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**TOWN OF TUXEDO PLANNING & ARCHITECTURAL REVIEW BOARD**

**REGULAR MEETING MINUTES**

**Tuesday, August 1, 2023**

**PB MEMBERS PRESENT:**

John Banyo, Chairman  
William Friedlich  
Chris Kasker  
Ned Kugel  
William Lemanski  
Susan Reif  
Justin Jennings, Alternate

**BOARD MEMBER ABSENT:**

Susan Boyle

**OTHERS PRESENT:**

Kelly Naughton, Planning Board Attorney  
Sean Hoffman, Town Engineer  
Deborah Villanueva, Planning Board Secretary  
Daniel Kraushaar, Attorney, Skyview Skylight  
Norman Deutsch, Skyview Skylight  
Ken DeGennaro, Brooker Engineering  
Alena Guckian, Brooker Engineering  
Kevin Coppinger, Resident

**1.0 Call To Order**

Chairman Banyo called the Regular Meeting to order at 7:03pm.

He explained that while this was originally scheduled to be a public hearing for a Freshwater Wetlands Permit, it had come to light that a permit was not required for this application. The wetlands in question are designated by the Army Corps of Engineer, will not be disturbed by this project and ACOE does not require a permit in the adjacent or buffer area. Therefore, the hearing was cancelled.

## 2.0 Approval of the Minutes

Chairman Banyo asked if there were any questions or comments on the Minutes of the July 11, 2023 meeting and there were none.

Chairman Banyo made a motion to approve the minutes of the July 11, 2023 Planning Board Meeting and Board Member Kugel seconded the motion. Board Members Kasker and Friedlich abstained and it was approved by a majority vote.

## 3.0 Skyview Skylights – 655 Sterling Mine Road – Conditional Approval Section 217 Block 1 Lot 16.2

Attorney Kraushaar explained that during the last meeting they were provided with comments from the Board and Consultants and that they believe they have addressed them all. He addressed the Architectural review and noted that they brought in some material samples as requested by the Board.

Attorney Kraushaar continued explaining that they have added landscaping and have received a response from the Orange County Department of Planning who had some recommendations but ruled this to be a local determination. He added that they will comply with all of the comments from the Orange County DPW on the Road.

Engineer DeGennaro stated that their submission included a section drawing showing the impacts to the neighbor to the east and noted that they show the 10' buffer which will be supplemented with additional heavy landscaping. He pointed out that the building is 142' from the eastern property line. He explained that they have relocated the proposed well which meets the 100' radius of ownership but does not meet the 200' radius of control requirement. He stated that the OC DOH will grant a waiver of the 200' radius of control if certain conditions are met, which they agree to do.

Engineer Hoffman indicated that they will need to close the existing well as per DEC closure requirements. Attorney Kraushaar asked if it could be repurposed and Engineer Hoffman stated that he recommends it being abandoned as it is a path to the aquifer. Mr. Coppinger stated that he understands that there is more than one well on the site and it was noted that the resolution would address the fact that any and all wells identified would be closed according to the required procedures.

Engineer DeGennaro stated that the DEC has issued a letter indicating that there would be no adverse effects to threatened and endangered species and that they will follow all of their recommendations. He also noted that the DEC will verify their compliance in a year.

Chairman Banyo noted that the Board has not received any updated renderings and therefore will not be able to consider ARB approval at this time. It was noted that they have engaged a new Architectural firm and that the Applicant's Daughter, who has been involved with the project since the beginning, is working with the firm.

Attorney Naughton explained that the Board could take action on the Special Use Permit and the Site Plan and she will remove all references to the ARB from the Resolution. She stated that this will allow them to start working on the conditions of the approval and possibly start limited site work at the discretion of the Building Inspector and Engineer Hoffman.

The Board agreed that they would need to see the updated renderings before taking action on the Architectural portion of the application.

It was noted that if the Applicant plans to submit for the September meeting the deadline for submission would be August 25<sup>th</sup>.

Chairman Banyo asked for the Consultant's comments and Engineer Hoffman indicated that he did not submit a report as his final comments have been provided to Attorney Naughton to be included as conditions of the approval.

Chairman Banyo proceeded to read Planner Monastra's comment memo dated July 28, 2023, a copy of which is in the file.

Chairman Banyo asked for Engineer Hoffman's thoughts regarding Planner Monastra's comments on the treatment of stormwater within the wetland buffer and Engineer Hoffman stated that he believes that anything from that area, before it discharges into the wetlands, needs to be treated. He did not think that she meant for it to be treated in the buffer as they have relocated their stormwater to the other side which is addressing the situation. It was also noted that Engineer Hoffman has asked for additional information on the retention system as well as the sanitary sewer system, most of which was provided. He noted that the remainder will be included in the conditions.

Engineer DeGennaro explained there are two detention systems, one located on the east side of the building in the parking area and one to the north of the building, both of which are located outside of the buffer area.

Attorney Naughton proceeded to review the conditions of the draft Resolution of Conditional Approval and explained that she would be removing items relative to the ARB approval and would make any applicable updates according to tonight's discussion.

Attorney Kraushaar questioned General Condition No. 7 which notes that the site plan will expire 6 months from the date of the approval. He indicated that it would be more appropriate for it to expire 6 months after the plan is signed as they have a lot of work to do to address the conditions. It was noted that the language comes directly from the code and could not be modified and Engineer Hoffman pointed out that they could push off the approval until they feel they can comply within 6 months. It was also noted that they could apply for up to 3 extensions if needed for a total of 18 additional months.

There was a brief discussion on the hours of construction and it was noted that 8-4:30 would be acceptable however once the entire exterior of the building is constructed/enclosed, interior work could continue after 4:30 provided that noise levels do not exceed 75 decibels at the property line.

Alternate Board Member Jennings indicated that they are proceeding with some risk in the event their new Architect cannot work within the site plan and the Applicant acknowledged that they understand.

At this time there was a brief discussion regarding the lighting and whether or not they would use timers or photoelectric sensors. It was noted that the Applicant may choose to use both as well as motion sensors for security purposes but that they could decide as long as the lighting complied with the code.

Alternate Board Member Jennings questioned whether or not they could approve the Special Use Permit and Site Plan without ARB and Attorney Naughton explained that the Special Use Permit approves the use only and that the Site Plan approves the layout of the site including the circulation and the placement of the structure.

Chairman Banyo asked if there were any further questions or comments from the Board and there were none.

Chairman Banyo made a motion to approve the Special Use Permit and Site Plan with all of the conditions addressed during the meeting. Board Member Friedlich seconded the motion and it was approved by a unanimous vote.

#### **4.0 Tuxedo Farms – Adjournment of Public Hearing**

Chairman Banyo explained that the Applicant requested to adjourn the public hearing on the Clearing Filling and Grading Permit until the September meeting.

Chairman Banyo made a motion to adjourn the public hearing until the September 5, 2023 Planning Board meeting and Board Member Lemanski seconded the motion. All were in favor and the motion carried.

#### **5.0 Adjournment**

There being no further business, Chairman Banyo motioned to adjourn the meeting at 8:25 and the Board unanimously agreed.