

## **ZONING**

### **Exhibit VIII. C.3.a**

The redevelopment of the Renaissance Faire site into the Sterling Forest Resort required an amendment to the Town's Zoning Code. The Renaissance Faire site, which is comprised of five (5) parcels, identified on the Tax Maps of the Town of Tuxedo as Section 1, Block 1, Lots 52.25, 59.3, 52.26, 37.2, 36.32 (SBLs, 1-1-52.25, 59.2, 52.26, 37.2, & 36.32), is located primarily in the Open Space Residential (R-1) and Rural Residential (R-2) Zoning Districts in the Town of Tuxedo under the existing zoning in the Town of Tuxedo (see Figure VIII. C.3.a-1 behind the exhibit). A portion of one (1) of the parcels (SBL 1-1-59.2) is also located in the Research Office (RO) zoning district under the Town's existing zoning (see Figure VIII.C.3.a-1 behind the exhibit).

The Town of Tuxedo 2011 Comprehensive Plan Update recommended that a new zoning district be created to allow for Tourism Business in and around the Renaissance Faire site area in the Town of Tuxedo. Additionally, the Town of Tuxedo Town Board prepared Proposed Amendments to Chapter 98 of the Zoning Law, dated February 2013 (Town of Tuxedo Proposed Amendments to Chapter 98, Zoning Local Law, February 2013). The Town of Tuxedo Town Board also prepared a Proposed Zoning Map, dated February 2013 (Town of Tuxedo Proposed Zoning Map, February 2013). According to the Town of Tuxedo's Proposed Zoning Map, which was created by the Town Board prior to the Sterling Forest Resort proposal, the Renaissance Faire site would be rezoned Tourism Business (TB) (see Figure VIII. C.3.a-2 behind the exhibit).

### **Sterling Forest Resort Zoning Amendment**

On May 17, 2014, the applicant formally submitted a proposed resort development local law, which would establish the Gaming Overlay zoning district, and would permit a resort development on the Renaissance Faire site (see Appendix VIII. C.3.a-1 behind the exhibit). The required amendment, which created the Gaming Overlay zoning district, would allow the Town to consider and approve the special use permit, site plan and architectural approvals for the Sterling Forest Resort. The Town Board introduced the Gaming Overlay local law on June 11, 2014, and duly referred it to the Town of Tuxedo Planning Board for its review and comment, and also to the Orange County Department of Planning for its review pursuant to Article 12-b of the New York General Municipal Law. The Town of Tuxedo Planning Board unanimously recommended that the Town Board adopt the local law, and the Orange County Department of Planning also recommended its adoption.

The Gaming Overlay local law combines the Town's existing Planned Integrated Development (PID) zoning with the current draft zoning amendments related to the proposed Tourism Business district. Broader changes to the zoning code and the Tourism Business district, which would allow other uses, are not being proposed at this time; those changes are more appropriately part of the Town's ongoing zoning review process.

A resort development within the Gaming Overlay zoning district requires a special use permit, which is subject to Town Board approval. The draft zoning would allow for concurrent review of the Sterling Forest Resort proposal by the Town Board, Planning Board and Architectural Review Board, provided that no Planning Board or Architectural Review Board approvals would occur until the Town Board approves the special use permit. A joint public hearing can be held by the Town Board on the special use permit and the Planning Board on the site plan. This will allow both the Town Board and Planning Board to hear all public comments relative to the resort together.

The Town Board held a public hearing on the Gaming Overlay local law on June 23, 2014, and following the public hearing, the Town Board adopted the Gaming Overlay local law, consistent with the Town of Tuxedo's support for the Sterling Forest Resort and its consistency with the Town of Tuxedo 2011 Comprehensive Plan Update (see Appendix VIII. C.3.a-1 behind the exhibit).

## **ZONING**

### ***Schedule of Applications for Zoning Approvals and Anticipated Approval Dates***

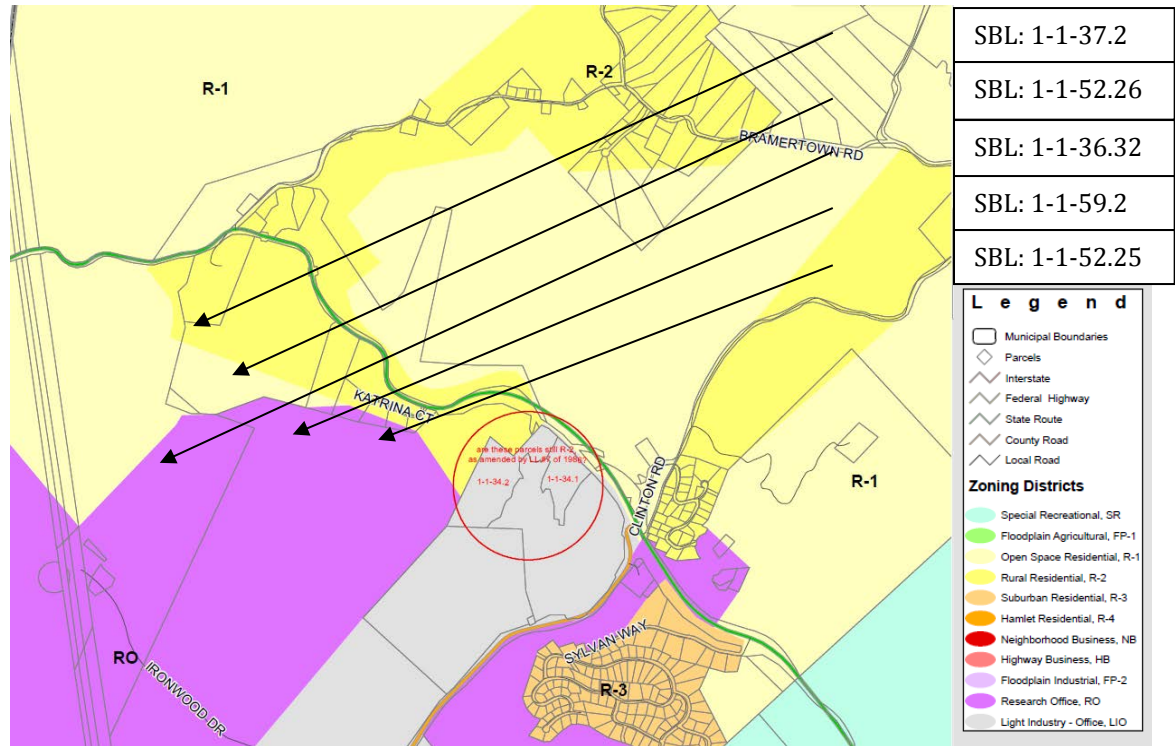
The specific schedule of applications for zoning approvals in the Town of Tuxedo with respect to the Sterling Forest Resort is as follows:

**Table VIII. C.3.a-1. Schedule of Applications for Zoning Approvals**

<b>Potential Approval(s) or Permit(s) Required</b>	<b>Agency</b>	<b>Application Date</b>	<b>Estimated Date of Receipt*</b>
<b>Local</b>			
Host Community Agreement	Tuxedo Town Board	5/12/2014	6/23/2014
Local Architectural Review Board Approval	Town of Tuxedo Architectural Review Board	7/15/2014	12/16/2014
Gaming Overlay Zoning District Zoning Amendment	Tuxedo Town Board	6/12/2014	6/23/2014
Special Use Permit	Tuxedo Town Board	6/30/2014	11/24/2014
Local Site Plan and Subdivision Approval	Town of Tuxedo Planning Board	6/30/2014	12/9/2014
General Municipal Law § 239 Review	Orange County Department of Planning	6/30/2014	9/30/2014
Floodplain Development Permit	Town of Tuxedo	7/30/2014	12/17/2014
Building Permit	Town of Tuxedo	11/1/2014	12/17/2014
Blasting Permit	Town of Tuxedo	12/1/2014	1/1/2015
Demolition Permit	Town of Tuxedo	12/1/2014	1/1/2015
Grading, Clearing, and Filling Permit	Town of Tuxedo	12/1/2014	1/1/2015
Pool Permit	Town of Tuxedo	12/1/2014	1/1/2015
Sign Permit	Town of Tuxedo	12/1/2014	1/1/2015
Water Service Extension	Town of Tuxedo, Orange County Health Department	12/1/2014	1/1/2015

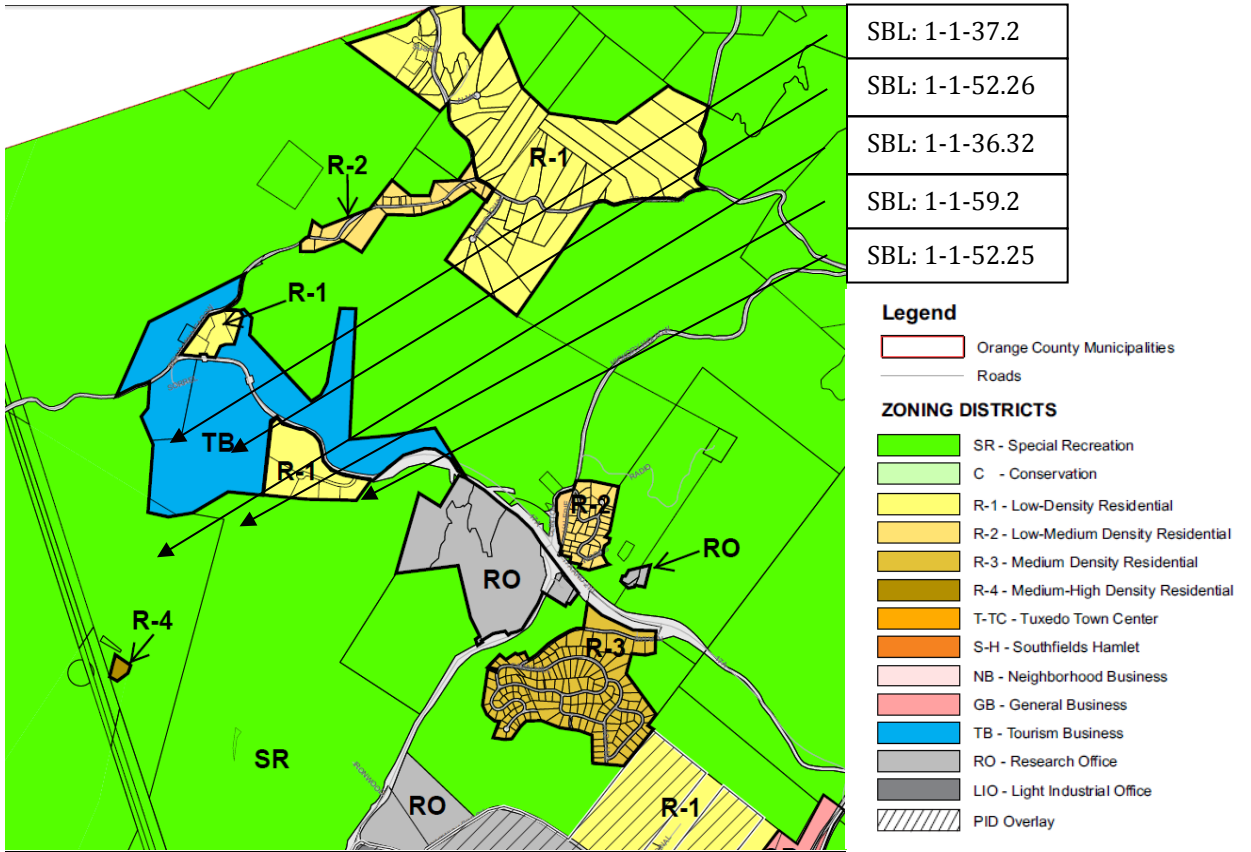
**ZONING**

**Figure VIII. C.3.a-1. Existing Zoning – Zoning Map Excerpt - Renaissance Faire Site**



**ZONING**

**Figure VIII. C.3.a-2. Tuxedo Pre-Proposed Zoning – Zoning Map Excerpt – Renaissance Faire Site**



**ZONING**

**APPENDIX VIII.C.3.a-1.**

**Tuxedo Resort Development Local Law - Zoning Amendment, As Adopted**

*Local Law Filing*

New York State Department of State  
Division of Corporations  
State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.state.ny.us/corps

(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.

County     City     Town     Village  
(Select one.)

of Tuxedo

Local Law No. 2 of the year 2014

A local law Gaming Overlay District Local Law  
(Insert Title)

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

County     City     Town     Village  
(Select one.)

of Tuxedo as follows:

SECTION 1. PURPOSE, FINDINGS, AND TITLE

For the legislated purposes of promoting job growth, increasing aid to schools, and permitting local governments to lower property taxes through revenues generated, as approved by the People of the State of New York in authorizing gaming; for the purposes of assuring a complete environmental review that is fully protective of the environment; for purposes of permitting a land-use application for review consistent with the requirements of the NYS Gaming Facility Location Board while meeting the application deadlines established by the Location Board, this local law is enacted.

The Town Board finds that this local law is consistent with the Town's adopted 2011 Comprehensive Plan and the environmental review supporting the Plan, which proposed that the area of the Town where gaming is now proposed would be zoned for recreation / tourism uses. This local law will assure an environmental review of a gaming facility which is no less protective of the environment than a review at this time. In making this determination, the Town Board finds that all the necessary information for a thorough environmental review is not and will not be available prior to the June 30, 2014 application deadline established by the Location Board, and further finds that any land use approval and construction project in the Gaming Overlay District, which is conditioned on the State issuing one of the limited number of casino licenses to this particular site, may not occur.

This local law shall be known as "Gaming Overlay District".

#### SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law Section 10, the Town Law, and in accordance with the Zoning Law of the Town of Tuxedo, New York - Article X entitled "Amendments." To the extent that the provisions of this local law are in conflict with Article 16 of the Town Law, the Town Board hereby asserts its intention to supersede Article 16 pursuant to the Municipal Home Rule Law.

#### SECTION 3. PURPOSE AND FINDINGS

The purpose of the zoning changes herein is to allow for the permitting and siting of a gaming facility licensed by the New York Gaming Facility Siting Board and to implement certain recommendations of the Town's adopted 2011 Comprehensive Plan Update.

The Town Board hereby incorporates and adopts the intent and specific objectives set forth under Section 98-23.1(A) & (B) below as its legislative findings.

#### SECTION 4.

Chapter 98 of the Town Code of the Town of Tuxedo is hereby amended as follows:

1. Section 98-5(A) is amended to include Gaming Overlay (GO) zoning district.

2. Section 98-4 is amended to include the following district purpose:

Gaming Overlay (GO). The Gaming Overlay zoning district encompasses properties primarily with frontage on Route 17A located centrally within the Town of Tuxedo and Sterling Forest State Park. The purpose of this overlay zone is to allow a gaming facility licensed by the New York Gaming Facility Location Board, together with resort development uses consisting of a self-contained and fully integrated planned development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of transient visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

3. The Zoning Map of the Town of Tuxedo, made part of Chapter 98 of the Code of the Town of Tuxedo pursuant to Section 98-6(A) is hereby amended to create a Gaming Overlay (GO) Zoning District for the following properties:

Tax Map Section 1 Block 1 Lot 36.32  
 Tax Map Section 1 Block 1 Lot 37.2  
 Tax Map Section 1 Block 1 Lot 52.25  
 Tax Map Section 1 Block 1 Lot 52.26  
 Tax Map Section 1 Block 1 Lot 59.2

4. The Use Tables, made part of Chapter 98 of the Code of the Town of Tuxedo pursuant to Section 98-9 is hereby amended to include the following table for the Gaming Overlay (GO):

GAMING OVERLAY (GO)	Use Type	Site Plan Required	Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard, Each	Min. Side Yard, Both	Min. Rear Yard	Max. Development Coverage	Min. Lot Depth	Max. Building Height	Min. Street Frontage
			ac.	ft.	ft.	ft.	ft.	ft.	%	ft.	ft.	ft.
<b>Overlay Use</b>												
Resort Development	*SU-TB	Y	*	*	*	*	*	*	*	*	*	*1

\*SU-TB=Special use Permit Approval of the Town Board  
 SU = Special use

5. A new Section 98-23.1 entitled "Gaming Facility/Resort development" is hereby enacted as follows:

**§ 98-23.1 Gaming Facility/Resort Development.**

<sup>1</sup> Frontage for a Resort Development must be on a state highway.



- A. Intent. It is the intent of these gaming facility regulations to provide flexible land use and design through the use of criteria on designated areas of land to allow development of self-contained and fully integrated planned resort development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term transient visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.
- B. Objectives. In order to carry out the intent of this section, a resort development shall achieve the following objectives:
- (1) Recognize the unique amenities, including scenic quality and natural features that are desirable for a wide range of commercial recreational uses;
  - (2) Implement the adopted 2011 Comprehensive Plan Update by encouraging "tourist-related" uses that would benefit from proximity to state parkland; and
  - (3) Allow flexibility in the range of uses to encourage economic diversity and tourism consistent with the theme or concept for the approved resort development plan.
- C. Approvals required. Whenever any gaming facility is proposed, and before any permits for the erection of a permanent building in such development shall be granted and before any subdivision plat or part thereof may be filed in the office of the County Clerk, the developer or his authorized agent shall apply for and obtain a special use permit from the Town Board, subdivision approval, as necessary, from the Planning Board, site plan approval from the Planning Board and Architectural Review Board approval.
- D. Special use permit standards. An application for a gaming facility/resort development must meet the standards set forth in § 98-39 of this chapter and the general and specific design standards set forth below.
- E. Planning Board review. Upon receipt of a special use permit application for a gaming facility, the Town Board shall refer the application to the Planning Board for its review and comment. The Planning Board shall report to the Town Board during the course of the Town Board's review of the special use permit application. The Planning Board's final report will be due within the reasonable time period established by the Town Board. Should the Planning Board fail to provide a final report within the time to do so, the Town Board may take action on the special use permit application.
- F. General design standards for resort developments. A resort development application for special use permit is subject to approval by the Town Board. An applicant applying for a special use permit shall meet the following general design standards:

- (1) Location of resort developments. Resort developments are allowed only in the Gaming Overlay zoning district.
- (2) Minimum area. The resort development must have adequate acreage for the facilities proposed. For purposes of these provisions, property within the bounds of the proposed resort development which is separated by a road or utility easement shall be deemed to be contiguous. The minimum area refers to bulk lot area, and does not exclude areas containing wetlands or steep slopes.
- (3) Ownership. The tract of land proposed for resort development may have one or more owners, and every application shall require the written consent of all individuals, firms, associations, syndicates, partnerships or corporations with proprietary interest in the affected land, authorizing the applicant to act on behalf of the owner or owners in connection with all matters pertaining to the resort development application. In the case of multiple ownership, a plan once approved shall be binding on all owners, their successors and assigns.
- (4) Utilities. Resort developments shall be served by adequate water supply and sewage treatment systems. Such systems shall be constructed in accordance with New York State standards and specifications, and additional standards adopted by the town, if any.
- (5) Permitted uses. The following uses are permitted within a resort development:
  - (a) Indoor commercial recreational use. Recreational activities conducted entirely within a building, including tourism facilities operated on a commercial or fee basis. An indoor recreation use may include the following accessory uses, such as food service facilities, hotels and resort lodges, health spas, conference centers, meeting rooms, gaming facilities, theaters, retail sales and other accessory uses clearly incidental to the recreational activity. Indoor commercial recreational use may include the premises approved under a gaming license issued by the New York State Gaming Commission which includes a gaming area and any other nongaming structure related to the gaming area and may include, but shall not be limited to, hotels, restaurants or other amenities.
  - (b) Outdoor commercial recreational use. Recreational activities conducted outside of a building conducted on a commercial or fee basis. An outdoor recreational use may also include accessory uses and buildings, such as a clubhouse, food stands, offices, and other uses accessory and incidental to the outdoor commercial use. Golf courses are regulated as a separate use.

- (c) Cultural and performing arts center. An indoor or outdoor facility for the live performance of dance, drama, music, or similar artistic performances, including but not limited to amphitheaters, pavilions, concert halls and other musical and performing arts performance areas together with administrative, food service, interpretive and learning centers and museums, seating facilities together with various other accessory uses to accommodate performing arts patrons. Instructional courses in the performing arts are allowed accessory to an arts center. This definition does not include facilities principally used to display movies or other non-live performances. Nothing herein shall be construed to permit adult entertainment uses in conjunction with a cultural and performing arts center.
  - (d) Accessory commercial, service and nonresidential uses. Accessory commercial, service and other nonresidential uses shall be required in a resort development in accordance with the provisions below.
  - (e) A resort development may include a mix of the above uses, which may be located on a single lot or lots to be combined, or on adjacent lots which may be separated by roads or other lots, provided that the various lots are integrated into the overall design. The lots comprising the resort development may be in separate ownership provided that such separate ownership is integral to the overall design.
  - (f) A resort development must provide primary access to a state highway.
- G. Resort development application procedure and approval process. The resort development application procedure and approval process shall consist of the following steps:
- (1) Special use permit application with accompanying land development plan, requiring Planning Board review and Town Board review and approval.
  - (2) Individual site plan and/or subdivision plan submission requiring Planning Board review and approval.
  - (3) Architectural renderings requiring the Architectural Review Board review and approval.
  - (4) The above steps may proceed concurrently, provided that neither the Planning Board nor the Architectural Review Board shall issue any approval prior to the Town Board's issuance of a resort development special use permit.
- H. Application for resort development special use permit.

- (1) Contents of the special use permit application. A resort development in the Gaming Overlay shall fully comply with the State Environmental Review Act, including the preparation of an Environmental Impact Statement (EIS) as necessary. In, or in addition to, any documentation relative to an evaluation of the application pursuant to the State Environmental Quality Review Act, the special use permit application shall consist of the following items:
  - (a) A land development plan. The land development plan shall be approximately to scale, though it need not be so precise as to consist of finished engineering drawings. It shall include the following:
    - [1] The location and delineation of uses, indicating for each such area its general extent, size and composition in terms of the approximate percentage allocation by use such as recreational uses, hotel, restaurants, and gaming.
    - [2] Delineation of the open space.
  - (b) A general statement as to how open space is to be owned and maintained.
  - (c) A proposed time schedule for development and, if staged, a general indication of how staging is to proceed.
  - (d) Traffic impact study, identifying the potential impact of traffic generated by the proposed development on the regional roadway network.
  - (e) Community services study, identifying the capacity of community services and facilities, the anticipated demand placed on such services and the potential expansion or introduction of services that may be required to service the development.
  - (f) Fiscal impact study, identifying community facility, infrastructure and other associated costs required to service the development and its impact on the town and applicable service districts. Said study shall analyze the fiscal impact at each stage of the development.
  - (g) Drainage study, analyzing preconstruction and post-construction stormwater runoff conditions. The drainage study shall demonstrate that stormwater runoff will be minimized to the extent practicable and shall meet stormwater permit standards.
  - (h) An explanation of the character of the resort development.

- (i) Evidence supporting a finding that the proposal, as finally approved, remains compatible with the goals of the adopted 2011 Comprehensive Plan Update.
  - (j) A market feasibility study and other possible study techniques demonstrating the short- and long-term demand for the principal proposed uses within the proposed site.
  - (k) The present ownership of all lands included within the resort development.
- (2) Evidence to demonstrate the applicant's financial ability to carry out the project and a description of previous experience with projects of a similar scale and magnitude.
- (3) Specific design standards of the special use permit. Unless a parameter within the sole jurisdiction of the Town is waived by the Town Board, the application shall demonstrate compliance with the following additional design standards:
- (a) Lot area and yard requirements. The applicant shall submit layouts and design standards for minimum lot size, frontage, yard requirements and other bulk standards at the time of special use permit application.
  - (b) Natural features. Existing natural features, such as streams, rock outcrops, topsoil, trees and shrubs, shall be preserved and incorporated in the landscaping of the development to the extent practicable.
  - (c) Street design. The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to existing and planned streets, topography and public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by said streets; whether private or public, said streets shall conform to all other street and road specifications of the town.
  - (d) Access. The resort development shall provide its principal access to a state highway.
  - (e) Building area. The location and arrangement of all structures shall be in harmony with the purposes of this special use. The location and arrangement of structures shall not be detrimental to existing adjacent development or to the existing or prospective development of the town.

- (f) Boundary setbacks, buffer areas and transitional uses. Along the boundaries of a resort development, provision shall be made for a combination of uses and buffer areas which constitute a transitional separation between surrounding existing and prospective uses and the proposed development. If the existing use adjoining a resort development is residential, the screening required in this chapter shall be provided at the perimeter of the site where the proposed resort development is to be constructed, to screen such residential development from glare, uses or other influences having a potentially adverse impact on the residential development. The resort development application shall also be reviewed with regard to its potential effect on adjoining parkland and the activities that occur therein. Where necessary, the Town Board may also require that proposed resort development uses be set back sufficiently from the property boundary to protect said parkland
- (g) Off-street parking and loading requirements. Sufficient and adequately designed off street parking spaces and loading areas shall be provided, and the internal circulation system shall be adequate to provide safe accessibility within the site. Parking shall also be provided for use by the residents of the Town as determined by the Town Board.
- (h) For resort developments the percentage of development coverage shall mean the area of the site covered by principal and accessory buildings, structures, and impervious surfaces only, and shall not include parking areas, walkways or other areas that are improved with permeable pavement, pavers or other permeable or pervious surfaces.
- (i) Underground utilities. To improve the quality of the environment and to reduce inconvenience during bad weather, utilities, including electric and cable, shall be installed underground within the resort.
- (j) Utilities and drainage facilities. Utilities and drainage facilities shall be designed in accordance with New York State and local requirements and industry standards and best management practices and planned, installed and operated in a manner acceptable to the Town Board.
- (k) Permanent Open Space. Open Space shall be provided and permanently protected in an amount, location and manner as determined by the Town Board.

- (l) For purposes of resort developments, the restriction on maximum building height shall mean the vertical distance, measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street, to the highest point of such structure, excluding architectural features such as spires and chimneys.
  - (m) The provisions of Town Zoning Law 98-22(E) regarding restrictions on hotels shall not apply to hotels within a resort development.
  - (n) Additional site development standards. In addition to the standards set forth in this section, the applicant shall also comply with the appropriate design, site development plan and performance standards of this chapter and the subdivision regulations. However, where a conflict exists between the development standards contained in this section (i.e., § 98-23.1 et seq.) and any of the above, this section shall govern.
- I. Public hearing. The Town Board shall hold a public hearing within 45 days from the day the special use permit application is deemed complete. Public notice of said hearing shall be printed in a newspaper of general circulation in the town at least five days prior to the date of the hearing. If the applicant has submitted concurrent applications for site plan and/or subdivision approvals to the Planning Board, then to the extent practicable, a joint hearing shall be held by both boards on all related pending applications and for SEQR as needed. Any notice for a joint public hearing must satisfy the minimum requirements of the relevant applicable notice provisions for site plan and/or subdivision applications.
  - J. County planning review. Prior to the public hearing, the Town Board shall mail notices thereof to the Orange County Planning Department as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement describing and including the special use permit application. If the applicant has submitted concurrent applications for site plan and/or subdivision approvals to the Planning Board, then to the extent practicable, a joint referral shall be made for all related pending applications.
  - K. Decision-making.

- (1) No special permit for the Gaming Overlay may be granted in the absence of a License from the NYS Gaming Commission, although a Conditional Final Approval may be granted conditioned upon such License. The Town Board shall render its decision on the special use permit within 62 days after the close of the public hearing. The time within which the Town Board must render its decision may be extended by the consent of the applicant. The decision of the Town Board shall be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.
  - (2) Community appearance and architectural review. The resort development shall become subject to community appearance and architectural review upon application for site plan and/or subdivision approval; and the entire plan, showing such detail as shall enable the Architectural Review Board or, in its absence, the Planning Board, to review said plan, shall be submitted simultaneously with the site and/or subdivision plan application.
  - (3) If the applicant has filed concurrent applications for site plan and/or subdivision approval with the Planning Board and architectural review before the Architecture Review Board, the Planning Board and Architectural Review Boards shall render their decisions on the related applications pending before them within 62 days following the Town Board's decision on the special use permit. The time within which the Planning Board and Architectural Review Boards must render their decisions may be extended by the consent of the applicant
- L. No building permit for the construction of any structure shall be issued by the Town until the New York Gaming Facility Siting Board has issued a license for the gaming facility component of the resort development.
- M. Conditions / Waivers. The Town Board, at its discretion, may attach any reasonable conditions on, or grant any waiver of bulk standards in the zoning law for, an approved resort development special use permit as necessary to assure conformance of the resort development with the intent and objectives of these regulations and those of the Gaming Facility Location Board. All such conditions and waivers shall be expressly set forth in writing in the Town Board's decision.
- N. Special use permit approval shall expire if construction has not commenced within two years after the date of the special use permit approval.



- O. Requests for changes to the special use permit. If in the course of detailed site development and/or subdivision review it becomes apparent that certain elements which have been approved by the Town Board are not feasible, or are materially inconsistent with the proposed site plan or amendment thereto, the Planning Board shall refer said changes to the Town Board for its review. The Town Board shall determine whether said improvements are minor and are generally consistent with the approved special use permit or whether said improvements are major and require re-approval of the special use permit. Said determination shall be made by resolution of the Town Board within 30 days after referral by the Planning Board. If the Town Board determines that such changes are minor, no further Town Board action shall be required.
  
- P. Financial responsibility. No building permit shall be issued for construction of a resort development until the required improvements are installed or performance bonds or other financial guarantees and/or sureties as required by the Town Board are posted in a form acceptable to the Town Attorney in accordance with the procedures specified in § 274-a of Town Law for site plans and § 277 of Town Law relating to subdivisions.

SECTION 5. SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 6. CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 7. JUDICIAL REVIEW.

Any approval hereunder shall be reviewable by a term of the supreme court in the manner provided by article seventy-eight of the civil practice law and rules provided the proceeding is commenced within thirty days after the filing of the decision in the office of the town clerk. However, nothing authorized hereunder shall be ripe for judicial review in the absence of a License issued by the Gaming Commission of the State of New York since everything authorized hereby is contingent on such a license.

SECTION 8. EFFECTIVE DATE

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION 9. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

(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 2014 of the (County)(City)(Town)(Village) of Tuxedo was duly passed by the Town Board on June 23, 2014, in accordance with the applicable provisions of law.

**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\_\_. 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 thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_ in accordance with the applicable provisions of law.

(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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.)**

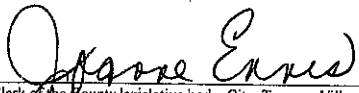
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 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 1, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body  
Joanne Ennis, Deputy Town Clerk  
Date: 6-23-2014

(Seal)

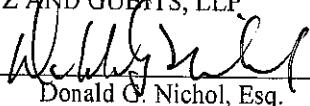
**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

JACOBOWITZ AND GUBITS, LLP

By: \_\_\_\_\_  
Signature

  
Donald G. Nichol, Esq.

Attorneys for the Town of Tuxedo  
Title

Date: June 23, 2014