

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

Deputy Supervisor Lindsay called to order the Town Board Meeting of October 24, 2022 at 7:03pm.

The meeting was opened by a pledge of allegiance to the flag.

Town Board Members Present:	Mr. Kenneth English	Supervisor	via Zoom
	Mrs. Michele Lindsay	Deputy Supervisor	
	Ms. Maria May	Councilmember	
	Mr. Jay Reichgott	Councilmember	
	Ms. Deirdre Murphy	Councilmember	

Town Board Member Absent: None

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Robert Dollbaum, Highway Superintendent

Other Town Officials Present via Zoom:

Mr. Howard Protter, Town Attorney; Mr. Larry Wolinsky, Town Attorney; Mr. Frank Peverly, Zoning Board Chairman

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

Public Hearing – Food Truck Local Law

A public hearing on Introductory Local Law - Food Trucks was opened by Deputy Supervisor Lindsay at 7:10pm.

Draft of Local Law:

**INTRODUCTORY LOCAL LAW
FOOD TRUCKS**

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

Section 1. Chapter 72 of the Code of the Town of Tuxedo is amended and renamed: to read as follows: "Food Trucks, Peddling and Soliciting".

Section 2. Chapter 72 of the Code of the Town of Tuxedo shall be amended to create a new Article I which shall be titled "Peddling and Soliciting" and shall comprise the existing Chapter sections 72-1 through 72-14

Section 3. Chapter 72 of the Code of the Town of Tuxedo shall be amended to create a new Article II which shall be titled "Food Trucks" and shall read as follows:

ARTICLE II

FOOD TRUCKS

§ 72-15 Purpose.

The purpose of this chapter is to regulate food trucks within the Town of Tuxedo in a manner that protects the public health, safety, and welfare. This chapter describes the permitting procedures for food trucks and is intended to operate in conjunction with the regulations of Chapter 98 entitled "Zoning."

§ 72-16 Definitions.

The following terms shall, for the purposes of this chapter, have the meanings herein indicated:

FOOD TRUCK

A mobile food service operation located in a licensed motorized vehicle or a movable cart, stand, or trailer and from which food and beverages (pre-packaged or prepared and served

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

FOOD TRUCK OPERATOR

The registered owner of a food truck or the owner's agent or employee.

§ 72-17 Permit required.

- A. It shall be unlawful for any person or entity to operate a food truck within the Town of Tuxedo without having obtained a permit for such purpose in accordance with the provisions of this chapter.
- B. Any person or entity desiring to operate a food truck shall make a written application for a food truck permit to the Town of Tuxedo Code Enforcement Officer. The application for a permit shall be made on forms provided by the Town of Tuxedo and shall include the information required by this chapter and the following:
- (1) Name, signature, telephone number, e-mail address, home address, and business address of the food truck operator and of the registered owner of the food truck.
 - (2) A description and photograph of the food truck, including the license plate and registration number, VIN number, year, make, and model of the vehicle, and dimensions (length and width).
 - (3) A valid copy of the Orange County Health Department permits for a mobile food service operation.
 - (4) Address of the private property the food truck will be located on and name of the property owner.
 - (5) Owner consent form from the property owner authorizing the location of the food truck on the property.
 - (6) A sketch plan including details sufficient to demonstrate compliance with this chapter.
 - (7) Required application fee in accordance with the fee schedule established by the Town Board.
- C. The Code Enforcement Officer shall approve and issue a food truck permit if:
- (1) The applicant demonstrates compliance with the requirements of this chapter.
 - (2) The required food truck permit fee has been paid.
 - (3) No notices of violation are pending on the property; and
 - (4) The use is in a non-residential zoning district in Chapter 98.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

- D. Food truck permits may be issued for the following lengths of operation, provided that in no event shall a permit be issued to expire later than the County Health Department permit:
 - (1) Annual permit: twelve months.
 - (2) Daily permit: three consecutive days.
- E. A permit is effective upon approval by the Code Enforcement Officer.
- F. A food truck permit is not transferable.
- G. The Code Enforcement Officer shall administer this chapter and be authorized to issue appearance tickets for any violations of this chapter.

§ 72-18 Siting.

- A. Food trucks permitted under this chapter shall only be located on private property. Nothing in this chapter shall be deemed to authorize the sale or distribution of food from a food truck on public property or in the public right-of-way absent explicit approval of the Town Board.
- B. Food trucks shall only be permitted in the non-residential zoning districts established in Chapter 98 of the Town Code.
- C. Food trucks may only be sited on the property at the location designated on the permit.
- D. Food trucks shall meet the minimum side and rear yard setback requirements for a principal structure in the zoning district in which they are located and shall have a minimum front yard setback of five feet.
- E. Food trucks shall be located a minimum of five feet from the edge of any driveway, utility box and vault, handicapped ramp, building entrance, exit or emergency access/exit way or emergency call box.
- F. Food trucks shall be located a minimum of 150 feet from the main entrance to any restaurant on adjacent properties, 150 feet from any outdoor dining area associated with any restaurant on adjacent properties, and 50 feet from any food truck on another property, as measured from the designated location on the lot accommodating the food truck.
- G. Food trucks must be sited in a location that does not obstruct or interfere with the free flow of pedestrian or vehicular traffic, does not restrict visibility at any driveway or intersection, and does not unreasonably interfere with the activities of other businesses or otherwise interfere with other lawful activities or violate any statutes, ordinances, or other laws.

§ 72-19 Number and size of food trucks.

- A. A food truck or trucks may only be located on a lot of at least 1/2 acre in size.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

- B. A maximum of three food trucks shall be permitted per lot at any one time.
- C. The maximum number of permits that may be issued and outstanding for any lot per year shall be one seasonal permit and three daily permits.
- D. The maximum size of a food truck shall be 256 square feet, measured from the exterior faces of the food truck.

§ 72-20 Operations.

- A. Food truck operators shall maintain a valid Orange County Health Department permit and shall operate the food truck in conformance with all applicable health standards.
- B. The following shall be conspicuously posted in public view on the food truck at all times: The Orange County Health Department permit; the Town of Tuxedo food truck permit; and a notice in at least two-inch font stating: "To report a violation, call the Town of Tuxedo Code Enforcement Officer at 845-351-4411 ext.6."
- C. Food truck operators must demonstrate that a minimum of four parking spaces are available on the lot (or on an immediately adjacent lot with owner permission) to serve the food truck, and that such spaces are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of another business or activity that is operating on the lot at the same time as the food truck.
- D. Food trucks must have adequate ingress and egress from the property to prevent traffic congestion and safety hazards. Existing and/or proposed curb cuts intended to serve the food truck shall meet the minimum sight distance requirements of the Town of Tuxedo highway specifications.
- E. Signage. All food trucks shall be permitted a single freestanding sign not greater than eight square feet in size, in addition to the following:
 - (1) There shall be no limit on the size or number of signs on the truck.
 - (2) Signs affixed to food trucks shall not be mounted perpendicular to the food truck and shall not protrude beyond the edges of the food truck.
- F. The operation of food trucks shall be limited to the hours of 7:00 a.m. to 9:00 p.m.
- G. The food truck operator or his/her designee must be present at all times during the hours of operation except in cases of emergency.
- H. Food truck operators shall provide trash and recycling receptacles within 10 feet of their food truck. A food truck operator is responsible for the proper disposal of waste and trash associated with the operation of the food truck. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently as needed to

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

maintain the health and safety of the public. The food truck operator shall keep all areas and any associated seating areas clean of grease, trash, paper, cups, or cans associated with the operation. No liquid waste or grease shall be disposed in or on streams, wetlands, storm drains, lawns, sidewalks, streets, or other public space or in sanitary sewers or septic tanks not equipped with a grease trap.

- I. Outdoor seating shall be permitted as long as it is sited consistent with the provisions for food trucks in § 72-18.
- J. With the exception of allowable outdoor seating areas and trash receptacles, all equipment required for the operation of a food truck shall be contained within, attached to, or located within three feet of the food truck.
- K. No food shall be prepared, sold, or displayed at the food truck site outside of the food truck.
- L. No lighting is permitted except for lighting that is used within the food truck for the purpose of inside food preparation. Such lighting shall be turned off after hours.
- M. Tents are prohibited. Awnings are only permitted if they are attached to the food truck. Umbrellas are only permitted if they are attached to a picnic table.
- N. Amplified sound or loudspeakers are prohibited, and the food truck operation shall comply with the noise limits in Chapter 68 of the Town Code.
- O. Food trucks shall be consistent with the general performance standards of § 98-42 of the Zoning Law and shall not cause objectionable odors or smoke at any lot line.
- P. Food trucks and associated outdoor seating, if any, shall be removed from all permitted locations upon expiration of the permit.

§ 72-21 Exceptions.

- A. Special event, private residence. Residents may request that food trucks cater special events on private property at their place of residence within any zoning district. Such request for a special event private use food truck permit shall be made to the Code Enforcement Officer for a period not exceeding one day, and not more than two events per year, and subject to the requirements of this chapter except for §§ 72-18B and 72-20N. In such cases, sales shall be limited to event attendees only (not to the general public).
- B. Special permit procedure, public property. The Town Board may from time to time by resolution establish procedures for issuance of a permit to locate a food truck on certain public property, and such permits, if authorized by the Town in its discretion, shall not be subject to the requirements of this chapter except other than within a parcel owned by the Town or an adjacent right-of-way area, they shall be sited within permitted zoning districts, and as may be provided in such resolution.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

- C. Special event, public. The Town Board may by resolution authorize a not-for-profit organization or public entity to obtain a daily permit in any zoning district for a designated date, time and location approved by the Town Board for the purpose of special events or public festivals. The Town Board may by resolution authorize a daily permit in any zoning district in conjunction with a permit for parades, processions and block parties or large assemblies.

§ 72-22 Violations.

- A. Any of the following shall constitute a violation of this chapter:
- (1) Failure to properly obtain and/or properly display a valid food truck permit shall be considered a violation of this chapter.
 - (2) Fraud or misrepresentation contained in the permit application.
 - (3) Fraud or misrepresentation made in the course of operating the business.
 - (4) Conduct that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare, or morals.
 - (5) Failure to comply with the provisions of this chapter.

§ 72-23 Suspension or revocation of a permit.

- A. The Code Enforcement Officer may issue a notice of intent to suspend or revoke a food truck permit for any violation. The notice of intent to suspend or revoke shall describe the violation and require the permit holder to immediately correct the violation or cause the violation to be corrected.
- B. The notice of intent shall be provided to the permit holder by personal service, by regular mail to the address submitted with the permit application, or by posting at the place of business of the food truck.
- C. If the permit holder fails to immediately correct the violation or cause the violation to be corrected, the Code Enforcement Officer shall suspend or revoke the permit.
- D. A permit holder shall be entitled to request a hearing on suspension or revocation before the Town Board, upon application made to the Town Clerk demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the Town Board. The Town Board shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of written request.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

§ 72-24 Enforcement and administration.

- A. The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Tuxedo ("police officers"), the Town of Tuxedo Code Enforcement Officer, Code Enforcement Official/Building Inspector and Town Attorney or his/her designee and such other employees and/or officials authorized by the Town Board.
- B. Pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, § 150.10, Police Officers, the Code Enforcement Officer and Code Enforcement Official/Building Inspector of the Town of Tuxedo are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Town Court of the Town of Tuxedo, when he or she has reasonable cause to believe a person has violated, in his or her presence, Chapter **72 Article II** of the Code of the Town of Tuxedo, entitled "Food Trucks," and to prosecute the violation in Town Court.
- C. If the violation occurs on the premises of a property which is occupied by someone other than the owner, the issuer of the appearance ticket must also notify the owner in writing of the violation within five business days of said violation. Failure to provide such notice shall not affect the prosecution of the person or persons charged with said violation.

§ 72-25 Penalties for offenses.

- A. Violation of this chapter shall be deemed an offense, and any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a penalty of not more than \$250, or imprisonment for a term not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense.
- B. Conviction of a violation of this chapter shall constitute and effect an immediate forfeiture of any license hereunder held by the person so convicted.
- C. Without limiting any other remedy, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

Section 4. This law shall take effect upon filing with the Secretary of State.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

Public Comments

- Resident Jerry Mottola feels that food trucks are not necessary since there are enough vacant buildings in Town to open restaurants.
- Resident Evelyn David asked if there would be a restriction of operating hours. Councilmember Reichgott answered that the proposed hours allowed are 7am-11pm.

Close Public Hearing:

RESOLVED, Motion made by Deputy Supervisor Lindsay seconded by Councilmember May, that all persons desiring to be heard, having been heard, the Public Hearing regarding Introductory Local Law on Food Trucks, which be closed at 7:17pm.

ON ROLL-CALL VOTE;	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Jay Reichgott	Aye
	Councilmember:	Deirdre Murphy	Aye

Agenda Item #1

Consideration of a resolution adopting amended SEQRA findings statement 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 and 2015; and

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

WHEREAS, the Project is grandfathered into the Planned Integrated Development regulations in existence at the time the Special Permit was first issued (“Grandfathered PID Regulations”) and

WHEREAS, in or around November 2021, Tuxedo Reserve Owner LLC (“Applicant”), the developer of the Project, applied to the Town Board, and thereafter has engaged in discussions with the Town Board and other involved and interested agencies, regarding certain proposed amendments to the Project’s Special Permit and Preliminary Plan (collectively, all the modifications to the Project described in this Resolution are referred to as the “Proposed Amendments” or “Proposed Action”); and

WHEREAS, the Town Board has continued to act as Lead Agency for the Proposed Action pursuant to SEQRA; and

WHEREAS, the Proposed Amendments are 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, Missing Middle housing is a range of housing typologies that are typically smaller and more moderately priced than a single-family home to meet the needs of downsizing seniors, as well as first-time home buyers; and

WHEREAS, the Proposed Amendments would retain the character of the Project as a walkable planned community, comprising several residential neighborhoods centered around a mixed-use town center known as the Commons; and

WHEREAS, the Proposed Amendments also include updated Design Standards (*i.e.*, Smart Code, Performance Standards, and Architectural and Landscape Design Guidelines) to accommodate the new development program, and to permit additional building materials; and

WHEREAS, the Proposed Amendments further include an amendment to Local Law 3 of 2011 to reflect certain caps and minimum requirements on unit counts; and

WHEREAS, the Proposed Amendments would increase the total unit count (including age-restricted) from 1,195 to 1,609, and increase the total bedroom count from 3,324 to 3,574 (with a maximum bedroom count inclusive of age-restricted units capped at 3,620 based on sewer and water capacity); and

WHEREAS, more specifically, the Proposed Amendments to the 2015 Special Permit and Project, include, but are not limited to, the following:

Remove the requirement to build 764 single family homes and replace it with a requirement to build 269 single family detached homes;

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

Increase the maximum unit count from 1,375 to 1,609;

Increase the non-age restricted maximum bedroom cap from 2,860 to 3,070;

Remove references to the Palisades Interstate Parks Commission (PIPC) swap alternative as it is no longer contemplated;

Update the definition of multi-family to exclude attached home concepts such as townhomes and stacked townhomes;

Revise the timing and amount of the Hamlet Revitalization Funding Program payments (the amount of the Grant Fund would increase from \$1,000,000.00 to \$1,100,000.00, and the Loan Fund would be eliminated);

Modify the library agreement to permit shared use between the Applicant and Town (and Library) of a new, approximately 4,000sf community event building in the Commons to be constructed by the Applicant, with an option for the Town to acquire the building;

Modify the PILOT payment schedule regarding the 88.78 acres of LIO zoned land depicted on the 2022 Preliminary Plan;

Remove the requirement to build the project in three phases in strict sequence to allow a more thoughtful and flexible development phasing to meet the market demands and allow construction of Active Adult community sooner;

Update the Preliminary Plan and Regulating Plan to:

- a. Show new master plan with planned unit types;
- b. Adjust certain Transect Zone designations to allow more smaller homes and allow concentrated development around center of community; and

Update and replace the Design Standards as needed to allow proposed home types to meet the market demand and latest building materials while maintaining the quality and desired aesthetic character of the Development; and

WHEREAS, Paragraph 1 of Section 2 of Local Law No. 3 of 2011 is proposed to be amended to read as follows: “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”; and

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

WHEREAS, during the course of the Town Board's review, the Applicant submitted various technical information and data required by the Town Board, including, among other things, (i) Technical Memorandum, prepared by AKRF, (ii) 2022 Preliminary Plan, which consists of a set of 23 drawings, including Surveys, Zoning Plan, Regulating Plan, Public and Private Road Hierarchy Plans, Conceptual Stormwater Management Plan, and Concept Plan, prepared by Langan Engineering and Hart Howerton, (iii) updated Design Standards, prepared by the Applicant and its consultants, and (iv) Traffic Assessment of Proposed Modifications to Tuxedo Farms, prepared by Philip Habib & Associates (collectively, "Application Materials"); and

WHEREAS, the Technical Memorandum was submitted to assist the Town Board in determining whether supplemental environmental review was warranted under SEQRA; and

WHEREAS, the Town Board carefully reviewed the Technical Memorandum, as updated and revised throughout the process, to determine whether there were any new potential significant environmental impacts that were not previously studied in the prior SEQRA review of the approved 2015 Special Permit and Preliminary Plan, or which were not fully studied as part of the Technical Memorandum and the Application Materials; and

WHEREAS, the Town Board, together with its independent planning and traffic consultants (Nelson Pope Voorhis and Nelson & Pope, respectively), the Town Engineer, and the Town Attorney reviewed the Application Materials when they were originally submitted in November 2021, and as they were revised and re-submitted during the review process; and

WHEREAS, the Town Board held approximately ten (10) work session meetings, which were duly noticed and attended by members of the public, to discuss and provide comments on the Application Materials and the Proposed Amendments to the Special Permit and Project; and

WHEREAS, the Town Board's and Applicant's respective professional consultants and attorneys also worked together outside these work session meetings to further discuss and revise the Application Materials to make sure all the necessary SEQRA and other information was provided to the Town Board; and

WHEREAS, the Applicant submitted revised Application Materials to the Town Board and its consultants on several occasions, including, but not limited to, January 27, 2022, March 10, 2022, and May 26, 2022; and

WHEREAS, the Town Board and its consultants independently reviewed all iterations of the Application Materials to ensure they were complete and in a form suitable for acceptance by the Town Board (as Lead Agency); and

WHEREAS, the Town Board conducted Public Hearings on the Proposed Amendments to the Special Permit and Preliminary Plan on June 16, 2022 and June 23, 2022, at 6:00 p.m., at

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

the George Grant Mason Elementary School, Multipurpose Room, 11 Hillside Avenue, Tuxedo, New York, 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 voted to close the Public Hearing on the Proposed Amendments to the Special Permit on June 23, 2022; and

WHEREAS, the Public Hearing on the Proposed Amendments to Local Law 3 of 2011 was continued on June 27, 2022, on which date such Hearing was closed; and

WHEREAS, the Town Board has listened carefully to all the comments and questions raised by the commenters at the Public Hearings, including, but not limited to, representatives of the Tuxedo Union Free School District ("TUFSD"), as well as comments that were submitted during the written comment period, which ended on July 7, 2022; and

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

WHEREAS, on June 6, 2022, the Planning Board issued its report to the Town Board pursuant to the Town Zoning Law; and

WHEREAS, on July 25, 2022, OCPD issued its report to the Town Board pursuant to General Municipal Law Sections 239-l, 239-m, and 239-n; and

WHEREAS, the OCPD report contained a binding comment to reinstate review of the Project with the New York State Department of Transportation ("DOT"), and to complete any supplemental traffic studies determined by DOT and Orange County Department of Public Works ("OCDPW") to be necessary to assess traffic impacts along NYS Route 17 and affected local and County roads; and

WHEREAS, on August 22, 2022, a virtual meeting with representatives of the Town, the Applicant and its traffic consultants, OCPD, OCDPW, and DOT was held to discuss OCPD's transportation-related comments in its report; and

WHEREAS, following the meeting, the Applicant submitted additional information and analyses to DOT and OCPD, including a commitment to upgrade three (3) traffic signals to operate Adaptive Signal Control Technology ("ASCT"), anticipated to be at the intersections of NYS Route 17 and Seven Lakes Drive, Municipal Plaza, and Eagle Valley Road; and

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

WHEREAS, on September 2, 2022, DOT and OCPD issued e-mails stating that given the additional technical information provided and the Applicant's commitment to install ASCT at three area intersections, their respective transportation-related concerns had been addressed and the Town Board could complete its traffic review under SEQRA; and

WHEREAS, at the request of TUFSD, on September 6, 2022, representatives of the Town Board and TUFSD conducted a meeting in-person, during which the TUFSD shared a presentation entitled "Tuxedo Farms: District Operational and Facilities Impact Study," which was submitted to the entire Town Board on September 8, 2022; and

WHEREAS, on September 19, 2022, the TUFSD, by its attorney, submitted a follow-up letter to the Town Board via the Town Attorney setting forth additional comments; and

WHEREAS, the Town Board also received correspondence from Deputy Minority Whip Karl A. Brabenec, and Village of Tuxedo Park Mayor David McFadden, relating to the TUFSD; and

WHEREAS, the Town Supervisor also conducted discussions with NYS Senator James Skoufis regarding the TUFSD; and

WHEREAS, the Proposed Amendments would not change any terms of the 2015 Special Permit that relate to the TUFSD, including the Applicant's total payment of \$2.5 million and donation of approximately 40 acres of land to the TUFSD (in addition to annual tax revenues generated by the Project); and

WHEREAS, the Town Board reviewed and analyzed the TUFSD's comments and concerns, and asked the Applicant's and the Town Board's own independent consultant to review and respond to all the information submitted by the TUFSD; and

WHEREAS, the Applicant, by its planning consultant, AKRF, prepared and submitted to the Town Board an updated Technical Memorandum, together with a supplemental letter ("Supplemental School Letter"), both of which are dated October 11, 2022, addressing all the TUFSD comments; and

WHEREAS, the Town Board's planning consultant independently evaluated the TUFSD comments and the Applicant's responses, and issued a Memorandum, dated October 14, 2022, concluding, among other things, that the Applicant's responses to the TUFSD's comments are reasonable, and that the Project would result in a positive fiscal benefit for the TUFSD ("Town School Memorandum"); and

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

WHEREAS, the Town Board, together with its planning consultant and the Town Attorney, has carefully considered all the TUFSD comments and the technical information submitted in response by the Applicant's and the Board's consultants; and

WHEREAS, in the course of its continued review of the Proposed Action and in order to secure a better unit mix for the project, the Town Board requested that the Applicant commit to replacing 30, 1-3 bedroom Multi-Family and/or Townhouse units with 30 single-family homes (anticipated to be 4 bedrooms each); and

WHEREAS, such change in single-family homes would increase the number of bedrooms by 60 (average of 2 additional bedrooms per each of the 30 units), for a maximum of 3,574 bedrooms, while maintaining a maximum unit count of 1,609; and

WHEREAS, the Applicant's October 11 Technical Memorandum evaluates this increase in single-family units and bedrooms, and concludes that such program mix would not result in any potential significant adverse environmental impacts; and

WHEREAS, on October 12, 2022, the Town Board re-opened and closed a duly noticed Public Hearing on the proposed amendment to Local Law 3 of 2011, because the minimum required number of single-family units increased from 239 to 269 units as a result of this requested change; and

WHEREAS, on October 19, 2022, the Applicant submitted a Report prepared by Murphy Burnham & Buttrick Architects, further addressing certain comments of the TUFSD, and demonstrating that there is a range of potential feasible approaches for accommodating the projected growth in enrollment in TUFSD ("MB&B Report"); and

WHEREAS, on October 20, 2022, the Town Board conducted a Special Meeting that focused exclusively on comments raised by the TUFSD, and included a discussion by and among the Town Board, Applicant and TUFSD ("TUFSD Special Meeting"); and

WHEREAS, the Town Board has further reviewed and considered the reports of the Planning Board and OCPD, comments made at public work sessions and Public Hearings, written comments, DOT and OCPD correspondence, submissions by TUFSD, and the discussion during the TUFSD Special Meeting; and

WHEREAS, all the issues raised have been addressed either as part of the prior SEQRA reviews and SEQRA Findings Statements, or during the Town Board's current review of the Proposed Amendments, including in the 2022 Technical Memorandum; and

WHEREAS, the final set of Application Materials reviewed and considered by the Town Board and its consultants consist of the following: (i) Technical Memorandum, with

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

Attachments (including the Supplemental School Letter), prepared by AKRF, last revised October 11, 2022 (“2022 Technical Memorandum”),¹ (ii) Preliminary Plan (set of 23 drawings), prepared by Langan Engineering and Hart Howerton, last revised September 8, 2022 (“2022 Preliminary Plan”), (iii) updated Design Standards, prepared by the Applicant and its consultants, last revised September 16, 2022, and (iv) MB&B Report, dated October 19, 2022; and

WHEREAS, the Town Board has considered the advice and recommendations of its planning, engineering, and legal consultants with respect to the Proposed Amendments, including, but not limited to, (i) Memoranda issued by Nelson Pope Voorhis (planning consultants), dated March 22, 2022, April 1, 2022, May 11, 2022, and October 14, 2022, (ii) Memorandum issued by Nelson & Pope (traffic consultants), dated April 2, 2022, and (iii) Memorandum issued by Town Engineer, dated March 24, 2022; 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 2022 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 Action pursuant to 6 N.Y.C.R.R. Section 617.9(a)(7); and

BE IT FURTHER RESOLVED, that the Town Board finds that the binding requirement contained in the OCDP’s GML report with respect to traffic has been satisfied through the additional mitigation of Adaptive Signal Control Technology at three intersections along NYS Route 17 based on discussions with DOT and OCDP and accordingly, the requirements of GML Sections 239-l, m, & n have been met; and

BE IT FURTHER RESOLVED, that the Town Board finds that the TUFSD comments and concerns have been adequately addressed in the 2022 Technical Memorandum and the Supplemental School Letter based on (i) the Board’s thorough review and investigation of all the materials submitted by the Applicant and TUFSD, (ii) the discussion during the TUFSD Special Meeting, and (iii) advice from the Town Attorney and the Town Board’s planning consultant, including, but not limited to, the planning consultant’s Town School Memorandum, which concluded, among other things, that the Project would be tax positive for the TUFSD; and

¹ Attachment B to the Technical Memorandum is the Traffic Assessment of Proposed Modifications to Tuxedo Farms, prepared by Philip Habib & Associates, last revised May 5, 2022.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

BE IT FURTHER RESOLVED, that the Town Board adopts the annexed Amended Findings Statement for the Proposed Action as the Town Board's official written findings statement pursuant to 6 N.Y.C.R.R Section 617.11; and

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

BE IT FURTHER RESOLVED, that the Town Clerk is directed to file the Amended Findings Statement with the Town Supervisor, Planning Board, all Involved Agencies, any person who has requested a copy, and the Applicant pursuant to 6 N.Y.C.R.R. Section 617.12(b); and

BE IT FURTHER RESOLVED, that except as superseded by this Resolution, the 2022 Special Permit, or the 2022 Preliminary Plan, all other terms, provisions, requirements, conditions, and mitigation measures set forth in the Town Board's SEQRA Findings Statements issued in 2004, 2010, and 2015 are incorporated herein by reference and shall remain in full force and effect; and

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

Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Reichgott
On a roll call vote of:

Town Supervisor Kenneth English	<u>Aye</u>	Nay	Abstain	Absent
Deputy Supervisor Michele Lindsay	<u>Aye</u>	Nay	Abstain	Absent
Councilmember Maria May	<u>Aye</u>	Nay	Abstain	Absent
Councilmember Jay Reichgott	<u>Aye</u>	Nay	Abstain	Absent
Councilmember Deirdre Murphy	<u>Aye</u>	Nay	Abstain	Absent

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

Agenda Item #2

Consideration of a resolution adopting Local Law #5 of 2022

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

WHEREAS, Section 2 of Local Law No. 4A of 1998 exempted the Tuxedo Farms Planned Integrated Development (“Project”) (previously called Tuxedo Reserve) from review under the new zoning regulations, subject to the 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; and

WHEREAS, on November 15, 2004, the Town Board of the Town of Tuxedo issued a Special Permit and approved a Preliminary Plan for the Project; and

WHEREAS, the Town Board issued an amended Special Permit and other approvals for the Project in 2010; and

WHEREAS, the Town Board amended Local Law 4A of 1998 by the 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); and

WHEREAS, Local Law 3 of 2011 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.”; and

WHEREAS, the Town Board issued an amended Special Permit and other approvals for the Project in 2015; and

WHEREAS, Tuxedo Reserve Owner LLC (“Applicant”), the developer of the Project, has applied to the Town Board to approve certain modifications to the Project’s 2015 Special Permit and Preliminary Plan; and

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

WHEREAS, the Applicant has also requested that the Town Board amend Local Law No. 3 of 2011 to reflect the current proposed caps and minimum requirements on unit counts for the Project; and

WHEREAS, more specifically, the Applicant's application to amend the 2015 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, as well as to increase the maximum number of residential dwellings to 1,609, of which no more than 500 units shall be multi-family units; and

WHEREAS, the Applicant had originally proposed the minimum required number of single family detached units to be 239; however, the Town Board required the Applicant to increase the minimum required number of single family detached units to 269, with a corresponding reduction in townhouse, stacked townhouse and/or multifamily units, to keep the maximum unit count at 1,609 and achieve a proper mix of unit types in the Project; and

WHEREAS, a form of Local Law No. 5 of 2022, amending Local Law No. 3 of 2011, has been presented to the members of the Town Board for their review and consideration; and

WHEREAS, the Town Board conducted Public Hearings on Local Law No. 5 of 2022 on June 23, 2022 and June 27, 2022, at 6:00 p.m., at the George Grant Mason Elementary School, Multipurpose Room, 11 Hillside Avenue, Tuxedo, New York, at which time those wishing to comment on Local Law No. 4 of 2022 were afforded an opportunity to be heard; and

WHEREAS, the Town Board re-opened a duly noticed Public Hearing on Local Law No. 5 of 2022 on October 12, 2022, at 7:00 p.m., at Town Hall, 1 Temple Drive, Tuxedo, New York, at which time those wishing to comment on the above-referenced increase in the minimum required number of single family detached units to 269 following the June Public Hearings were afforded an opportunity to be heard; and

WHEREAS, the Town Board studied the potential significant adverse environmental impacts of Local Law No. 5 of 2022 pursuant to the New York State Environmental Quality Review Act and its implementing regulations (collectively, "SEQRA"); and

WHEREAS, on or about October 24, 2022, the Town Board, as Lead Agency, adopted an Amended Findings Statement pursuant to SEQRA for certain proposed amendments to the Project, including, but not limited to, the amendments set forth in Local Law No. 5 of 2022 ("Amended Findings Statement"); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board finds that it is in the public interest to continue to grandfather the Project under the Town's pre-existing zoning regulations governing planned integrated developments; and

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

BE IT FURTHER RESOLVED, that the Town Board finds that the proposed amendment to Local Law No. 3 of 2011 as set forth in Local Law No. 5 of 2022 provides adequate caps and minimum requirements with respect to multi-family units, single family detached units, and duplex units, to achieve a proper mix of unit types in the Project; and

BE IT FURTHER RESOLVED, that Local Law No. 5 of 2022 is hereby approved; and

BE IT FURTHER RESOLVED, that Paragraph 1 of Section 2 of Local Law No. 3 of 2011 is hereby 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."; and

BE IT FURTHER RESOLVED, that the Amended Findings Statement is incorporated herein by reference, and no further findings or determination of significance is required under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to file the Local Law with New York State Department of State; and

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

Motion made by Deputy Supervisor Lindsay, Councilmember Murphy

On a roll call vote of:

Town Supervisor Kenneth English	<u>Aye</u>	Nay	Abstain	Absent
Deputy Supervisor Michele Lindsay	<u>Aye</u>	Nay	Abstain	Absent
Councilmember Maria May	<u>Aye</u>	Nay	Abstain	Absent
Councilmember Jay Reichgott	<u>Aye</u>	Nay	Abstain	Absent
Councilmember Deirdre Murphy	<u>Aye</u>	Nay	Abstain	Absent

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

Department Updates:

- Robert Dollbaum, Highway Superintendent, asked the Town Board if they want him to replace the recently damaged speed radar trailer. He will speak with Chief Trazino on training the Police Department how to download the data from the speed radar trailers. Leaf pick up has begun and loose leaves can be raked to curbside. They are preparing plows for the winter. The salt barn floors have been repaired. They replaced light bulbs along Route 17 with LED. They are finished working on rock pile for year on Long Meadow Rd. Mulch is still available at Quarry Field.
- Marisa Dollbaum, Town Clerk, said early voting for the General Election begins this Saturday, October 29th. The closest locations are the Town Hall in Monroe or Warwick. She said Sloatsburg's Trunk or Treat event is Sunday, October 30th from 1-3pm and Tuxedo's Trunk or Treat is from 4-6pm on the same day at Powerhouse Park.
- Frank Peverly, Zoning Board Chairman, said a ZBA member will be resigning at end of year. They will be looking for other members. The Zoning meeting tomorrow is with Skyview Skylights applicant.

TOWN SUPERVISOR/TOWN BOARD UPDATE:

- Supervisor English continued to work on reviewing the Tuxedo Farms SEQRA document. He mentioned the new tennis courts at Tichy Field are being utilized by residents.
- Deputy Supervisor Lindsay said the Community Choice program will kick off on November 1. There will be a 60-day public education and outreach phase. Local organizations will be contacted to spread the word. The RFP (Request for Proposals) will be sent out early next year to suppliers of electricity generated by renewable sources. Tuxedo will be part of a consortium of municipalities that will be going out for the bids together. he contacted firms to conduct an energy audit of Town Hall in preparation to replace the HVAC system. Orange and Rockland will switch 19 additional streetlights to LED.
- Councilmember Reichgott looked at the floors at the highway garage with Town Engineer Sean Hoffman. The next step will be to authorize Sean Hoffman to put together RFP (Request for Proposals).
- Councilmember Murphy is proposing a holiday concert at St. Mary's, with a reception to follow. The concert would be scheduled the week before Christmas. The application for the Greenway Grant is moving forward. She has an upcoming meeting at Eagle Lake meeting with Highway Superintendent Rob Dollbaum and PIPC to discuss possible solutions to the ongoing issue.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

MINUTES

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember May to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on October 12, 2022.

ON ROLL-CALL VOTE;	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Jay Reichgott	Aye
	Councilmember:	Deirdre Murphy	Aye

VOUCHERS

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Reichgott, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012920688 through 2012920749

General Fund:	\$103,828.26
Part-Town Fund:	\$100,289.54
Highway Town Wide:	\$10,493.59
Highway Part Town	\$1,400.00
Hamlet Sewer District	\$984.40
Trust and Agency	\$14,692.75
Refuse and Garbage Disposal	\$31,375.23
<u>Total Abstract Amount:</u>	<u>\$263,063.77</u>

ON ROLL-CALL VOTE;	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Jay Reichgott	Aye
	Councilmember:	Deirdre Murphy	Aye

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

PUBLIC COMMENTS

- Resident Jerry Mottola asked for a permanent speed radar trailer and more Police patrol on Route 17.
- Resident Mary Graetzer said there used to be a sign designating a School Zone on Route 17 in front of TUFSD. She suggested reaching out to the NYDOT to put up a new sign.

OTHER BUSINESS

1. Deputy Supervisor announced open positions for Zoning, Planning, and Board of Assessment Review. The application and job descriptions will be posted on the website.

2. Resolution to adopt Food Truck Local Law - #7 of 2022

The Board agreed to change the operating hours from 7am-11pm to 7am-10pm.

Introduced by: Councilmember Reichgott

Seconded by: Councilmember Murphy

WHEREAS, an introductory Local Law entitled "Food Trucks" was introduced before the Town Board of the Town of Tuxedo on September 26, 2022 and upon notice duly published and posted, a hearing was held on October 24, 2022, before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the introductory Local Law entitled "Food Trucks" is hereby determined not to have a significant effect on the environment.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
October 24, 2022**

BE IT FURTHER RESOLVED, that the introductory Local Law entitled "Food Trucks" of the Town of Tuxedo be and hereby is adopted as Local Law #7 of 2022 of the Town of Tuxedo on October 24, 2022.

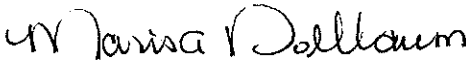
ON ROLL-CALL VOTE;	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Jay Reichgott	Aye
	Councilmember:	Deirdre Murphy	Aye

ADJOURNMENT

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Murphy to adjourn the meeting at 8:45pm.

ON ROLL-CALL VOTE;	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Jay Reichgott	Aye
	Councilmember:	Deirdre Murphy	Aye

Respectfully submitted,


Marisa Dollbaum
Town Clerk
Town of Tuxedo