



TOWN
OF

TUXEDO

ORANGE COUNTY, NEW YORK

Town of Tuxedo
Building/Planning/Zoning
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TOWN OF TUXEDO PLANNING & ARCHITECTURAL REVIEW BOARD

REGULAR MEETING & PUBLIC HEARING MINUTES

Tuesday, October 3, 2023

PB MEMBERS PRESENT:

John Banyo, Chairman
Susan Boyle
William Friedlich
William Lemanski
Susan Reif
Justin Jennings, Alternate

BOARD MEMBER ABSENT:

Chris Kasker
Ned Kugel

OTHERS PRESENT:

Kelly Naughton, Planning Board Attorney
Sean Hoffman, Town Engineer (Via Zoom)
Valerie Manostra, Town Planner
Deborah Villanueva, Planning Board Secretary
Mitch Newman, Lennar
Brad Schwartz, Attorney for Related & Lennar
Steven Saputo, Langan Engineering
Christina Zolezi, Langan Engineering
Ashley Ley, AKRF
Henry Haefner, Lennar (Via Zoom)
Karen Arent, Architect for Calcaterra
Michelle Calcaterra, 59 Maple Brook Rd.

<p>Public Hearing</p>

<p>Michelle & John Calcaterra – 59 Maple Brook Rd. - Clearing Filling and Grading Permit Section 215 Block 6 Lot 4</p>
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Chairman Banyo motioned to open the public hearing at 7:02pm. Board Member Reif seconded the motion and it was approved by a unanimous vote.

Architect Arent presented a drawing of the area and explained that the Applicant was not aware that they needed a permit for their project. She stated that most of the fill was already brought in but that some grading was still needed along with about 6" of topsoil and that they would be adding erosion control measures as well. She indicated that they immediately stopped worked once they were informed that they needed a permit and are now looking for an approval so they can complete the project. She added that the fill was obtained by DeMarino and that they do have paperwork on the fill as requested by the Town Engineer.

Board Member Friedlich questioned how the fill held up during the recent heavy rain events and it was noted that the area remained stable.

Chairman Banyo asked if there were any questions or comments from the public and Christine Miele, 9 Chestnut Court, questioned the proximity of the fill to the stream located behind the lot. Architect Arent noted that the steam is not shown on the plan but that the fill stops 10' from the property line. She further noted that there is no excavation within 25' of the rear lot line. Ms. Miele further questioned if any trees will be affected and it was noted that there are a few trees that will have tree wells on the uphill side of the slope.

Supervisor English indicated that he was surprised that this contractor didn't know that there was a permit required for this work.

There being no further questions or comments from the public, Chairman Banyo motioned to close the public hearing at 7:13. Board Member Friedlich seconded the motion and it was approved by a unanimous vote.

1.0 Call To Order

Chairman Banyo called the Regular Meeting to order at 7:13pm.

2.0 Approval of the Minutes

Chairman Banyo asked if there were any questions or comments on the Minutes of the September 5, 2023 meeting and there were none.

Chairman Banyo made a motion to approve the minutes of the September 5, 2023 Planning Board Meeting and Board Member Friedlich seconded the motion. All were in favor and the motion carried.

3.0 Michelle & John Calcaterra – 59 Maple Brook Rd – Clearing Filling & Grading Section 215 Block 6 Lot 4

Attorney Naughton indicated that she did not have the resolution finalized but had drafted some conditions to be included. She noted that the application was forwarded to the county who responded stating that they did not need to review Clearing Filling and Grading permits.

Engineer Hoffman explained that there were some things included on the plan that were outside of the Board's approval including the shed and outdoor kitchen. He stated that these items would be addressed through the building department. He proceeded to explain that while paperwork was submitted for the fill there was nothing to indicate that it was for this property. He stated that they should demonstrate what property this was for or the Board should consider requiring further testing.

Chairman Banyo pointed out that since this will likely take a little while they should require that the silt fence be placed as soon as possible.

Attorney Naughton proceeded to read the conditions to be included in the resolution.

Chairman Banyo made a motion to declare this a Type II action under SEQRA and Board Member Boyle seconded the motion. All were in favor and the motion carried.

Chairman Banyo made a motion to approve the Resolution of Approval with the conditions as outlined by Attorney Naughton. Board Member Lemanski seconded the motion and it was approved by a unanimous vote.

4.0 Tuxedo Farms – Clearing Filling and Grading Permit Section 214 Block 1 Lot 34.2

Engineer Zolezi presented the plan and referred to the 2-acre area where they are proposing to stockpile materials. She indicated that there are erosion and sediment control measures in place.

Attorney Schwartz noted that this area is known as East Terrace and that the fill and materials would come from site work associated with the Commons, Quail Road and West Terrace. When asked when they plan to start, he noted that it is really dependent on when they receive the approvals on the balance of their applications but ideally in early 2024.

Mr. Newman confirmed that the site work is planned for the new year however they may start staging and bringing in equipment prior to that.

Attorney Naughton proceeded to read the minor changes to the Resolution.

Engineer Hoffman indicated that his comments were reviewed during the previous meeting and incorporated into the Resolution.

Board Member Lemanski asked if any blasting was needed and Mr. Newman indicated that there will be blasting as part of some of the other portions of the project but none associated with this application.

Board Member Reif questioned how long the piles would remain and Mr. Newman stated that they will be there to get them started but that East Terrace will also ultimately be developed. He noted that they would return to the Board if they need to use another area for staging while developing East Terrace.

Board Member Friedlich asked what was done with the rock that was already cut as part of the earlier projects and Engineer Zolezi indicated that it was processed on site and reused.

Chairman Banyo made a motion to approve the Filling Clearing and Grading Permit with Conditions and Board Member Friedlich seconded the motion. All were in favor and the motion carried.

Mr. Newman indicated that he was happy to report that Lennar took title on the full property a few weeks ago. He explained that they will proceed with obtaining approvals and building out the entire development with the exception of the Commons. He added that while they will do the horizontal site work in the Commons, Related will build and retain ownership of the Commons including the apartments and retail spaces.

5.0 Tuxedo Farms – Subdivision and Site Plan for the Commons/Quail Road Section 214 Block 1 Lot 34.2

Engineer Zolezi discussed the roads and parking and indicated that they have separated the landscaping drawings as requested.

Mr. Newman explained that the application before the Board is for approval to start clearing Quail Road and the Commons. He stated that they plan to submit for ARB and Site Plan for West Terrace during the November meeting and hope to meet with Planner Monastra beforehand.

Attorney Schwartz agreed, noting that they plan to work with the Consultants to advance the plans and indicated that the Board will hopefully be in a position to act in December.

Planner Monastra proceeded to review the key points in her comment memo dated September 29, 2023 and pointed out that they will require a wetlands permit. It was noted that the required public hearing was held in June but that it just needed to be included in any action that the Board takes. She further addressed the revisions to the Special Permit and noted that they are asking for waivers regarding the roads and sidewalks and stated that perhaps during the next meeting the Applicant could provide specific information regarding what sidewalks they are asking waivers for in terms of the street design. She also addressed the commercial loading areas and noted that the Board should look at it to confirm that they will have adequate space. She stated that the remainder of her comments relate to ARB and will be dealt with at a later date.

Engineer Hoffman stated that they are requesting an amended subdivision which includes more than 5 parcels with 5+ acres. He indicated that this may be considered a

realty subdivision and need Department of Health approval.

Engineer Hoffman referred to the Site Plan and pointed out that Buildings No. 1 and 4 have been removed and will be addressed later. Mr. Newman explained that both buildings are for recreation use and that they are still evaluating the type of building. He stated that they would be added to the plan as soon as they finalize them.

Alternate Board Member Jennings questioned how they are proceeding without an Architect and asked what they would do if the new recreational buildings did not fit into the lot and Engineer Zolezi stated that they will have to design the buildings to comply with the configurations and the footprint. It was noted that site plan approval only approves the actual layout of the site.

Chairman Banyo stated that he was contacted regarding an invasive species that had been found on the site, Japanese Knotweed, and Mr. Newman explained that they would like to get ahead of the problem and will have their contractor address it as soon as possible. He indicated that a map identifying the areas it was observed would be helpful. There was a brief discussion on how to best address the situation and Planner Ley stated that she will develop an Invasive Species Plan.

The Board again questioned whether or not there would be a substation required for the development and it was noted that they would not. The Board was surprised by this and Attorney Schwartz indicated that they would confirm and get an explanation as to why not if applicable. Attorney Naughton added that a Will Serve letter from Orange and Rockland would be helpful as well.

Chairman Banyo made a motion to schedule the Public Hearing for Tuesday, November 7, 2023. Board Member Boyle seconded the motion and it was approved by a unanimous vote.

6.0 Metro R Services – Warwick Brook Road – Bond Review/Approval

Section 208 Block 1 Lot 28

Chairman Banyo explained that a bond is required by code for the infrastructure work associated with the 7 lot subdivision that was previously approved.

Engineer Hoffman reviewed the estimate and explained that the Applicant can opt to build all of the public infrastructure or bond it to ensure the improvements are constructed. He stated that he is recommending the Board approve a three-year time limit as they are not planning to build on spec.

Chairman Banyo made a motion to accept the bond amount of \$2,073,900.00 for a period of three years. Board Member Reif seconded the motion and it was approved by a unanimous vote.

7.0 Other Business

Chairman Banyo reminded the Board about the training requirements for the year.

Chairman Banyo also provided an update on Watchtower's Ramapo entrance noting that they are making progress and it appears that they are now able to accommodate large trucks. He added that they have also constructed a guardhouse at the entrance as well.

5.0 Adjournment

There being no further business, Chairman Banyo motioned to adjourn the meeting at 8:22 and the Board unanimously agreed.