

**RESOLUTION APPROVING CERTAIN AMENDMENTS TO THE 2022 SPECIAL USE PERMIT FOR THE TUXEDO FARMS PLANNED INTEGRATED DEVELOPMENT**

**WHEREAS**, on November 15, 2004, the Town Board of the Town of Tuxedo, as Lead Agency, adopted a State Environmental Quality Review Act (“SEQRA”) Findings Statement and issued a Special Permit and approved a Preliminary Plan for the Tuxedo Farms Planned Integrated Development (“Project”) (previously called Tuxedo Reserve), encompassing approximately 2,247 acres in the Town of Tuxedo (and a portion in the Village of Sloatsburg); and

**WHEREAS**, the Town Board issued amended Special Permits, SEQRA Findings, and related approvals for the Project in 2010, 2015, and, most recently, in 2022; and

**WHEREAS**, more specifically, on October 24, 2022, the Town Board adopted an Amended SEQRA Findings Statement (“2022 SEQRA Findings”), and on November 22, 2022, the Town Board adopted an amended Special Permit (“2022 Special Permit”); and

**WHEREAS**, the 2022 SEQRA Findings and 2022 Special Permit were issued in connection with amendments to the 2015 approvals that were intended primarily to facilitate an adjustment in the Project’s unit mix distribution to meet current market demand for what is known as “Missing Middle” housing; and

**WHEREAS**, in January 2023, LR Tuxedo Development Group, LLC (as successor to Tuxedo Reserve Owner, LLC) (“Applicant”), the developer of the Project, applied to the Town Planning Board for site plan and subdivision approval for portions of the Project; and

**WHEREAS**, as a result of the Planning Board’s ongoing review process, the Applicant realized that certain additional minor amendments to the 2022 Special Permit are needed to facilitate the implementation and construction of the Project; and

**WHEREAS**, the amendments relate to (i) the sequencing of Planning Board and Architectural Review Board approval pursuant to Article VIII of the 2022 Special Permit, and (ii) clarifying certain technical matters in the Design Standards appended to the 2022 Special Permit (*i.e.*, Smart Code, Performance Standards, and Architectural and Landscape Design Guidelines), including, but not limited to, an updated Table 8 to the Smart Code to allow for additional on-street parking within the area known as The Commons (collectively, the “Proposed Amendments”); and

**WHEREAS**, by letter application dated June 5, 2023, the Applicant submitted a formal request to the Town Board to review and adopt the Proposed Amendments; and

**WHEREAS**, the Town Board believes that the Proposed Amendments are minor in nature and should be classified as an Unlisted Action under SEQRA; and

**WHEREAS**, the Town Board conducted an environmental review of the Project under SEQRA’s procedures to confirm whether any new significant adverse environmental impacts may result from the Proposed Amendments that were not previously studied; and

**WHEREAS**, during the course of the Town Board’s review, the Applicant submitted: (i) the Proposed Amendments, (ii) Short Environmental Assessment Form, and (iii) 2023 SEQRA Technical Memorandum, prepared by AKRF, dated June 5, 2023, which analyzes whether the Proposed Amendments would result in any new potential significant adverse impacts to the environment that were not previously studied and mitigated during the prior SEQRA reviews of the Project, including the 2022 SEQRA Findings (collectively, the “Application Materials”); and

**WHEREAS**, the Town Board, together with its independent planning consultant (Nelson Pope Voorhis), the Town Engineer, and the Town Attorney, reviewed the Application Materials to determine whether the Application Materials complied with the grandfathered Planned Integrated Development (“PID”) regulations applicable to the Project; and

**WHEREAS**, the Town Board considered the Proposed Amendments at its meetings on June 12, 2023, and June 26<sup>th</sup>, to discuss and provide comments on the Application Materials and the Proposed Amendments; and

**WHEREAS**, the Town Board conducted a Public Hearing on the Proposed Amendments on June 26, 2023, at 6:00 p.m., at Tuxedo Town Hall, at which time those wishing to comment on the Proposed Amendments were afforded an opportunity to be heard; and

**WHEREAS**, the Public Hearing Notice was published in the Times Herald-Record, mailed to each owner of surrounding parcels of property and the Village of Sloatsburg, and was posted on the Town website; and

**WHEREAS**, the Town Board also referred the Proposed Amendments to the Town of Tuxedo Planning Board and the Orange County Planning Department (“OCPD”) as required by law; and

**WHEREAS**, on June 26, 2023, the Planning Board issued its report to the Town Board; and

**WHEREAS**, on June 22, 2023, OCPD issued its report to the Town Board pursuant to General Municipal Law Sections 239-l, 239-m, and 239-n; and

**WHEREAS**, a form of the Proposed Amendments has been presented to the members of the Town Board for their review and consideration, which consists of excerpted pages from the 2022 Special Permit and the Design Standards showing redlined changes to the previously approved versions; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board finds that the Proposed Amendments, individually and cumulatively, will not result in any new potential significant adverse impacts to the environment that were not previously studied during the prior SEQRA reviews of the Project, or which were not fully studied as part of the current review of the Proposed Amendments, including the 2023 SEQRA Technical Memorandum; and

**BE IT FURTHER RESOLVED**, that the Town Board finds that no additional or supplemental environmental review is required under SEQRA for the Proposed Amendments pursuant to 6 N.Y.C.R.R. Section 617.9(a)(7); and

**BE IT FURTHER RESOLVED**, that the Town Board, as Lead Agency for the SEQRA review of the Proposed Amendments, hereby determines that all procedural steps of SEQRA and its implementing regulations have been fully satisfied; and

**BE IT FURTHER RESOLVED**, that the Town Board finds that the Application for the Proposed Amendments to the 2022 Special Permit satisfies the requirements of the grandfathered PID regulations insofar as they are minor amendments that are intended to clarify and refine certain procedural and technical design matters already approved in the 2022 Special Permit (including the Design Standards); and

**BE IT FURTHER RESOLVED**, that simultaneous with the adoption of this Resolution, the applicable pages in the 2022 Special Permit, including the Design Standards, shall be substituted with the individual pages comprising the Proposed Amendments, subject to any non-material modifications that are deemed satisfactory to the Town Board's counsel and consultants in coordination with the Applicant, and the resulting documents shall constitute the operative 2022 Special Permit and Design Standards for the Project; and

**BE IT FURTHER RESOLVED**, that except as modified by this Resolution, there are no other amendments or modifications to the 2022 Special Permit, and all unchanged terms and conditions set forth in the 2022 Special Permit are in full force and effect; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall file this Resolution in its office, and shall file a report of this action with OCPD within thirty (30) days from this date; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

On a roll call vote of:

Town Supervisor Kenneth English	Aye
Deputy Supervisor Michele Lindsay	Abstained
Councilmember Maria May	Aye
Councilmember Jay Reichgott	Aye
Councilmember Deirdre Murphy	Aye

the Supervisor declared this Resolution adopted.

**ARTICLE VI. STREETS, DESIGN, DEDICATION, AND MAINTENANCE**

A. All streets in Tuxedo Farms shall be constructed in accordance with the 2022 Preliminary Plan; the Design Standards, including the Smart Code and its associated Regulating Plan, Performance Standards, and to the extent applicable to the Project and not inconsistent with the Project’s Design Standards, the Town’s street specifications as set forth in the Town subdivision regulations (the “Town Street Specifications”). The Town Highway Superintendent may, on a case by case basis, modify the Town Street Specifications to the extent authorized by the Town Code.

B. The Applicant shall offer for dedication to the Town the Project’s three spine roads and their rights-of-way (and all infrastructure and street trees contained therein) as shown on the 2022 Preliminary Plan: Quail Road, Bridle Trail, and Two Hill Road. Each final subdivision and site plan approval shall be conditioned upon the Applicant making an offer of dedication of that portion of Quail Road, Bridle Trail, and/or Two Hill Road that is within the portion of the Project being granted final subdivision or site plan approval. Upon acceptance of dedication, the Town shall be responsible for the maintenance of these roads and all stormwater drainage facilities and infrastructure in the road right-of-way, except as otherwise agreed in writing between the Town and Applicant in a Maintenance Agreement or other document.

C. Except for those roads accepted for dedication by the Town, the TFHOA shall own and maintain at its sole cost and expense all other roads and all stormwater drainage facilities and infrastructure in the road right-of-way. In addition, the TFHOA shall be responsible for maintenance of all rock walls whether or not such walls are located within a public right-of-way.

**ARTICLE VIII. SUBDIVISION AND SITE PLAN REVIEW PROCESS;  
PLOT PLAN; ARCHITECTURAL REVIEW; AND  
ISSUANCE OF BUILDING PERMITS**

The following process is a guide to the Planning Board and other Town Boards, agencies, and employees to facilitate the orderly processing of subdivision, site plan, and other applications necessary for development of Tuxedo Farms in accordance with the Town Code and this Special Permit. It is in no way intended to supersede the procedural requirements of the Town Code:

A. Subdivision and Site Plan Review Process.

1. Preliminary Subdivision Plat and/or Site Plan Approval. The Planning Board shall review all applications for preliminary subdivision approval and for site plan approval in accordance with the procedures and requirements set forth in the Town Code for such review and this Special Permit. Prior to approval of a preliminary subdivision plat or a site plan, the application shall be referred to the Architectural Review Board (“ARB”) for preliminary review and comment on the conceptual exterior design of those structures whose design is to be approved as part of the preliminary subdivision approval or site plan approval, if any. For purposes of the Project, the Planning Board shall serve as the ARB unless the Town creates a separate ARB.

2. Final Subdivision and/or Site Plan Approval. The Planning Board shall review all applications for final subdivision and/or site plan approval in accordance with the procedures and requirements set forth in the Town Code for such review and this Special Permit. Final subdivision and/or site plan approval shall be conditioned on ARB review and approval of the exterior design of those structures to be approved as part of the final subdivision and/or site plan approval. As it deems appropriate, the Planning Board shall indicate applicable requirements by note and/or design on each subdivision and site plan approved by the Planning Board. The Planning Board is authorized to grant Preliminary and Final Subdivision and/or Site Plan Approval concurrently, provided that prior to any such combined approval the ARB shall conduct its preliminary review as set forth above.

3. Building Permit. The Applicant is permitted to submit a building permit application to the Building Department prior to final approval from the Planning Board and ARB to commence the Building Department’s review, but in no event shall the Building Inspector issue a building permit for site work on any lot in Tuxedo Farms unless and until:

- a. final plan approvals (site plan and/or subdivision, as applicable) have been received from the Planning Board;
- b. all applicable required outside agency permits have been obtained;
- c. all required fees have been paid and any outstanding accounts brought current;
- d. all required financial assurances and bonds have been posted and are maintained;
- e. all applicable prerequisites and requirements for issuance of a building permit have been satisfied under Section 37-4 of the Town Code, including but not limited to, conformance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code; and
- f. there is compliance with this Special Permit, the 2022 Preliminary Plan, and the applicable Design Standards, including the bulk requirements on Smart Code Table

4. Building Permit. In no event shall the Building Inspector issue a building permit for any building or unit in Tuxedo Farms unless and until:

a. all required approvals have been obtained from the Architectural Review Board, including, but not limited to, a determination by the ARB that the building or structure is in conformity with the applicable provisions of the Architectural and Landscape Design Guidelines;

b. all prerequisites and requirements for issuance of a building permit have been satisfied under Section 37-4 of the Town Code, including but not limited to, conformance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code; and

c. there is compliance with this Special Permit, the 2022 Preliminary Plan, and the Design Standards, including the bulk requirements on Smart Code Table 1.

B. The ARB's role shall be to confirm that the exterior of proposed building designs and other Project elements are consistent with the Architectural and Landscape Design Guidelines approved by the Town Board, and upon such confirmation, the ARB shall issue its approval. The ARB is hereby empowered to retain architects and landscape architects to assist it in fulfilling this duty. The Applicant shall reimburse the Town for the ARB's reasonable outside consulting costs, if any. The Town Board shall approve the retention of architects and landscape architects to assist the ARB after receiving recommendations from the ARB and following consultation with the Applicant. The ARB is authorized to pre-approve home designs and infrastructure element designs and to authorize such designs to be replicated on designated lots or locations without need for subsequent ARB approval.