

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

**October 6, 2021**

**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: David McFadden (28 Pepperidge Road), Matthew Tinari (55 & 57 Clubhouse Road),

Ruth Marcotte (Architect for Gonzales & Tinari, Tinari), Jay Reichgott (121 Laurel

Road), 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 Christensen.

The motion was passed by a 5 – 0 vote.

Chairman Lindsay made a motion to close the public portion of the meeting to approve open BZA minutes. Member Christensen seconded the motion.

The motion was passed by a 5 – 0 vote.

Approval of Minutes:

A motion was made by Chairman Lindsay and seconded by Member Christensen to approve the minutes of **September 1, 2021**.

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.

Chairman Lindsay made a motion to reopen the public hearing. Member Christensen seconded the motion.

The motion was passed with a 5 – 0 vote.

Application Matthew & Mary Tinari at 55 Clubhouse Road and Tinari & Gonzales at 57 Clubhouse Road, Tuxedo Park, NY 10987, Tax Map Number 107-1-64.2, seeking relief from the Village Code.

Tinari at 55 Clubhouse Road, Tax Map Number 107-1-65.2 requires 14 variances to include a Porte Cochere, adding gate height, addition of a walkway, construction of a fireplace, adding dormers to the carriage house, stairs and connection to barn.

Tinari & Gonzales at 57 Clubhouse Road, Tax Map Number 107-1-64.2, is seeking 8 variances for construction of a pool, stairs and gates at a height that exceeds the permitted height.

A duly noted public hearing was convened on September 1, 2021, and continued on October 6, 2021, during in which time the Board heard testimony from the Applicants and all those wishing to address the Board.

At the October 6, 2021 BZA meeting a video rendering and revised color-coded plans were presented. Architect Ruth Marcotte (Christopher Architecture and Interiors) addressed the tables that describe 22 technical variances. Fourteen variances pertain to 55 Clubhouse Road, Tax Map Number 107-1-65.2 and eight pertain to 57 Clubhouse Road, Tax Map Number 107-1-64.2.

Member Hays suggested bundling all 22 variances.

Topics discussed among the Board members included the proposed front central window bump-out lowered 8" to 3" on property line. The Board had no concerns. Additional discussions included the port cochere (two variances needed to align with existing wall), the steel glass walkway (connecting the two structures), gates, stairs (located behind a 6"-7" wall), and parking. Total lot coverage includes driveway. Two existing spas will be removed and the addition of a smaller spa and a 10'x19' in-ground pool. Member Hays raised concerns with the pool consuming a great deal of backyard space.

At 7:43 p.m., Chairman Lindsay made a motion to open the meeting for public comment.

Member Christensen seconded the motion.

David McFadden, presiding at 28 Pepperidge Road, complimented the applicant for a fantastic project and noted it will only improve property values on Clubhouse Road. No other public comments were made.

At 7:44 p.m., Chairman Lindsay made a motion to close public comment. Member Christensen seconded the motion.

Attorney Terhune and the Board went through the five factors. The Board made the Following findings:

1. The Board considered whether granting the requested variances would produce an undesirable change in the neighborhood character and decided that it would not. The property is one of the oldest properties in the Village and is in disrepair. The carriage house is not structurally sound and the general state of the property does not enhance the neighborhood or the community. Therefore, the Board determined the variances requested to rehabilitate and improve the property would enhance the character of the neighborhood.
2. The Board considered whether the benefit sought by the Applicants could be achieved by some other method and determined it could not. The existing structures were built before the Village enacted zoning are already nonconforming. The only way the neighborhood structures could be brought into compliance with the zoning law would be to demolish them and rebuild. Even then, lot area and other substantial variances would be required. Furthermore, the stone structures are historically important examples of Village architecture and, as such, should be preserved.

3. The Board finds that although the requested variances are substantial, a multitude of factors weigh in favor of granting the variances, The Board noted again the substantial pre-existing nonconforming status of the lots. In fact, the nonconforming setbacks virtually overlap each other. Moreover, the variances will allow the structures to be restored, which benefits the neighborhood and the community. Finally, the Board, with the exception of one member, finds that although the addition of a pool and spa on Lot 64.2 require substantial variances, the Board determined that such accessory structures would not intrude on the neighbors since they will be hidden a seven-foot stone wall surrounding the two lots.
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. The Board notes that the majority of the work to be undertaken is on the structures themselves. The addition of impervious service is attributed mainly to the addition of three off-street parking, which will remove parked cars from the narrow Village road and increase neighborhood safety.
5. The Board noted that although all variances are self-created to some extent, here the property was already noncompliant and in need of rehabilitation and repair. However, the Board finds and determines that the benefit outweighs any detriment to the community or neighborhood.

A motion was made by Chairman Lindsay to grant all variances for 55 Clubhouse Road, identified on the Village Map as SBL 107-1-65.2 as highlighted in drawings A1.1. the motion was seconded by member Christensen.

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.

Chair Lindsay made a motion to approve all variances except the pool for 57 Clubhouse Road, identified on the Village Tax Map as SBL 107-1-64.2, seeking relief from the Village Code.

Member Christensen 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.

Chair Lindsay made a motion to approve the variance setback related to the pool for 57 Clubhouse Road, identified on the Village Tax Map as SBL 107-1-64.2, seeking relief from the Village Code.

Vote of the Board:

Chairman Lindsay – aye

Member Hays – nay

Member Christensen – aye

Member Boyle – aye

Member Langdon -aye

The vote of the Board was 4 – 1 in favor of the motion.

Attorney Terhune noted that the Applicant’s video rendering should be part of the BZA record and the variances granted shall be rendered null and void in the absence of compliance with the following conditions:

1. Conformance with plans, submissions, and representations of the Applicants before the Board, except as may be modified by the Board of Architectural Review within the confines of these variances
2. A perpetual easement allowing for the chimney encroachment from 55 Clubhouse Road, SBL 107-1-65.2 upon the lot known as 57 Clubhouse Road, identified on the Village Tax Map as SBL 107-1-64.2. The easement shall be approved by the BZA attorney and proof of filing in the Orange County Clerk’s office shall be provided to the Village Clerk.
3. Payment of all fees due and owing to the Village of Tuxedo Park related to this application.

**Adjournment**

At 8:07 p.m., a motion was made by Chairman Lindsay and seconded by Member Christensen to adjourn the meeting.

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

Respectfully Submitted,

Desiree Hickey

Recording Secretary