

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

FILED
STATE RECORDS

of Tuxedo

NOV 01 2022

DEPARTMENT OF STATE

Local Law No. 5 of the year 2022

A local law Tuxedo Farms Unit Count Zoning Amendment 2022
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Tuxedo

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

BE IT ENACTED by the Town Board of the Town of Tuxedo, County of Orange, State of New York, as follows:

Section 1. Findings and History.

- A. Local Law No.4A of 1998 repealed and reenacted zoning regulations governing planned integrated developments in the Town. Section 2 of that Local Law exempted the Tuxedo Reserve Project (also called Tuxedo Farms) from review under the new zoning regulations, subject to the Tuxedo Reserve Project complying with certain limits on the number of single-family dwellings that could be developed, including an overall maximum number of 1,195 residential dwellings of which no less than 866 must be single family detached and semidetached units.
- B. On November 15, 2004, the Town Board issued a Special Permit and approved a Preliminary Plan for Tuxedo Reserve Planned Integrated Development.
- C. The Town Board issued amended Special Permits for Tuxedo Reserve Planned Integrated Development in 2010 (and in 2015).
- D. Local Law #4A of 1998 was amended by the Town Board by adoption of Local Law #5 of 2010 concurrent with the approval of the 2010 Special Permit which authorized a revised unit mix for the Project (Local Law #5 was later renumbered and filed as Local Law #3 of 2011). Local Law #3 provided that “no more than 1,195 residential dwelling units may be constructed on the Tuxedo Reserve planned integrated development of which no more than 180 units shall be rental and no less than 764 shall be single family detached and semidetached. An additional 180 dwelling units may be constructed provided those units are constructed for senior citizens and persons in need of congregate care or assisting living.”
- E. The developer of Tuxedo Reserve has applied to the Town Board to approve certain modifications to the Project’s Special Permit and Preliminary Plan. The application to amend the Special Permit and Preliminary Plan proposes to change the minimum required number of single family detached units to 269 and the minimum duplex units to 174. It also proposes to increase the maximum number of residential dwellings to 1,609, of which no more than 500 units shall be multi-family units.
- F. The Town Board finds that it is in the public interest to continue to grandfather Tuxedo Reserve under the Town’s pre-existing zoning regulations governing planned integrated developments and to change the minimum required number of single family detached units to 269 and the minimum number of duplex units to 174, and to increase the maximum number of residential dwellings to 1,609, of which no more than 500 units shall be multi-family units.

Section 2. Amendment of Local Law No. 3 of 2011.

Paragraph 1 of Section 2 of Local Law No. 3 of 2011 is amended to read as follows:

“1. No more than 1,609 residential dwelling units may be constructed on the Tuxedo Farms Planned Integrated Development of which no more than 500 units shall be multi-family units and no less than 269 units shall be single family detached units and no less than 174 shall be duplex units.”

Section 3. Severability.

The provisions of this local law are declared severable, and if any section or subsection of this local law is held to be invalid, such invalidity shall not affect the other provisions of this local law that can be given effect without the invalidated provision.

Section 4. Repeal.

All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2022 of the ~~(County)(City)~~(Town)(Village) of Tuxedo was duly passed by the Town Board on October 24, 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

Marisa Dollbaum

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body Marisa Dollbaum, Town Clerk

(Seal)

Date: 10/20/2022