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VIA HAND DELIVERY

Board of Zoning Appeals
c/o Elizabeth Doherty, Village Clerk
Village of Tuxedo Park
80 Lorillard Road Tuxedo Park, NY 10987

***Re: Delanner Application for Permit to Construct New Driveway
66 Summit Road***

Dear Board Members:

This firm represents Sophia Delanner, the owner of real property located at 66 Summit Road ("Delanner property"), in connection with the above referenced request for a variance relative to her application for a permit change the access location of the driveway on her property. Specifically, Ms. Delanner seeks an area variance from Village Code §100.21 with respect to the ten foot setback requirement from neighboring property line. Please accept this correspondence in support of Ms. Delanner's request for a variance.

By way of background, the Delanner property currently shares a common gravel driveway with two other property owners. That driveway originates from West Summit Road and ends at the Delanner home. That portion of the driveway that is on the Delanner property is paved with asphalt. The common gravel driveway that is shared with her neighbors is in a state of disrepair with numerous large potholes, divots and rough, uneven surfaces as well as dead trees that line both sides of the driveway, that the neighbors refuse to remove, and which periodically fall down, blocking the driveway, and presenting danger to vehicles and pedestrians. Despite a portion of the driveway being owned together with her neighbors, the driveway only functions to access Ms. Delanner's home, so that the neighbors have no vested interest in the condition of the driveway.

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Ms. Delanner has owned the property for four years and, in that short time, has had to repair large portions of the driveway on several occasions. Nevertheless, potholes continue to present. This condition is particularly dangerous in the winter because the snowplows cannot clear all of the snow without disturbing the chips that make up the common driveway resulting in the driveway becoming a sheet of ice. As a result, Ms. Delanner has found herself stranded many times during the winter months. Guests of Ms. Delanner have commented on the state of the driveway and have even refused to navigate it. This presents a bigger problem with receiving deliveries which Ms. Delanner receives regularly and which are vital to her health and well-being. Ms. Delanner is a cancer survivor and requires medication that is delivered to her. The current driveway, as it exists, is impassable at times, particularly in the winter months.

Additionally, as a result of the condition of the common gravel driveway, Ms. Delanner has sustained damage to her new Mercedes including having to replace a strut and shock absorber as well as a loose tail pipe. Consequently, in April of last year, Ms. Delanner requested permission of her neighbors, with whom she shares the common driveway, to repair the driveway using asphalt. The reason for the use of asphalt is twofold: first, asphalt is a more durable substance requiring less maintenance and repair than gravel; and second, the gravel is very dusty, which is a concern to Ms. Delanner who is severely allergic to dust, thus presenting a significant health risk to her in that it triggers her allergies which affects her immune system. As a cancer survivor, this presents a dangerous situation. In response to her requests to repair the driveway, one neighbor would not consent and the other consented on the condition that Ms. Delanner pay for the entire repair using tar and chip material, which would require her to pay in excess of \$20,000.00 just to repair the shared portion of the driveway in addition to the cost to repair that portion owned by wholly by her. Such is not a feasible option either economically or practically as tar and chip creates dust just like gravel which is detrimental to Ms. Delanner's health. Consequently, Ms. Delanner was forced to find an alternate solution. That solution is to change the driveway access location to her property. In this regard, Ms. Delanner seeks to construct a driveway from her existing driveway out to East Summit Road, the entirety of which will be on her own property. In the area in which the new driveway is proposed, there exists an old road that is now grown over, but upon which lines the proposed new driveway will follow. In September, the Board of Trustees granted Ms. Delanner permission to connect to the proposed new driveway to East Summit Road.

We have confirmed that such construction will require minimal excavation. There will be no blasting, removal of trees, retaining walls or drainage required. The proposal is simply to create an asphalt egress from her driveway to East Summit Road. As it exists, there are already two existing old roads at the area upon which the new driveway will be constructed. The Delanner property where it meets East Summit Road is twenty five (25) feet wide. The proposed plans provide for a width of eight feet at the entrance of the new driveway from East Summit Road, with the requisite ten feet between the Delanner property and the abutting property owned by Lucareeli & Konitsiotis. However, there will only be seven feet between the Delanner Property and the abutting property owned by First Island Nominees Guernsey Limited, which condition will exist for approximate three feet after which the remainder of the proposed new driveway will be entirely on the Delanner property. As result, there will be a small portion of the driveway at the East Summit Road intersection that will not meet the Code requirement that no driveway be constructed closer than ten (10) feet to an adjacent property line. It should be noted that the current driveway that exists at East Summit Road and is owned by First Island Nominees Guernsey Limited, encroaches several feet on the Delanner property.

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The new driveway, as proposed, will in no way impact the character of the neighborhood, adversely impact any physical or environmental conditions, or otherwise result in a detriment to the health, safety, and/or welfare of the neighborhood or community. To the contrary, denying Ms. Delanner's application to re-open an already existing road to provide safe access to her home would have severe detrimental and prejudicial consequences to Ms. Delanner.

For the foregoing reasons, it is urged that Ms. Delanner's application for a variance from Village Code §100.21 to allow her proceed with obtaining a permit to construct a driveway connecting to East Summit Road.

Thank you for your consideration of this matter.

Very truly yours,

LUM, DRASCO & POSITAN, LLC

/S/ Bernadette H. Condon

BERNADETTE H. CONDON

A Member of the Firm