any
14 proposals until such time as the board of fire
15 commissioners has had the opportunity to meet with the
16 representatives of Tuxedo Reserve to hear the latest
17 changes and proposals which impact the board, and we have
18 affirmatively concurred with all those proposed changes.

19 Moreover, we suggest that you make this step
20 mandatory as part of a responsible process to ensure the
21 safety of our residents. Sincerely yours, Chairman, Board
22 of Fire Commissioners, Tuxedo Joint Fire District."

23 SUPERVISOR DOLAN: Mrs. Neuhauser.

24 MR. NEUHAUSER: Lele Neuhauser. I'm speaking to
25 you as an 11 year resident of the area, a wife, mother and

1 observer of the meeting on the 26th of October. Several
2 issues became clear to me that evening. First and
3 foremost, I'm proud of all of you who spoke the other
4 evening. Your comments were eloquent and heartfelt. The
5 issues before us are serious and require respect, respect
6 for each other, and respect for the environment. I would
7 like to say to Mr. Magar, with all due respect, Tuxedo is
8 not dead, nor is it dying, period. By being here we are
9 proving you wrong. We care deeply for our community.

10 I am compelled to comment on the story of Chief
11 Dwayne Perry of the Ramapo Lenape Nation. He spoke later
12 in the evening last month, and many of you were not able
13 to hear his story. The chief was approached by someone
14 who had found what he believed to be Indian artifacts and
15 possible burial ground on the Tuxedo Reserve grounds. The
16 chief's pleas for help to both Tuxedo Reserve and the
17 local police fell on deaf ears. No one cared to listen to
18 him or help him. This discovery had exciting
19 possibilities for those of us interested in the rich
20 history of this area. What has become of these findings?
21 It was bulldozed and likely destroyed forever.

22 It is a federal offense to disturb or desecrate
23 Native American artifacts. It is a moral offense for
24 Tuxedo Reserve to do so. What disturbs me is how other
25 issues will be treated; with the same indifference and

1 lack of regard? Clearly the urge to forge ahead,
2 consequences be damned, is a strong one for them, and one
3 that you should all find repugnant. I urge the board and
4 the Tuxedo Reserve to weigh the importance of all
5 findings, hiring professionals, and working with
6 authorities to ensure fair treatment of the people
7 involved, and any findings.

8 My other concern is the environment and of
9 conservation. We must be extremely vigilant with regard
10 to our most precious resource, water. We must keep a
11 watchful eye on any development near any water source, in
12 particular Tuxedo Reserve, Tuxedo Lake Reservoir watershed
13 and Mountain Lake. The Ramapo River watershed is in
14 trouble now, and for us and the two million people down
15 river from us, who rely on these waters, it is far too
16 important to be cavalier with the supply. Blasting alone
17 can have a devastating effect on our water. It seems
18 somewhat hypocritical to teach conservation to our
19 children, and in the next breath tell them to watch what
20 becomes of the land surrounding their homes, as it is
21 being readied for the largest master planned community in
22 Orange County. We can work on revitalizing downtown
23 Tuxedo, lower our carbon footprint, and ensure that all of
24 us who live here are secure in the knowledge that we have
25 worked together for the best possible outcome, with

1 careful consideration for all aspects of the development
2 that are in the best interests of those of us who will
3 live with the consequences and decisions that have been
4 made.

5 Many of us are here because we love to be able
6 to watch bear, coyote, rattlesnakes, and all manner of
7 creatures as we walk. I hope one day to be able to show
8 my son artifacts found south of here, or a Northern
9 Leopard Frog, or watch a Least Shrew scamper through the
10 grass around Tuxedo Lake and Mountain Lake, knowing that
11 we put forth the most respectful effort for those of us
12 who live here and the environment. Thank you.

13 SUPERVISOR DOLAN: Yes.

14 MS. SPOONER: Sally Spooner. I'll be very brief.
15 As currently presented Tuxedo Reserve creates a problem
16 that will require substantial taxpayer dollars to fix.
17 Specifically taxpayer dollars from those of us are who are
18 not part of the development. The Tuxedo Park library will
19 require additional infrastructure to meet the needs of the
20 population generated by Tuxedo Reserve. The costs of this
21 additional library infrastructure could run into the
22 millions of dollars. The applicant does not provide
23 adequate mitigation for this service. The cost of land,
24 the building, additional furniture and equipment will be
25 borne by us, not by the applicant. I ask two things of

1 you, the board, this evening. First, please hire a
2 professional who will represent the town's interests in
3 conducting a fiscal analysis, and please direct these
4 professionals to assess the cost of the appropriate
5 mitigation of library services. Given that the applicant
6 has neglected to provide adequate service for the proposed
7 new population in the area of library service, it is
8 crucial that the fiscal analysis extend to review of
9 critical municipal services such as the true cost of fire
10 protection, for example. It is right and fair that the
11 applicant pay for the additional infrastructure our town
12 will need because of the additional population generated
13 by their projects.

14 Please protect your constituents from unfair
15 burdens, secure a fair plan of mitigation for all
16 municipal services. It is fine for the applicant to make
17 money, but not at our expense. Please do not burden us
18 with paying for expenses that belong to them. Thank you.

19 SUPERVISOR DOLAN: Ms. Dupont.

20 MS. DUPONT: Barbara Dupont. I submitted a
21 letter on July 1, 2009, with an update, as requested by
22 Andrew Dance, on the information regarding the Tuxedo Park
23 Library needs with respect to the development as proposed
24 in 2003. The letter underscored four major points; one,
25 our funding methodology has changed. We now need voter

1 approval of any budget increase. This essentially
2 guarantees that no increase to support building, staffing,
3 cost and materials, or other operating expense will be
4 approved to support a facility in Tuxedo Reserve, until
5 the population there approaches or equals that of the
6 existing town. Two, use of the library, already at
7 capacity, is growing at record rates, putting a severe
8 strain on the existing facility, which cannot be expanded.
9 Three, the 2004 Special Permit provided for one-half acre
10 of land for a new facility to be built, not to be built I
11 should say, by Tuxedo Reserve, to service the projected
12 population of Tuxedo Reserve. However, we would require
13 three acres and a ten thousand square foot facility to
14 serve that population. Four, although we had several
15 discussions with Tuxedo Reserve, specifically with Andrew
16 Dance, in recent years, about the developer building a
17 five thousand square foot library in the town center, we
18 have never gotten a commitment in writing. Also that is
19 absent from the current Special Permit amendment. The
20 amendment does say that the applicant, quote, "May, at its
21 option, construct a library, in the Commons area." But
22 they also may not. So it really doesn't give us anything.

23 In his comments at the last meeting, and in his
24 letter of October 29th through the town clerk, Dan
25 Gladding, trustee, noted the twelve year kick out clause

1 that was in the original permit. This has also been
2 discussed with Mr. Dance several times and he agreed that
3 the timing would have to be extended, but no change was
4 made in the current amendments.

5 I would like to make one additional point; when
6 we were asked to address all the changes to the library's
7 needs since the 2004 permit was approved, it is important
8 that the public and the town board be aware that the
9 provisions in the 2004 permit for one-half acre of land,
10 was repeatedly and emphatically opposed by the library
11 director and trustees as totally inadequate and would
12 result in either an enormous, unfair burden on the
13 taxpayers of Tuxedo, or no additional capacity to serve
14 the needs of the public. This one-half acre was not
15 something we ever agreed to, nor would we ever in good
16 conscience recommend for the people of Tuxedo. It was put
17 on the table as a take it or leave it, all we are willing
18 to do, provision, with no regard to our council or the
19 real needs of this community.

20 On behalf of the library, trustees and the
21 staff, and the people of Tuxedo, I would hope that this
22 board will not accept any plan for development that does
23 not provide -- meaning build, furnish, stock, and staff --
24 a new facility that realistically satisfies the needs for
25 the increase in library services that this development

1 will create. Thank you.

2 SUPERVISOR DOLAN: Paul Bumbar.

3 MR. BUMBAR: Paul Bumbar. I live at 18 Spice
4 Bush Lane in Laurel Ridge. My wife and I are thirty year
5 residents of the Town of Tuxedo. I speak for her, she
6 could not come tonight. And I add my voice to those
7 already expressed. I am concerned about what is called
8 development, especially in this northern tract, Mountain
9 Lake, what will happen to the environment. Then also the
10 Fox Hill tract. And the segmentation that was spoken of
11 earlier is precisely what I am concerned about. But I'm
12 not only concerned about that. I am not an expert on the
13 environment or biology, but I do travel the roads and I do
14 know how difficult it is for me to get out of Laurel Ridge
15 to get on to 17A already. And my wife said that she had
16 to wait about a quarter of a mile to get onto Route 17, at
17 8:30 in the morning. The traffic is already unbearable.
18 And according to some there are currently four thousand
19 vehicles passing through the Town of Tuxedo between seven
20 and eight in the morning. The congestion of the traffic
21 and then the air quality is severely compromised. The
22 water quality is another matter too. We are assured that
23 the water that we drink is potable, but it is hardly
24 palatable, and I and many others have had to buy
25 filtration equipment devices so that we can drink the

1 water. Increased housing will not improve it, as many of
2 the experts have already pointed out.

3 The original 2004 plan, in my estimation,
4 already strained the carrying capacity of the land. The
5 hoped for expansion of this new plan, while it may provide
6 profits for the Related Companies and their successors,
7 does not promise real long term benefits for Tuxedo, but
8 will bring, in my estimation, many irreversible detriments
9 and degradations. I add my voice to those who oppose it.
10 Thank you.

11 SUPERVISOR DOLAN: Mary Graetzer.

12 MS. GRAETZER: I am a 37 year resident of Tuxedo
13 Park. As I read through the DSEIS I am struck by how much
14 information and analysis has been provided -- not by how
15 much analysis and information has been provided but rather
16 by how much I keep finding that has not been disclosed, or
17 has been put off for some unidentified later time. Let me
18 give you some examples. On page 1-8, table 1-3, 2003 FEIS
19 versus proposed modifications, neighborhood retail and
20 commercial and community amenities lists all the
21 non-residential structures that are proposed to be built
22 by Tuxedo Reserve. I see in that list, three trailhead
23 buildings amounting to a total of sixty-two hundred square
24 feet of building. Can anyone tell me where these
25 structures are? I can't seem to find them anywhere on the

1 plans. I am also assuming if they are bothering to build
2 such significant structures, one measuring three thousand
3 square feet, that these recreational amenities will
4 probably also have parking associated with them. But
5 again none of this can be determined because it doesn't
6 appear on the plans, and certainly it wasn't included
7 in any area of disturbance calculations or impervious
8 surfaces et cetera. Along with this is a three thousand
9 square foot boat house for Mountain Lake. Where exactly
10 in this document does it say that Mountain Lake is
11 supposed to be used for recreational purposes? Mountain
12 Lake is in the middle of a DEC regulated wetland. From
13 what I read, wasn't the whole purpose of moving the
14 development into this area to avoid wetland impacts.
15 Well, I can't see how you can build a boat house and have
16 people frolicking on the lake without disturbing the
17 wetlands; can you? I also notice that this table lists
18 five thousand square feet for a library, but I'm not sure
19 where that is, and whether the area of disturbance and
20 impervious surfaces have been calculated for this as well.
21 However I see on page 3-16 that the fiscal analysis
22 assumed a ten thousand square foot library. So where is
23 the other five thousand square feet? It also appears that
24 the area of disturbance did not include retaining walls,
25 storm water management facilities, access to, and lots for

1 well stations and sanitary pump stations; the water tank
2 lot and the school site. Can anyone explain to me why
3 not? Are these items going to be magically accomplished
4 without any disturbance?

5 There is also a curious note on the earthwork
6 calculation. It says, "Earthwork does not include rock
7 use in retaining wall stormwater management facilities
8 outside of the North Ridge Subdivision access to and lots
9 for well stations in sanitary pump stations coming, and
10 the water tank lot." Again, why not? And if the rock used
11 in the retaining walls is not coming from on-site, then
12 where is it coming from? That's an awful lot of rock.
13 Has this applicant provided any estimate for the volume of
14 rock that will be needed for this massive system of
15 retaining walls? How many trucks will be rolling down
16 Route 17 to bring this rock in? It's interesting that on
17 page 6-11, there is one brief mention of the recreational
18 use of Mountain Lake. It says, any future use of Mountain
19 Lake for recreational purposes would undergo a separate
20 environmental review process. Another one? Wasn't this
21 supposed to be it? Doesn't this violate the segmentation
22 provision of the SEQRA Law? This applicant has a history
23 of coming back again and again and again, asking for
24 amendments, getting more of what they were denied the
25 first time. Now they are asking for a huge increase in

1 the number of multi-family units and another huge increase
2 in the amount of commercial space. It's obvious they are
3 not done. Because they say themselves, they are coming
4 back to make Mountain Lake into their own personal
5 recreational pool. Enough is enough. Make then disclose
6 everything now, or better yet, just deny the application.

7 SUPERVISOR DOLAN: John Yrizarry.

8 MR. YRIZARRY: John Yrizarry, 147 Benjamin
9 Meadow Road, Tuxedo.

10 This concerns the Mountain Lake area. On page
11 5-5 of the supplemental, it states that six species of
12 special concern, mostly amphibians, were found in the
13 vicinity of Mountain Lake, which is on the project site.
14 On page 5-6 it states the above area determined to be
15 suitable for development; proposed roads, roadways, et
16 cetera, that would have minimum disturbance to existing
17 wildlife habitats. Thus the proposal for a future
18 boating, swimming, including a boat house, and beach, in
19 spite of their acknowledgement of New York D. E. C.
20 wetlands, and a hundred foot buffer, to protect this area.
21 That's just absolute nonsense. Are you going to put all
22 that buffer land, with the lawns facing the buffer lands,
23 and all those chemicals and everything else, going into
24 the buffer land, one hundred foot into an area that they
25 themselves say is of special concern, at least the six

1 species, and yet, hey, men, this is for us. We're going
2 to build a boat house and have a beach and we will frolic
3 and you can do what you want. Especially when on page
4 6-11 they state, quote, "Any future use of Mountain Lake
5 for recreational purposes would undergo a separate
6 environmental review process." What gives? There seems
7 to be quite a bit of flaws throughout this supplemental
8 and the above is just one example. Making sense of these
9 other flaws is up to you, the board. Good luck.

10 SUPERVISOR DOLAN: Alan Haywood.

11 MR. HAYWOOD: Alan Haywood, Fox Hill Road, Tuxedo
12 Park. I am going to make the obvious comment,
13 Mr. Supervisor, that I think you're doing a disservice to
14 the community tonight by holding this meeting in this sort
15 of circumstance. We had two hundred people at the last
16 meeting. Many people could not get in. And I know a lot
17 of people who wanted to come tonight, and said they
18 wouldn't come because they knew what it was going to be
19 like in here. I think it shows disrespect by the board,
20 to the community at large. I think conceptually a lot of
21 people have had difficulty imaging what the scale of
22 Tuxedo Reserve is going to be like, if it ever happens.
23 We have probably, unknown to many, a good example of what
24 our scenery will look like on South Gate Road, because in
25 the spring and summer months they have cleared an

1 electricity line, with pylons, and it exposed the sort of
2 terrain that Tuxedo Reserve will be built on. And it will
3 be an eyesore. It will be environmentally unfriendly, it
4 will disturb wildlife, it will wreck the forests and woods
5 that we have there. It will disturb the archeology of the
6 place. It will be a total disaster. If you haven't seen
7 it, drive along South Gate Road. That is the sort of mess
8 that we're facing.

9 And my comment also relates to the prospective
10 financing for this development. And you might say, this
11 is not environmentally related, but it will be if it falls
12 apart. We have all heard about the plans for Tuxedo
13 Reserve slash Related Companies, and Lehman's, and Lehman's
14 is gone forever. Is this a financeable proposition? I
15 cannot believe that any bank in their right mind,
16 in today's economic circumstances, is going to lend any
17 money to this corporation to do a spec development in an
18 unproven area of Orange County, New York. If it does then
19 I hope that the town will be a party to whatever agreement
20 comes out of that, because banks now are going to be
21 laying down some pretty tough regulations, covenants, that
22 these companies are going to have to follow. And there
23 are going to be events of default, adverse change clauses,
24 that could crater this project overnight. Where do we
25 stand? We will be left with an even bigger mess than we

1 have on South Gate Road today, half built houses, a
2 developer that has run out of financing, and where do we
3 go next?

4 So I urge the board to take an intelligent
5 interest in whatever financing this company manages to
6 get, if they are lucky.

7 The other issue I have, I'm not very sure about
8 this, but I am told that whatever changes they are seeking
9 now would allow Tuxedo Reserve, Related Companies, to sell
10 off bits and pieces of this development, sublet it or sign
11 it. And if you think that you're going to have control
12 problems with one developer, every time a change occurs,
13 those will multiply. We might have to deal with an
14 assortment of contractors with all sorts of unknown
15 qualifications, and we will finish up with a complete
16 mess. If Sterling Mine was not a good example to you,
17 then Tuxedo Reserve, watch it.

18 SUPERVISOR DOLAN: As far as the location, what
19 ended up happening with the venue situation, we were
20 required to have it at that position, at that place. When
21 we put it in the paper, we did it basically here, and we
22 moved it over to the other location. Now here we have to
23 have it here, because by law we put it in the paper, and
24 we were given fifteen days notice to do -- we have to have
25 it here. There is no way we could move the venue. I

1 apologize about that. Just one other thing, Orange and
2 Rockland cleared that property. That property was not
3 cleared by Tuxedo Reserve. The property is being cleared
4 from -- I think from the Canadian border all the way down
5 to Westchester County.

6 MR. BUMBAR: I was just saying --

7 SUPERVISOR DOLAN: I am just clarifying because
8 there is a lot of misinformation that's going on tonight.
9 I can't speak for everything that's been misinformed
10 tonight, but just one thing --

11 COUNCILMAN CASTRICONE: What I'd like to say on
12 the meeting venue, every one of us up here would like this
13 meeting to be held at the school. We got permission and
14 offers from the school to use the auditorium. The fact
15 that the meeting is here should not be interpreted as a
16 sign of disrespect or unwillingness for us to hear
17 everyone who wants to speak. What happened is we made a
18 mistake in the notice requirement. We could not change
19 the meeting after we saw the number of people that came to
20 the last one. I would certainly be willing to have fifty
21 more of these public hearings until everybody who has got
22 something to say has been heard.

23 SUPERVISOR DOLAN: Sir.

24 MR. HAYS: If it is possible I'd like to read
25 messages from two venerable members of our community; Joan

1 Alleman has been a member of the community for 40 or 50
2 years. Unfortunately she could not be here tonight, so
3 she e-mailed me a message and with your permission I would
4 like to -- my name is James Hays -- her name is Joan
5 Alleman.

6 "The Honorable Peter Dolan, Supervisor, and
7 members of the town council; ladies and gentlemen,
8 unfortunately I am not able to attend the November 23,
9 2009 hearing, but I trust you will consider these remarks.
10 One, if the amendment to the permit issued to the Related
11 Companies are changes to the zoning law in disguise they
12 are illegal and perhaps unconstitutional, forecasting a
13 long, drawn out, and expensive lawsuit. Two, a
14 development is rarely tax neutral, but this one will
15 generate at least 41 percent negative tax impact, to be
16 borne by the Town of Tuxedo. The development must not
17 encroach on Tuxedo Lakes watershed. The 180 rental units
18 proposed by the developer must be denied. If the
19 developer cannot sell his units, can he rent them? How
20 many? One hundred percent, fifty percent, twenty percent?
21 The traffic problems the development will cause on Route
22 17 have never been solved. The listing of the Village of
23 Tuxedo Park on the National Register of Historic Places
24 made the county plan to make Route 17 one-way northbound
25 from Sloatsburg to Monroe, and one-way southbound from

1 Monroe to Sloatsburg through Tuxedo Park. This came to
2 that end because of the National Registry but otherwise it
3 might not have. When Related lost the financing, the town
4 missed the opportunity to vitiate the permit. Perhaps
5 it's not too late. May I remind you that the listing of
6 the village on the National Registry of Historic Places
7 protects it and its surroundings from negative impacts,
8 water, et cetera. And could cause Federal action if some
9 degradation is suspected. I apologize for the brevity of
10 my remarks, but ask that you treat each point with the
11 weight it deserves. Signed very truly yours, Joan
12 Alleman."

13 Then I have another message. This one is not in
14 writing, but it's from another venerable member of our
15 community, Earl Stevens, and Earl, this is a very
16 important date for Earl; it's his birthday. He is 104.
17 Earl has long been very concerned about the town, about
18 the community. He also is very concerned and he expressed
19 that to me today. At 104 he is doing really well. He
20 said, you know, the Highlands are very important, and
21 Tuxedo is very important to the Highlands. He hopes that
22 the board will consider that. He also very much
23 sympathizes with the board. He sympathizes. He sends his
24 respects to you, Peter, and to other members of the board,
25 and he recognizes the heavy burden that is weighing down

1 on you, and the very difficult problems that you have to
2 consider, and the pressures that you are receiving from
3 various directions, but he hopes you will consider the
4 importance of this town to the Highlands, the importance
5 of this Town to the Village of Tuxedo Park, and hopefully
6 the importance of the Village of Tuxedo Park to the town.
7 And so that's all he had to say.

8 I would like to add, for myself, just two
9 comments; one is about the Smart Code. Not a lot has been
10 said about the Smart Code. I think partly because it is
11 very complicated. On rereading it, I am concerned. In
12 earlier submissions there was a lot of references to
13 Roberts, A. M. Stern, and there was a lot of references to
14 certain housing types being picked by him or judged by
15 him. Now the guidelines are just that, suggested; there
16 is no -- apparently anything can be built; but there are
17 suggestions, guidelines, there are suggestions as to
18 landscaping, but there is nothing with any teeth in it,
19 and that's a matter of concern. The Architectural Review
20 Board has been sidelined, as has the Zoning Board, and I
21 think you should take a hard look at what, in fact, you
22 are going to be allowing with that particular part of this
23 amendment.

24 Andrew Dance sometime ago offered to give a
25 workshop on the Smart Code, which I hope you will, because

1 I think for your sake, and for the sake of maybe people in
2 the town, who have trouble understanding this Smart Code,
3 to have a workshop where you present it and there are
4 people, knowledgeable people about real estate in the
5 audience, who can ask intelligent questions and from those
6 questions we can all learn and understand exactly what it
7 does and doesn't do. Thank you very much.

8 SUPERVISOR DOLAN: Lawrence Darby.

9 MR. DARBY: Larry Darby, 74 Tower Hill Loop,
10 Tuxedo Park. I am a resident of the Town of Tuxedo,
11 obviously. I've had a home here for over 25 years. My
12 comments this evening are not intended to address the
13 broad and vitally important economic and physical issues
14 and environmental issues facing the town and determining
15 how to proceed with the application, including how will
16 the Tuxedo Reserve Project achieve fiscal balance at each
17 stage and how will risks to the town and its residents
18 from failure to achieve fiscal balance be adequately
19 mitigated, particularly in view of current estimates of
20 the cost to provide water and sewer, provide public school
21 instruction, and what new environmental risks are posed by
22 changes to the new development plan, including possible
23 risks to the water supplies, for both the town and the
24 Village of Tuxedo Park from run off resulting from the
25 higher density and the development in the Mountain Lake

1 area.

2 This evening, however, I'd like to raise some
3 questions about recent revisions to Article One of the
4 so-called Smart Code, dealing with the legal authority of
5 the Smart Code, the intent of its adoption, and its
6 provisions regarding waivers. These questions raised
7 issues that may sound somewhat technical or legalistic
8 and, I am tempted to say, boring, but they may potentially
9 significantly affect the way the Smart Code works, and
10 will be administered. So I'd like to make a few points
11 about the provisions of the Special Permit resolution
12 governing the transfer of the Fox Hill tract to the
13 Village of Tuxedo Park.

14 Let's turn first to the Smart Code legal issues.
15 In looking at the proposed Special Permit amendment
16 application, I was struck by the very substantial changes
17 from the prior August, 2008 draft, of the Smart Code being
18 proposed, to the foundation section, titled Article One,
19 authority. These changes are being proposed at a late
20 stage in the permitting process, and that by itself
21 suggests to me, that they be given special attention, so
22 that the import is clearly understood. I would urge you
23 to instruct the town attorney to provide the council and
24 the public with a written explanation of the changes and
25 the reasons why they are being proposed. I'd like to

1 comment on some of the changes.

2 Let's look at the section on authority. Under
3 section one, authority, in the new draft code, the Smart
4 Code is no longer expressly designated as being adopted
5 pursuant to the PID regulations; only the Special Permit.
6 Why is that? Is there a concern that the Smart Code
7 reflects a substantial departure from the PID regulations,
8 that it is no longer appropriate to refer to them?
9 Section one has also been revised to delete the statement
10 that the site development performance standards are part
11 of the Smart Code. Why was that changed? Similarly the
12 architectural landscape guidelines are no longer stated to
13 be part of the Smart Code. Why was that change made? If
14 the original idea of the Smart Code was to provide
15 integrated provisions governing a development, why have
16 these provisions been separated from the Smart Code, and
17 are they somehow floating in the air as part of the
18 Special Permit?

19 Now let's go to the section on interpretation.
20 The section on interpretation, the prior draft included a
21 specific statement of the hierarchy of interpretation.
22 Now, among other changes, the previous statement that the
23 Smart Code shall not authorize any use not permitted under
24 the zoning law has been dropped. Why was that change
25 made? The statement that the procedures of the zoning law

1 remain applicable to Tuxedo Reserve has also been dropped.
2 Why was that change made? The statement that all
3 procedural requirements in the subdivision law remain
4 applicable to Tuxedo Reserve has been dropped as well.
5 Why was that change made? And the statement that in the
6 event of a conflict between the Smart Code and a Special
7 Permit, the Special Permit shall govern; that's been
8 dropped. Why was that change made?

9 SUPERVISOR DOLAN: Mr. Darby, your time is up.

10 You are trying to get through it too fast and
11 making it difficult for the stenographer. I can assure you
12 we will read it if you submit it.

13 Dena Steel.

14 MS. STEEL: Dena Steel. I am a twenty year
15 resident of Tuxedo. Town supervisor, council people, my
16 underlying concerns about the proposed amendments to the
17 Special Permit issued in 2004, is first the number of
18 questions raised, and the inadequacy of the answers given;
19 and second the increased risk for the town, and ultimately
20 the residents and taxpayers of Tuxedo. While the proposed
21 changes clearly make Tuxedo Reserve more attractive to
22 Related Companies and any subsequent developer, the
23 changes are increasingly endangering to our water supply
24 quality, challenging to the town finances, disturbing to
25 the environment, and destructive to the quality of the

1 town's character. The more I learn of the proposed
2 amendments, the more questions I have. I recognize and
3 appreciate the work that you have done, and the work of
4 the boards, the town boards, but I appeal to each of you
5 to continue to be diligent, especially in the many areas
6 where Related has not been.

7 I am not going to give all my questions, but
8 some of them I will share with you. First of all, water.
9 As a consultant to Tuxedo Reserve noted in their web site,
10 the Tuxedo Reserve site has a delicate water ecology, and
11 in the proposed Special Permit amendment, how is this
12 delicate water ecology protected? By proposing to build
13 on a watershed of a drinking water reservoir near a spring
14 fed small lake does not seem very protective to me. Why
15 is Related proposing to put our drinking water at risk?
16 Is ease of building the maximum units a good enough reason
17 to do so? Also are we confident the sources and quantity
18 of storm water run off have been fully identified and
19 calculated, by a retention system, swales, detention ponds
20 et cetera. They are a living biological system. Success
21 depends upon creating and maintaining a hydrological
22 system in balance with the physical properties of the
23 site. Experts repeatedly warn that analyzing storm water
24 run off cannot be effectively done before a disturbance.
25 So who will be responsible for continuing the necessary

1 analysis after 25 rock cuts, blasting and disturbance of
2 the soil and vegetation, of acres and acres of
3 unfragmented forest, and the addition of over a hundred
4 acres of impervious surface at the site. And who will pay
5 for this additional analysis.

6 We jump now to the Smart Code, and I have a lot
7 of concerns about that. (Inaudible due to buzzer going
8 off) ... in their web site, quote, "Related use of the
9 Smart Code as a means to secure flexibility in addressing
10 future real estate market demands." So how does that
11 protect our environment? How are the standards of
12 opportunity upheld? How are the interests of the town and
13 developer protected in the Smart Code? And I also have
14 questions about the workshop. And I also have questions
15 about the financial analysis, and I won't go through that
16 page.

17 I'd like to talk about traffic. I think a more
18 thorough independent study of traffic should be conducted.
19 The Village of Tuxedo Park averages ten thousand
20 non-residents, non-school and non-club vehicles every
21 month through our front gates. The village has only 700
22 residents. And a lot of those people are only here
23 seasonally. Tuxedo Reserve will have over four times the
24 full-time residents. Think about that. 40000 more
25 vehicles on Route 17 a month. This does not include the

1 vehicles of the new residents. Crossing Route 17 already
2 is a challenge. Do we want our residence and students
3 playing a game of chicken to get to the post office? How
4 tempting will it be to use the safety access road as
5 convenient entry to the site to eliminate traffic
6 disturbance events related to construction on Route 17.

7 What will the wear and tear of the heavy trucks
8 and heavy equipment on the road, and the interruption of
9 traffic be. Route 17 already is hazardous for vehicles
10 too large for the non-shoulder part of the road. What
11 would prevent more dangerous encounters?

12 In conclusion, what is touted on the Tuxedo
13 Reserve web site is the finest plan and development in the
14 New York metropolitan area. It will be the finest
15 opportunity for a developer to take advantage of the Town
16 of Tuxedo, and leave the residents and taxpayers holding a
17 very large bag of problems without the structure to
18 monitor and resolve issues or financial or managerial
19 resources to deal with it.

20 I strongly recommend that you make a cold hard
21 review of the information provided, demand clarification,
22 and get additional information.

23 SUPERVISOR DOLAN: Francine.

24 MS. RAUCH: Francine Rauch. I have been a
25 resident of Tuxedo since 1977. Starting in 1994 I served

1 on this town board for twelve years. After my first term
2 Tuxedo Reserve was delivered and became the biggest single
3 task for ten years. As witnessed at the last public
4 meeting, with Ken Magar, the then supervisor's comments,
5 we did not always agree. However as a board we dedicated
6 ourselves to due diligence for over a decade, when
7 finally, in 2004, we issued Tuxedo Reserve's Special
8 Permit. As with all politicians it has been my philosophy
9 that when their time is up, they should go away quietly.
10 However, I still reside here, and we do have some
11 concerns.

12 First, although some adjustments would be
13 expected; one, has Tuxedo Reserve performed their due
14 diligence in that ten year opportunity, since they are now
15 getting back in the ring? Two, when we issued the Special
16 Permit for 1195 units certain conditions were agreed upon,
17 and expected to be met. If denying building around
18 Mountain Lake, which I think we should deny, does not give
19 the numbers desired, that is not the fault of the town,
20 nor its responsibility. Three, is three thousand square
21 feet of commercial space too little? Is thirty thousand
22 square feet too much? It seems the business community
23 supports the shift. I am trying to imagine Mr. Lantini up
24 the road trying to fill his space at Duck Cedar with the
25 new businesses in town who have set up their shop, and are

1 hopeful. And recently Augusta properties hoped to expand
2 some retail opportunities and he is -- his father and he
3 have paid taxes here for decades. I really wonder how
4 they might feel. I admit my studies of all the amendments
5 is not enough to make the decisions that are now in front
6 of this board, but as part of the two hundred citizens who
7 have come out, the one thing I am certain, take a step
8 back, and give what might be a very last look. When Nils
9 Gehrling and Mary Hanson -- bright, knowledgeable,
10 selfless lifelong servants of this town -- express a need
11 for new or additional consultants and analyses, I would
12 pay very close attention to what might have been missed.

13 In the last four years as a local realtor I have
14 a daily diet of the incredible uncertainty in our
15 financial future, whether it be as homeowners, families,
16 or certainly as communities. And no one is exempt from
17 these worries. If you think the challenge of bringing
18 consensus to this unique town made up of different areas
19 has been difficult, I can promise you that any missteps in
20 Tuxedo Reserve going forward, when you consider the
21 numbers and majority that they will hold, it is all of us
22 that will be held accountable to them, and, as we should.
23 As you bring your newest board member up to speed, may
24 you take that opportunity to dig deep within yourselves,
25 reach out, listen to your community, revisit these

1 amendments, and do what you must, even if it means more
2 time.

3 Please accept my thanks for all of your hard
4 work so far and all that is still to come. We are all
5 counting on that and your deep affection we all share for
6 a special community, to have the courage and convictions
7 to make the very best decisions. Happy Thanksgiving to
8 all of you. Thank you for the opportunity to speak.

9 SUPERVISOR DOLAN: Tom Wilson.

10 MR. WILSON: My name is Tom Wilson. I live at 24
11 Pine Hill Road in Tuxedo Park. And if anybody wants a
12 button for "Application Denied", they are by the front
13 door for later. I want to talk about water, energy, and
14 an alternative proposal for Tuxedo Reserve. In the SEIS
15 amendment, it admits that there is going to be stormwater
16 run off into Tuxedo Lake and into the Ramapo River. It
17 also admits that there are going to be stormwater run off
18 into the adjoining properties, with underground water flow
19 into Tuxedo Lake and River. The only thing that they are
20 proposing to stop this water run off is a pocket pond and
21 a swale. That's the only thing preventing contamination
22 going into our drinking water, and the Ramapo River, which
23 serves close to four million people, that filters down
24 into the Ramapo River watershed, the Wanaque watershed,
25 and the Hackensack watershed.

1 Now, aside from contamination of our water,
2 which should be sufficient enough reason to reject this
3 application, we also have an issue with our water plant.
4 The DEC is going to be sending the town a letter shortly
5 saying that our existing water plant -- is there something
6 funny about this? You seem to maybe think this is funny?

7 SUPERVISOR DOLAN: Mr. Wilson, come on.

8 MR. WILSON: The DEC is going to be writing a
9 letter to the town saying that our water plant is not
10 sufficient for how it stands now. We are going to have to
11 make changes to it. Now, the plan now is we're going to
12 get a new sewer treatment plant after the 80th house.
13 Well, that's not going to be sufficient for the DEC. We
14 need to have another plan. Even if the developer says
15 that they will change the plan and they will come in on
16 the first house, that still is not good enough, because we
17 have no guarantee that this property is going to get
18 built. We need an alternative plan. And I have one, and
19 it's being passed around. As much as a lot of us have
20 problems with this developer, I'd like to propose a public
21 private partnership with them. I'd like to propose an
22 idea where we can work with the New York State Parks
23 Department, the Trust for Public Land, and offer this
24 developer money to buy the property outright. Of course
25 we'd have to do an appraisal at market rates. Probably

1 puts it around \$20,000 an acre, that is close to 39
2 million dollars. The developer is going to tell us that
3 the property is worth far more than that, you know,
4 probably in excess of a hundred million, and that they
5 have got about 50 million into it. All right. We can put
6 a biomass facility on that land, fifty acres. I talked to
7 New York state Parks Department, and they are okay with
8 it. We can tie a 30 megawatt facility into the Ramapo
9 interconnect. We can actually make money here, rather
10 than contaminate our public waters. A plant like that
11 would generate anywhere from ten to twenty million dollars
12 a year. It would get you your money back much sooner, in
13 close to eight years, than the twelve to fifteen years
14 minimum that it is going to take you to build this
15 property out. We can also address our water plant
16 facility. We can do a waste energy facility for the Town
17 of Tuxedo. We can do one for the Village of Tuxedo Park.
18 We can actually bring in five million dollars a year on a
19 ten megawatt facility. We can bring money in rather than
20 having a tax negative development like what is proposed
21 here.

22 We could create a cooperative electrical
23 utility. We could go after Federal allocation -- there is
24 two hundred million dollars allocated in the State of New
25 York, that we could go to, to issue tax credit bonds. We

1 wouldn't be having to be paying money as a municipality,
2 we could actually issue tax credit bonds where the buyer
3 gets a tax credit. We can build the same without having
4 to spend any more money. There is money that we can go to
5 for an electrical co-op utility. There was eight hundred
6 million dollars recently available, that just expired on
7 August 4. That money is available to us.

8 I do also have issues with the comment that the
9 supervisor made earlier about there has been a lot of
10 misinformation being stated here tonight. I haven't heard
11 any misinformation. I have heard a lot of public comment,
12 and a very revealing moment I had with Peter was when he
13 said, if he had his way, he wouldn't have the commercial
14 square footage increased from three thousand to thirty
15 thousand. If he had his way he would increase it to sixty
16 thousand. This board is biased. This board supports this
17 amendment and they will pass it, unless we make our voices
18 heard.

19 COUNCILPERSON CASTRICONE: Times up. We're not
20 getting into name calling.

21 SUPERVISOR DOLAN: Next.

22 MS. MOTTOLLA: Dale Mottolla. I am a ten year
23 resident and ten year business owner in Tuxedo. I am the
24 president of the Tuxedo Chamber of Commerce. I'm speaking
25 on behalf of the Chamber of Commerce this evening. At its

1 regular monthly meeting on November 6, the business
2 members present at that meeting voted unanimously to
3 support the expansion of the commercial area in the Tuxedo
4 Reserve Development, from three thousand square feet to
5 thirty thousand square feet, as proposed in the Special
6 Permit amendment. There was a suggestion by members
7 present that the resolution should be amended to support
8 expansion to fifty thousand or even a hundred thousand
9 square feet, but as that is not in the proposal we left it
10 at thirty thousand. Before I expand on that discussion
11 that we had that evening, I would like to speak about some
12 misleading information that was presented at the last
13 public hearing. The statement was made that this
14 expansion should not be allowed because Tuxedo Square has
15 been largely unoccupied for years, and Duck Cedar Plaza
16 can't get a tenant. I have been in communication with the
17 owner of Tuxedo Square, and since its renovation, that
18 included an operational elevator, the building has
19 attracted many new tenants. There are only a handful of
20 small upstairs offices that are not currently leased.
21 Regarding Duck Cedar Plaza, the building does not yet have
22 its certificate of occupancy so it is not surprising that
23 it is not fully leased. The building owner has reported
24 quite a lot of interest in the available space, so much so
25 that he stated that leases will go to the first businesses

1 to sign on the dotted line.

2 Back to the discussion about the expansion, the
3 chamber members present felt there was definitely a need
4 for additional retail and commercial space, especially
5 since there is not one open first floor retail space along
6 the Route 17 corridor in the downtown business district.
7 There is no opportunity for expansion along Route 17 due
8 to lack of parking in the area. Business members
9 concurred that Tuxedo dollars should be kept in Tuxedo, to
10 the extent possible, and that the positive tax impact that
11 comes with business properties is a far greater advantage
12 to the residents and therefore the business community,
13 than the possible competition that may occur between
14 businesses on Route 17 and those that will be located in
15 the Tuxedo Reserve Commons area.

16 The three thousand square feet currently allowed
17 by the Special Permit is enough space for one relatively
18 small retail space and typically one stand-alone retail
19 space is not very viable. It needs surrounding
20 businesses. Duck Cedar Plaza is 25 thousand square feet,
21 so that gives an idea of the amount of space that thirty
22 thousand square feet would allow for, which is seven to
23 nine businesses, as it is in Duck Cedar Plaza, and that is
24 certainly something that will be needed to support the
25 seven to eight thousand residents of Tuxedo that will be

1 present after the build-out of Tuxedo Reserve.

2 SUPERVISOR DOLAN: Peter Regna.

3 MR. REGNA: Peter Regna. I have been a resident
4 in Tuxedo Park for 30 years. A twenty year member of the
5 National Trust for Historic Preservation. I want to thank
6 you, honorable council, and congratulations to those
7 recently elected and reelected. We all appreciate your
8 service. I'd like to speak briefly about Chapter Four of
9 the DSEIS, which has to deal with archeology. I was moved
10 last time on October 26th by Chief Dwayne Perry of the
11 Ramapo Lanape Indian Nation, when he spoke of his concerns
12 for tribal artifacts and possible burial sites on Tuxedo
13 Reserve's twelve hundred acre southern tract. Remember,
14 Tuxedo Reserve purchased this land, from the chairman of
15 the Tuxedo Historical Society, and Tuxedo Reserve has
16 pledged funding to upgrade the society's quarters. It
17 would seem both parties shared an initiative to preserve
18 or document historic elements, both at the site, and
19 through the Historic Society's archeology displays, but
20 Chapter 40 of the SDEIS reveals that only the basic walk
21 around and shovel test archeological inspections were
22 performed, and only at selected locations. Even so the
23 Tuxedo Reserve document reveals some surprising
24 uncoverings on their property. Iron mines and mine
25 shafts, remains of the old Smith Jefferson homestead,

1 predating Tuxedo Park. A boulder quarry with large cut
2 stones, still in situ. Very early precontact artifacts;
3 the right of way of the old continental road used by the
4 revolutionary continental army, and evidence of the old
5 Tuxedo Park South gate house; a quartz quarry, and bags of
6 artifacts from three of Tuxedo Reserves phased building
7 areas. One would expect the DSEIS to propose a plan for
8 preserving, recording and photographing these and other
9 potentially other buried remains or archeological elements
10 on the property. Instead the developer's conclusions for
11 nearly every find were, quote, "No further investigations
12 of these areas are recommended." Site lacked integrity and
13 was not considered significant. Wetlands and slopes over
14 twelve percent were not tested. National Register
15 eligibility is beyond the scope of this research. Location
16 was judged to be disturbed. No additional findings
17 investigation are recommended. Findings are outside the
18 limits of disturbance. No further investigation is
19 required."

20 Oddly, cave like rock shelters near Bog Meadow
21 and Mountain Lake were not reported at all. Two of these
22 features were in fact photographed by an archeologist
23 working on the site, or rather a botanist working for
24 Tuxedo Reserve, who observed them. According to the
25 archeologist, Ed Lanack (phon), who is familiar with both

1 these sites, one had been professionally studied some time
2 ago, but the other, near Bog Meadow, has not. Lanack
3 noted that this rock shelter has been looted. But still
4 has potential to be professionally investigated. He
5 further noted another rock shelter near Bog Meadow, and
6 one at the northern end of Mountain Lake, both of which
7 have been looted, but retain potential research value.
8 While these rock shelters may not be located directly
9 within the area of disturbance, they will be located very
10 close to new homes. In the case of the photographed rock
11 shelter near Bog Meadow, which I have, but I'm afraid you
12 will not be able to see at this distance, but I'll hold
13 these out to show you a little bit of evidence of the rock
14 shelters that were found on this parcel. While these rock
15 shelters may not be located directly within an area of
16 disturbance, they will be located very close to new homes.
17 In the case of the photographed rock shelter near Bog
18 Meadow, it will be only feet away. Once this occurs, and
19 these sensitive sites are inevitably frequented by curious
20 neighbors and amateur archeologists, any valuable
21 information and artifacts that still remain will likely be
22 lost for ever.

23 In addition to the rock shelters this same
24 botanist also observed bulldozers working on-site to
25 uncover an old roadway constructed of cedar logs, a

1 signature characteristic of the road reported to be
2 engineered by George Washington himself, during the
3 revolutionary war. Once again, no mention was made of
4 this discovery, which is of obvious significance to the
5 history of Tuxedo. I submit the Tuxedo Reserve's twelve
6 hundred acre tract deserves much more thorough
7 archeological inspection and also a conscientious program
8 to protect, preserve and catalog Tuxedo history, should be
9 proposed and acted upon before 1195 units and three
10 thousand new residents occupy this space. Thank you very
11 much.

12 SUPERVISOR DOLAN: If you can submit that.
13 After the public hearing is closed, there will be a period
14 in which you can submit all documentation, so there is no
15 rush to submit them tonight.

16 Thomas Bendham.

17 MR. PENDL: I am submitting this from Thomas
18 Bendham, University professor in the Department of
19 History, New York University. He lives in the Park for 7
20 years. My name is Ulrich Pendl. "Spacial changes in the
21 reconfiguring of the proposed development all threaten the
22 quality of life in Tuxedo. We want development that will
23 enhance the current downtown of Tuxedo, while the
24 commercial space now proposed will weaken rather than
25 enhance what we have, rather than enriching it. Modest

1 levels of development will increase the business of local
2 firms, but this larger development will ironically
3 displace them. You want improvement, not destruction of
4 what we have. The geometric increase in infrastructure
5 and services that will be required to accommodate such a
6 construction project and population, and the long term
7 maintenance, is beyond the resources space that the new
8 development will create. Worse yet, the problem is that
9 the development will be a long time in the making, perhaps
10 decades, but the public investment to accommodate its
11 scale will have to precede the eventual increase in
12 revenues for the town. That will put tremendous pressure
13 on finances, at a time in New York State when all its
14 jurisdictions project long term seemingly insoluble fiscal
15 challenges.

16 Finally there is also no guarantee that promises
17 made by the developer will not be withdrawn, or that the
18 developer will flip the concessions made by the town,
19 selling them to a developer who has had no relationship
20 with the town, and our various deliberations. Much would
21 be put at risk by caving into the sweet talk of the
22 developer. Such talk often turns sour after the
23 concessions are made. Peter Regna was right at the
24 previous meeting in saying that the town has taken on a
25 very high level of risk already with the existing

1 agreement. It will be foolish at best to take on yet more
2 risk to the quality of life and fiscal stability here.
3 The revised plans would represent the wrong development at
4 the wrong time in the wrong place.

5 SUPERVISOR DOLAN: Ms. Hanson.

6 MS. HANSON: Joanne Hanson. I'm a resident of
7 Tuxedo Park since 1998. I'm the chair of the Tuxedo Park
8 Planning Board. I want to reiterate that I think it's
9 very important that we do have the workshop that Related
10 offered to do for us on the Smart Code, so that we can
11 understand the changes that are being proposed. I have a
12 degree in urban planning. I have made a serious attempt
13 to compare the Smart Code, and I understand conceptually
14 that it's trying to smooth the process, and not have the
15 development bogged down in little details before a board
16 of architectural review, but I made a serious attempt to
17 understand what changes have occurred. Larry Darling gave
18 you a more technical sense; this change, that change, this
19 change, that change, what's in what's out. It was drafted
20 by the Related Company, so I think that it's really
21 important that we get their perspective, that we have an
22 opportunity to learn what the code is intended to do, so
23 we get a comparison of the code versus the Special Permit,
24 before the public hearing is closed, because we're being
25 asked as the public to comment on this and I don't think

1 we have sufficient information yet to really understand
2 what the practical implication of this change is.

3 I understand the advantages to Related, it
4 smooths their process. It makes a much more flexible
5 situation. But I think the public and the board really
6 need to understand, what are we giving away, what changes
7 have occurred, and the overall implication.

8 SUPERVISOR DOLAN: Alan Barnett.

9 MR. BARNETT: Alan Barnett. Resident of Tuxedo
10 Park since 1998. First of all I'd like to echo the
11 remarks of several others in thanking you for the time and
12 attention you are devoting to this very difficult and
13 complex issue. I've been the chief financial officer for
14 several insurance companies, and am currently the chief
15 financial officer for the Dioces of New York. I am also a
16 tax attorney. As the chief financial officer of the
17 Dioces, which has churches and real estate in Rockland,
18 Sullivan, Orange, Putnam, and Ulster County, I have seen
19 the impact, both good and bad, of development in small
20 towns. The council is now reviewing a development that
21 will control the fiscal destiny of Tuxedo, and in that
22 context I'd like to offer the following comments and
23 questions.

24 First, from a threshold matter, the existing
25 permit was issued in 2004, in a perfect market, with

1 financing readily available. The council needs to
2 understand why Related has problems. Why did the
3 financing of the building occur. The developer is now
4 seeking to build a high density housing project, because
5 it is more economical for the developer. However, high
6 density housing is rarely tax positive for a town. And
7 that's a danger to Tuxedo. Second, the project is not
8 scheduled to break ground until 2013. As a tax attorney I
9 do not believe that the town will realize increased tax
10 revenue until construction actually begins. This means
11 there is time for you, the council, to negotiate with
12 Related Company to design a project which has a best
13 chance of being tax positive for Tuxedo. Therefore I
14 request and reiterate the comments of others that you
15 engage an independent consultant, to look at, review the
16 impact of these many complex issues.

17 Third, the amended permit substantially
18 increases multi-family density. The prior permit had an
19 absolute cap of 305 multi-family units. That number has
20 been increased to 413, and 390 of those units are
21 scheduled for phase one. In this regard the town should
22 heed the warnings that they heard from the mayor of North
23 Haledon at the last public meeting. The actual number of
24 school children in North Haledon far exceeded the
25 projected number, requiring extensive new school

1 construction. The SDEIS projects that 1195 units will
2 generate 429 new students, but that is from a twenty
3 county comparison, which includes cities like Newark. The
4 Appendix G of the FEIS proposes another reasonable, more
5 applicable, scenario. It looks at four counties, Orange,
6 Rockland, Bergen and Passaic, and that analysis projects
7 new students of 493 plus. I ask the council; which
8 scenario is more likely? The council needs to ask; how
9 many students are too many from a fiscal perspective.

10 Fourth, the new sewer is an essential part of
11 what Tuxedo hopes to gain from this development. It
12 should be funded up front. If we wait till more than
13 eighty houses to be built, when will the town actually get
14 a sewer plant?

15 Finally, conclusion, the financial danger to the
16 town is there is too much multi-family. Multi-family is
17 likely to sell at lower prices, generate less taxes,
18 likely to generate more anticipated school children, and
19 condominiums usually pay lower taxes, like Suffield
20 condos, that pay about a thousand dollars a year. The
21 present permit appears to be far better for the town. The
22 town's fiscal life is in your hands. I ask you to proceed
23 with it carefully and pursue careful advise. Thank you.

24 SUPERVISOR DOLAN: John Kilduff.

25 MR. KILDUFF: I want to also thank you very much

1 for the incredible amount of time that you have put into
2 this process -- I am John Kilduff -- I say that because I
3 recognize that you have an obligation. I know you take an
4 oath for these offices, and equal protection is due to
5 everyone involved here, all parties, both sides, and due
6 process similarly. This is a massive undertaking. I
7 heard that there is a petition or something for increased
8 salaries because of how much time this takes. I'm not
9 sure that's not justified, because I really feel we are
10 being outgunned here because of the stakes involved.

11 I specifically wanted to comment on the SDEIS
12 regarding groundwater. As you know many of us have come
13 up and tried to help identify faults in the application.
14 I would like to present one here now.

15 The SDEIS states, and I quote, "Soils present
16 above the bed rock in the proposed clubhouse area will
17 provide a filtration barrier between the ground surface
18 and the underlying groundwater system", close quote. Well
19 we also have come to know, based upon the well logs of the
20 two closest wells, number W. C.-1, and W. C.-4, that this
21 proposed barrier isn't very much at all. As a matter of
22 fact at W. C.-1 it measures a mere six inches. The one at
23 W. C.-4 a mere three and a half feet. Also as we know at
24 site preparation this thickness would become even less.
25 With any normal level of porosity, that's how the water

1 runs, this thickness of soil would be too thin to offer
2 any significant protection to the groundwater. Look, this
3 is just one example of countless ones now that show that
4 this application, the SEIS is woefully inadequate.

5 And now we learned tonight too that they are not even
6 getting back to the fire department. That is just
7 unacceptable. I have to just say too that if you, the
8 board, needs any help whatsoever in detailing in chapter
9 and verse, the deficiencies in this application, that can
10 form an airtight, a clean airtight rejection of the
11 application, sending them back to the drawing board, and
12 have them reapply as is their right, as is ours to be
13 protected, the myriad risks of this application, I and
14 others in this room can muster legions of volunteers to
15 help you do just that.

16 I just want to say finally, we don't come here
17 unconstructive. You heard Tom Wilson's proposals tonight.
18 I have helped work with him on some of the energy aspects
19 of it, the electricity program in particular. This can be
20 a financially rewarding situation for the Related
21 Companies, in Tom's considered review and opinion. Let's
22 all work together on preserving this, and making a win win
23 situation for everyone.

24 SUPERVISOR DOLAN: Phillip Seeman.

25 MR. PENDL: Appearing again for Phillip Seeman.

1 "Our concern is fiscal. Tax revenue will
2 obviously be based on property values in the development.
3 From what I have seen the assumptions with respect to
4 property values combined with the flexibility the
5 developer is requesting, with respect to the type of homes
6 to be built, lead me to believe that the tax revenue will
7 fall well short of expectations. One of the primary
8 expenses associated with the development will be education
9 of children living there. This number will be
10 significantly based upon two factors; the first of these
11 are the numbers, if any, of age restricted homes in the
12 development, and the second is the mix of homes actually
13 built. With respect to the first it has been clearly
14 demonstrated that the demand for this type of housing is
15 limited at best, and we can allow, we can reasonably
16 assume that at some point the developer will have to come
17 back to the town to request a waiver to allow them to
18 remove the restriction. It was also mentioned that the
19 above developer is also requesting flexibility with
20 respect to the final mix of housing, which could result in
21 a significant increase in the number of children in the
22 development.

23 Traffic. The other concern I would like to
24 address is traffic. Traffic will derive from three
25 sources, during the development phase we will be subjected

1 to the construction traffic coming and going, but this
2 will be for a limited time, so I will not address it here.
3 I am more concerned about the long term impact of the
4 development once it is completed and occupied. Traffic
5 will result from both the residents and the commercial
6 tenants. The additional twelve hundred homes will clearly
7 put a strain on the existing infrastructure of the town,
8 and I do not feel this has been properly addressed,
9 particularly in light of the attempt by the developer to
10 conduct traffic studies during known periods of low
11 traffic.

12 A proper traffic study needs to be completed to
13 provide the necessary data to assess this properly. The
14 traffic impact from the commercial tenants is unclear,
15 given the lack of clarity with respect to the type of
16 businesses they are expecting. However, given the massive
17 expansion of commercial space from three thousand to
18 thirty thousand square feet, it is reasonable to expect
19 that we will see a large amount of traffic from both
20 shoppers and delivery vehicles, which has not been
21 properly addressed.

22 Conclusion; there seems to be a pattern of
23 optimistic assumptions made by the developers, and I'm
24 afraid we will be all left with the burden of those
25 assumptions for many years to come, if the development is

1 allowed to proceed in its present current form. I am
2 therefore strongly opposed to the development until such
3 time as a more realistic proposal can be presented
4 addressing these and the many other issues still
5 outstanding. Phillip Seeman.

6 SUPERVISOR DOLAN: Kristia Cavere.

7 MS. CAVERE: Good evening, ladies and gentlemen.
8 My name is Kristia Cavere, and I am still strongly opposed
9 to the Tuxedo Reserve proposal. This evening I would like
10 to focus on the residential unit counts. Tuxedo Reserve
11 has stated that the purpose of the changes they propose is
12 to protect certain sensitive environmental areas, which
13 has thus required their new plan to reconfigure their
14 entire original layout. However, the proposed mix of
15 units has been changed to such an extent that it violates
16 both the intent and the spirit of the concerns covered in
17 the 2004 Special Permit, which will be completely done
18 away with by this new proposal. For example, the Special
19 Permit states prominently, on page ten, quote, "Under no
20 circumstance shall the total number of residential units
21 in the project exceed 1195, nor the number of single
22 family detached or semi-detached units in the project be
23 less than 866, nor the number of multi-family units be
24 greater than 305," end quote.

25 This board respects the maximum of 1195 units as

1 stated in the 2004 Special Permit, but why then should the
2 other numbers in this permit be allowed to change. The
3 Special Permit established that, quote, "Under no
4 circumstances," end quote, shall the number of single
5 family or multi-family detached or semi-detached units be
6 less than 866, yet the proposed amendment in the new
7 proposal would lower that number to 764, which is a
8 hundred and two units less than the minimum number set by
9 the Special Permit. This is 126 less than the 890 units
10 in the approved plan. Also the Special Permit in 2004
11 established that again, under no circumstances, shall the
12 number of multi-family units be more than 305. Yet the
13 proposed amendments would raise that number to 431, a full
14 126 units, which is an increase of 41.3 percent, which is
15 above the cap set in the Special Permit in 2004. Why are
16 those numbers not required to be untouched as well. No
17 where has changing the housing mix been connected to the
18 need to avoid sensitive environmental areas. Why not just
19 lower the total number of units to avoid these sensitive
20 environmental areas? That would seem to be more in the
21 spirit of the concern expressed in this proposal.

22 There are many things that we need to
23 understand. We need to understand, and we need the
24 transparency from Tuxedo Reserve, to know why their
25 multi-family units has increased so much. Is this number

1 going to change again? We need to also understand why now
2 they are suddenly realizing that these sensitive
3 environmental areas do need to be improved by their
4 original project, hence the new layout. And we also, as
5 stated previously by the tax attorney, we certainly need
6 to understand how this increase in multi-family housing,
7 which will bring in less tax revenue and more school
8 children, will physically impact Tuxedo. I would urge
9 this town board, who I thank for their hard work on this,
10 to deny the Tuxedo Reserve proposal. Thank you.

11 MS. CADADERO: My name is Nadia Cadadero. I have
12 lived in Clinton Woods for over 30 years. In describing
13 the conclusion represented in table three-twenty, the
14 SDEIS states, as shown in table three-twenty, regardless
15 of impairment in home values of up to 20 percent, with a
16 new high school and 25 percent without a new high school,
17 there would be a positive fiscal benefit to the town.
18 However the table does not consider the fiscal impact to
19 the town at all, since only the school district is
20 considered in the analysis. This is confirmed by the
21 projected \$2,277,320 surplus at the top of the table. The
22 fiscal impact on the town, which is already projected to
23 be negative for the general fund and fire district, would
24 likely become negative in all tax jurisdictions. In
25 addition actual sales records in the vicinity suggest that

1 the projected sales prices already were too high, even for
2 the previously hot real estate market. It is more likely
3 that the table should consider value reduction on the
4 order of 30 to 35 percent. Even this reduction would have
5 four bedroom estate units on one third of an acre selling
6 for more than a recent \$950,000 sale of a seven bedroom
7 mansion on 1.5 acres in Tuxedo Park. The questionable
8 figures and analysis in this instance, and many others
9 articulated earlier, clearly require that the town board
10 hire reputable, qualified, outside firms, to complete an
11 independent in-depth fiscal analysis of the entire project
12 in order to protect the integrity of the Town of Tuxedo,
13 and all its current and future residents. Thank you very
14 much.

15 SUPERVISOR DOLAN: Mr. Pendl, do you want to
16 speak again?

17 MR. PENDL: Yes, Ulrich Pendl, for myself.

18 I will give you this in writing, but I just want
19 to make one comment, which depresses me actually, and that
20 was Peter's comment, the Supervisor's comment, before,
21 that there is a lot of misunderstanding. I will tell you
22 all very frankly, there is no misunderstanding. The way
23 we have poked holes in this document, the way we have
24 ripped it apart, has shown you, hopefully, that we know
25 maybe more than you do. At least we have spent a lot of

1 time. So I resent you to tell us that we don't know what
2 is happening. We know what is happening and that's why we
3 we fight it.

4 MS. DEVORE: Leslie Devore. I am a resident of
5 Tuxedo Park. Dear Supervisor and Town Board, I realize
6 that a Special Permit for Tuxedo Reserve has been
7 approved, and there will be a much larger community in the
8 future. Tuxedo is already ten percent larger than it was
9 ten years ago. Curious that all the new houses in
10 Hamilton Estates and elsewhere have not resulted in lower
11 taxes. Mine have only gone up. How can we be sure that
12 the Tuxedo Reserve will not have the same result? A
13 promise of money, land for our town and school, indicated
14 in the Reserve's analysis, is not a guarantee. What
15 guarantees do we have in the long run? When our taxes are
16 soaring to pay for a new school and our water will be
17 covered with green slime, where will Related be? Oh, we
18 already have green slime below Hamilton Estates.

19 Also the proposed amendments to the Special
20 Permit of 2004 makes me wonder, what is your vision of
21 Tuxedo? To be congested like Monroe or Mahwah? Why would
22 the board entertain the idea to change the proposed
23 codes? How would the Smart Code be smart for Tuxedo, not
24 just for the developers? Weren't we promised a workshop
25 on how the Smart Code works? How can approvals be given

1 for something we don't fully understand. We already have
2 an increase in automobile rollovers on Route 17 after the
3 road was repaved. A positive improvement, but a new
4 condition. I am sure the potential for rollovers and
5 accidents will grow with the increase of traffic and
6 stormwater run off.

7 I realize there is lots of data to absorb on the
8 proposed development, and many people with varying
9 expertise to speak. I suggest you reach out to these
10 people, and have them study the T. R. document, and put
11 them on a committee to advise the board, and then listen
12 to them. Don't sell us out. There will be jobs for
13 contractors, and children for our schools. Don't sell us
14 out.

15 SUPERVISOR DOLAN: Will Russell?

16 MR. RUSSELL: Our concerns have been very well
17 addressed.

18 SUPERVISOR DOLAN: The last person is Jim
19 Hickey.

20 THE CLERK: He's gone.

21 SUPERVISOR DOLAN: Is there anyone who has not
22 been heard?

23 FROM THE FLOOR: I'll be brief. Keevie --
24 Katherine -- Silvay, 81 Lorillard Road, Tuxedo Park.

25 I just wanted to make everyone aware tonight of

1 another Related Companies project that I am familiar with,
2 at a place where I grew up in Colorado, and I think it's
3 important for people to understand, because it's a project
4 that went through many zoning approvals, was pushed
5 through, with great opposition, as it was tonight, and has
6 actually resulted in greater damage to the town there.

7 Earlier this year actually the entire project,
8 which I think is one of Related Companies biggest
9 projects, went bankrupt, and it has resulted in not only a
10 bunch of holes in the ground, that no one is now sure when
11 they will ever be completed, a number of their local
12 contractors, I think over fifteen or twenty, are
13 in lawsuits with them, resulting in over three million
14 dollars in liens against Related Companies. Most
15 disturbingly the Related Companies, this project, was
16 something that was a redevelopment of the entire village,
17 so they had to go into partnership with a lot of local
18 business owners, hotel owners, restaurant owners. In the
19 recent bankruptcy all of those local partners were totally
20 wiped out, and the most disturbing part of this was that
21 Related actually then in turn bought back all the
22 properties in a foreclosure auction that they organized
23 themselves. So it was pretty disturbing, and I think
24 something that we should really learn from and pay
25 credence to, and it should serve as a reminder of

1 something I think everybody in this room seems to know
2 well, that Related Companies only has its own interests at
3 heart, not those of Tuxedo Park, and I think it also
4 raises a lot of questions. First of all, what is the
5 overall situation, financial situation at Related
6 Companies, and if it is as pressured as it seems, what is
7 their commitment to the Tuxedo project; why do they really
8 want to make these changes to the zoning; are they
9 interested in making this more appealing for sale to
10 someone else; what are the repercussions if the project
11 starts and then stands unfinished for years; what are the
12 implications of Related changing the zoning and then
13 selling to someone else without the same architectural
14 standards that they have sold to all of us? So, anyway,
15 these questions and many more.

16 So I thank you for hearing me tonight. It's
17 something I am deeply concerned about. I moved here five
18 years ago, precisely because this area offered an
19 alternative to the very overdeveloped and/or populated
20 regions in Connecticut, New York, and New Jersey, so I
21 hope you will hear our concerns.

22 SUPERVISOR DOLAN: Anyone else who has not been
23 heard tonight?

24 MS. ANDELBERG: My name is Kimberly Andelberg
25 (phon). I live in Tuxedo, New York. (Inaudible)... I

1 concur with everything she said. It's absolutely one
2 hundred percent right.

3 MS. WOOTERS: Patsy Wooters, and I live in
4 Suffern, New York, and there is one point that hasn't been
5 touched on in two evenings, and that is the welfare of the
6 projected homeowners association. I just want to share
7 the experience of Pearson Lakes, which is just down the
8 road. The Pearson family tried to pull off a large
9 development, seventy-five homes, upscale, seventy-four
10 homes, but it didn't fly, and so they sold it to Byron
11 Hill in 2004, and since then Byron Hill has stiffed the
12 homeowners on their dues. They owe over a million dollars
13 at this point. They also have submitted offering plans to
14 the Attorney Generals office, annually, without consulting
15 the homeowners, in violation of the agreement with the
16 homeowners. This is a project that hinges on a successful
17 and viable homeowners association, but if the Related
18 Companies flips it to somebody else, you have no idea who
19 they are and how they are going to be paid. It's something
20 else to consider in the fiscal analysis.

21 SUPERVISOR DOLAN: Has everyone been heard?

22 FROM THE FLOOR: Will there indeed be a third
23 meeting?

24 SUPERVISOR DOLAN: That's a decision for the
25 town board right now.

1 COUNCILPERSON DARLING: I'll make a motion that
2 we close the public hearing section so we can go with all
3 the things that we have been told.

4 COUNCILPERSON PHELPS: I will second that.

5 We can have fifteen days for written submissions
6 and I'd like a workshop as well. I think that's a good
7 idea.

8 SUPERVISOR DOLAN: We have a motion and a
9 second. The workshop was scheduled for September. What
10 happened is we had scheduled a workshop while we were in a
11 phasing process. But because of vacations and things like
12 that we just couldn't actually get it together. So the
13 workshop is going to occur regardless. I just want to
14 explain to everyone, to the best of my knowledge what is
15 going to happen. The town board is going to collect all
16 this information, then it's going to do its written
17 response back to this proposal, to the applicant. we have
18 our consultants, Bonnie, Jeff, Larry, but we are already
19 in the process of trying to find a financial person to
20 review the project, so this has already been process in
21 already. Bonnie sent me an e-mail this morning saying we
22 have three potential candidates that could be reviewing
23 it. I have been in contact with Target Tuxedo and they
24 have told me today there are two potential candidates that
25 can look at it.

1 We cannot look at this in its entirety until
2 this part of the public hearing is over. However, that
3 does not mean this is the last time we're having a public
4 hearing. This just means that this part of the public
5 hearing is over, this small bit of the public hearing is
6 over. What I intend to do is vote on this tonight, if we
7 want to close this part, this small bit of the public
8 hearing; let the town board work on this project for
9 however long it takes us to work on the project. Have
10 workshops on the project, the same way the planning board
11 had workshops on it. Have the residents come in, have an
12 opportunity to listen to the Smart Code proposed to us.
13 Also on all these other myriad issues that have come in
14 front of us, I have many questions, like you guys do.
15 Many proposals that I want to change on the process too,
16 but I have to wait until I receive all my public comment.
17 Some of the public comment has been very valuable; reading
18 this over this way has been very helpful for me to form
19 some of my opinions. I am sure it is the exact same thing
20 for the other four town council people, and the other town
21 council member who is sitting out here in the crowd.
22 I know Bonnie and Larry and I have already met one time.
23 I did a site visit already to the facility, to look at
24 Mountain Lake. So there is a lot of things that are on
25 the plate.

1 As we get farther involved in project, we're
2 going to have open meetings, just like we have to, if we
3 have more than three people, we have a public meeting and
4 they are welcome to show up for the public meeting. I
5 don't know how long this project is going to take; one
6 year; could take twelve years. I don't really know. I'm
7 not here to say that, because I don't really know. It
8 depends on how the town board sides on this issue. So I
9 would like to start the project, working on this, because
10 my hands are tied, basically, to look at the Smart Code
11 and to look at all these issues until we close this part
12 of the public hearing.

13 COUNCILPERSON CASTRICONE: Before we start taking
14 questions from the floor, I have 43 separate bullets based
15 upon, you know, what I have heard over the two meetings.
16 Am I likely to get anything different? Have you had and
17 enough time to pull everything out of this Special Permit
18 that we need to address? If you haven't then I will vote
19 no to close the meeting. If you have, then I will vote
20 yes and we will move on. Is there anything else that -- I
21 mean we could drag this on forever, but that's not fair to
22 the applicants and it is not fair to anybody. Is there
23 likely to be more?

24 FROM THE FLOOR: (Unidentified) If you have that
25 workshop, yes. That's what you need, the workshop on the

1 Smart Code.

2 SUPERVISOR DOLAN: Like I said before, this is
3 not the end of the public comment part. This is the end
4 of the public comment on these three individual items.
5 When we get to the next phase of the project we can have
6 another public hearing. This is not the end of the public
7 comment part, it's the beginning of the public comment
8 part. I think people have to really clearly understand
9 that.

10 We can open it up again.

11 FROM THE FLOOR: (Unidentified) There is no
12 mechanism for doing that.

13 MR. NICOL: The town board can call any public
14 hearing it wants. We have the opportunity to close the
15 hearing and we can call as many as we want. The board is
16 in control as to what information is necessary to complete
17 the final document. So you have that ability.

18 (Multiple conversations).

19 COUNCILPERSON DARLING: Please, we need some
20 semblance of order here, we really do.

21 SUPERVISOR DOLAN: Yes, sir.

22 FROM THE FLOOR: (Unidentified) I asked him, and
23 I will ask you, I asked if this was a final meeting for a
24 very specific reason. Less than sixty hours ago did this
25 come to my attention, because I've been distracted for a

1 couple of years with deaths and things. Now I have owned
2 a house in Tuxedo for approximately 30 years. My sons and
3 I love it, and I have a macro and financial economic
4 background of considerable import, and you learn more from
5 your mistakes than you do from your successes. I have
6 owned six million square feet, 23 factories coast to
7 coast; five thousand employees, and what I've heard
8 tonight and what I read in the last 48 hours is very
9 compelling, in a negative sense, so I hope that you will
10 put your shoulders to the wheel, and time is not of the
11 essence. The State of Florida has 25 percent of all
12 residential mortgages that are in default. This country
13 is in a very perilous condition. The bank balance sheets
14 still need another two trillion dollars; we still have six
15 hundred and forty trillion dollars of derivatives
16 outstanding. Related is not going to be building this by
17 2013. Thank you very much. My name is Webb Turner.

18 FROM THE FLOOR: (Unidentified) When you have the
19 Smart Code meeting is it going to be in this room, with
20 those people, and will the public be able to come in and
21 listen and comment to them or ask you questions?

22 SUPERVISOR DOLAN: We have mentioned when we had
23 a Smart Code meeting two months ago, to have it open to
24 the public to make comments on it. The same way that I
25 need to absorb the Smart Code, because this has just been

1 given to the town board by the planning board. I know
2 people think that if tonight we don't deny this, you know,
3 it's going to be building tomorrow morning. The planning
4 board spent months on the project. They gave the project
5 to us. They gave the project to us. Now we need to time
6 to absorb the project. That's why we need time to absorb
7 the project. Okay. We need to talk to our consultants,
8 we need to talk to a new financial person. Need to do a
9 lot of work for us to absorb this. We need to start this
10 process, so that we can get our act together.

11 FROM THE FLOOR: You can't put it on hold till
12 February?

13 SUPERVISOR DOLAN: We can put anything on hold
14 but we have an opportunity to reopen this process up
15 again, probably, when we know collectively as a team what
16 we want to do. Right now we cannot talk as a team to
17 decide what we want to do to the applicant. I am put into
18 a bound(sic) here. I can tell you what I would like, but
19 I have got to talk to the others about it.

20 I need to get all the information, and the town
21 board will make a collective decision on it.

22 FROM THE FLOOR: Can we bring you more
23 information?

24 COUNCILPERSON DARLING: Anybody can bring us any
25 information.

1 MR. NICOL: Are you going to have a written
2 comment period?

3 SUPERVISOR DOLAN: If we close the public
4 hearing tonight we will have a written comment period of
5 ten days. It could be up to ten days.

6 FROM THE FLOOR: A lot of us would feel a lot
7 better if we could have some sort of assurance from you
8 that after any workshop on the Smart Code, when we were
9 all able to absorb more about what that means, there would
10 be a period or a form for the public to express their
11 opinions on that subject.

12 SUPERVISOR DOLAN: Okay.

13 COUNCILPERSON DARLING: I have no problem.

14 COUNCILPERSON SPIVAK: I think we may have more
15 questions than answers after the workshop so that would be
16 very reasonable.

17 COUNCILPERSON CASTRICONE: Is there any reason
18 why we can't hire the financial consultant regardless of
19 whether or not we leave the public hearing open?

20 MR. NICOL: No.

21 MS. FRANSON: If anything the financial
22 consultant is going to review the public comment as part
23 of the overall process.

24 FROM THE FLOOR: I think what is being said about
25 the Smart Code is there are a lot of questions, and people

1 may want to make additional comments. They want to be
2 sure that those comments get into the public hearing which
3 is contemplated by SEQRA process.

4 SUPERVISOR DOLAN: The Smart Code is not even
5 being addressed in this part of the public comment.

6 We can't even make any decision on the Smart
7 Code; it's not part of what we're making a determination
8 on tonight. I'm saying to you this is not the last
9 opportunity.

10 Yes, sir.

11 FROM THE FLOOR: I know that there are US
12 congressmen from New Jersey and state representatives from
13 New Jersey, and state senators from New Jersey, that are
14 just becoming aware of this issue and would like time to
15 also consider it, and just to give them ten days is not
16 enough time.

17 FROM THE FLOOR: The people need one more
18 hearing, please.

19 SUPERVISOR DOLAN: Yes, ma'am?

20 FROM THE FLOOR: I just have a comment about the
21 process. I appreciate the board has been absorbing a lot
22 of questions and suggestions. Would it not be helpful if,
23 at the end of your deliberations, you were to send out a
24 list of the issues that, as a result of these public
25 hearings, you are going to consider, so that we can all

1 understand what you're thinking, you know, and it's just a
2 good blueprint.

3 SUPERVISOR DOLAN: Part of the procedure would
4 be this; after these questions are raised by the public
5 and the town board, the applicant has to write a letter
6 back to us, correct Andrew?

7 MR. DANCE: We will provide responses to every
8 comment.

9 SUPERVISOR DOLAN: All the responses will be
10 made public.

11 FROM THE FLOOR: I was thinking about a list of
12 issues that as a board are considering, so that we can, as
13 taxpayers and voters, understand what issues you intend to
14 address. You said tonight you absorbed a lot, but there
15 is also a lot of misinformation, and so on. I think so
16 that we're both reading off the same page, as responsible
17 town officials and concerned taxpayers, wouldn't it be
18 nice if there were one document stating clearly what the
19 issues are you think are valid, in your opinion, that you
20 will be considering in the days and the weeks and the
21 months to come. It's just a matter of process, and what I
22 heard tonight about clarity, and what I heard tonight
23 about transparency. Not so much the conclusion or what
24 your final decision is, but the process. I think a lot of
25 the time the concerns of the citizens is not just about

1 your decision, it's about the process of making the
2 decision.

3 SUPERVISOR DOLAN: Okay.

4 FROM THE FLOOR: Fundamental to your questioning
5 of the issues tonight is the financial understanding of
6 what it is impacting here. You cannot, I don't think, I'm
7 a former accountant, I don't feel you can make an informed
8 decision, and I don't think the public can do that, until
9 they find out what the financial implications are.
10 Therefore you have to keep this open until you have that
11 financial person in place, with time, and then that
12 information be brought to the public, so that the public
13 can then look at all the documents you have seen. This is
14 incredible how much homework these people have done. That
15 is a key function of this. If you close the hearing now
16 you are shutting us out as a public of a full
17 understanding of the fiscal implications. The fiscal
18 implications today are crucial to people staying in their
19 homes.

20 FROM THE FLOOR: I just want to speak to the
21 issue of closing the public hearing. As Andrew said,
22 during the public hearing, any comment that's made by the
23 public, the Related Companies must respond to. Once you
24 close the public hearing and you have an informal meeting
25 even a formal meeting with us, they do not have to

1 respond. So I suggest you do not close the public
2 hearing, until you are satisfied financial interests have
3 been taken into account, Smart Code has been studied
4 publicly, and the politicians, even in the State of new
5 Jersey, have been heard.

6 COUNCILPERSON PHELPS: They have to respond
7 because we're in charge of the process. I don't know why
8 you think they don't have to respond.

9 FROM THE FLOOR: But according to SEQRA, she is
10 absolutely right in the process, once you close the public
11 hearing, and public comment period is over, any comments
12 that are received after that point are not required under
13 SEQRA to be responded to. If you don't care to listen --

14 COUNCILPERSON PHELPS: I think we have listened.

15 COUNCILPERSON DARLING: I'll withdraw my motion,
16 with one condition; if we can stick to what is in the
17 SDEIS. It was much better at this meeting, but if we can
18 not speak about the library again, we have that hammered
19 down, that's been addressed; if we can maybe not speak
20 about the fiscal impacts; we're working on that, okay --
21 what we need is if you guys can really narrow, focus this
22 now to things that haven't been spoken about, so that we
23 can get new information, I'd be a lot more satisfied with
24 keeping it open.

25 SUPERVISOR DOLAN: Mr. Barshov.

1 MR. BARSHOV: A couple of points, just on behalf
2 of the applicants, the applicant has not spoken at this
3 last public meeting or tonight. My name is Steven
4 Barshov, from the firm of Sive, Paget and Riesel. A
5 couple of points I would like to make to everyone. Many
6 of you are veterans of all of the public hearings that
7 went on in terms of the initial Special Permit. I don't
8 think that there is anybody who could fairly say that this
9 town board, or the prior town board, did not put in time,
10 energy, effort, and a very sincere effort to look on
11 behalf of the community as to what should be done, for
12 Tuxedo Reserve's application, how it should be handled. I
13 haven't seen any difference from the applicant's point of
14 view, in terms of these members of this town board.

15 The process did not begin with the supplemental
16 environmental impact statement being released to the
17 public. The process began in terms of this application
18 well over a year ago, and there were many, many, meetings
19 before the planning board. Some of you, a few of you,
20 attended. Many did not. Much information was given out
21 at those meetings. There was open discussion. We were
22 grilled by the planning board. It was not a rubber stamp
23 in any way, shape or form. The product of all of that
24 information that was brought forward caused the
25 application to evolve and to change. There was a detailed

1 technical memorandum that was an environmental analysis,
2 that was also provided many months ago. Then there was a
3 supplemental environmental impact statement, that
4 addresses certain issues that the town board said need to
5 be identified.

6 The only point of closing the public hearing
7 tonight, and why I would respectfully suggest, Mr.
8 Darling, that you not withdraw your motion, is that the
9 public hearing should be closed tonight so that the
10 process can move on in an orderly way, and by that, so
11 that we're very clear about it specifically -- and by the
12 way, I didn't laugh at anybody who was speaking; I
13 listened very respectfully, because I understand what this
14 process is about, so please don't laugh at me; I'm not
15 saying anything that's funny or bizarre -- the reason why
16 I bring this up in this context is to say that the
17 consultants that you hired need to have a universe of what
18 it is that has been submitted. I listened to all the
19 comments. There should be a written comment period. If
20 anybody has anything additional to say that hasn't already
21 been said, take the comment period and put it in and then
22 there will be responses from the Related Companies, the
23 evaluation of all of the town's consultants and then when
24 that occurs, if this town board feels that there needs to
25 be another public forum, another public hearing, you heard

1 it from the town's attorney, and I do not disagree, the
2 town has the power to call an additional public hearing.
3 So there is no prejudice. We just move the process along
4 in an orderly way. That is what we would request and I
5 don't see that it's going to hurt anyone.

6 SUPERVISOR DOLAN: I would like personally to
7 close the public hearing, because I would like to start
8 working on the project. I have every intention, after we
9 conclude this part of the project, to start working on all
10 the other different parts of it, then after I get all the
11 information, after we do all the workshops, or another
12 public hearing, we can all review it again with the new
13 information that we receive. That's my feeling on this.

14 Bonnie.

15 MS. FRANSON: I really think it is a matter of
16 the board determining whether, if you leave the public
17 hearing open, are there going to be additional new and
18 different comments that you need to take into
19 consideration, as part of the overall process. The scope
20 of those comments should be related to what is in the
21 SDEIS and the draft technical memorandum. So it really is
22 about responding to comments -- there have been a number
23 of comments raised. Some of them overlapped. Others are
24 nuances or new information. But again, do you want to
25 receive it as public comment, at a public hearing, or

1 allow a reasonable, for the public, time period, to submit
2 written comments? The minimum suggested was ten. You
3 could allow that comment period to be more extensive, to
4 receive written comments. Ultimately you can open the
5 public hearing process again, if you want to interject
6 additional public comments. Really up to the town board.

7 COUNCILPERSON DARLING: You want to leave the
8 written part of it open for 30 days?

9 COUNCILPERSON CASTRICONE: I would like to have
10 the public hearing open until after a workshop on the
11 Smart Code. I think we're liable to get a quicker and more
12 thorough workshop if the public hearing is still open
13 until after that takes place.

14 MS. FRANSON: Just to be clear, I believe that
15 there are four public hearings going on; so we need to be
16 specific about what is being closed and what is being left
17 open.

18 MR. NICOL: Just thinking out loud, we should
19 close or leave open all four together. There are no
20 automatic triggers here.

21 SUPERVISOR DOLAN: Okay, then I'm going to read
22 this motion. I am going to ask the board how they feel
23 about it. If we do decide to close the public hearing I
24 suggest we give fifteen days for the public to respond to
25 it.

1 So the motion is; all persons desiring to be
2 heard, have been heard, the public hearing regarding
3 Tuxedo Reserve Draft Supplemental Environmental Impact
4 Statement, proposed amendment to Special Permit, and
5 preliminary plan for proposed rezoning, and introductory
6 Local Law entitled Amendment to Local Law number 4 A. of
7 1988, be closed. I am going to read down the line as we
8 go.

9 Do we have a second?

10 COUNCILPERSON PHELPS: I will second.

11 SUPERVISOR DOLAN: All in favor?

12 Dan Castricone?

13 COUNCILPERSON CASTRICONE: No.

14 SUPERVISOR DOLAN: Tom Darling?

15 COUNCILPERSON DARLING: Yes.

16 SUPERVISOR DOLAN: Gary Phelps.

17 COUNCILPERSON PHELPS: Yes.

18 SUPERVISOR DOLAN: Ms. Spivak.

19 COUNCILPERSON SPIVAK: Yes, but with 30 days
20 written comments.

21 SUPERVISOR DOLAN: Is that acceptable?

22 COUNCILPERSON DARLING: That's fine by me.

23 COUNCILPERSON PHELPS: That's fine by me.

24 SUPERVISOR DOLAN: So the motion is passed.

25 Public hearing is closed.

1 (Multiple conversations)

2 SUPERVISOR DOLAN: The public comment period will
3 remain open, because of the holidays, until January 1,
4 2010.

5 SUPERVISOR DOLAN: I want to make sure that
6 everyone understands what we have every intention of
7 doing. We have given a certain window for written
8 comments to the town board. The town board will schedule
9 a hearing on the Smart Code. I will try to do this
10 hearing sometime in the month of December. I
11 cannot guarantee it. That will be the first part of it.
12 After we get done with that part of the workshop, we will
13 proceed. We will probably be interviewing a candidate to
14 the financial part this week.

15 I just want to reiterate again, you may be
16 walking away thinking that you have lost the battle. You
17 did not lose and there is not even a battle. We are
18 trying to get this accomplished for the best of the town.
19 The town board has made no decision whatsoever to deny the
20 project or accept the project. We are just in the process
21 of looking at the project. So I think we are very clear.

22 The public hearing has been closed and we will
23 take a five minute break.

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CERTIFIED BY ME TO BE A TRUE AND accurate
transcript of the within proceedings.

Neil Bostock
Official Reporter