

# LUM, DRASCO & POSITAN LLC

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September 13, 2022

Planning Board  
Village of Tuxedo Park  
Village Hall  
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 application for a permit to construct a new driveway on her property. Please accept this correspondence in support of Ms. Delanner's application.

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. Ms. Delanner has owned the property for three and a half 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. 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. 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.

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Consequently, in April of this 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. Ms. Delanner is a cancer survivor. Dust presents a significant health risk to her in that it triggers her allergies which affects her autoimmune system.

In response to her requests to repair the driveway, one neighbor, Claudio Guazzoni, would not consent and the other, Conrad Roncati, would consent but only if the material used was tar and chip and if Ms. Delanner agreed to pay for the entire repair, 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 her. Such is not a feasible option 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. 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, the area upon which the new driveway will be constructed is twenty five (25) feet wide. The proposed driveway is twelve (12) feet wide which leaves thirteen (13) feet to be divided between her property and the two neighbors. 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. In this regard, however, I note that Mr. Guazzoni's driveway that currently exists at East Summit Road encroaches several feet on to Ms. Delanner's property. Similarly, the current common driveway referenced above cuts in to all three properties. Mr. Guazzoni also now objects to the use of asphalt for the proposed new driveway, however, a portion of his own driveway is asphalt. Moreover, the majority of driveways in this immediate neighborhood are asphalt which, as noted above is a much more durable material requiring less maintenance and which does not emit dust.

For the foregoing reasons, it is urged that Ms. Delanner's application for a permit to change the driveway access location on her property and construct a new asphalt driveway be approved.

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If you have any further questions or require additional information which would assist you in making this determination, please feel free to contact me.

Very truly yours,

LUM, DRASCO & POSITAN LLC

*/s/ Bernadette H. Condon*

BERNADETTE H. CONDON  
A Member of the Firm

cc: John Ledwith