



**TOWN OF TUXEDO
ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING & PUBLIC HEARING
June 27, 2023**

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

OTHERS PRESENT: Kelly Naughton, Zoning Board Attorney
Deborah Villanueva, Zoning Board Secretary
Moise Belizaire, Applicant
Daria Bekersky, Resident (via Zoom)

1.0 Call to Order

Chairman Peverly called the meeting to order at 7:00 PM on Tuesday, June 27, 2023 and noted that all Board Members were present.

2.0 Approval of the Minutes

Chairman Peverly made a motion to approve the minutes of May 23, 2023 as written and Board Member Dollbaum seconded the motion. Board Members Citrin and Radulov abstained and the motion was approved with three ayes.

**3.0 Moise Belizaire – 61 Clinton Rd. – Area Variances - Addition
Section 203 Block 1 Lot 2.2**

Chairman Peverly reconvened the public hearing and confirmed that the certified mail receipts had been received for the file. He proceeded to provide a brief recap from last meeting noting that the primary concern of the Board was the fact that there was a drainage pipe located under the area of the proposed construction. He added that the pipe has since been removed and was no longer an issue.

Chairman Peverly asked if there were any questions or comments from the public and Daria Bekersky, 64 Clinton Road, pointed out that water has been running down the Applicant's driveway

since doing the work. Mr. Belizaire stated that it was from a hose used to keep water out of the drywell and Chairman Peverly further clarified that following a submission of his application the Board voiced a concern over the drainage pipe under the proposed addition. He noted that the Applicant has relocated that drainage pipe and he used the hose to keep water out of the drywell during the process.

Mrs. Bekersky stated that she has lived in the neighborhood for many years and is well aware of the swamp areas. She questioned how large the planned addition was and Mr. Belizaire stated that he was adding a garage, a deck and a small addition in the rear.

Chairman Peverly indicated that the property had preexisting nonconformities but noted that he does have sufficient area for the addition and it does not appear to encroach on any neighboring property.

At this time Chairman Peverly acknowledge another caller to see if they had any questions or comments and the caller did not identify themselves and had nothing to add.

Board Members Citrin and Radulov noted that they were out to see the property and had no concerns as the property to the left of the proposed addition was located significantly higher than the Applicant's lot.

A question was raised regarding an area of boulders along the other side of the house and Mr. Belizaire stated that he was not sure as it was not his property but thought it may have been used as a driveway in the past. Mrs. Bekersky stated that it was never used as a driveway.

Board Member Radulov asked what the existing garage space was used for and Mr. Belizaire indicated that it was used for tools and storage.

Mrs. Bekersky asked whether this was going to be a two-family home and Mr. Belizaire confirmed that it would not be.

There being no further questions from the public, Chairman Peverly motioned to close the public hearing at 7:20. Board Member Citrin seconded the motion and it was approved by a unanimous vote.

Chairman Peverly indicated that they would consider and memorialize all non conformities and that this was a Type II action under SEQRA. He 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.

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. Board Members Dollbaum and Radulov felt that it was not given the need for handicap access.

Chairman Peverly made a motion to grant the seven area variances as outlined in Attorney Naughton's memo dated May 12, 2023. Board Member Citrin seconded the motion and it was approved by a unanimous vote.

4.0 Adjournment

Chairman Peverly motioned to adjourn the meeting at 7:25 pm. and Board Member Dollbaum seconded the motion. All were in favor and the motion carried.