

**VILLAGE OF TUXEDO PARK  
PLANNING BOARD**

**March 9, 2022**

**7:30 P.M.**

**Via Zoom**

**Official Present:**

Chair JoAnn Hanson  
Member Richard Witte  
Member Jay Reichgott  
Member Portia Hinshaw  
Rick Golden, Attorney for the Board, Burke, Miele,  
Golden & Naughton, LLP  
John C. Ledwith IV, Building Inspector  
Desiree Hickey, Recording Secretary

**Attendees:**

Christian Vaught, Nanahya Santana, Hume Steyer,  
Wilkie Paes, Brett Ward (Paes contractor)

Chair Hanson opened the meeting at 7:30 p.m.

**Paes – New Home, Tower Hill Road – Parcel Number 107-1-20 – Electric Service**

Attorney Rick Golden opened the meeting explaining this was an informational meeting with regard to the location of the transformer to service this property. There was no application before the Planning Board or a pending request to amend the previously approved site plan on March 10, 2021 for the Paes.

Nanahya Santana and Hume Steyer (24 Tower Hill Road E.) were in attendance to voice their dissatisfaction with the location of the transformer and disputed adequate notification when the project was before the Village Boards. Ms. Santana noted that the location of the transformer was not located on the site plan when viewed at the Village office.

When installed, the utility wires will be buried and a pole with the transformer will be mounted upon it. The location of the pole will be located by the border fence that divides the two properties.

Mr. Steyer voiced his health-related concerns with the magnetic fields from the transformer because of his pacemaker. Aside from the aesthetic burden it creates, the pole is located outside their bedroom window. After speaking with his cardiologist, electrophysiologist and the pacemaker manufacturer, it was suggested that any magnetic interference with his pacemaker could prove fatal.

Attorney Golden informed Mr. Steyer that the Planning Board did not play a role in the location of the transformer. Ultimately, these decisions are up to Orange & Rockland to

decide. Unless the transformer is noted on the site plan, which it is not, it is up to the utility company to decide the location. It was never discussed at any of the public meetings as this is entirely typical for this type of project. The Planning Board does not have the jurisdiction to tell the utility company where to install the pole.

Mr. Paes challenged Mr. Steyer's health concerns. He suggested Mr. Steyer produce a signed letter from one of his health professionals outlining the potential risks. Attorney Golden informed Mr. Paes that this is not the place for this.

Mr. Ward clarified that Orange & Rockland had examined several locations and factors before they determined where the pole should be installed.

Ms. Santana and Mr. Steyer both suggested that the transformer could be installed on the Continental Road side facing the property. Although this is not the preferred site of Orange & Rockland, it was agreed that it would be explored by Mr. Ward with the utility company. Board Member Reichgott suggested that they could go back to Orange & Rockland to provide another option but the Planning Board would have zero jurisdiction over what ultimately transpired.

Mr. Steyer asked whether there was any Board that did have jurisdiction. Attorney Golden replied that there was not another Board that had jurisdiction. In addition, he did point out that the Planning Board could have discussed the location of the transformer as part of the original site plan review if they had strong feelings or ideas where the transformer should be located but they did not do this and the plan had been approved. This is not considered the norm for a Board to do so unless the Paes seek an amendment to their site plan, then they can proceed. No other Board has the jurisdiction to override the site plan approval.

Mr. Steyer argued that it should not be the election of the petitioning home owner to determine the location of the transformer. Chair Hanson replied that it was not the election of the petitioning homeowner, but rather Orange & Rockland who made the determination.

Again, Mr. Steyer noted he was not properly noticed for the Paes project. Building Inspector Ledwith outlined the notification process to neighbors for projects in the Village. He stated that the Paes project had been before the Planning Board, BAR and BZA. All neighbors within 500' had been notified by mail prior to each appearance of these Boards. Mr. Steyer said he and his wife had not seen the notification letter to the neighbors and only heard about the project through another neighbor.

Attorney Golden advised Mr. Steyer to contact the utility company with his concerns. Mr. Steyer asked Attorney Golden if he could intervene and petition Orange & Rockland on his behalf. Attorney Golden expressed he was not the Village attorney, but rather the Planning Board attorney and pointed out that he or the Planning Board was not in a position to intervene.

Mr. Steyer expressed his dissatisfaction with the process and how the Planning Board did not take the time to consider the location of the transformer and suggested that perhaps he should get in touch with the Village Attorney. Attorney Golden responded that the Paes and their engineers did not consider the location of the transformer because this is typically determined by the utility company. This was confirmed by Mr. Ward.

At the close of the Planning Board meeting, Attorney Golden made a public statement that he had been nominated for the position of County Attorney. If chosen, he will no longer be associated with his current firm. He anticipates this will take place some time in April. If so, this may be his last meeting with Planning Board. He thanked the Board for the opportunity to serve them and that it was his honor to work with all of the members.

Chair Hanson thanked Mr. Golden for his service and noted his departure was the Village's loss. She wished him the best of luck in the future.

### **Minutes Approved:**

#### **December 8, 2021**

A motion was made by Member Reichgott and seconded by Chair Hanson to approve the minutes as read.

The vote was 4 – 0 in favor of the motion.

### **Adjournment**

At 8:37 p.m., a motion was made by Member Reichgott to end the meeting. Member Hinshaw seconded the motion.

The vote was 4 - 0 in favor of the motion.

Respectfully submitted,

*Desiree Hickey*

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Recording Secretary