

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

**Via Zoom**

**April 6, 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: Guy Devereux, Neil R. Young and Rachel Thompson (Northworks 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 Boyle.

The motion was passed by a 5 – 0 vote.

The application of Guy Devereux, Tax Map 104-1-54, located at 178 Continental Rd., Tuxedo

Park, NY 10987, seeking relief from Number Zoning Law § 100-8 of the Village of Tuxedo Park

Zoning Code in order to construct a deck where the rear yard setback requirement is 50' and 31.5' is proposed.

The public was duly noticed on March 28, 2022 in The Times Herald Record/recordonline.com. All neighbors were properly notified and 16 were noticed and 16 neighbor confirmations were received.

The Applicants' Architects presented an overview of the proposed project. The presentation of drawings and photos to the Board were viewed virtually. The property is situated in the 4-Acre zoning district. The Applicants proposed replacing an existing two-level deck with a new single-level larger deck.

Site drawings prepared by Northworks Architects, LLC, consisted of a "Permit Application" cover sheet and the following:

Existing/Proposed Site Plan, sheet AO.1, signed by Neil R. Young, dated January 7<sup>th</sup>, 2022;  
Existing/Demo Basement Floor Plan, sheet A1.0; Proposed Basement Plan, sheet A1.1; Existing First Floor Plan, sheet A1.2; Proposed Basement Plan, sheet A1.3; Existing North Elevation, sheet A2.1; Proposed North Elevation, sheet A2.2; Proposed West Elevation, sheet A2.3.

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 negative comments from the public. Mr. Devereux advised the Board that he had discussed his proposed project with his neighbors and that they had been

supportive and indicated he would collaborate with his neighbors when determining the screening.

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

The Board was favorable to the project. The Board agreed, the plans as presented, were a pleasing method to improve the character of the home/deck. The variance was the only way to improve the home and property.

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 proposed deck faces the closest neighbor's garage and that the deck is generally well screened from other neighboring properties. The Applicants stated that they would confer with neighbors to plant additional screening material to further lessen any potential visual impacts during off-leaf seasons. In addition, the existing deck is in need of repair. A new deck will enhance the house and 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 pre-existing nonconforming house and deck encroaches into the required rear yard. Although enlarging the length of the deck will increase the nonconformity toward the rear yard, the depth remains unchanged. Replacing the two-level deck with a single-level larger deck will increase the usability of the deck.

3. The Board finds that although the requested variance may be considered significant, the shape of the lot, which narrows toward the rear, results in rear-yard setbacks that create extreme angles and make it difficult to improve the house without variances. The Board also noted that adding 253 square feet to the size of the existing deck for a total of 661 square feet is less than the 755 square feet allowed under §100-11 of the Zoning Law.
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 as the deck is replacing an existing deck.
5. The Board noted that all variances are self-created to some extent. However, the Board finds and determines that balancing the Applicants' desire to enjoy a deck of sufficient size to accommodate greater outdoor use will not negatively affect the neighborhood or the community and weighs in favor granting the variance.

Chairman Lindsay made a motion to grant a variance from Tuxedo Park Zoning Law §100-8, "Minimum area and bulk regulations," to the property located at 178 Continental Road, identified on the tax map as SBL 104-1-54, in the form of a variance of 18.5 feet from the required 50-foot rear yard setback to 31.5 feet for the sole purpose of constructing a deck on the rear of the house. Member Christiansen 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.

### **Approval of Minutes**

A motion was made by Chairman Lindsay and seconded by Member Christensen to approve the minutes of **March 2, 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 7:25 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 Kickey*

Desiree Hickey

Recording Secretary