

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

**Via Zoom**

**March 2, 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: Christopher Boshears, Christopher Gow, Chiu Yin Hempel, Inger Grueterich,

Sue Heywood, James Hays, Melanie McLennan (Homeowner/Sunnymede LLC),

William Boyce (Landscape Architect), 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 Hays.

The motion was passed by a 5 – 0 vote.

The application of Sunnymede LLC at 194 East Lake Road, Tuxedo Park, NY 10987 Road, Tuxedo Park, NY 10987, Tax Map Number 105-1-49, is seeking relief from the Tuxedo Park Zoning Law § 100-8, “Minimum area and bulk requirements,” which establishes a 100-foot buffer from Tuxedo Lake within which all construction is prohibited. The Applicant is applying for a variance to allow disturbance and construction within the 100-foot buffer.

The public was duly noticed on February 17, 2022 in The Times Herald Record. All neighbors were properly notified and there were 9 mailings and 8 neighbor confirmations.

The Applicants’ Architect William Boyce presented an overview of the revised proposed project dated March 2, 2022. The presentation of drawings and photos to the Board was viewed virtually. The site plans included the vegetation restoration of the lake front property with a plant schedule, remediation of a poorly installed gravel road, the installation of a 450 square foot, dry-laid blue stone patio to include stairs and the addition of a rain garden that will reduce the stormwater runoff to the lake

The vegetation restoration will include the planting of several hundred native trees, bushes and shrubs to include perennials and grass. As depicted on the plant schedule, there are four oak trees proposed for removal, at the edge of the lake. The trees include T10 (14”), T12 (14”), T13 (13”), and T14 (19”).

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

Christopher Gow (182 West Lake Road) commended the applicants for their concerted efforts in replacement plantings but emphasized removing trees in front of the proposed patio is problematic.

Jim Hays (4 Cliff Road) noted the need for a topography map and providing plantings with deep roots to be less disruptive to the environment. He is concerned with the construction of the patio or any structure within 100' of the lake.

Chui Yin Hempel (Butternut Road) praised the restorative aspects of the plan and voiced her concerns with the removal of trees and the negative impact on the environment.

Chairman Lindsay expressed that an updated topography map should be provided. The applicant noted that a topography map already existed. The landscape architect indicated he could update the map to include the specifics as indicated by the BZA and to add some plantings as suggested by Chairman Lindsay. Member Christensen stated that the current information with the topography map and current plantings was appropriate to view and decide. Member Hays was concerned with the topography regarding the stairs. Overall, the BZA members agreed the proposed project was a marked improvement. Chairman Lindsay noted the Board was ready to take a vote.

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

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 determined that it would not. In making this finding, the Board considered the fact that the area of the proposed work had already been disturbed by the previous owners without a permit or any oversight by the Village and which left the area between the house and the lake unsightly and more conducive to unwanted stormwater runoff. The proposed work would remove some of the cinder path and reduce runoff by planting several hundred trees, shrubs and grasses.
2. The Board considered whether the benefit sought by the Applicants could be achieved by some other method and determined it could not. Except for the addition of a stone patio, the proposed landscaping is largely restorative.
3. The Board finds that although the requested variance is substantial, the primary purpose is to restore the already damaged landscape to a more natural and pleasing state. In addition, the Board noted that the only structure being added is a 450 square foot stone patio on a relatively flat area of the property and stone steps to provide safer passage.
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. In fact, the

addition of a rain garden will reduce stormwater runoff to the lake while the addition of trees, shrubs and grasses will improve the land.

5. The Board noted that although all variances are self-created to some extent, here the Applicants are improving an existing condition left by the previous owner.

Chairman Lindsay made a motion to grant a variance from Tuxedo Park Zoning Law §, “Minimum area and bulk requirements,” to the property located at 194 East Lake Road, identified on the tax map as SBL 105-1-49, to permit construction within the 100-foot buffer from Tuxedo Lake. This variance is granted solely for the express purpose of allowing the work illustrated on the “Proposed Work Plan,” sheet LA-01.01, and “Details,” sheet LA-01.02, as revised on March 2, 2022. Member Christensen seconded the motion.

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.

### **Approval of Minutes**

A motion was made by Chairman Lindsay and seconded by Member Christensen to approve the minutes of **January 5, 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.

**Adjournment**

At 7:45 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*

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Recording Secretary