

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED  
STATE RECORDS

JUL 17 2024

County  City  Town  Village  
(Select one.)

of Tuxedo

DEPARTMENT OF STATE

Local Law No. 2 of the year 2024

A local law AMENDING THE TOWN OF TUXEDO ZONING MAP FOR THE PURPOSE OF

(Insert Title)  
REZONING A PROPERTY TO THE R-2 DISTRICT

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Tuxedo

as follows:

A LOCAL LAW AMENDING THE TOWN OF TUXEDO ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY TO THE R-2 DISTRICT

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

### SECTION 1. PURPOSE.

The purpose of this local law is to revert the zoning of real property having an address of 9 Emmanuel Drive to R-2 (Low-Medium-Density Residential) so that the religious use of the property can be continued in accordance with the 2018 Comprehensive Plan Update. Religious use of the property dates back to 1939. With the adoption of Local Law 6 of 2021, the property was included in the Conservation zoning district which does not permit religious uses and the Town Board believes that the inclusion of this property into the Conservation District was inconsistent with the prior religious use of the property and reversion of the zoning back to R-2 is not inconsistent with the Comprehensive Plan.

### SECTION 2. ZONING MAP AMENDMENT.

The Zoning Map of the Town of Tuxedo is hereby amended to change the zoning of the real property having an address of 9 Emmanuel Drive, with a legal description of said property shown on Schedule A annexed hereto, from Conservation to R-2 (Low-Medium-Density Residential). Said real property appears on the tax map of the Town of Tuxedo as Section 217, Block 1, Lot 17.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

### 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for its adoption, then such laws, including, but not limited to, Article 16 of the New York State Town Law, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

### SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

### SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the (County)(City)(Town)(Village) of Tuxedo was duly passed by the Town Board on July 8 2024, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

Marisa Dellaura  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 07/09/2024

(Seal)

**EXTRACT OF MINUTES**

Regular Meeting of the Town Board of the Town of Tuxedo  
in the County of Orange, New York  
1 Temple Dr., Tuxedo, NY 10987 and via Zoom  
July 8, 2024

Present: Supervisor: Dave McMillen  
Deputy Supervisor: Rick Marsh  
Councilmember: Deirdre Murphy  
Councilmember: Chris Kasker  
Councilmember: Chris Dollbaum

Absent: None

**Agenda Item #1 - Resolution to adopt Local Law AMENDING THE TOWN OF TUXEDO ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY TO THE R-2 DISTRICT**

**WHEREAS**, the Town Board of the Town of Tuxedo introduced an introductory Local Law entitled “A LOCAL LAW AMENDING THE TOWN OF TUXEDO ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY TO THE R-2 DISTRICT” on June 10, 2024, and public notice was duly published and posted, and a public hearing was held regarding the introductory Local Law on June 24, 2024; and

**WHEREAS**, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

**WHEREAS**, said Local Law has been on the desks of the members of the Town Board of the Town of Tuxedo in its final form for at least seven (7) days exclusive of Sunday prior to the adoption of this Resolution; and

**WHEREAS**, the Town of Tuxedo Planning Board, serving as lead agency for SEQRA review of an action which includes this local law, adopted a Negative Declaration Resolution on July 2, 2024;

**NOW, THEREFORE, BE IT RESOLVED**, that the introductory Local Law entitled “A LOCAL LAW AMENDING THE TOWN OF TUXEDO ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY TO THE R-2 DISTRICT” of the Town of Tuxedo is hereby adopted as Local Law No. 2 of the Town of Tuxedo on July 8, 2024; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to file Local Law No. 2 of 2024 with the Office of the New York State Secretary of State within 20 days as required by Municipal Home Rule Law §27.

On the motion of Supervisor McMillen, seconded by Deputy Supervisor Marsh, the foregoing resolution was adopted, on a roll call of 5 Ayes, 0 Nays.

Dated: Tuxedo, New York  
July 9, 2024

*Marisa Dollbaum*  
Marisa Dollbaum, Town Clerk