



**TOWN  
OF**

**TUXEDO**

ORANGE COUNTY, NEW YORK

**Town of Tuxedo**  
**Building/Planning/Zoning**  
Office: 845-351-4411 x6  
Fax: 845-351-2190

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

### **REGULAR MEETING & PUBLIC HEARING MINUTES**

**Tuesday, September 5, 2023**

**PB MEMBERS PRESENT:**

John Banyo, Chairman  
William Friedlich  
Chris Kasker  
Susan Boyle  
Ned Kugel  
Susan Reif

**BOARD MEMBER ABSENT:**

William Lemanski  
Justin Jennings

**OTHERS PRESENT:**

Kelly Naughton, Planning Board Attorney  
Sean Hoffman, Town Engineer  
Valerie Manostra  
Deborah Villanueva, Planning Board Secretary  
Brad Schwartz, Attorney for Related  
Steve Dahl, Attorney for Lenar  
Chuck Utschig, Langan Engineering  
Steven Saputo, Langan Engineering  
Daniel Kraushaar, Attorney, Skyview Skylights  
Norman Deutsch, Skyview Skylights  
Esty Leverton, Skyview Skylights  
Ken DeGennaro, Brooker Engineering  
Abigail Adams, Landscape Architect for Skyview  
Sean O'Connell, Architect for Skyview Skylights  
Kevin Coppinger, Resident  
S. Brian Ware, Watchtower  
Matt Mordecki, Watchtower

## Public Hearing

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

Chairman Banyo motioned to open the public hearing at 7:02pm and explained that due to a hacking incident, the meeting was being recorded through Zoom for viewing at a later date and that future remote attendance would be reserved only for those Applicants and/or Consultants who are unable to attend due to an extenuating circumstance. All others are invited to attend the meetings in person.

Attorney Schwartz introduced the members of the team and Engineer Utschig proceeded to briefly explain their application to utilize two acres in the East Terrace neighborhood as a staging area to process materials. He noted that the area is already cleared and leveled. He added that they will add a tracking pad and silt fence. He indicated that the goal is to stockpile and reuse materials excavated on site in other areas of the project.

Engineer Hoffman proceeded to review his memo dated September 3, 2023, a copy of which is in the file for the record.

The Board questioned whether an extra curb cut would be required and if the stock piles would be covered and Engineer Utschig indicated that they would certainly prefer not to make any unnecessary curb cuts if it makes sense. Regarding the stock piles, he noted that the SWPPP will require them to maintain the area and would require silt fences be in place. He stated that the piles would likely remain during the project and that they would continue to maintain them for the duration of the project.

Chairman Banyo indicated that he would like to add a condition that if soil is to leave the site that it be tested.

Supervisor English questioned the height of the stock piles as he is worried about the visual impact and Engineer Hoffman pointed out that the Building Inspector would ensure that they do not have more materials than they were approved for. Engineer Utschig did mention that it will be a fluid operation and they would need some flexibility.

There being no further questions from the Board or the public, Chairman Banyo motioned to close the public hearing.

## **1.0 Call To Order**

Chairman Banyo called the Regular Meeting to order at 7:17pm.

## **2.0 Approval of the Minutes**

Chairman Banyo asked if there were any questions or comments on the Minutes of the August 1, 2023 meeting and there were none.

Chairman Banyo made a motion to approve the minutes of the August 1, 2023 Planning Board Meeting and Board Member Reif seconded the motion.

## **3.0 Tuxedo Farms – Clearing Filling and Grading Permit** Section 214 Block 1 Lot 34.2

Attorney Schwartz provided a brief summary of and noted that they plan to come back with a submission at the end of the month for site work in the Commons and Quail Road.

Attorney Dahl, inhouse counsel for Lennar, explained that he was present on behalf of Mitch Newman. He proceeded to explain that they have been working with Related and are currently under contract to purchase the entire property with a projected closing date at the end of the month. He indicated once the subdivision portion of the project is complete, Lennar would convey the Commons portion of the development back to Related and Lennar will continue to develop all of the residential aspects of the project.

Chairman Banyo questioned whether or not Lennar would be building the Commons and it was noted that they would do the site work but that Related would build and handle all of the rentals/leases in the Commons.

Supervisor English questioned how this would affect the Tuxedo Farms LDC and the Tuxedo LDC and it was noted that they would have to look into it.

There were no further questions or comments from the Board.

Chairman Banyo made a motion to draft a resolution and Board Member Boyle seconded the motion. All were in favor and the motion carried.

## **3.0 Skyview Skylights – 655 Sterling Mine Road – ARB Review** Section 217 Block 1 Lot 16.2

Attorney Kraushaar provided a brief update on the application and reminded the Board that they hired a new Architectural firm and would be presenting the new renderings.

Architect O'Connell proceeded to review the renderings and described the interior space of the building which did not change from the previous renderings. He proceeded to show models of the landscaping as it will mature over one, five and 10 years. He explained that the design is a bit more traditional with stone, slate and wood colors with oak colored aluminum to break up the façade. He presented samples of the materials for the Board's review.

Architect O'Connell stated that the images presented were real and showed that during the spring, summer and fall the building would not be visible to the neighbor. Mr. Coppinger, resident to the east, disagreed.

Architect O'Connell continued to discuss the various material proposed and explained that they will be using low reflective glass to reduce glare. He pointed out that all materials proposed have a minimum 30-year warranty and will be low maintenance.

Supervisor English stated that he hopes they took into consideration that Sterling Forest has a lot of migrating birds as it relates to the glass.

There was a brief discussion regarding equipment on the roof and Attorney Naughton pointed out that the ZBA decision included a condition that no mechanicals be located on the roof.

The colors were briefly discussed and swatches were presented as outlined in the plan.

Mr. Coppinger stated that the current building is approximately 375' from his property and questioned what the distance will be with the new building. Architect O'Connell indicated that he was not sure but that they are proposing heavy screening.

Landscape Architect Adams proceeded to review the landscaping design and noted that there were no changes from their last presentation. Planner Monastra stated that she recommends that any outstanding comments be included in the resolution.

Attorney Kraushaar questioned the process if they decided they wanted to switch the grass area for something else and Engineer Hoffman explained that potentially a small area could be addressed as a field change but anything else would require an amended site plan.

Snow storage was discussed and the area for storage was referred to on the plan and Landscape Architect Adams stated that if there was significant snow they would take it off site as needed. Engineer Hoffman pointed out that the rear grass area would need to be plowed to allow for fire access.

Board Member Kasker questioned whether the living wall would be green all year and asked how it would be maintained and Architect O'Connell stated that they will be using perennials and it would likely be green all year. He stated that they will have an automatic water system set up for watering.

Chairman Banyo questioned if they had to specify metal vs. concrete for their approval and Attorney Naughton stated that the Board could approve either or, that they choose between the two.

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 Resolution of Conditional ARB approval. Board Member Boyle seconded the motion and it was approved by a unanimous vote.

Engineer DeGennaro stated that they received approval from the Department of Health for their well and are still waiting on comments from the Orange County DPW, though they will have no effect on the site plan.

Chairman Banyo explained that the next steps would be for final plans to be submitted for review by the Consultants in preparation of signing.

Supervisor English questioned the timeframe on the demolition of the existing structure and Chairman Banyo stated that they could apply to the Building Department for a demolition permit at any time. He added that they should be required to show that there is no asbestos or lead present before receiving the demolition permit.

#### **5.0 Watchtower – Sterling Mine Road – Extension Request for Construction Access Section 17 Block 1 Lot 19.21**

Mr. Ware provided an update on their progress with their Ramapo entrance noting that it is moving along but they are limited due to a conflict with overhead telecommunications utilities. He indicated that they will be unable to perform any work in the highway ROW this year but could resume around April 15, 2024.

Mr. Ware stated that all the trees have been cut from 113 acres and they are moving quickly to process and remove them. He stated that the first five phases of the project include tree clearing and they can only do so many at a time. He added that they are requesting an extension for an indefinite period of time. He stated that they have been using the Tuxedo entrance under the current restrictions with no complaints and would continue operating within those restrictions. He further added that the approval would be revocable if there were any concerns or complaints.

Mr. Ware pointed out that they will have to close their Ramapo entrance periodically throughout the project which would leave them without access to their property. He also noted that it is a lot of work and costly to keep coming back for extensions and updated resolutions.

Mr. Ware further stated that the owners of the neighboring property, The Ranch, are using the entrance with no restrictions so they feel requesting an indefinite extension is appropriate.

Chairman Banyo stated that he is not in favor of granting an indefinite extension. He pointed out that the previous work on their headquarters on Long Meadow Road generated a lot of traffic, including busses and parking along the side of the road and he wants the Board to have a bit of control over things. Mr. Ware again pointed out that

they would continue to use the entrance with the same restrictions they are following now.

Chairman Banyo pointed out that the conditions of the hill to the west of the entrance can be hazardous during the winter and the traffic can often back up heading west with very slippery conditions come down the hill heading east.

Board Member Kasker questioned if the road will be brought down to one lane while they are working in the right of way and Mr. Ware indicated that it would. Chairman Banyo pointed out that there are currently periodic lane closures in Ramapo during work but that it has not posed a problem as it is handled very well.

Board Member Kasker noted that he would be in favor of granting the approval as requested and added that it should be clear what questions they need to address. Chairman Banyo indicated that the primary question is what will they want to use it for through the winter.

Chairman Banyo made a motion to grant an extension to November 30, 2023 and Board Member Friedlich seconded the motion. All were in favor and the motion carried.

It was noted that they would return to the November 7<sup>th</sup> meeting if they feel an additional extension is necessary.

#### **6.0 Michelle & John Calcaterra – 59 Maple Brook Rd – Clearing Filling & Grading – Schedule Public Hearing Section 215 Block 6 Lot 4**

Chairman Banyo pointed out that he was aware that the Applicant would not be present and that he was advised by Attorney Naughton to refrain from discussing the application in their absence and to just schedule the public hearing for the next meeting.

Chairman Banyo made a motion to schedule the public hearing for October 3, 2023. Board member Kugel seconded the motion and it was approved by a unanimous vote.

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

#### **5.0 Adjournment**

There being no further business, Chairman Banyo motioned to adjourn the meeting at 8:50 and the Board unanimously agreed.