

LOCAL LAW NO. 5 OF 2010

**A LOCAL LAW AMENDING LOCAL LAW NO. 4A OF 1999;
RELATING TO TUXEDO RESERVE; CHANGING THE REQUIRED
MINIMUM NUMBER OF SINGLE FAMILY RESIDENTIAL UNITS**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF TUXEDO:

Section 1. FINDINGS AND HISTORY

A. Local Law No.4A of 1999 repealed and reenacted zoning regulations governing planned integrated developments in the Town. Section 2 of that Local Law exempted the Tuxedo Reserve Project from review under the new zoning regulations, subject to the Tuxedo Reserve 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 the Tuxedo Reserve Planned Integrated Development.

C. 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 and semidetached units to 764.

D. The proposed modifications, including the change in the minimum required number of single family detached and semi-attached units, have been reviewed as required under the New York State Environmental Quality Review Act. A Final Supplemental Environmental Impact Statement was accepted by the Town Board by resolution of the Town Board adopted on November 8, 2010. A Lead Agency Statement of Findings was issued by the Town Board on November 22, 2010.

E. Pursuant to General Municipal Law § 239-m, the proposed amendment of Local Law #4A of 1999 was referred to the Orange County Department of Planning, which issued its report on November 19, 2009 and concluded that the proposed amendment to Local Law #4A of 1999 had no potential to cause inter-municipal or county-wide impacts.

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 number of required number of single family detached and semidetached units to 764.

Section 2. AMENDMENT OF LOCAL LAW #4A OF 1999

The following paragraph of Section 2 of Local Law #4A of 1999 is amended to read as follows:

5. 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 ~~866~~ 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.

Section 6. 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 Law.

On a roll call vote as follows, this Local Law is X adopted ___ defeated:

<u>Supervisor Dolan</u>	<u>Aye</u>	<u>Nay</u>
<u>Councilperson Loncar</u>	<u>Aye</u>	<u>Nay</u>
<u>Councilperson Darling</u>	<u>Aye</u>	<u>Nay</u>
<u>Councilperson Phelps</u>	<u>Aye</u>	<u>Nay</u>
<u>Councilperson Spivak</u>	<u>Aye</u>	<u>Nay</u>
<u>Dated: November 22, 2010</u>		