



TOWN OF TUXEDO
ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING & PUBLIC HEARING
July 25, 2023

BOARD MEMBERS PRESENT: Frank Peverly, Chairman
Russ Shaver
Chris Dollbaum
Sharon Radulov

BOARD MEMBERS ABSENT: Marc Citrin

OTHERS PRESENT: Kelly Naughton, Zoning Board Attorney
Deborah Villanueva, Zoning Board Secretary
Sheila & Mike Samora, Applicant
Irene Denaro, Resident (via Zoom)

1.0 Call to Order

Chairman Peverly called the meeting to order at 7:00 PM on Tuesday, July 25, 2023.

2.0 Approval of the Minutes

Chairman Peverly asked if there were any comments to the June 27, 2023 meeting minutes and there were none.

Chairman Peverly made a motion to approve the minutes of June 27, 2023 as written and Board Member Dollbaum seconded the motion. All were in favor and the motion carried.

**3.0 Michael & Sheila Samora – 47 Spice Bush Lane – Area Variances,
Proposed Addition
Section 204 Block 4 Lot 18**

Chairman Peverly opened the Public Hearing and proceeded to read the public notice for the record. He confirmed that the file was in order and that the certified mail receipts were received.

Mrs. Samora explained that they are proposing to expand their living space with a 500 sq. ft. addition which will be in the same foot print as their existing deck and solarium. Mr. Samora added that the roof line would remain the same.

Chairman Peverly pointed out that this was a non conforming lot, as most lots in the neighborhood were, due to the fact that the Town's Zoning was adopted after the development was built. He added that they are really just maintaining the non conformity.

Board Member Dollbaum asked if they planed to add a deck and it was noted that a portion of the deck would remain. Board Member Dollbaum pointed out that if they were going to increase the deck they would likely need to return to the Board for a variance.

There being no further comments from the Board or the public, Chairman Peverly motioned to close the Public Hearing.

Chairman Peverly addressed the existing detached garage and explained that he had spoken with Attorney Naughton and has decided not to address the preexisting nonconformities as they are rather extensive but that it would be handled as a note in the formal decision.

Chairman Peverly indicated that this was a Type II action under SEQRA and proceeded to address the five factors that the Board must consider when granting an area variance as follows:

- 1 - Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment will be created to nearby properties by granting the area variance; The Board agreed it will not.
- 2 - Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; The Board agreed it could not.
- 3 - Whether the requested area variance is substantial; The Board agreed that it was not.
- 4 - Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; The Board agreed it would not.
- 5 - Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance. The Board agreed that it was.

Chairman Peverly made a motion to grant the area variances as outlined in Attorney Naughton's memo dated July 3, 2023. Board Member Dollbaum seconded the motion and it was approved by a unanimous vote.

4.0 Adjournment

Chairman Peverly motioned to adjourn the meeting at 7:15 pm. and Board Member Dollbaum seconded the motion. All were in favor and the motion carried.