

**VILLAGE OF TUXEDO PARK AND
TOWN OF TUXEDO
JOINT PUBLIC HEARING
JANUARY 23, 2023
DRAFT MINUTES**

Present: Village of Monroe Board of Trustee Members

Mayor David McFadden
Deputy Mayor Anna (Tinka) Shaw
Trustee Paul Brooke
Trustee Christopher Kasker

Town of Tuxedo Board of Trustee Members

Deputy Supervisor Michele Lindsay
Councilmember Maria May
Councilmember Deirdre Murphy
Councilmember Jay Reichgott

Absent: Trustee Joshua Scherer (Village of Tuxedo Park)
Town Supervisor Kenneth English (Town of Tuxedo)

Clerk: Elizabeth A. Doherty

Village Attorney: Brian Nugent, Esq. (Feerick Nugent MacCartney, PLLC) and Robert C. Zitt,
Esq. (Feerick Nugent MacCartney, PLLC) via Zoom

Attendees: Building and Land Use Officer John Ledwith at Town Hall

This public hearing took place at the Town Hall at One Temple Drive, Tuxedo, NY and was broadcast via Zoom.

Town Deputy Supervisor Lindsay and Mayor McFadden called the Joint Public Hearing to order at 7:00 p.m. with the Pledge of Allegiance.

**Presiding Officer
Resolution 0123-01**

On a motion by Councilmember Reichgott, seconded by Councilmember May, it was resolved to appoint Deputy Supervisor Lindsay to serve as Presiding Officer for the Joint Public Hearing.

Vote of the Boards:

Mayor David McFadden - Aye
Deputy Mayor Anna (Tinka) Shaw - Aye

Trustee Paul Brooke - Aye
Trustee Christopher Kasker – Aye
Trustee Joshua Scherer - Absent

Deputy Supervisor Michele Lindsay - Aye
Councilmember Maria May - Aye
Councilmember Deirdre Murphy - Aye
Councilmember Jay Reichgott – Aye
Supervisor Kenneth English – Absent

There were no votes against and no abstentions.

Deputy Supervisor Lindsay invited Brian Nugent, attorney for the Village of Tuxedo Park, to explain the purpose of the Joint Public Hearing.

Attorney Nugent began by saying that tonight's Joint Public Hearing was a public hearing between the Town of Tuxedo and the Village of Tuxedo Park regarding the proposed annexation of two parcels of land that were currently located in the Town of Tuxedo and would be annexed into the Village.

This process dated back many years and was part of the Tuxedo Farms Project, also known as Tuxedo Reserve, in which the annexation of these two parcels was part of that project. Initially it was the developer who was going to propose the annexation; however, in 2015 the two parcels were acquired by an entity known as Rattlesnake Mountain Preserve. Rattlesnake Mountain Preserve agreed to carry on those obligations under the Special Permit Process for the Tuxedo Farms Project.

Attorney Nugent shared an old map of the area. He explained that this document was from the original Tuxedo Farms submission. In the past these parcels were known as Section 8, Block 1, Lot 25 (now SBL 208-1-25) and Section 9, Block 1, Lot 26 (now SBL 209-1-26). He said that the indications about these lots being annexed were from the original maps and they were part of the original special permit process. Attorney Nugent also said that there was an agreement in 2005 between the Town of Tuxedo and the Village of Tuxedo Park about the annexation of these two particular parcels coming into the Village of Tuxedo Park. Tonight's Joint Public Hearing was under General Municipal Law Article 17 which is the Municipal Annexation Process. This was the first step in moving forward with the annexation.

Attorney Nugent said that during this process the Boards will consider whether or not it was in the overall public interest to annex these two parcels into the Village of Tuxedo Park. The first consideration in reviewing that question was the qualification of the person signing the petitions. Attorney Nugent said that there was not much of an issue here. Sometimes an annexation petition is signed by many residents from many parcels but in this case there were only two parcels which were owned by the same entity.

Another consideration was that they represent the majority of the owners of the property. Again, there was no question about that here. Both lots were owned by Rattlesnake Mountain Preserve and its principles.

The third consideration was whether or not the petition substantially complied with the General Municipal Law. Attorney Nugent said that everyone believed that it met the requirements and had all the required information.

The last consideration was whether the annexation was in the public interest of the territory to be annexed, the public interest of the Village of Tuxedo, and the public interest of the Town of Tuxedo. At some time in the past predecessor Boards of both municipalities agreed to move with this annexation. This was one of many steps in a long process associated with Tuxedo Farms / Tuxedo Reserve.

Attorney Nugent said that there were other parcels in the last few years that were already transferred to the Village of Tuxedo Park as part of this process but those were not annexations, they were parcels that were gifted to the Village of Tuxedo Park that remained outside the Village of Tuxedo Park. These two parcels were to be annexed into the Village of Tuxedo Park. The Joint Public Hearing provided an opportunity for any interested persons to speak and have their comments heard regarding the annexation.

Attorney Nugent explained that following the public hearing process a lot more work needed to be done. If this were to go forward resolutions would be prepared for the Town of Tuxedo and for the Village Board. There would also be an Order of Annexation and a Local Law adopted by both the Village of Tuxedo Park and the Town of Tuxedo for the annexation.

Lastly, the annexation process referenced having an election but the case law in New York in a situation like this said that we do not need to have an election. First of all there were no residents of these parcels to vote and secondly the owners were the only people involved in proposing the annexation.

As far as the local law process the statute indicated that you do not need to have a public hearing because the public hearing was being held tonight.

Those are the steps that would happen after the public hearing if the process was to move forward, but tonight's purpose was really to hear from anybody interested in speaking about the annexation and to hear those comments, and to make them part of the records.

Open the Public Hearing **Resolution 0123-02**

Deputy Supervisor Lindsay made a motion to open the Joint Town and Village Board Public Hearing on the proposed annexation of the land called Rattlesnake Mountain Preserve; the motion was seconded by Councilmember Maria May.

Vote of the Boards:

Mayor David McFadden - Aye
Deputy Mayor Anna (Tinka) Shaw - Aye
Trustee Paul Brooke - Aye
Trustee Christopher Kasker – Aye
Trustee Joshua Scherer - Absent

Deputy Supervisor Michele Lindsay - Aye
Councilmember Maria May - Aye
Councilmember Deirdre Murphy - Aye
Councilmember Jay Reichgott – Aye
Supervisor Kenneth English – Absent

There were no votes against and no abstentions.

Deputy Supervisor Lindsay opened the floor to the public, both at Town Hall and online.

Sue Scher, a resident of the Town of Tuxedo, asked if there were plans to use those plots of lands for anything specific at this point?

Attorney Nugent said no plans had been submitted by either the Town of Tuxedo or the Village of Tuxedo Park. The proposed annexation dated back about 17 or 18 years and nothing had changed. Mayor McFadden said that anything that would take place on those properties would be subject to the rules of the Village of Tuxedo Park, requiring approval from the Planning Board, Zoning Board, or Board of Architectural Review. He also said that the Village of Tuxedo Park was only zoned residential with four acre zoning.

No one else from the public came forward and none of the Board members made any comments.

Attorney Nugent advised the public that the Joint Public Hearing would have to remain open for written comment for five days, until January 28th. Attorney Nugent also advised that the 28th was a Saturday and that it might therefore be a good idea to leave the written comment section of the public hearing open until Monday, January 30th. Both Boards agreed.

Close the Public Hearing
Resolution 0123-03

Deputy Supervisor Lindsay made a motion that all persons wishing to be heard had been heard and that the Joint Public Hearing now be declared closed but that the record should remain open until January 30th for submission of written comments. The motion was seconded by Deputy Mayor Shaw.

Vote of the Boards:

Mayor David McFadden - Aye
Deputy Mayor Anna (Tinka) Shaw - Aye
Trustee Paul Brooke - Aye
Trustee Christopher Kasker – Aye
Trustee Joshua Scherer - Absent

Deputy Supervisor Michele Lindsay - Aye
Councilmember Maria May - Aye
Councilmember Deirdre Murphy - Aye
Councilmember Jay Reichgott – Aye
Supervisor Kenneth English – Absent

There were no votes against and no abstentions.

**Authorize the Town of Tuxedo to
Approve Annexations
Resolution 0123-04**

A motion was then made by Deputy Supervisor Lindsay for the Town Board to authorize Town Legal Council and the Supervisor to prepare necessary orders, resolutions and agreements for consideration of the Town Board to approve the annexations. The Motion was seconded by Councilmember Reichgott.

Vote of the Board:

Deputy Supervisor Michele Lindsay - Aye
Councilmember Maria May - Aye
Councilmember Deirdre Murphy - Aye
Councilmember Jay Reichgott – Aye
Supervisor Kenneth English – Absent

There were no votes against and no abstentions.

**Authorize the Village of Tuxedo Park to
Approve Annexations
Resolution 0123-05**

It was resolved to authorize Village Council and the Village Mayor to prepare necessary orders, resolutions, and agreements for consideration of the Village Board to approve the annexations. Motion was seconded by Deputy Mayor Shaw.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Mayor David C. McFadden – Aye
Trustee Joshua Scherer - Absent

There were no votes against and no abstentions.

The Joint Public Hearing ended at 6:59 p.m.

Respectfully submitted,

Elizabeth A. Doherty
Village Clerk-Treasurer