

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, and historical designs and visual elements of structures and properties.

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; subdivision and 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 a site plan application for commercial, educational and utility uses, 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), other than those structures identified in § 100-51(E) that are within the jurisdiction of the Board of Architectural Review, shall require site plan approval from the Planning Board before a Building Permit shall be issued by the Building Inspector on any lot. The Board of Trustees may also, by a majority vote, enlarge the Planning Board's site plan jurisdiction on any application to include the delegation of the power, otherwise vested in the Board of Trustees, to include review, permitting, approvals and authorizations regarding (i) any or all land operations to clear (including tree cutting), fill or grade any property in accordance with Chapter 40, (ii) blasting demolition or mining operations in accordance with Section 100-23 of Chapter 100, (iii) docks in accordance with Sections 65-2, 65-4(G), and 65-5(C) of Chapter 65, or (iv) roadway cuts or other access to a Village roadway.

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 or Board of Trustees 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.

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

Chapter 100, Section 23 “Blasting, demolition or mining” shall be amended as follows:

Section 100-23 shall be amended by deleting “Board of Architectural Review” and substituting in its place “Planning Board”

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.

The Board of Architectural Review shall have jurisdiction to approve, modify or disapprove the landscaping and exterior aesthetics of all buildings and structures to preserve the aesthetic and architectural integrity of the Village of Tuxedo Park. It shall also have site plan jurisdiction to approve, modify or disapprove the existence, location and architecture for any building and garage

renovations and additions, cabana shed, gazebo, greenhouse, folly, animal shelter and playhouse. The Board of Architectural Review may, at any time during its review of an application before it, refer any matter, in whole or in part, to the Planning Board for a report and recommendation back to the Board of Architectural Review.

Section 5. Amendment to Village Law 100-54, Criteria

100-54Criteria.

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

A.

In reviewing applications within its jurisdiction, the Board of Architectural Review shall take into consideration the aesthetic impacts of conformance with the applicable zoning regulations of the Village, including, but not limited to, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses, tree removal, , 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. 2-2006^[1]]

[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. 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 6. SEQRA.

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

Section 6. 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 §§ 7-706, 7-708 and 7-725-a, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law.

Section 7. 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 8. Effective date.

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