

**Regular Town Board Meeting**  
**This meeting was held virtually through WebEx**  
**June 14, 2021**

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, June 14th, via WebEx, and called to order by Supervisor English at 7:01 p.m.

A recording of the meeting will be available on the Tuxedo YouTube site.

The meeting was opened by a pledge of allegiance to the flag.

|                             |                      |                   |
|-----------------------------|----------------------|-------------------|
| Town Board Members Present: | Ms. Maria May        | Councilmember     |
|                             | Mr. David McMillen   | Councilmember     |
|                             | Mr. Jay Reichgott    | Councilmember     |
|                             | Mrs. Michele Lindsay | Deputy Supervisor |
|                             | Mr. Kenneth English  | Supervisor        |

Town Board Members Absent:           None

**Recording Secretary:** Marisa Dollbaum           Town Clerk

**Other Town Officials Present:**

Mr. Howard Protter, Esq.; Mr. Robert Dollbaum, Highway Superintendent; Mr. Frank Peverly, Zoning Board Chairman; John Banyo, Planning Board Chairman; Deirdre Murphy, Planning Board Member

**Public Comments on Agenda Items:**

- There were no public comments on the agenda items.

**AGENDA ITEM:**

**1. Resolution approving Form of Petition for the Proposition to Increase Town Board Budgetary Allocation for the Tuxedo Park Library**

**RESOLVED**, motion made by Supervisor English, seconded by Councilmember May, that the Library may circulate a form of petition for the Proposition to Increase Town Board Budgetary Allocation for the Tuxedo Park Library.

|                           |                    |                 |     |
|---------------------------|--------------------|-----------------|-----|
| <b>ON ROLL-CALL VOTE;</b> | Supervisor:        | Kenneth English | Aye |
|                           | Deputy Supervisor: | Michele Lindsay | Aye |
|                           | Councilmember:     | David McMillen  | Aye |
|                           | Councilmember:     | Maria May       | Aye |
|                           | Councilmember:     | Jay Reichgott   | Aye |

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**2. Petition of relief from the Building Moratorium Local Law – Vishal Taneja**

Motion made by Supervisor English, seconded by Councilmember Reichgott to grant to Vishal Taneja, a non-transferable exception to the present land use moratorium imposed by Local Law 3 of 2020, allowing it to proceed before the Planning Board with its present proposed plan for a commercial improvement of the Tuxedo Gulf Gas Station located at 191 NY-17, Tuxedo, New York. This Local Law 3 Section 3(A)(3) exception is based upon a determination that the plan as proposed is consistent with the Town's Comprehensive Plan and zoning requirements. This exception, to remain consistent with the Town's Comprehensive Plan and zoning requirements, is specifically contingent upon (i) the architecture of the plan being complementary to the historical buildings in the Hamlet Business Zoning District, (ii) site plan conditions mitigating the impacts of lighting and gasoline odors to neighboring residential properties, and (iii) addressing the increased traffic and vehicle circulation on the site that will necessarily accompany an expanded utilization of the site as proposed.

Discussion: A minor modification of adding a manager's office was made to their original plan and that is why the applicant came before the Town Board again.

|                           |                    |                 |     |
|---------------------------|--------------------|-----------------|-----|
| <b>ON ROLL-CALL VOTE;</b> | Supervisor:        | Kenneth English | Aye |
|                           | Deputy Supervisor: | Michele Lindsay | Aye |
|                           | Councilmember:     | David McMillen  | Aye |
|                           | Councilmember:     | Maria May       | Aye |
|                           | Councilmember:     | Jay Reichgott   | Aye |

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**3. RESOLUTION FOR TOWN OF TUXEDO TOWN BOARD EXEMPTING THE ESTATE OF VON HELM FROM MORATORIUM ON DEVELOPMENT**

Discussion: Attorney Protter explained that the owner passed away prior to completing the process of getting the Site Plan approval. The Estate is trying to bring the property into compliance.

*WHEREAS*, the Town Board adopted on May 27, 2020 a local law titled “Moratorium on Development Approvals,” which local law temporarily suspends requirements to approve developments, except for certain specified development applications, while the Town considers and adopts changes to its land use regulation; and

*WHEREAS*, this moratorium and the terms and conditions of the moratorium local law was extended; and

*WHEREAS*, the Town of Tuxedo (hereinafter “Town”) notes that the Town has received a Moratorium Waiver Petition for administrative relief to pursue a site plan & special permit Approval for an existing auto repair business located at 962 NY-17 (Southfields, SBL No. 5-3-17.1) (hereinafter “applicant”); and

*WHEREAS*, the property owner was the subject of an enforcement action that resulted in a Stipulation requiring the property owner to pursue an application for site plan and special permit approval from the Planning Board; and

*WHEREAS*, the Board finds that, this Petition includes clear and convincing evidence that a site plan would enhance the property and be consistent with the enforcement efforts of the Building Department to bring the property into full compliance with the Zoning Law;

*NOW, THEREFORE, BE IT RESOLVED* that Town of Tuxedo, in compliance with L Local Law 3-2020, exempts the applicant from the “Moratorium on Development” and directs that the applicant is now permitted to proceed at the Town Planning Board to apply for the required development approval(s).

On a motion by Supervisor English, seconded by Councilmember McMillen, the resolution was adopted on a vote of 5 Ayes, 0 Nays.

The Supervisor declared this resolution adopted.

Dated: June 14, 2021

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**4. Resolution to authorize Jacobowitz and Gubits to prepare RFP for solar system project for Highway Department roof**

Resolved, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay to authorize Jacobowitz and Gubits to prepare a RFP for the solar system project for the Highway Department roof.

|                           |                    |                 |     |
|---------------------------|--------------------|-----------------|-----|
| <b>ON ROLL-CALL VOTE;</b> | Supervisor:        | Kenneth English | Aye |
|                           | Deputy Supervisor: | Michele Lindsay | Aye |
|                           | Councilmember:     | David McMillen  | Aye |
|                           | Councilmember:     | Maria May       | Aye |
|                           | Councilmember:     | Jay Reichgott   | Aye |

**5. Resolution to authorize Town Attorneys, Jacobowitz & Gubits LLP, to prepare a local law opting-out the Town of Tuxedo from the state statute authorizing towns to allow the licensing and establishing of cannabis retail dispensaries and/or cannabis on-site consumption establishments within the Town.**

No action was taken. A public informational session will be held at the next Town Board meeting on June 28<sup>th</sup>. Attorney Marissa Weiss will give a presentation and the Board would like to get feedback from residents.

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**DEPARTMENT UPDATES**

- John Banyo, Planning Board Chairman, gave an update on an application before the Planning Board for a clearing, grading and filling permit from the Watchtower Group. No action was taken on the permit at the May 11<sup>th</sup> meeting because Ramapo did not complete the SEQR process. The Town Planning Board is requesting for segmentation of the project, which will allow the portion of work being done in Tuxedo to be processed independently. This would allow the Watchtower to begin the permanent exit/entrance, which will now align with Eagle Valley Road. The Draft Environmental Impact Statement was submitted to Ramapo by Watchtower and the Town will respond in writing about two concerns. One concern is traffic since the original traffic study was done during the Pandemic and would not show an accurate representation. The other concern is excessive noise, which the Town will request to limit working hours. A Public Hearing will be scheduled in the future once the Ramapo Planning Board responds to the Town Planning Board.
- Robert Dollbaum, Highway Superintendent, said they will begin chip sealing on Wednesday. The loose stones have to sit for a week and then they will be swept up. After that they will continue with the crack sealing in other areas. They will also clean and repair catch basins. Work on the dirt pile is moving along. The Watchtower Group is planning a site visit to begin their work on the dirt pile. There is mulch and compost in the bins at Quarry Field for residents to take. There is a large pile of stone also at Quarry Field, but it is for the roadwork being done and is not for residents to use.

**Minutes**

Motion made by Deputy Supervisor Lindsay, seconded by Councilmember McMillen to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on May 24<sup>th</sup>.

|                           |                    |                 |     |
|---------------------------|--------------------|-----------------|-----|
| <b>ON ROLL-CALL VOTE;</b> | Supervisor:        | Kenneth English | Aye |
|                           | Deputy Supervisor: | Michele Lindsay | Aye |
|                           | Councilmember:     | David McMillen  | Aye |
|                           | Councilmember:     | Maria May       | Aye |
|                           | Councilmember:     | Jay Reichgott   | Aye |

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**MONTHLY REPORTS**

Supervisor English is in receipt of the monthly reports for May from the Police Department, Justice Department, Building Department and Town Clerk.

**TOWN SUPERVISOR UPDATE**

- On May 13<sup>th</sup> Supervisor English stated the next Tuxedo Farms LDC meeting will be on June 24<sup>th</sup> at 10am via Harris Beach Webex. He encouraged anyone connected to Town's Wastewater Treatment Plant to attend. The Summer Day Camp registration is closing on June 18<sup>th</sup>. Camp starts on July 7<sup>th</sup> and ends August 12<sup>th</sup>. The Renaissance Faire has contacted the Town to let them know they will be operational this year. He is working with their CEO on an unpaid balance for security that the Tuxedo Police Department provided. The balance should be paid in full by July. The Town Board is in the final stages of updating the Zoning Code. A 5 year Police contract has been ratified and the contract will be presented to the public during a meeting. Supervisor English gave an update on the Police Reform Reinvention to the Governor's representative. There will be a public presentation in July on the committee's report and he thanked everyone for their hard work. There will also be an open house at the Police station in August for anyone that would like a tour.

**TOWN BOARD UPDATES**

- Michele Lindsay, Deputy Town Supervisor, said the approval is finalized to finish the ramp for back door at Town Hall. A Public Hearing will be held on Thursday 6/17 at 7pm via Webex for another proposed CDBG application. Tuxedo can only qualify for senior citizen and ADA improvements through this grant because of Tuxedo's median income. She toured the Train Station bathrooms with Councilmember Reichgott to potentially bring them up to current ADA code. There are 21 artists painting around Tuxedo for the Plein Air event. The Artist's reception is on Friday, June 18<sup>th</sup>, which will be catered by Heather Bullard. The expenses for this event are covered by sponsors, registration fees from artists and grants obtained the Town and Library.
- Maria May, Councilmember, had nothing to report
- Jay Reichgott, Councilmember, stated the bathrooms at the Train Station needed minor changes to become ADA compliant. They could also become universal bathrooms.
- David McMillen, Councilmember, said Optimum will do a site survey on Contractor's Road for potential service on June 23<sup>rd</sup>. Optimum has been in contact with MTA, but they are trying to come up with an alternative plan. Altice has a modem that works off of cellular data and it becomes a broadband router. That may be a better option than running wires under the train tracks. He will keep everyone updated.

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**VOUCHERS:**

**RESOLVED**, Motion made by Supervisor English, seconded by Councilmember May, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012918497 through 2012918601

Voucher 2012918525 was deleted

|                               |                     |
|-------------------------------|---------------------|
| General Fund :                | \$136,748.56        |
| Part-Town Fund:               | \$57,479.38         |
| Highway Town Wide :           | \$17,927.02         |
| Highway Part Town             | \$33,255.41         |
| Hamlet Sewer District         | \$14,961.22         |
|                               |                     |
| <u>Total Abstract Amount:</u> | <u>\$290,694.69</u> |
|                               |                     |

|                           |                    |                 |     |
|---------------------------|--------------------|-----------------|-----|
| <b>ON ROLL-CALL VOTE;</b> | Supervisor:        | Kenneth English | Aye |
|                           | Deputy Supervisor: | Michele Lindsay | Aye |
|                           | Councilmember:     | David McMillen  | Aye |
|                           | Councilmember:     | Maria May       | Aye |
|                           | Councilmember:     | Jay Reichgott   | Aye |

**PUBLIC COMMENTS**

- There were no public comments.

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**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor English, seconded by Councilmember Reichgott to adjourn the meeting at 9:10 p.m.

|                           |                    |                 |        |
|---------------------------|--------------------|-----------------|--------|
| <b>ON ROLL-CALL VOTE;</b> | Councilmember:     | Maria May       | Aye    |
|                           | Councilmember:     | Jay Reichgott   | Aye    |
|                           | Deputy Supervisor: | Michele Lindsay | Aye    |
|                           | Supervisor:        | Kenneth English | Absent |
|                           | Councilmember:     | David McMillen  | Aye    |

Respectfully submitted,



Marisa Dollbaum  
Town Clerk  
Town of Tuxedo