

**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

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:

1. Remove the requirement to build 764 single family homes and replace it with a requirement to build 269 single family detached homes;
2. Increase the maximum unit count from 1,375 to 1,609;
3. Increase the non-age restricted maximum bedroom cap from 2,860 to 3,070;
4. Remove references to the Palisades Interstate Parks Commission (PIPC) swap alternative as it is no longer contemplated;
5. Update the definition of multi-family to exclude attached home concepts such as townhomes and stacked townhomes;
6. 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);
7. 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;
8. Modify the PILOT payment schedule regarding the 88.78 acres of LIO zoned land depicted on the 2022 Preliminary Plan;
9. 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;
10. 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
11. 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

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 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, OCDP, OCDPW, and DOT was held to discuss OCDP’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

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

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 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

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.

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

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.

On a roll call vote of:

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

the Supervisor declared this Resolution adopted.

Approved for Filing:

Marissa Dollbaum,
Town Clerk

Dated:
_____, 2022