

Village of Tuxedo Park
Board of Architectural Review
Minutes of Meeting
February 23, 2023
6:00 P.M.

Official Attendees:	Paola Tocci, BAR Chair Christopher Gow, BAR Member Rob McQuilkin, BAR Member Molly Gonzales, BAR Member Stefanie Rinza, BAR Member
Attorney to the BAR	Stephen Honan, Esq. (Feerick Nugent MacCartney, PLLC)
Building Inspector & Sec.	John Ledwith
Recording Secretary	Desiree Hickey

Attendees: TPFYI, Paola Tocci, Barry Rice, Brendan Naeve, Lili Neuhauser, Jack Perna, John Falvella, Jaime Machado, Jamie T. Ferrara, Marc Citrin

Chair Paola Tocci called the meeting to order at 6:03 p.m. When the Perna Application was reached on the Agenda Chair Tocci disclosed that she is a near neighbor and is the owner of property adjacent to the subject Perna parcel. Accordingly, she recused herself from participation as a BAR member on any aspect of the Perna application. Thereafter, Paola Tocci left the dais reserved for BAR members and took a seat in the meeting room as a member of the audience. Ms. Tocci indicated that she intended to attend the meeting as a neighboring property owner.

The remaining BAR members proposed that Member Christopher Gow assume the position of acting Chairman of the BAR for the Perna application. By a 4-0 vote of the Board, Mr. Gow was designated the acting Chairman.

Several Tuxedo Park residents sent letters and electronic correspondences to the Board concerning the pending Perna project. All submissions were duly noted and deemed entered into the record and will be part of the minutes.

The resident's correspondences / letters sent to the Board were from the following persons:

- Stewart and Joan Reitzfeld – 1 Lookout Road
- Paola Tocci (plus addendum) – 25 Lookout Stable Road
- Brendan and Jessica Naeve – 26 Lookout Stable Road
- Lili Neuhauser – 4 Stable Road
- Sally Sonne – 207 Lake Road

Perna – Lookout Stable Rd., Parcel 107-1-113, New Home Site Plan - Revision Request:

In attendance for the Applicant:

- Jack Perna – Homeowner
- John Falvella – Contractor
- Jaime Machado - Architect
- Jamie T. Ferrara, Esq. - Attorney

The applicant presented revised drawings seeking approval to move the home a distance of approximately 21 feet and a rotation of 6 degrees of the home from the building location previously approved by the BAR. The proposed relocation would result in the home moving closer to the southern property line. Board Members Gonzales and Rinza visited the site to review the foundation pits with the Building Inspector.

The applicant explained that the need for the change arose during excavation work due to the contractor encountering solid rock deeply imbedded under the original location of the garage. The applicant is seeking to avoid the need to blast the solid rock. The setback of the building changes from 121' to 101' from the property line. The previously approved architectural design of the house will not change. The wooden detail on the side wall of the garage is 3' from the solid rock wall and will not be visible. The tilting axis is 6° from the original plan. The house may be more visible to the neighbors from the cul-de-sac. However, the proposed site for the home will be more than 300 feet from the closest neighboring home.

Member McQuilkin, after acknowledging that the twenty foot move of the proposed building, falling clearly within the previously approved maximum building envelope, should be approved without delay, stressed that continued complaints from both immediate and less immediate neighbors within the Village, whether valid or not for the purposes of the meeting's business, made it advisable that the applicant show some good faith efforts to minimize those neighbors' concerns. To this end, Member McQuilkin advised both a redoubled focus on screening with evergreens between Applicant's lots and Tocci lots neighboring and doubling of the proposed stucco's value, bringing what might be seen as a brighter stucco to something closer to the shade of granite that had been discussed at previous meetings despite the brightness of the exterior walls in the applicant's renderings. Acting Chair Gow recommended ramping up the evergreen trees. The applicant will research fast growing species such as white pine and red cedar along with evergreens and American Holly.

The septic plan area has not changed as indicated on the plans. The clean outs are in the same place in order to have easy access to the septic.

Members Rinza and Gonzales raised their concerns about moving the structure approximately 21' forward considering the depth of the slope, tree planting, privacy and noise. A photo simulation was suggested to give a clearer perspective. Jaime Machado stated that the relocating of the structure is the best part of the site to make accommodations and there is no evidence that there is not enough room with the slope to plant trees.

Attorney Honan summarized that the applicant received all approvals, provided renderings, aerials of the home, and in all respects complies with the Village zoning code. In addition, Mr.

Honan reminded the BAR members that the applicant went through an extensive approval process and he appeared before the Village Board, Planning Board and the BAR and is presently in possession of all building and property development approvals. There is no requirement for him to make concession concerning the color of the home or other aspects of his prior approvals. His present application is a limited one and merely seeks to move the home a relatively short distance within the previously approved building envelope.

The applicant addressed the driveway materials and noted the depiction of the driveway was interpreted incorrectly. Although the driveway looks like asphalt it is completely water permeable. The surface will be composed of gravel which will be milled from the stone and rock excavated from the site.

A motion was made by Acting Chair Christopher Gow to open the meeting for public comment. The motion was seconded by Member McQuilkin. After a discussion the BAR members agreed to permit each member of the public to speak for up to 5 minutes.

Barry Rice, RA, of Barry Rice Architects PLLC, was in attendance to address his concerns. Mr. Rice has provided guidance to the BAR during previous construction projects in Tuxedo Park. He discussed how there are many ways to remove rock and avoid siting of the house closer to the property line.

Paola Tocci, as a neighbor to the site, addressed the Board with her concerns specifically noting the plans do not correlate with the drawings and stressed the importance of following the Village's design guidelines. She publicly read her previously submitted letter to the BAR and the addendum thereto. As outlined in her letter, three alternatives or options were suggested in light of the forgoing and pending application to move the Perna house closer to the property line and remain within the maximum buildable envelope.

Jamie T. Ferrara, Esq., the attorney for the Perna project, stated that the project has acquired the necessary approvals from the Village Boards and that some of the statements in opposition are not relative to this meeting. His comments included there is no evidence demonstrating the diminution in neighboring property values due to the proposed relocation of the Perna home. The aesthetics of the house remain unchanged, the house is within the buildable envelope as approved by the Planning Board and moving the house is a minor change of 6 degrees in rotation. Attorney Honan concurred there is insufficient evidence that relocation of the house 21' from the previously approved site would negatively affect neighboring property values, and the BAR is not permitted to consider the same on this application.

Mr. Perna suggested that if he was required to construct his home in the location previously approved by the BAR, his building costs would increase significantly but he did not provide any estimates as to the expected increase.

After all public comments were made and all persons requesting to speak on the application were heard, a motion was made by the Acting Chair to close the public portion of the meeting. The motion was seconded by Member Gonzales and was carried 4-0.

The Building Inspector asked for clarification of the elevation (759 ft.). He was advised the elevation has not changed and the elevation remains as represented on the original plan (755ft.).

The 4ft. discrepancy was due to an error. In addition, he proposed the applicant try shortening the house in order to reduce moving forward towards the property line from approximately 21' to 15'. The applicant rejected the idea because it would eliminate the garage.

Attorney Honan stated the Board should discuss the application in an attempt to reach a consensus and proceed to a vote on the application. Each Board member summarized their previous comments. The preservation of additional old oak trees and remaining within the buildable envelope was noted. Member Rinza remains concerned with the wall facing forward on the ridgeline precipice without seeing a photo simulation and added she is not confident that enough screening can be provided if less space is available for trees to root. Member Gonzales expressed the landscape screening of the building, for visual purposes, is a compromise.

Acting Chair Gow made a motion to approve the new home site plan revision from the previous BAR and Planning Board approved plans to include a rotation of the structure of 6 degrees and an approximate 21 foot shift to the south as noted on plan A005, dated 12-27-2022, with the condition that in 6 months a plan will be presented to the BAR for strategic plantings on the south east portion of the building to provide additional screening for the neighbors and the applicant. The motion was seconded by Member McQuilkin.

The vote of the Board was 3-0, with one (1) abstention, in favor of the motion.

Christopher Gow – Yea
Rob McQuilkin – Yea
Molly Gonzales – Yea
Stefanie Rinza - Abstained.

Minutes Approved

Minutes will be reviewed for approval at the next scheduled BAR meeting.

Adjournment

At 8:08 p.m., a motion was made by Acting Chair Gow to end the meeting. Member Rinza seconded the motion.

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

Respectfully Submitted,

Desiree Hickey

Desiree Hickey
Recording Secretary