



One Temple Drive, Tuxedo Park, New York 10987

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Town of Tuxedo Planning Board Report, April 14, 2015

On January 22, 2015, the Planning Board provided a report advising the Town Board of its recommendations after reviewing the proposed amendments to the Tuxedo Reserve (now Tuxedo Farms) 2010 Special Permit. After additional consideration of the proposed amendments, the Planning Board now augments its January 2015 report with the following recommendations:

A. Proposed revision to the WWTP capacity.

The Planning Board does not object to reducing the full capacity of the WWTP from 500,000 gpd (per the proposed MOU between the Town and Tuxedo Reserve Owner, LLC) and phasing the construction of the WWTP. The Planning Board does not object to the proposed Phase I capacity of 311,000 gpd.

B. Ownership of the Northern Tract.

The Planning Board does not object to a transfer of the Northern Tract to the Town so long as a conservation easement is placed on the entirety of the property to protect it from development, as was the original intent of the Special Permit and as the preservation of the Northern Tract as open space figured prominently in the SEQRA determination and the analysis undertaken by the then-Town Board and remained in place throughout all subsequent amendments. The Town Board may wish to consider specific language either in the conservation easement - or via a separately drafted and recorded declaration - that all development rights in the Northern Tract have been extinguished or, alternatively, transferred and used in the Southern Tract.

C. Transfer of ownership of 40 acre site to the Tuxedo Union Free School District (TUFSD).

The Planning Board recommends that the Town Board strongly suggest that a "reverter" clause be inserted into the deed transferring ownership of the 40-acre parcel to the TUFSD that ensures that if the property ever ceases to be used by (specifically) the TUFSD for public educational purposes available to all school children located within the TUFSD (and no other school districts) that the ownership of the property "reverts" to the Town of Tuxedo. The Special Permit anticipated the use of that property as a public school or public school field. The SEQRA determination considered the use of that property as a public school or public school field, and not for some other purpose. The Planning Board is concerned that the School Board may sell the property in the future and that the property could be used for some other purpose other than as a public school to benefit the children of Tuxedo.

D. Form of security for public improvements.

The Planning Board recommends that the Town Board consider the implications of replacing the requirement to post an irrevocable letter of credit for all public improvements with a "security." The requirement to post a letter of credit was in the original Special Permit and remained in the 2007, 2008 and 2010 amendments. The Developer states that the cost of an irrevocable letter of credit is too great and implies that 100% of the money must be set aside, yet no such concern was raised in 2010. The Planning Board recommends that the Town Board seeks independent advice from a bank familiar with the issue before the language is changed.

Respectfully submitted,

Michael Reardon, Chairman
Town of Tuxedo Planning Board