

INTRODUCTORY LOCAL LAW No. 2 OF 2010

A LOCAL LAW ADDING A NEW SECTION 100-24 OF THE CODE OF THE VILLAGE OF TUXEDO PARK PROVIDING FOR A RESTRICTION ON THE SITING OF STRUCTURES TO ENSURE THAT THE HAZARD CLASSIFICATION OF VILLAGE DAMS ARE NOT INCREASED THEREBY.

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

SECTION 1: PURPOSE.

The New York State Department of Environmental Conservation (“DEC”) classifies dams according to the potential hazards that they pose, based on the height of the dam, its maximum impoundment capacity, the physical characteristics of the dam site, and the location of downstream structures. The Village of Tuxedo Park has dams and desires by this local law not to unnecessarily increase the hazard classifications of any of its Village dams by the siting and permitting of structures located downstream from a Village dam. This local law prohibits the siting and permitting of any structure at a location that, in the opinion of the Village Engineer, will thereby increase the DEC hazard classification of any Village dam.

SECTION 2: CODE AMENDMENT.

There is hereby added to Article IV of the Code of the Village of Tuxedo Park a new Section 100-24 as follows:

§ 100-24. Prohibition of Structures That Will Increase Dam Hazard Classifications; Certification.

No building permit may be issued, and no approval may be granted by any board, for any proposed structure, or any proposed addition to an existing structure, that will, in the opinion of the Village Engineer, be located in a manner that will thereby increase the New York State Department of Environmental Conservation dam hazard classification for any Village Dam. Before an application for a building permit or any board approval may be acted upon, the Village Engineer must certify in writing that the proposed location of any structure, or the location of any addition to an existing structure, will not by its approval increase the said dam hazard classification.

SECTION 3. SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, New York Village Law §§ 7-725-a, 7-725-b, 7-728, 7-730, 7-736 and 7-712-b and the common law, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 3. SEVERANCE.

The invalidity or unenforceability of any particular provision of this Local Law shall not affect the validity or enforceability of other provisions of this Local Law, which such provisions shall continue to be both enforceable and valid.

SECTION 4: EFFECTIVE DATE.

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

TIMES HERALD-RECORD

P.O. Box 2046 , 40 Mulberry Street, Middletown, NY 10940

State of New York:
County of Orange: ss:

Patricia A. Foddrill

Being duly sworn deposes and says that the Dow Jones Local Media Group, Inc. is organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is attached, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit:
In its issues of

4/28/10

Signature of Representative:

Patricia A. Foddrill

Sworn in before me this 28

Day of Apr 2010

Dawn Griffin

Notary Public, Orange County

Village of Tuxedo Park

NOTICE OF PUBLIC HEARING ON LOCAL LAW INTRODUCTORY NO. 2 OF 2010 AMENDING CHAPTER 100 ("ZONING") OF THE CODE OF THE VILLAGE OF TUXEDO PARK TO ADD A NEW SECTION 100-24 PROVIDING FOR A RESTRICTION ON THE SITING OF STRUCTURES TO ENSURE THAT THE HAZARD CLASSIFICATION OF VILLAGE DAMS ARE NOT INCREASED

PLEASE TAKE NOTICE that on Wednesday the 12th day of May, 2010, at 7:30 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. 2 of 2010 amending Chapter 100 ("Zoning") of the Code of the Village of Tuxedo Park to add a new Section 100-24. The purpose of this local law is to prohibit the siting or permitting of any structure that would, in the opinion of the Village Engineer, increase the Department of Environmental Conservation's hazard classification of Village dams. 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 A. MATTHEWS
VILLAGE CLERK - TREASURER

Dated: April 28, 2010

DAWN M. GRIFFIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GR4832299
Qualified in Orange County
My Commission Expires July 31, 2013