

**Village of Tuxedo Park
Board of Architectural Review
Minutes of Meeting
January 6, 2022
7:00 P.M.
Via Zoom**

Official Attendees: Sheila Tralins, BAR Chair
Christopher Gow, BAR Member
Christopher Boshears, BAR Member
Rob McQuilkin, BAR Member
Attorney to the BAR Stephen Honan, (Feerick Nugent MacCartney,
PLLC)
Building Inspector & Sec. John Ledwith
Recording Secretary Desiree Hickey

Absent: Josh Aaron, BAR Member, Andrew Warren, (McGoey,
Hauser, and Edsall Consulting Engineers, D.P.C.)

Attendees: William Boyce, Elizabeth Cotnoir, James Hays, Sue Heywood,
Chiu Yin Hempel, Melanie Lazenby McLennan, David McFadden,
Tinka Shaw, Meg Vaught

Chair Tralins opened the meeting at 7:00 p.m.

Sunnymede LLC – 194 East Lake Rd., Parcel No. 105-1-49, Landscape Plan Approval:

In attendance:

- Melanie Lazenby McLennan – Homeowner
- William Boyce – Landscape Architect

The applicant appeared before the BAR with preliminary plans to acquire landscape plan approval. The application requires a variance as the project is within 100 feet of Tuxedo Lake. All neighbors and Board of Trustees were notified. The Board Chair emphasized the importance of this project and its environmental impact on Tuxedo Lake/Reservoir and concerns with the removal of trees on the property.

The Landscape Architect acknowledged the environmental concerns of the Board and community. He noted the intent of the applicant was to improve the inherited landscape. On a shared screen, the Landscape Architect virtually presented the proposed plans to the Board. Photos of the property leading down to Tuxedo Lake highlighted the stripped-down hillside plantings and gravel trail that the applicant would like to restore and improve aesthetically. The proposed project includes removal of the gravel pathway and create a new aesthetically improved path leading to the boat dock with plans to construct 900 square feet of patio with views of Tuxedo Lake. In order to provide unobstructive views of Tuxedo Lake through Oak trees, the plans include removal of 14 trees within the fragmented forest area. In addition, plans include protecting existing vegetation, planting 21 new flowering trees with height of 15' to 20' at maturity, 124 shrubs and 146 native ferns, native grass and 500 perennials. The existing moss along the hillside will remain and no other trees will be cut in order to create the new pathway

flanked by existing boulders. The goal is not to change the existing vegetation. Granite steps are proposed to connect the pathway to the top of the property. All work will be done by machine with a double silt fence installed to protect the lake/reservoir and will remain while establishing growth of new plantings. One pedestrian gate will be added with steps down to dock.

The Board Chair called on Members of the Board to provide their input. Member Gow introduced himself and noted that he was the Chair of the Tuxedo Park Tree Advisory Board and has a degree in botany. Member Gow expressed his concern for the proposed tree removal and maintained we all have to be good stewards of the environment. He was especially concerned with the removal of oak trees because of their importance for stabilizing the soil and their watershed management ability. Oak trees have an enormous root system that are of great value in supporting more forms of life than any other tree in North America. In addition, he noted concerns for removing oak trees so close to the lake's edge. Removing any oak trees should be avoided at all costs. Many oak tree saplings would have to be planted in other areas in order to replace any oak tree removal. Member Gow's main issue with the proposed plans is the removal of trees. He continued to emphasize how the removal of the oak trees poses a significant problem and strongly suggested improving the property line along the lake with a vegetative buffer by planting as many native plants, bushes and trees as possible in order to maintain the health of the lake by acting as a filter to stop excess nutrients releasing into the lake to maintain a delicate balance.

Member McQuilkin noted the applicant put forward a masterful plan that was a vast improvement from what exists but agreed with many of the concerns Member Gow addressed as they relate to the oak trees, erosion, soil stabilization, and populations that are dependent on the flora. He was given clarification of the specific trees proposed for removal as requested, which were outlined for the Board to review. He addressed if there were opportunities to enhance the water purification factor of the edge with a riparian border and the new path. More oak saplings as a mitigation in the 415' area and areas not blocking views were suggested. The Landscape Architect acknowledged the Board's main concern was the removal of the oak trees and noted the applicant wants to work with the Board to find a compromise.

Member Boshears stated he was in general support of the project and thanked the applicant for getting rid of the mining road and praised the planting schedule. He did agree with the other Board members surrounding the removal of the oak trees and voiced concerns with the viewpoint from across the lake and for boaters. He suggested providing a visual interpretation with a photograph. An additional concern is the potential for creating an un-natural gap in the landscape.

In response, the Landscape Architect expressed his sensitivity in not wanting to open up an aperture that would be inconsistent with the bounds of experience along the shoreline. He suggested looking at the project in two parts with one part to include the installation of the pathways and grand plain and the other a careful consideration of the shores edge resulting in a mitigation plan that would allow for the removal of the fragmented forest as well as improvement of the property. He re-emphasized his client's commitment to enhance the riparian buffer because it is currently in shambles with a quarry road down to the boat dock and suggested a site visit with the Board to help in determining the best path forward.

Although there are concerns with the oak trees, member McQuilkin noted that there is much good with the application. If the applicant prefers doing it all at once, then part of the applicant's

incentive to do this kind of good stewardship would be to find a middle ground in approaching the viewshed more delicately than was first proposed.

Chair Tralins opened the meeting for public comment. Several residents addressed their concerns.

Chiu Yin Hempel residing at 14 Butternut Road, repeated the Board's concerns and the importance of protecting the oak trees and the riparian buffer zone as they pertain to protecting the quality of the drinking water in the reservoir and the milfoil problem that exists, which is particularly bad at the south end of the lake because of the removal of trees, shrubs, and ground cover. She suggested trimming the oak trees instead of removing them entirely. She liked the applicant's proposal in replanting so many natives on the hillside and hopes they plan to add a watering system to prevent landscapers from using buckets of water up and down the hill. In addition to the proposed plantings, it was suggested to use riparian grasses, which are very beautiful, to plant 10-15 feet along the shoreline. Mrs. Hempel questioned if the proposed patio would be impervious or would it allow for more run-off into the lake. In conclusion, she stated that property owners are stewards of their properties.

Jim Hays residing at 4 Cliff Road, commented on his concerns with the overall condition of the property, which has been denuded and the soil is eroding on the steep slopes. He recommends that a robust and dense vegetative buffer should be planted. Trees and shrubs are important in holding the soil while the leaf litter enriches the soil. The erosion is bad for the lake and the nutrient loading into the water is caused by the development of properties, which contributes to the milfoil issue as well as the algae blooms. The goal is to revegetate this property. He also expressed his concerns with the proposed patio that should not be constructed within 100 feet of the reservoir. This rule was put in place in order to prevent things from washing off of an impervious surface and into the lake. He noted that placing the patio within 100 feet of the lake would be a mistake.

David McFadden residing at 28 Pepperidge Road, speaking as a resident, noted the applicant had done nothing but show a willingness to improve the property and he did not want to discourage them from moving forward (Mr. McFadden was absent at the start of the meeting). He expressed, with the proper mitigation, this is a beautiful plan and they should proceed forward. In addition, he added that the riparian boarder would be a plus and as someone who is always on the lake, the applicant has improved the property since the last owner. Considering what the applicant has inherited, this is a difficult property to work with and what they have done so far has improved the situation. He noted the need for mitigation and compromise in order to have the application pass.

Elizabeth Cotnoir residing at Wee Wah Road, repeated many of the same sentiments of the previous residents with regard to the removal of the oak trees. She expressed that there is plenty of space between the oak trees to allow for a view of the water. In addition, she questioned whether the patio will be impervious and if water will run off the stone, which would cause the same problems they are trying to mitigate. Riparian buffers are very important and she would like to see them planted all around the lake and strongly encourages it. She expressed how the added dimension can be beautiful while bringing wildlife to the area such as birds and butterflies. She supports how the applicant is clearly working to improve the property.

Sue Heywood residing at 167 East Lake Road, agreed with all those that spoke before her with regard to the oak trees. She pleaded with the applicant not to dismiss the concerns presented and consider leaving the trees intact.

The Landscape Architect addressed the concerns of the proposed patio. He pointed out that the patio would be constructed on property that had already been disturbed and would not be impacting virgin property. The base of the patio will be composed of permeable gravel. The entire patio will be dry laid. In theory, this will absorb water and not create it. In addition, adding shrubs and grasses would slow the waterflow off the steep hillside. A rain garden was proposed, at the base of the hill, as a possibility in order to further mitigate run off issues.

Chair Tralins expressed that everyone was in agreement that the applicant had put forward a robust plan. However, resident experts were proposing things that might enhance the beauty of the property for the applicant. Hopefully, they can work together to come to a solution that will satisfy everyone.

The applicant will proceed to the BZA for the required variance before returning to the Board of Architectural Review for approval.

Minutes Approved

A motion was made by Chair Tralins and seconded by Member Gow to approve the minutes as read.

November 18, 2021

The vote of the Board was a 4 – 0 in favor of the motion.

Adjournment

At 8:16 p.m., a motion was made by Chair Tralins to end the meeting. Member McQuilkin seconded the motion.

The vote of the Board was 4 - 0 in favor of the motion.

Respectfully Submitted,

Desiree Hickey

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Recording Secretary