

VILLAGE OF TUXEDO PARK
COUNTY OF ORANGE, STATE OF NEW YORK
BOARD OF ZONING APPEALS

X

In the Matter of the Application of
Guy and Sara Devereux

**DECISION FOR PROPERTY
IDENTIFIED ON THE
VILLAGE OF TUXEDO PARK TAX MAP
AS SECTION 104, BLOCK 1, LOT 54**

seeking relief from the Village of Tuxedo Park
Zoning Law § 100-8 to allow the construction of
a detached garage that encroaches in the required
side-yard setback.

X

Property location and zoning district. The subject property, SBL 104-1-54, is owned by Guy and Sara Devereux (the “Applicants”). The address is 178 Continental Road, Village of Tuxedo Park, New York (the “Property”). The Property contains 1.175 acres and is in the Four-Acre Single-Family Residence (A4) zoning district and is improved with a single-family house and a detached one-car garage. The Applicants propose replacing the existing garage with a larger two-car garage.

The Application. By letter dated August 4, 2026, the Building & Land Use Officer determined that, as proposed, the construction did not comply with § 100-8, “Minimum area and bulk requirements,” of the Village of Tuxedo Park Zoning Law. Compliance would require modification to the site plan or a variance from the Board of Zoning Appeals (the “Board”).

The Applicants filed their application with the Board on August 5, 2026, seeking a variance of 33.3 feet from the required 50-foot side-yard setback to permit a setback of 16.7 feet. The Applicants noted that the existing garage is located 20.5 feet from the lot line, a pre-existing nonconforming condition. If granted, the requested 3.8-foot reduction in the setback would increase the degree of nonconformity from 59% to 66.6%.¹

¹ In 2022, the Board of Zoning Appeals granted the Property a variance of 18.5 feet from the required 50-foot rear yard setback to 31.5 feet for the purpose of constructing an outdoor deck on the rear of the house.

The Board of Zoning Appeals Review. The Applicants appeared before the Board on September 2, 2026, and October 7, 2026.

Submissions. The following materials were submitted to the Board and are incorporated into and made a part of this Decision by reference:

1. Building & Land Use Officer letter of denial, dated August 4, 2026, identifying areas of non-compliance with the Village Code; and
2. Board of Zoning Review Application prepared by Guy Devereux, dated August 5, 2026; and
3. “Declaration of Hardship for Zoning Relief” narrative, dated August 5, 2026, prepared by Guy Devereux; and
4. Short Environmental Assessment Form prepared by Neil Ryan Young, Principal, Black Hause Studio, dated July 24, 2026, revised September 16, 2026; and
5. Deed, dated August 8, 2011, vesting ownership of the Property in the Applicants; and
6. Site drawings prepared by Black Hause Studio, Neal Ryan Young, Project Manager, stamped by Jeffrey Robert Fama, Registered Architect, dated July 24, 2026, last revised September 16, 2026, consisting of Architectural Cover Sheet A0.00, Site Plan/Site Plan Table A0.01, Stormwater Plan/Drywell Details A0.02, Floor Plans A1.00, Exterior Elevations/BLDG Section A2.00, and Window/Door Schedules A5.00; and
7. Enlarged section titled “Devereux Site Plan” marked with locations of storm drains with photographs of garage area showing approximate locations of underground stormwater drainage pipes leading to stormwater inlet on Continental Road and to the rear yard culvert; and
8. Stormwater calculations prepared by Vastardis Consulting Engineers, LLC, dated October 7, 2026; and
9. Photographs showing recent stream improvements including “before and after” photographs demonstrating the Applicants efforts to improve water flow through the stream, which improvements were inspected by the Building & Land Use Officer prior to the October 7, 2026, Board meeting.

General Municipal Law § 239-m. Referral to the Orange County Planning Department was not required because the Property’s location does not meet any of the criteria identified in GML § 239-m.

Public Hearing. A duly noticed public hearing was convened on September 2, 2026, and continued October 7, 2026, during which time the Board heard testimony from the Applicants and all those wishing to address the Board on the matter. Written comments and photographs submitted by an abutting neighbor dated September 1, 2026, and September 4, 2026, asserted that prior work by the Applicants on their property, including stream bed relocation and alteration, directed stormwater to her property and increased flooding. The neighbor opposed the variance

alleging that the enlarged garage would further exacerbate stormwater runoff onto her property. No further public comments were received. The public hearing was closed on October 7, 2026.

State Environmental Quality Review Act (SEQRA). Pursuant to 6 NYCRR Part 617.5(c)(12), the construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density is a Type II Action not subject to review under SEQRA.

BOARD OF ZONING APPEALS FINDINGS OF FACT

The Board of Zoning Appeals' Findings. When considering whether to grant an area variance, the Board must evaluate, and did evaluate, (1) whether granting said variance will produce an undesirable change in the character of the neighborhood; (2) whether the benefit sought by the Applicants can be achieved by some other method; (3) whether the requested variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty is self-created. Furthermore, any area variance granted by the Board must be the minimum variance deemed necessary and adequate.

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 garage fits the character of the existing house and the general neighborhood. The Board also noted that the proposed garage is also partially screened by foliage.
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 garage was constructed in 1939 and only houses one modern car, with little space for typical garage storage. The Board also determined that it was not possible to move the proposed garage farther from the side lot line and closer to the house because of the location of stormwater drainage pipes.
3. The Board found that although the requested variance may be considered substantial, it would increase the side-yard setback encroachment by only 3.8 feet – from the existing 20.5-foot setback to 16.7 feet – representing a 7.6% increase in the nonconformity.
4. The Board concluded that the variance, if granted, would not have a significant adverse effect on the physical or environmental conditions of the neighborhood.

The Board noted that the existing garage has no gutters to catch and direct stormwater whereas the proposed garage will be constructed with gutters that will direct stormwater directly into a drywell. The drywell has been engineered to absorb rainfall at 1 inch per hour during a storm duration of 3 hours (as shown on Sheet A0.02 of the site drawings). The Applicant also represented that they would maintain the swale. Therefore, the Board agreed that the proposed construction and stormwater improvements will decrease, not increase stormwater runoff.

5. The Board noted that the variances may be considered self-created, but the Applicants have testified that the existing garage is not adequate for modern needs, is “structurally deficient” and “in need of replacement.” The Board determined that balancing the Applicants’ desire to replace and enlarge the garage against any perceived negative impact on the neighborhood weighed in favor of granting the variance.

Applicants’ burden. The Board of Zoning Appeals found and determined that the Applicants sustained their burden of proof as required by New York State Village Law and Village of Tuxedo Park Zoning Law.

DECISION

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Appeals hereby grants relief from Section 100-8, “Minimum area and bulk regulations,” of the Village of Tuxedo Park Zoning Law to the property identified on the Tax Map as Section 104, Block 1, Lot 54, in the form of a 33.3-foot variance from the required 50-foot side-yard setback to 16.7 feet for the purpose of constructing a garage.

BE IT FURTHER RESOLVED that this Decision and Approval is conditioned upon: (1) conformance with the 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 this variance; and (2) payment of all fees due and owing the Village of Tuxedo Park related to this Application.

BE IT FURTHER RESOLVED, that Pursuant to its authority under Village of Tuxedo Park § 100-48D, this variance shall be valid for a period not to exceed two (2) years from the date of this Decision.

On a motion by Chairman Lindsay, seconded by Alternative Member Rothberg, this Decision was adopted by roll call vote as follows:

	Yea	Nay	Abstain	Absent
Jake Lindsay, Chairman	[√]	[]	[]	[]
Nancy Hays, Member	[√]	[]	[]	[]
Campbell Langdon, Member	[√]	[]	[]	[]
Charlotte Worthy, Member	[√]	[]	[]	[]
Mark Rothberg, Alternate Member	[√]	[]	[]	[]

Dated: October 7, 2026

VILLAGE OF TUXEDO PARK
BOARD OF ZONING APPEALS



BY: JAKE LINDSAY, CHAIRMAN

Elizabeth Dougherty, Village Clerk for the Village of Tuxedo Park, New York, does hereby certify that the foregoing Decision of the Village of Tuxedo Park Board of Zoning Appeals was filed in my office on the following date:

Signature and Date