

**VILLAGE OF TUXEDO PARK**  
**BOARD OF ZONING APPEALS**

**Via Zoom**

**June 13, 2022**

**7:00 P.M.**

Present: Chairman John (Jake) Lindsay

Member Nancy Hays

Member David Christensen

Member John Boyle

Member Campbell Langdon

Also: Alyse Terhune, Esq., BZA Attorney

John Ledwith, Building Inspector

Others: Mila Harris, Timothy P. Greer (TPGreer Architects LLC), Meg Vaught (TPFYI)

Chairman Lindsay called the Board of Zoning Appeals meeting to order at 7:00 p.m. The motion was seconded by Member Langdon.

The motion was passed by a 5 – 0 vote.

The application of Mila Harris, Tax Map Number 104-1-50, located at 71 Lorillard Road, Tuxedo Park, NY 10987, seeking relief from Number Zoning Law § 100-8 of the Village of

Tuxedo Park Zoning Code in order to construct an addition to the house where the side yard setback requirement is 50' and 37.5', an increase of 3.75 in the existing nonconformity.

The public was duly noticed on June 2, 2022 in The Times Herald Record/recordonline.com. All neighbors were properly notified and no negative comments were received.

**Approval of Minutes**

A motion was made by Chair Lindsay and seconded by Member Boyle to approve the minutes of **April 6, 2022.**

Vote of the Board:

Chairman Lindsay – aye

Member Hays – aye

Member Christensen – aye

Member Boyle – aye

Member Langdon – aye

The motion was passed with a 5 – 0 vote.

**In the Matter of the Application of Mila Harris**

The subject property, SBL 104-1-50, is located in the 4-Acre zoning district at 71 Lorillard Road in the Village of Tuxedo Park. Applicant Harris seeks to enlarge the house by constructing a 300 square foot one-story addition to the existing two-story single-family house.

The Applicant has already presented preliminary plans to the Board of Architectural Review. In order to proceed, a variance is required for the side yard setback. This was determined by the

Building Inspector because the construction of the addition did not comply with the Village of Tuxedo Park Zoning Law.

Architect Timothy P. Greer shared a full screen of the site plans A-001.00, A-101.00, A-102.00, A-103.00, A-200.00 and A-201.00 that provided a review of existing and proposed exterior elevations. The rear elevation depicts the added fireplace location.

Chairman Lindsay made a motion to open the public meeting for public comment. The motion was seconded by Member Boyle.

It was noted that there were no comments from the public

Chair Lindsay made a motion to close the public hearing. The motion was seconded by Member Boyle.

### **The Board of Zoning Appeals' Findings**

The Board made the following findings:

1. The Board considered whether granting the requested variance would produce an undesirable change in the neighborhood character and decided that it would not. The Board noted that the Applicant is merely squaring off the line of the existing house along a preexisting, nonconforming setback from the side yard. Because of the steep slope, the addition will not be visible from the front, except for the proposed chimney. The Board agreed that the addition would enhance the character of the neighborhood.

2. The Board considered whether the benefit sought by the Applicant could be achieved by some other method and determined it could not. The Applicant wishes to add a family room to the existing house and would not be able to do so without a variance.
3. The Board finds that although the requested variance of approximately 25% from the required setback, the actual increase of nonconformity is 3.75 feet, a 9% increase in nonconformity, from the existing 41.25 feet to 37.5 feet. Thus, the preexisting nonconforming setback of the house, to which the proposed room will align, weighs in favor of granting the variance.
4. The Board finds that if granted, the variance will not have a significant adverse effect on the physical or environmental conditions in the neighborhood or the district.
5. The Board noted that all variances are self-created to some extent. However, the Board found that the benefit to the Applicant by the addition of a family room outweighs the detriment to the neighborhood.

Chairman Lindsay made a motion to grant a variance from Tuxedo Park Zoning Law §100-8, “Minimum area and bulk regulations,” of the Village of Tuxedo Park Zoning Law to the property identified on the Tax Map as Section 104, Block 1, Lot 50, in the form of a 12.5- foot variance from the required 50-foot side yard setback to 37.5 feet.

Member Boyle seconded the motion.

Vote of the Board:

Chairman Lindsay – aye

Member Hays – aye

Member – Christensen – aye

Member Boyle – aye

Member Langdon – aye

The vote of the Board was 5 – 0 in favor of the motion.

**Adjournment**

At 7:23 p.m., a motion was made by Chairman Lindsay and seconded by Member Boyle to adjourn the meeting.

The vote of the Board was 5 – 0 in favor of the motion.

Respectfully Submitted,

*Desiree Hickey*

Desiree Hickey

Recording Secretary