

1 Nov. 15, 2004 the Town Board approved a special permit and preliminary plan to build Tuxedo Reserve.

2. August 13 2007 at the request of the developer the town Board amended the 2004 Special Permit and 2004 Preliminary Plan to add approximately 4.8 acres of land to Tuxedo Reserve (the "First Amendment")

3. February 25, 2008, the Town Board amended the 2004 Special permit and 2004 Preliminary Plan to permit certain elements of the layout and design of a sub-phase of Phase 1 of the Project known as North Ridge and granted certain conditional waivers and modifications from the 2004 Special Permit for North Ridge,

4. August 27, 2008, Tuxedo Reserve Owner LLC (the "Developer" or "Applicant")<sup>1</sup> submitted an application to the Town Board to: (1) further amend the 2004 Special Permit; (2) further amend the 2004 Preliminary Plan; (3) amend Local Law No. 4A of 1999 (the "PID Law") which, subject to certain conditions, grandfathered the Project under the version of Section 98-23 of the Town Code in effect prior to adoption of the PID Law; and (4) to amend the Town Zoning Map to rezone certain lands within Tuxedo Reserve (the "Application"); and

the Application specifically proposed:

a. establishment of revised Design Standards applicable to the Project, including a Smart Code, its associated Regulating Plan, revised Architectural and Landscape Design Guidelines and revised Performance Standards (collectively, the "Design Standards");

b. an increase in the amount of the Project's permitted non-residential development;

c. alteration of the residential unit and lot mix for the Project;

d. integration of the active adult housing component of the Project into the Commons and surrounding neighborhoods;

e. elimination of development in certain areas proximate to certain vernal pools; and

f. authorization for development in certain areas south of Mountain Lake;

The town Board referred this application to the Town Planning Board that then reviewed it and issued a report. the Planning Board Report included positive recommendations concerning certain elements of the 2009 Proposed Modifications. However, the Planning Board Report issued no recommendation concerning certain elements of the 2009 Proposed Modifications because the Planning Board determined that it could not issue recommendations as to those matters without preparation of a supplemental environmental impact statement (“SEIS”).

Accordingly, the Planning Board recommended that certain elements of the 2009 Proposed Modifications be analyzed in a SEIS. In particular, the Planning Board recommended that the SEIS analyze the potential adverse environmental impacts from development in areas where development would be introduced for the first time, e.g. on lands in the vicinity of Mountain Lake and a parcel of land that could potentially be acquired from the Palisades Interstate Park Commission (“PIPC”). In addition, the Planning Board recommended that the SEIS analyze potential impacts from additional retail development proposed in the Project’s Commons;

The Developer then prepared a DSEIS that was reviewed and approved and then a FEIS which was also approved.

The Town Board approved the 2010 Special Permit and 2010 Preliminary Plan on November 22, 2010;

5. April 11, 2014, the Applicant submitted a Proposed Amendment to the 2010 Special Permit and 2010 Preliminary Plan to add two (2) tax parcels, identified on the Town of Tuxedo tax maps as Section/Block/Lot 14-1-23 and 14-1-24..

Said Amendment did not propose any increase in residential or nonresidential development; and

WHEREAS, said Amendment was forwarded by the Town Board to the Planning Board as required by Section 98-23 of the Town of Tuxedo Zoning Law, for a report and recommendation;

6. October 3, 2014, the Applicant submitted three subdivision applications for Quail Road and Commons, Upland Park, and West Terrace, subphases within Phase I of the Project, to the Planning Board. As a result of proposed revisions to the Commons, which the Applicant has expressed are due to changing market conditions, said changes also resulted in revisions which would introduce an alternate design for North Ridge which require a revision to the 2010 Preliminary Plan; and

other proposed revisions to the 2010 Preliminary Plan include but are not limited to: relocation of the Greeting Center to a location within the Commons, relocation of the highway maintenance garage from Upland Park to an alternative location, introduction of a YMCA facility to replace the proposed Community Center in the Commons; and

the town Board gave approval to the modifications to the Special Permit and preliminary plan in the Spring of 2015.

7. Since the spring of 2015 the developer did not build but did request changes to the materials used in the construction of the buildings ie the use of plastic in place of wood and changes to the slope of rooves etc. The Town board approved these changes. The developer said they would build if these changes were granted. They dind't instead they sead they would not build until the High School was closed.