



# Tuxedo UFSD

## Tuxedo Farms

### District Operational and Facilities Impact Study

09.06.2022

2D



## Introductions

- **Jeffrey T. White**, TUFSD Superintendent of Schools
- **Joseph Rickard**, Board of Education President
- **Thomas Ritzenthaler**, Architect CSArch
- **David Shaw**, Shaw Perelson, May & Lambert, LLP (General Counsel)
- **Anthony Cashara**, TUFSD School Business Official
- **Marco Margotta**, TUFSD Faculty Representative



## Objectives

- Background of School Property & History
- Defining the Problem
- Discussion
- Potential Solutions
- Next Steps



## Background

- 2004 Property Map
- 2005 Property Map
- 2006 Property Map
- 2012 Greenwood Lake Conversion Charter and Distribution of 2.5m
- 2014 Agreement Signed between TUFSD and Related
- 2017 Survey map of the easement to School site
- 2018 Approval of Lot Line Change by Tuxedo Reserve

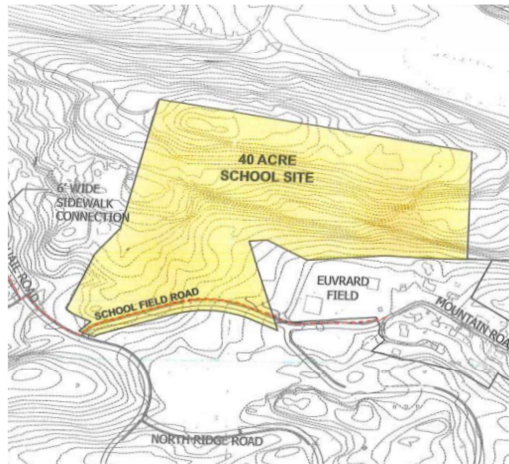


- As we all know, the Tuxedo Farms land development project has been going on for over 25 years.
- We know that Related Properties and the school district had verbally agreed to a donation of \$2.5 million and 40 acres of land
- As we will see shortly, there was even an agreement to develop more definitive contractual terms
- Therefore purpose of this discussion on the background is to provide some clarity and get back to the real purpose and intent of the donations and that is,
  - (1) the developer wants to build 1,600 homes in the Town
  - (2) this development will have an impact on the school and community
  - (3) the developer agreed to donate cash and a useable parcel of land to help mitigate the impact of the development



## Background

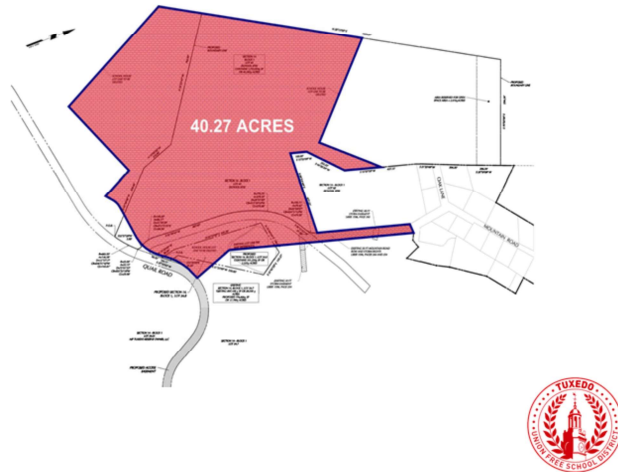
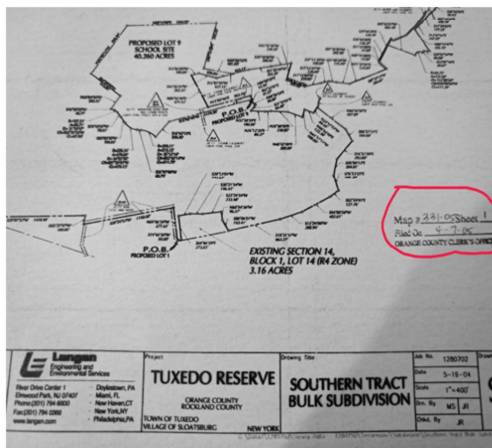
## 2004 Map



- This first map was from 2004. This was the initial 40 acres that Related wanted to convey to the school district.
- This area was chosen due to its proximity to the development and surrounding homes in the District to minimize student travel time and transportation costs
- But concerns were soon raised about the acute slope of the property; it is in effect a cliff
- The costs of excavating the site for the purpose of developing fields, parking lots and a building structure were prohibitive
- There were even concerns about rocks and boulders rolling down the hills causing damage to property and/or personal injury.

## Background

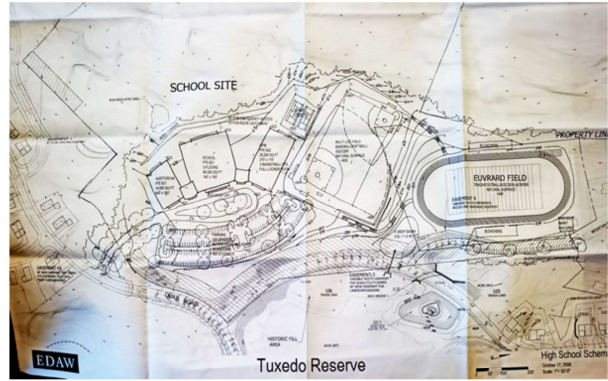
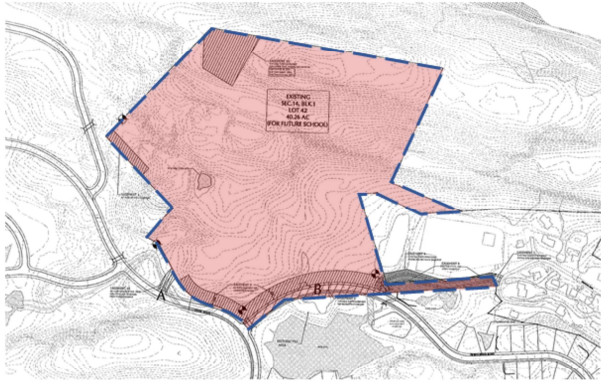
## 2005 Map



- In 2005 Related proposed this site.
- It was still in the same area as the previous parcel with one big improvement:
  - The benefit here was that this parcel did not contain as large a section of the cliff as the prior parcel did
- In April 2005, Related filed this map with Orange County. It has been on the tax maps ever since.
- No adjustment or amendment was made by Related to this map at the County level ever since.

## Background

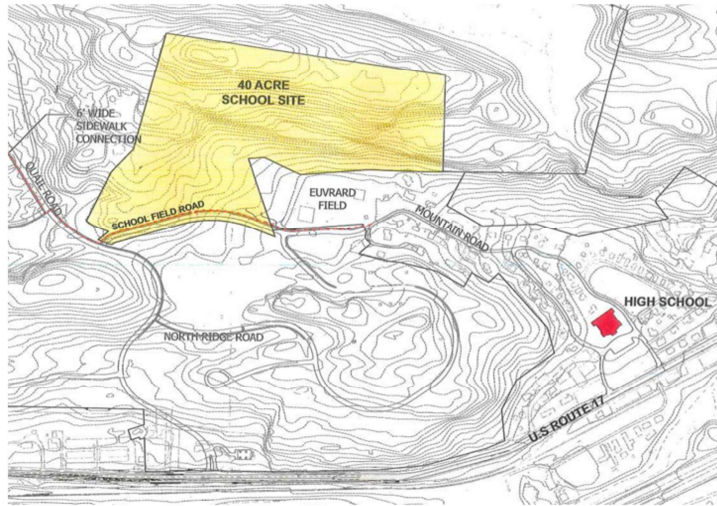
## 2006 Map



- The following year, in 2006, a proposal was made to add easements to the 2005 map. That is the map you see on the left.
- These easements were to accommodate for different structures that Related built or planned to build on the land they intended to donate to the District.
- The structures the easements were introduced to address included:
  - A water tower
  - A roadway
  - Storm drainage run-off
- The second map, which is the one on the right depicts a rendering prepared by an independent firm, EDAW, to determine how facilities, parking and fields would be laid out
- At this time the discussions held between Related and the School District included the idea that clearing the pads to accommodate the facilities, parking and fields and running utilities to them would be absorbed by Related Properties.
- Memos were drafted of these considerations and we have them.

## Background

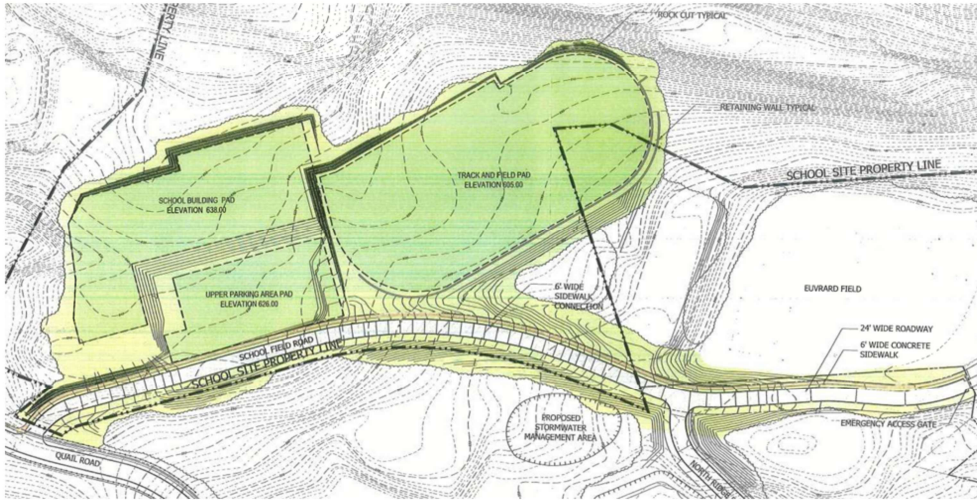
## 2008 Map



- In 2008, Related created yet another map.
- This map was a return to the original parcel of land proposed in the 2004 map, an idea that had been long abandoned due to the cliff.
- Because the District objected to this change, Related developed another 2 maps in July 2008; Option A and Option B

## Background

Dated July 31, 2008, listed as Option A

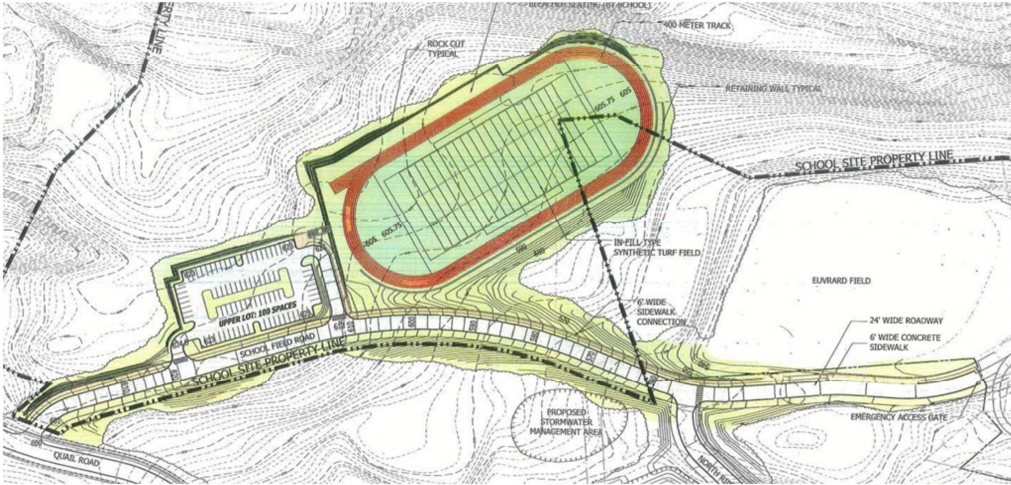


The Option A map was created to illustrate to the school district that the original parcel could be used to accommodate a new school building, parking and track and field facilities. This map depicts the 3 pads that would be created by Related so that the District could develop on this site.



## Background

Dated July 31, 2008, listed as Option B



- The Option B map was created to illustrate to the school district that the original parcel could be used to accommodate parking, and track and field facilities should the District decide not to construct a new school building.
- This map depicts only 2 pads to be created by Related so that the District could develop on this site.

## Background out

Dated July 31, 2008, listed as Full Build-



- The previous two maps depict the pads to be built by Related which would enable development by the District
- This particular map shows not only the pads just mentioned, but the full build out of a building fields and parking.
- Important to note, that although Related kept trying to entice the District to go back to their original parcel of land offer, at no time did the District agree to it due to the cliff on the eastern side of the parcel as well as obvious liability issues.

## Background

### 2014 Signed Agreement between TUFSD and Related

June 2, 2014

Carol A. Lomascolo  
Superintendent of Schools  
Tuxedo Union Free School District  
Tuxedo, NY 10987

RE: Response to TUSFD's Proposal

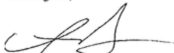
Dear Carol,

In response to the communication from the School Board's attorney, Margo May, on May 16, 2014, Tuxedo Reserve Owner LLC ("TRO") ACCEPTS the proposal made by Tuxedo Union Free School District ("TUFSD") for an alternate means of satisfying TRO's obligations to TUFSD under the 2010 Special Permit. Specifically, we understand the terms to be:

1. TRO to ~~offer~~ <sup>DONATE</sup> the designated 40-acre parcel to TUFSD on or before the first building permit is issued for the project.
2. Cash contribution of \$1,250,000 (ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS) payable on or before the first building permit is issued for the project.
3. Cash contribution of \$1,250,000 (ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS) payable on that date which is twelve months from the first payment above.

To confirm these are the terms to which TUFSD agrees, please cause an authorized representative of the School Board to countersign this letter agreement below so that our attorneys may draft the definitive documents accordingly.

Kind regards,

  
Andrew M. Dance

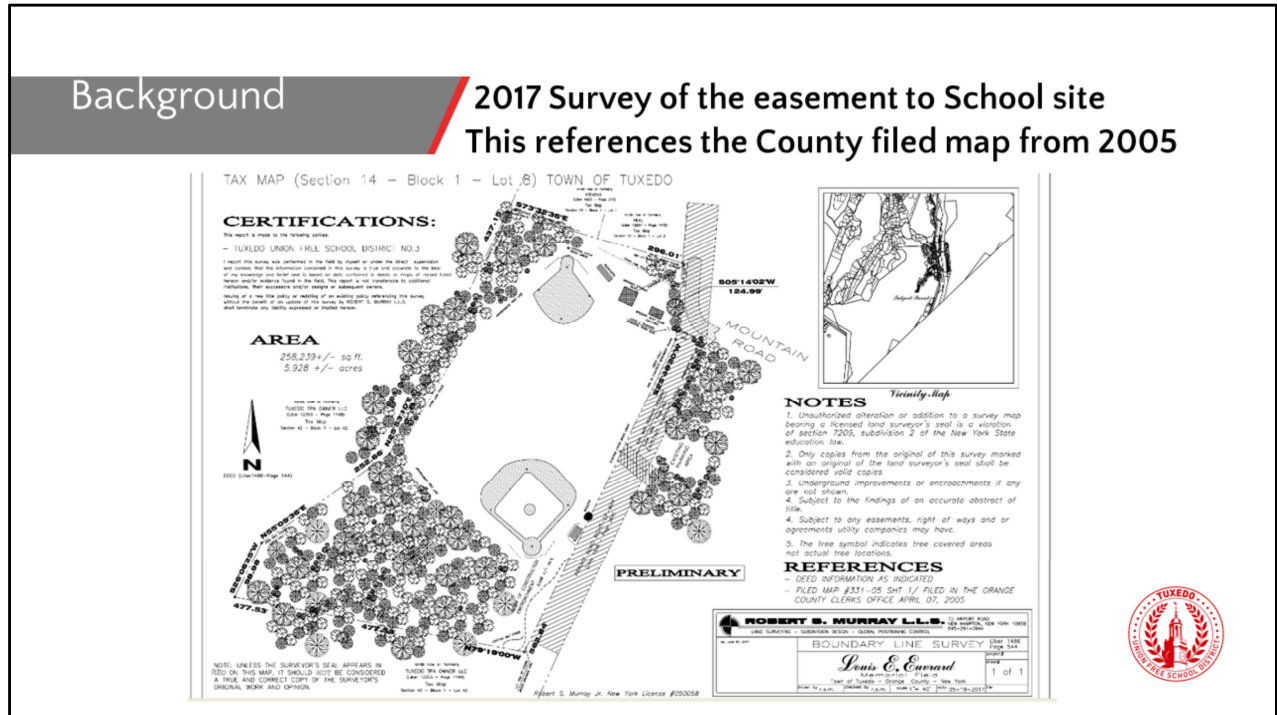


- As I alluded to earlier, in 2014 Related drafted an agreement to create a “definitive document” with the school district
- While drafts were created no “definitive document” was written until finally late last week a draft was sent to our attorney
  - What is absent from this document is any commitment to prepare the land to enable use by the school district, such as extending utilities and site preparation.
  - The document received last Thursday has a general statement regarding The Reserve addressing environmental issues by the time of the conveyance. Clarification has been sought from the attorney for The Reserve.



## Background

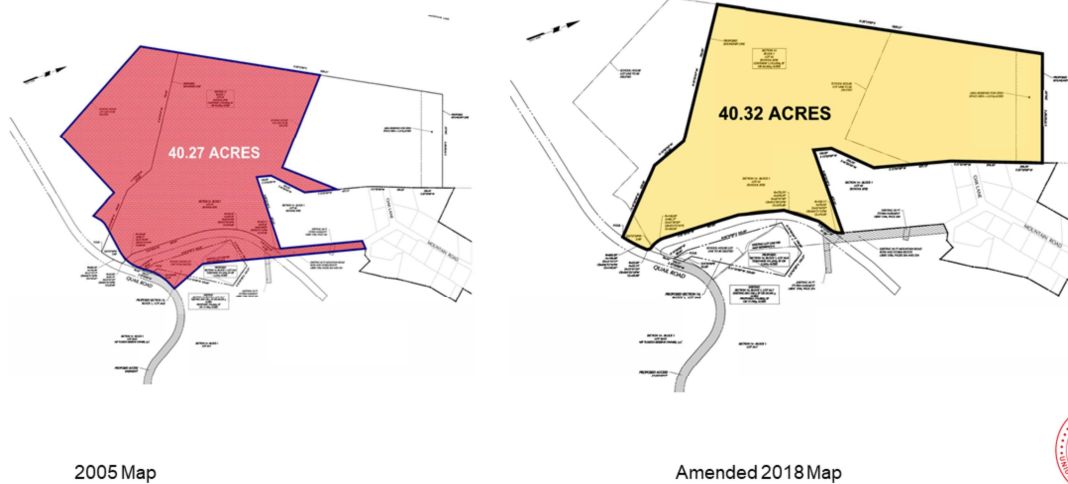
## 2017 Survey of the easement to School site This references the County filed map from 2005



- In the summer of 2016 through the spring of 2017 Related Property began to install the infrastructure on the Tuxedo Farms property. This work included road ways, sewers, storm drains, fire hydrants, etc.
- While all of the heavy equipment and crew were on site and this work was going on, Related did not prepare the proposed school site nor did they make the land ready for utilities.
- Additionally, Related built an access road that encroached on the school district's existing Euvard Field property. No prior permission was sought. Trees were cut down and the grade of the land was changed all without even conferring with the District.
- This image represents a survey prepared at District expense after Related insisted the road did not incur on District property. This map clearly shows that it did.

## Background Reserve

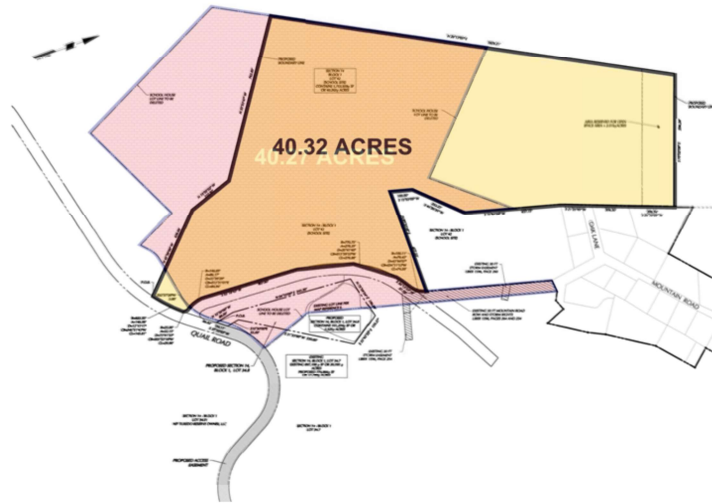
## 2018 Approval of Lot Line Change by Tuxedo



These maps show the 2005 county filed map/tax map and the changes from the 2005 map to an amended map that was created in 2018. In 2018 that map was submitted to the Town for approval after the construction was complete (to match the roadway and the infrastructure that was put in place in 2016-2017). It also was submitted without notification or approval of Tuxedo UFSD. The 2018 map was also generated one year after the Farms encroached on schools existing property and was questioned about the validity of the construction being done on the roadway which included the easement. (David Maikisch of the Town was on site in 2017 and Henri the foreman of Related prop. when the encroachment was brought to his attention prior to the survey being done to prove the encroachment)

# Background

## 2018 Approval of Lot Line overlaid with 2005 Map



## Challenges / Concerns

## Increased Student Enrollment

Home Type	Bedroom Type	# of Units	2018 Rutger's Student Yield Ratio Total SAC	2018 Rutgers' Yields Total School-Aged Students	2018 Rutger's Student Yield Ratio for K - 5	2018 Rutgers' Yields Total K - 5 Students	2018 Rutger's Student Yield Ratio for 6 - 12 (yield ratio for 6 - 8 plus yield ratio for 9 - 12)	2018 Rutgers' Yields Total 6 - 12 Students
Multi Family (majority planned as rental)*	1-BR	285	0.008	2	0.005	1	0.002	1
Multi Family (majority planned as rental)*	2-BR	146	0.096	14	0.059	9	0.037	5
Stacked Townhomes	2-BR	232	0.245	57	0.159	37	0.087	20
Townhome	2-BR	226	0.245	55	0.159	35	0.087	20
Townhome	3-BR	307	0.403	124	0.238	73	0.165	51
Single Family (Village)	3-BR	10	0.362	4	0.185	2	0.178	2
Single Family (Village)	4-BR	107	1.057	113	0.465	50	0.592	63
Single Family (Farm lots)	4-BR	8	1.057	8	0.465	3	0.592	5
Age Restricted - Single Family (Cottage), no school age children	mix of 2 and 3	114	0.000	0	0.000	0	0.000	0
Age Restricted - Duplex, no school age children	2-BR	174	0.000	0	0.000	0	0.000	0
<b>Totals</b>		<b>1,609</b>		<b>377</b>		<b>210</b>		<b>167</b>

**2018 Rutgers' Student Yield Ratio – Total School-Aged Children**



According to the Technical Memorandum our enrollment is projected to increase by approximately 377. We did not discuss in the meetings, but we based our capacity study on the projected enrollment of 377 less 10% to reflect students that may attend non-public schools. Again, this is being conservative in our approach, not trying to “inflate” numbers for our advantage.

The impact of the enrollment increase will result in the following:

- The need for an additional section for each grade level, K - 5.
- The need for additional Self-Contained Special Education classroom(s).
- The need for an additional Pre-Kindergarten classroom.
- The need for an additional Music, STEM and Art classrooms.

The above would provide for the total need of 22 classrooms. The current elementary school has 14 classrooms.

The projected enrollment would require the construction of 8 additional classrooms.



The impact of the enrollment increase is as follows. We also stated the increase in Special Education may extend beyond just a single room, but we were again, being conservative

## Challenges / Concerns

## Increased Student Enrollment

- The current Gymnasium is shared between the elementary and high schools. This space will not support the projected increase of students and would require the construction of a larger Gymnasium and supporting spaces (locker rooms, storage, etc.)
- The cafeteria and server areas in the elementary will require additional space to accommodate the projected increase in students and may also facilitate a change to the lunch schedule.
- There is currently only one health office in the elementary school that serves both the elementary and high schools. Additional space for the health office will be required to accommodate the projected increase in students.



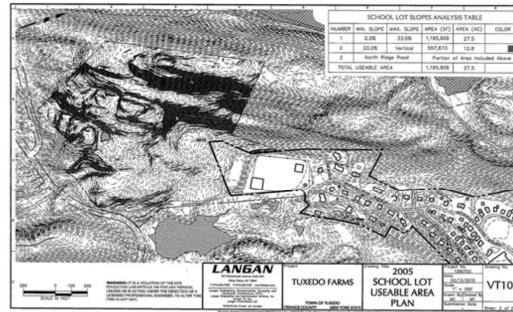
As the elementary and middle/high school share gymnasium space (which currently presents scheduling problems), the projected enrollment will require the demolition of the existing gymnasium and the construction of a two-station gymnasium allowing for simultaneous use by the elementary and middle/high school programs

## Challenges / Concerns

## Building and Field Capacity



Aerial photo of proposed school site



So here again is an aerial view of the proposed school site. You can see why this site is not financially feasible for either a building, parking or athletic fields/playgrounds all of which are needs based on our expanded enrollment due to the Tuxedo Farms development.

## Challenges / Concerns

## Cost to Develop Donated Property

The development of the property proposed for donation to the Tuxedo UFSD presents many challenges including:

- The significant elevation change across the “buildable” portion of the property which exceeds 100 feet.
- The considerable cost to clear the property to provide “buildable” platforms for athletic fields, parking and a potential new school.
- Early estimates to clear the property for an area of 462,000 SF (approximately 10.6 acres based upon the July 31, 2008, development drawings) are nearly \$5 million, based upon a value of \$7.50/SF.
- 10.6 acres is equal to approximately 25% of the property to be conveyed and does not meet NY SED acreage standards for a building with adequate space for fields
- Early estimates for rock removal for an estimated 43,000 cubic yards (based upon the July 31, 2008, development drawings) are over \$13 million at a value of \$200/CY.
- The elevation change also presents challenges for meeting accessibility standards which will require the use of extensive rampways, or potentially the use of elevators to navigate the site.



The estimates provided were completed by a professional civil engineer, and based upon the development plans previously presented by Related for the development of 3 buildable “pads” or shelves of land for the purpose of constructing a new track & field complex, associated parking, and a future school building including students of whatever grade levels. The estimates also are based upon Prevailing Wages which would be required if the district performed this work. We also discussed the difficulties in meeting accessibility standards given the significant elevation differences between the various developed “shelves” which would require significant lengths of rampway or potentially the use of outdoor elevators to navigate between the different levels.



## Additional Operating Costs

- Staffing Costs
- Transportation Costs
- Utilities Costs
- Maintenance Costs
- Capital Expenditures
- AKRF Market Value / Assessment



- When we consider the projections of additional staffing, special education, transportation, utilities, maintenance costs, etc. we believe that the increased assessments would cover it, assuming the market valuation is accurate.
- However, once we start considering capital expenditures and the related debt service payments It all depends on whether we get 40 acres of USEABLE land OR not
- The additional cost to remove rock and clear the property will make this project tax negative. And this estimate assumes an accurate market value as determined by AKRF
- Related Properties hired engineering firm AKRF to develop estimates on, among other things, the financial impact
- After reviewing this financial information from AKRF we now know that
  - **(1) their estimate of State Foundation Aid is off by \$750K per year or 100%**
  - **(2) the equalization rates used are off by over 20% using 2023 estimates, which is the most current information we have**
  - **(3) and the 800lb gorilla in the room is the accuracy of the market valuation. We have no way of knowing the accuracy of this number at this time.**
    - **We would have to defer to the tax assessor on that. Has anyone even asked the town assessor for a market valuation analysis? This seems fundamentally necessary**

Either way, the 40 acre parcel will determine whether this is positive, negative or neutral. The accuracy of market valuation will determine by how much

## Summary of Concerns

- By Year 4 we do not have sufficient capacity to house the additional students
- Donated site is NOT a viable building site, the cost to develop is severely cost prohibited (and these costs transfer from Related to TUFSD)
- Elevation change across the donated site is over 100 feet, requiring the creating of 3 buildable platforms for parking, track and field, as well as a potential new building. This also makes accessibility very challenging.
- The school district needs assistance from the Town; Related is unresponsive to us
- This development will have an enormous impact
- Big concerns with financial estimates by Related's engineers, AKRF



- In order to execute any plan properly it must be started relatively quickly. Architectural designs take time to prepare, and we need to get approval from the NY State Education Department. We are under the gun.
- It is clear that the proposed site for donation is not a viable building site
- The elevation change across the site is over 100 feet. Access would be EXTREMELY difficult especially considering federal universal access laws
- In conversations with the Town prior to early June we have been assured that the School District would be satisfied with the deal.
- After June 2nd the message we received was that the District had a deal with Related and we should work with them
- In fact, there was no "definitive deal"
- Any time we tried to discuss the 40 acres of property with Related, they were unresponsive.
- I have been asking for a meeting of all three parties since June.
- We need the assistance of the Town in ensuring that all of our needs are met prior to the approval of the permit
- As we all know this development will have an enormous impact. We are hoping to work together to make it a positive one
- We discussed the urgency of the issue with the elementary population, given Related's plans to begin construction of the housing units this year, and the impact of being out of

space at the elementary school by Year 4 of their schedule for the roll out of units. We expressed the timeframe to bring on any new construction (additions) is at minimum 4 to 5 years to account for voter authorization, design time, approval by the State Education Department, the public bidding process, and construction.

## Win Win Win

- Why the solution is a win for Related/Lennar
- Why the solution is a win for the Town
- Why the solution is a win for the District



A successful school district will increase property values and increase home sales  
A successful school district makes the Town a more attractive place to live  
A useable piece of property will ensure a tax neutral or tax negative impact on the community and will ensure appropriate facilities and staffing for the students. We want affordability for the new and existing homeowners.

## Quarry field

### Potential Option 1



- Quarry field Town owned 40 acres (in red)
- This land given to the town which includes Quarry field is a possible land swap between the Town, farms
- and the school district to utilize the fields and also the space for a potential building if needed in the future



## Gifted land

### Potential Option 2



- Gifted land from the Farms of 88 acres (in Blue) that has 40 acres (in red) of land on one end

These 88 acres by the Old International paper building (a gift going to the town) could be subdivided and a lot creating a 40-acre parcel on the south end that would give you a space for school and fields



## County filed map

### Potential Option 3

- Possible scenarios with these 63 acres of land discuss, in the southern tract that was reduced.

The Proposed Action locates the development within the previously analyzed limits of disturbance and would not establish new development areas (see “2022 Land Development Plan” and “Overall Land Development Plan” in **Attachment A**). In addition, because the Proposed Action involves more townhome and multi-family units to meet demand for the “Missing Middle,” the overall limits of disturbance on the Southern Tract would be reduced from approximately 443 acres to approximately 380 acres as the development would be more concentrated in the Commons area and the neighborhoods immediately surrounding it. Under the Proposed Action, the limits of disturbance would be reduced in the area formerly designated as Phase III in the northern portion of the Southern Tract (see Sheet C, “2022 Land Development

<sup>1</sup> <https://missingmiddlehousing.com/> (accessed 05/04/2022)

<sup>2</sup> The “Design Standards” consists of the Smart Code, Performance Standards, and Architectural and Landscape Design Guidelines.



## Next Steps

- Recognize the issue that the Tuxedo UFSD is facing.
- Accompany us on a site visit to the proposed property to be donated.
- In 2 weeks, you will be asked to make a decision that is going to have long-term implications for the entire community.
- Call to action; get the right people in the room to **resolve** the problem





# Questions ?



