

LOCAL LAW NO. _____ OF 2021

VILLAGE OF TUXEDO PARK

A LOCAL LAW TO AMEND VILLAGE LAW RELATED TO SITE PLAN APPROVAL

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

Section 1. Legislative Intent.

It is the intent of this local law to amend Village Law Chapter 100, Zoning. Specifically, the Village currently authorizes and delegates Site Plan Review and Approval Authority to the Village of Tuxedo Park Board of Architectural Review for certain applications.

Given the highly technical focus of site plan review and approval, the Town Board of the Village of Tuxedo Park wishes to consolidate site plan review and approval authority with the Village Planning Board.

The Village of Tuxedo Park Board of Architectural Review shall serve the purpose of preserving the aesthetic and architectural integrity of the Village and should remain focused of the unique planning, landscaping, architecture, infrastructure, and historical designs and visual elements of structures and properties.

As such, it is the intent of this local law to eliminate references to “site plan approval” authority as it relates to the Village Board of Architectural Review.

Section 2. Authority.

This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Article VII of the New York State Village Law.

Section 3. Amendment of Village Law Chapter 17, Planning Board

Chapter 17, Section 3 “Powers and duties; site plan approval” shall be amended as follows:

A.

The Planning Board shall have all the powers and duties prescribed by the Village Law and the laws and ordinances of the Village of Tuxedo Park, including the power to approve subdivision plats as set forth in Village Law § 7-728, consistent; however, with any land subdivision regulations of the Village and the power to approve site plans as set forth in Village Law § 7-725-a as defined in that law, consistent, however, with any site plan regulations of the Village.¹¹¹

[1]

*Editor's Note: See Ch. **85**, Subdivision of Land.*

B.

All site plan review in connection with a subdivision application or site plan shall be the responsibility of the Planning Board as set forth in New York State Village Law. In addition, all proposed structures, as that term is defined in § **100-2** of the Code of the Village (Zoning), shall require site plan approval from the Planning Board before a Building Permit shall be issued by the Building Inspector onfor any lot. ~~that does not have a habitable building on it at the time of an application. For purposes of this subsection, a "habitable building" shall mean a building that has a certificate of occupancy, or has had a certificate of occupancy within the last five years, and has functional Village infrastructure connections (i.e., water, sewer and roadway).~~

~~[Amended 6-7-2006 by L.L. No. 2-2006; 1-16-2008 by L.L. No. 1-2008]~~

C.

In approving site plans, the Planning Board shall designate the maximum appropriate buildable envelope for any proposed structures, and in doing so shall take into consideration conformance with the applicable zoning regulations of the Village, parking, means of access, screening, signs, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses, tree removal, extreme slopes, regulated wetlands, utilities, orientation of the structure on the lot, tailoring to the natural terrain, overdevelopment of the site given the physical and other environmental features of the site, proximity to roads, adjacent structures and neighboring properties, visibility of the structure, appropriateness with the Village's listing on the National Register of Historic Places, and any other considerations or criteria that the Village Board of Trustees, by resolution or local law, may, from time to time, impose upon the Planning Board.

~~[Amended 6-7-2006 by L.L. No. 2-2006]~~

D.

Site plan approval by the Planning Board shall not relieve the applicant from the necessity of obtaining approval from the Board of Architectural Review for projects that alter the property's appearance, pursuant to Chapter **100**, Article **VIII**, of the Code of the Village if the same is otherwise required by that chapter.

E.

Where any road cut or other access to a Village roadway is proposed as part of a site plan or subdivision, the Planning Board may require the Applicant to stake-out the proposed road cut access. Any proposed road cut or other access to a Village roadway shall require approval by Resolution of the Village Board of Trustees.

As directed by the Planning Board, Applicant shall provide stake-outs so as to identify proposed road cuts.

Section 4. Amendment of Village Law, Chapter 100, Zoning

Chapter 100, Section 51 of the Village Law, “Creation and composition; site plan approval” shall be amended as follows:

Section 100-51 heading shall be amended to remove “site plan approval”

A.

There is hereby established a Board of Architectural Review. Such Board shall consist of five members appointed by the Board of Trustees in accordance with all applicable laws. The Board of Trustees shall, by resolution, designate from the members of such Board a Chairman and Deputy Chairman. A quorum shall consist of not less than three members. Each member of such Board shall serve for a term of office as set forth in § **15-13** of the Code of the Village of Tuxedo Park. Any member may be removed by the Mayor for cause after a public hearing.

[Amended 6-7-2006 by L.L. No. 3-2006]

B.

The Chairman shall decide all points of order and procedure subject to these rules unless directed otherwise by a majority of the Board. All matters shall be decided by a roll-call vote. Approval of any motion shall require a second and at least three aye votes; otherwise the matter shall be deemed disapproved.

C.

Vacancies shall be filled by appointments made by the Board of Trustees.

D.

In the absence of a quorum, the Chairman may adjourn the meeting to any subsequent date.

E.

~~All site plan review in connection with a subdivision application shall be the responsibility of the Planning Board. The Board of Architectural Review shall have the power to approve may review site plans to preserve the aesthetic and architectural integrity of the Village of Tuxedo Park as set forth in Village Law § 7-725 a, as defined in that law, consistent, however, with any site plan regulations of the Village, for all proposed structures, as that term is defined in § 100-2 of the Code of the Village (Zoning), before a Building Permit shall be issued by the Building Inspector, for the following:~~

~~[Added 6-7-2006 by L.L. No. 2-2006; amended 1-16-2008 by L.L. No. 1-2008]~~

~~(1)~~

~~All lots containing a habitable building at the time of an application. For purposes of this subsection, a "habitable building" shall mean a building that has a certificate of occupancy, or has had a certificate of occupancy within the last five years, and has functional Village infrastructure connections (i.e., water, sewer and roadway); and~~

~~(2)~~

~~The specific siting of a structure within the maximum appropriate buildable envelope designated by the Planning Board in accordance with § 17-3 of the Village Code; and~~

~~(3)~~

~~All other site plans not within the Planning Board's site plan approval jurisdiction as set forth in § 17-3B of the Village Code~~

Section 4. Amendment to Village Law 100-54, Criteria

100-54**Criteria.**

[Amended 8-17-2005 by L.L. No. 4-2005; 3-15-2006 by L.L. No. 1-2006]

A.

In approving reviewing site plans, the Board of Architectural Review shall take into consideration the aesthetic impacts of conformance with the applicable zoning regulations of the Village relevant to the jurisdiction of the Board of Architectural Review, ~~parking, means of access,~~ screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses, tree removal, ~~extreme slopes, regulated wetlands, utilities, orientation of the structure on the lot, tailoring to the natural terrain, overdevelopment of the site given the physical and other environmental features of the site, proximity to roads,~~ adjacent structures and neighboring properties, visibility of the structure, appropriateness with the Village's listing on the National Register of Historic Places, and any other considerations or criteria that the Village Board of Trustees, by resolution or local law, may, from time to time, impose upon the Board of Architectural Review.

[Added 6-7-2006 by L.L. No. 2-2006¹¹]

[1]

*Editor's Note: This local law also provided for the redesignation of former Subsections A through D as Subsections **B** through **E**, respectively.*

B.

The Board shall consider if the proposed project exhibits excessive visual similarity or dissimilarity with nearby structures, either existing or planned. The basis for this determination shall be exterior materials, mass line, architectural style and authenticity, natural landscaping, colors, size, proportion, roof design, window fenestrations and the potential for visual anachronisms. The Board shall reject designs which mix design elements from various styles of architecture or which fail to present a homogeneous whole. For example and without limiting the generality of the foregoing, the Board shall disapprove the decorative use of half-timbers or any other elements traditionally having structural purpose unless the arrangement of such elements and the overall design of the structure are consistent with the visual effect of such elements.

C.

The Board shall be mindful of the unique planning, landscaping, architecture infrastructure and history of the Village of Tuxedo Park which inspired the United States Department of the Interior to list the entire Village on the National Register of Historic Places. New projects which tend to dilute the Village's historic integrity or alter the tradition of quality design and construction in the Village shall be disapproved.

D.

The Board shall examine the architectural plan and may employ consultants to assist in evaluation. The applicant's architect shall explain how the plan complies with the criteria of this section, ~~especially its individual tailoring to the site and surrounding structures.~~ While the chosen architectural style is important, the Board shall emphasize authenticity, scale, accuracy, integrity and detail of design as well. Such elements as roof pitch and geometry, gables, dormers, window design and recess, doorways, rails, porches, gutters, eaves, louvers, garage doors, pillars, sills, planters, etc., shall be scrutinized for design detail, accurate reproduction, appropriate scale, harmony and visual integrity. The Board shall reject designs which incorporate such elements as blank walls, exposed foundations, shallow roof lines, plastic mullions, frail chimneys, flush windows, aluminum stacks and erratic placement of windows and doors, etc.

E.

The Board shall, from time to time, promulgate and make available to the public through the office of the Village Clerk written graphic architectural and building design and landscape architecture guidelines or standards to be used by it in treating any application before it for architectural review. No such guidelines or standards, or any additions or amendments thereto shall be effective,

however, unless and until the Board of Trustees shall have approved the same by its resolution after submission to the Board of Trustees for that purpose.

Section 5. SEQRA.

This is a Type II action under 6 NYCRR 617.5(c)(26) and (33).

Section 6. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.