

VILLAGE OF TUXEDO PARK
BOARD OF ZONING APPEALS

December 6, 2023

7:00 P.M.

Present: Chairman John (Jake) Lindsay

Member David Christensen (via Zoom from 434 Greenwich St., NY 10013)

Member Campbell Langdon

Member John Boyle

Member Nancy Hays (via Zoom from 4 Cliff Rd., Tuxedo Park, NY 10987)

Also: Alyse Terhune, Esq., BZA Attorney, John Ledwith, Building Inspector

Others: Claudio Guazzoni De Zanett, Conrad Roncati, Frances Walsh

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 public notice was published 11/24/2023 on recordonline.com.

As read by Chairman Lindsay, the application of 15 Summit Rd., Tax Map Number 104 -1-15, 15 Summit Rd., Tuxedo Park, NY 10987, is seeking relief from the following sections of the Village of Tuxedo Park Zoning Code:

- a. Section §100-8 – Front yard setback, where required setback is 75’ and 50’ is being proposed.

- b. Section §100-8 – Side yard setback, where required setback is 50’ and 15’ is being proposed.
- c. Section § 100-8A – Fences, where the maximum permitted height in the front yard is 4’ and 8’ is being proposed.

The application and plans were made available for review at the Village Hall, Village of Tuxedo Park, 80 Lorillard Road, Tuxedo Park, NY 10987.

All neighbor notices were sent. Proof of mailings were confirmed by the Building Inspector. Neighbor Margarita Hennessey – 47 West Lake Road - responded via email voicing concerns that the proposed Gate House is not in keeping with the other residential properties in Tuxedo Park, nor its history.

The Applicant seeks construction of a gate and accessory stone gatehouse structure, for the purpose of housing an above ground electrical transformer cabinet and generator, at the entrance to the property within the required 75-foot front yard and 50-foot side yard setback and an attached wall that exceeds the maximum height. To proceed, the Applicant is seeking the necessary variances as outlined in the Village of Tuxedo Park Zoning Code.

A motion was made by Chair Lindsay and seconded by Member Boyle to open the meeting for public comment.

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

Mr. Roncati/Architect gave a brief description for the proposed restoration of 15 Summit Road. The proposed variances are a result for the necessity to house a CT cabinet that is required by Orange and Rockland utility to be placed no farther than 50' from the road. The wall connection is to provide an aesthetically more pleasing structure. The Board determined a variance of 2' to construct the 8' wall to the property line was necessary.

It was noted that granting individual setback and lot line variances and adjustments is a Type II Action not subject to review under SEQRA.

After public comments were made, Chair Lindsay made a motion to close the Public Hearing. The motion was seconded by Member Langdon.

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

The Board evaluated the five factors in determining granting the requested variance.

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. The Board noted that the proposed stone gatehouse would serve as an attractive enclosure for a back-up generator and an above-ground metal current transformer ("CT") cabinet. The CT cabinet is required by Orange and Rockland utility to be placed no farther than 50' from the road. The Board further noted that the stone wall would also screen guest parking located directly behind the gatehouse and without the wall, visible from Summit Road. The Board agreed that the gatehouse and wall is reminiscent of the gatehouse at the entrance to Tuxedo Park and would enhance the character of the neighborhood.

2. The Board considered whether the benefit sought by the Applicant could be achieved by some other method and determined that the mere enclosure of the generator and the CT cabinet and a fence or planting to screen the parking would not achieve the same effect and would not necessarily enhance the property or the neighborhood.
3. The Board finds that although the requested variances of approximately 33% from the required front yard setback, 30% from the required side yard setback, 40% from the maximum wall height and 100% from the minimum property line setback is substantial, the purpose each variance serves weighs in favor of granting the requested relief. Although walls and other fences are required to be set back from the property line by a minimum of 2 feet, extending the wall to the property line allows it to mesh with a similar stone wall along adjacent property line, thus creating a continuous and pleasing aesthetic. Therefore, a 2-foot (100%) variance achieves a better result than a visual break in the adjacent stone walls.
4. The Board finds that the variances, if granted, will not have a significant adverse effect on the physical and environmental conditions or the district.
5. The Board noted that the need for variances is self-created to some extent. However, here, the encroachment into the front yard is a requirement of the utility company, which weighs in favor of granting the front-yard variance. After deliberation, the Board found that the benefit to the Applicant by granting the variances outweighed any perceived detriment to the neighborhood and the community.

The Board of Zoning Appeals determined the Applicant has sustained its burden of proof as to the need for the requested variances as required by New York State Village Law and Village of Tuxedo Park Zoning Law.

A motion was made by Chairman Lindsay and seconded by Member Langdon to grant relief from Tuxedo Park Zoning Law, §100-8, “Minimum area and bulk regulations” and §100-8, “Fences,” to the property identified on the Tax Map as Section 104, Block 1, Lot 15, in the form of four (4) variances:

1. a variance of 25 feet from the 75-foot required front yard setback to 50 feet; and
2. a variance of 35 feet from the 50-foot required front yard setback to 50 feet; and
3. a 4-foot variance from the maximum wall height of 4 feet to 8 feet; and
4. a variance of 2 feet to construct the wall to the property line.

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

The roll call vote was as follows:

Chairman Lindsay – Aye

Member Christensen – Aye

Member Boyle – Aye

Member Langdon – Aye

Member Hays - Aye

Approval of Minutes

A motion was made by Chairman Lindsay and seconded by Member Boyle to approve the minutes of **August 2, 2023**.

Vote of the Board:

Chairman Lindsay – Aye

Member Christensen – Aye

Member Boyle – Aye

Member Langdon – Aye

Member Hays - Aye

The motion was passed with a 5 – 0 vote.

Adjournment

At 7:37 p.m., a motion was made by Chairman Lindsay and seconded by Member Langdon to adjourn the meeting.

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

Respectfully Submitted,

Desiree Hickey

Desiree Hickey

Recording Secretary