

VILLAGE OF TUXEDO PARK

NOTICE OF PUBLIC HEARING ON LOCAL LAW INTRODUCTORY NO. 3 OF 2009 MODIFYING REFERENCES IN THE VILLAGE CODE TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

PLEASE TAKE NOTICE that on Wednesday the 18th day of March, 2009, at 7:32 p.m., or as soon thereafter as the matter can be heard, a Public Hearing will be held before the Board of Trustees of the Village of Tuxedo Park, New York, at Village Hall, located at 80 Lorillard, Tuxedo Park, New York, to consider Local Law Introductory No. 3 of 2009. The purpose of this local law is to amend, modify and repeal certain Code provisions to ensure proper and consistent compliance with SEQRA. The proposed law is available for public review in the Village Clerk's office during normal office hours and on the Village's website.

**BY ORDER OF THE BOARD OF TRUSTEES
DEBORAH MATTHEWS
VILLAGE CLERK-TREASURER**

Dated: March 5, 2009

LOCAL LAW INTRODUCTORY No. 3 OF 2009

A LOCAL LAW MODIFYING VILLAGE CODE REFERENCES TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) IN ORDER TO ENSURE PROPER AND CONSISTENT COMPLIANCE WITH SEQRA.

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

SECTION 1: PURPOSE.

Upon careful review of the Tuxedo Park Village Code it has been determined that certain provisions do not accurately and/or clearly reflect New York State requirements under SEQRA. State law mandates compliance with SEQRA regardless of any reference to it in the Village Code. Therefore, it is unnecessary to make specific or summary references to the substantive provisions of SEQRA in the Village Code, and such references would require a local law amendment whenever SEQRA is subsequently modified by the State. For that reason, this Local Law serves to amend, modify and repeal certain Code provisions so as to be consistent with this purpose.

SECTION 2: MODIFICATION OF SECTION 40-5(I).

Section 40-5(I) is hereby repealed in its entirety.

SECTION 3: REPEAL OF CHAPTER 47.

Chapter 47, entitled "Environmental Quality Review," is hereby repealed in its entirety.

SECTION 4: MODIFICATION OF SECTION 85-3 (EAF), (EIS).

Section 85-3 is hereby modified to replace the current definitions of "EAF" and "EIS" with the following definitions:

EAF – SEQRA Environmental Assessment Form as referenced in 6 N.Y.C.R.R. Part 617.

EIS – SEQRA Environmental Impact Statement as referenced in 6 N.Y.C.R.R. Part 617.

SECTION 5: MODIFICATION OF SECTION 85-5.

Section 85-5 is hereby repealed and replaced with the following:

§85-5. Compliance required; contents of application.

The preliminary layout, topographic map, street profiles and formal subdivision plat and all procedures relating thereto shall in all respects be in full compliance with the provisions of §§7-728

and 7-730 of the Village Law, this chapter and all other applicable regulations, except where variation therefrom may be specifically authorized by the Board. In addition, the application must include a payment of all applicable fees. The Board may also require a monetary deposit to cover the costs of professional engineering, inspection and consultation, and any excess funds will be returned to the applicant after the final plat is filed.

SECTION 6: MODIFICATION OF SECTION 85-6.

Section 85-6 is hereby modified and replaced to read as follows:

§85-6. Submission of preliminary layout.

The preliminary layout and its supporting documentation, as described in §85-39, shall be submitted to the Board in the specified form and quantity. The Board shall study the preliminary layout, environmental impacts, street design, safety, utilities, topography, siting, aesthetics, drainage, etc., in connection with Village Law §7-728, the Zoning Law, Master Plan, Official Map, state and county requirements and general suitability to the neighboring properties and the Village as a whole.

SECTION 7: REPEAL OF SECTION 85-7(B).

Section 85-7(B) is hereby repealed in its entirety, and subsections 87-7(C), (D), (E) and (F) are now designated Section 87(B), (C), (D) and (E) respectively.

SECTION 8: MODIFICATION OF SECTION 85-8(A)(3).

Section 85-8(A)(3) is hereby modified and replaced to read as follows:

(3) All State Environmental Quality Review Act studies and procedures are completed, if applicable.

SECTION 9: MODIFICATION OF SECTION 85-9.

The first sentence of Section 85-9 is hereby modified and replaced to read as follows:

§85-9. Submission of final plat.

The subdivider shall, within six (6) months of preliminary approval, file with the Board the final subdivision plat, technical specifications, and other supporting materials in accordance with §85-40.

SECTION 10: MODIFICATION OF SECTION 85-36.

Section 85-36 is hereby modified and replaced to read as follows:

§85-36. EAF required.

A completed Part 1 of the Environmental Assessment Form (EAF) must accompany the preliminary layout, if required by state law.

SECTION 11: MODIFICATION OF SECTION 100-2(B), DEFINITION OF “EAF.”

The definition of Environmental Assessment Form (EAF) in Section 100-2 is hereby modified and replaced to read as follows:

ENVIRONMENTAL ASSESSMENT FORM (EAF) – SEQRA
Environmental Assessment Form as referenced in 6 N.Y.C.R.R.
Part 617.

SECTION 12: MODIFICATION OF SECTION 100-28.

The fourth sentence of Section 100-28 is hereby modified and replaced to read as follows:

§100-28. Building Permits.

Such application shall also be accompanied by a plat in triplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building or structure to be erected, their locations on the lot, the setback line observed by the building with respect to each lot line, and such other information as the Building Inspector may require.

SECTION 13: MODIFICATION OF SECTION 100-50(E).

Section 100-50(E) is hereby modified and replaced to read as follows:

E. Special emphasis shall be placed on the State Environmental Quality Review Act (SEQRA), when applicable.

SECTION 14: MODIFICATION OF SECTIONS 100-53(B)(3), (D)(6) and (F).

Sections 100-53(B)(3), (D)(6) and (F) are hereby modified and replaced to read as follows:

(B)(3) Representation by a registered New York State architect and/or licensed professional engineer responsible for the design who must be familiar with the site, SEQRA requirements,

neighboring properties, the Zoning Law and the Village's National Register of Historic Places designation. The Board may waive the requirement for an architect or engineer, but only if the proposed project is valued at less than \$10,000.

(D)(6) Complete one copy of the EAF, if applicable.

(F) Once approved by the Building Inspector, the application, if complete, shall move to the Board of Architectural Review. Before deciding upon any application approved by the Building Inspector the Board shall perform any and all necessary SEQRA review.

SECTION 15: EFFECTIVE DATE.

This law shall take effect in the manner provided for in the Municipal Home Rule Law.