

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**

JUN 07 2011

of Tuxedo

DEPARTMENT OF STATE

Local Law No. 3 of the year 2011

A local law "AMENDMENT TO LOCAL LAW NO. 4A OF 1998"
(Insert Title)

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

County City Town Village of Tuxedo as follows:
(Select one:)

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A. Local Law No.4A of 1998 repealed and reenacted zoning regulations governing planned integrated developments in the Town.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 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.

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

E. Pursuant to General Municipal Law § 239-m, the proposed amendment of Local Law #4A of 1998 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 1998 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 1998. Paragraph 1 of Section 2 of Local Law #4A of 1998 is amended to read as follows:

"1. 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 3. 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.

(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. 3 of 2011 of the (County)(City)(Town)(Village) of Tuxedo was duly passed by the Town Board on November 22, 2010, in accordance with the applicable provisions of law.

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) _____ and was deemed duly adopted 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) _____ (repassed after disapproval) by the _____ on _____ 20____. 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 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) _____ (repassed after disapproval) by the _____ on _____ 20____. Such local 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 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.



Elaine M. Laurent, Town Clerk, Town of Tuxedo

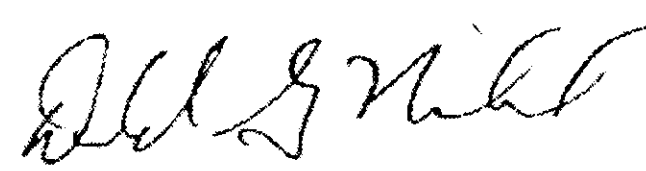
(Seal)

Date: April 26, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature DONALD G. NICHOL, ESQ.
Title Attorney for the Town

County
City
Town of Tuxedo
Village

Date: April 20, 2011