

VILLAGE OF TUXEDO PARK
P.O. BOX 31
80 LORILLARD ROAD
TUXEDO PARK, NEW YORK 10987

Building Permit Application Package

The attached list of information and forms is designed to assist Tuxedo Park residents in applying for building permits:

1) Building Permit Application Form and Fee Schedule

2) “How is the Board of Architectural Review (BAR) Agenda Decided?”

This document explains how the BAR agenda is put together for each meeting.

3) Excerpts from the Village of Tuxedo Park (VTP) Code Sections 100-49 to 100-57

These sections of the VTP Code explain the procedures and criteria of the Architectural Review Board.

However, applicants are advised to consult the entirety of the VTP Code (available for downloading on www.tuxedopark-ny.gov) and the Building Inspector (BI) to understand all the rules and regulations that are relevant to their building permit applications.

4) Site Plan Table and Village Code Sections

This table lists the minimum data required when submitting a site plan. It helps the BI determine conformity of an application with the VTP Zoning Code. Relevant sections of the Code are attached.

5) Notice to Enforce

This notice highlights sections of the VTP Code that pertain to Building Permit applications and permitted work hours.

Other information will be added to this application package without notice.

If you have any questions regarding the building permit application process, or the above-referenced sections of the VTP Code, or any other sections of the VTP Code, please contact John Ledwith, Building Inspector, at (845) 351-4745 ext. 12 or via email at jledwidth@tuxedopark-ny.gov

BUILDING DEPARTMENT - APPLICATION/PERMIT
VILLAGE OF TUXEDO PARK-LORILARD ROAD-TUXEDO PARK, N.Y. 10987 845-351-4745

PROPERTY LOCATION - SECTION _____ BLOCK _____ LOT _____

OWNER: _____ PROPERTY STREET ADDRESS _____

MAILING ADDRESS _____ TELEPHONE _____

NATURE OF CONSTRUCTION ___NEW___ ALTERATION ___ADDITION___ RECONSTRUCTION
___ACCESSARY USE___ OTHER-DESCRIBE _____

IF STRUCTURE BRIEF DESCRIPTION _____

ESTIMATED COST OF CONSTRUCTION _____

THE OWNER/AGENT _____ CERTIFIES THAT HE
IS THE OWNER OR AGENT OF ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND AND
OR BUILDING DESCRIBED IN THE APPLICATION AND IF NOT THE OWNER THAT HE HAS
BEEN DULY AND PROPERLY AUTHORIZED TO MAKE THIS APPLICATION AND TO ASSUME
RESPONSIBILITY FOR THE OWNER IN CONNECTION WITH THIS APPLICATION AND AGREES
THAT THE VILLAGE OF TUXEDO PARK ZONING ORDINANCE AND STATE OF NEW YORK
BUILDING CODES WILL BE COMPLIED WITH AS WELL AS ANY OTHER REGULATIONS
RELATING TO THE CONSTRUCTION OR USE OF THE PROPOSED BUILDING AND LAND HERE
IN DESCRIBED.

NOTARY: _____ **** SIGNED _____

N.Y.S. REGISTERED ARCHITECT OR LICENSED ENGINEER NAME _____

ADDRESS _____ TELEPHONE _____

BUILDING OR CONTRACTOR _____

ADDRESS _____ TELEPHONE _____

BUILDERS INSURANCE INFORMATION: WORKMENS COMPENSATION # _____

LIABILITY # _____

AGENT OR COMPANY _____

ADDRESS _____ TELEPHONE _____

VILLAGE CLERK: DATE RECEIVED _____ FEE PAID _____

BUILDING INSPECTOR: PRELIMINARY INSPECTION- _____ APPROVED _____ DISAPPROVED _____

DATE _____ COMMENTS _____

BOARD OF ARCHITECTURAL REVIEW: _____ APPROVED _____ DISAPPROVED - DATE _____

SIGNATURES _____

AHRB. COMMENTS _____

BOARD OF TRUSTEES: _____ APPROVED _____ DISAPPROVED -- DATE _____

SIGNATURES _____

TRUSTEES COMMENTS: _____

I HAVE EXAMINED THIS APPLICATION AND THE PLANS (BUILDING AND PLOT) THAT ARE
A PART OF THIS APPLICATION AND FIND THAT THEY ARE IN COMPLIANCE WITH THE
VILLAGE OF TUXEDO PARK ZONING ORDINANCE AND HEREBY ISSUE THIS BUILDING
PERMIT.

PERMIT # _____ DATE OF ISSUE _____ EXPIRATION DATE _____

SIGNED-BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Last Revised 6/24/2014

Village of Tuxedo Park Board of Trustees
Resolution
ADOPTION OF REVISED SCHEDULE OF SUBDIVISION AND ZONING FEES
AND ESTABLISHMENT OF ESCROW POLICY

WHEREAS, Section 100-43 of the Village Code authorizes the Board of Trustees from time to time to publish a Schedule of Fees for various reviews performed in connection with the Subdivision and Zoning provisions of the Village Code, and

WHEREAS, the last revision to such Fee Schedule was in 2008, and the level of activity of Subdivision and other reviews by the Planning Board, Board of Architectural Review and the Board of Zoning Appeals has increased significantly in that time, with the concomitant escalation of the Village's professional fees associated with such reviews, and

WHEREAS, the Board of Trustees desires to simplify the present schedule of fees, modify it in a manner that reflects expenses incurred on applications of similar scope, and provide for an escrow mechanism to ensure that the fees incurred on a particular application remain the responsibility of those of those applicants requesting reviews and do not become a general Village charge,

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park hereby adopts the following Schedule of Subdivision and Zoning Fees, effective immediately and applicable to all pending applications¹:

1. FEES FOR APPLICATIONS FOR NEW RESIDENCE OR EXISTING BUILDING BEING CONVERTED TO NEW RESIDENCE

- | | |
|---|-------------|
| A. Initial Building Inspector Review: | \$ 200.00 |
| B. Escrow for Review by Village Consultants Engineering, Legal, Etc.): | \$ 6,000.00 |
| C. Issuance of Building Permit (Valid for 18 months) (Cost per sq. ft. of finished area): | \$ 1.50 |
| D. Building Permit Extension (12 month maximum extension (Cost per each 6 months): | \$ 300.00 |
| E. Public Hearing or Special Meeting (Cost per meeting): | \$ 300.00 |

¹ The fees charged for any particular project will be the totality of applicable fees identified in this resolution.

2. FEES FOR APPLICATIONS FOR STRUCTURAL ADDITIONS, DEMOLITION AND BLASTING

- A. Initial Building Inspector Review: \$ 200.00
- B. Escrow for Review by Village Consultants Engineering, Legal, Etc.): \$ 3,000.00
- C. Issuance of Building Permit (Valid for 18 months) (Cost per sq. ft. of finished area): \$ 1.50
- D. Building Permit Extension (12 month maximum extension (Cost per each 6 months): \$ 300.00
- E. Public Hearing or Special Meeting (Cost per meeting): \$ 300.00

3. FEES FOR APPLICATIONS FOR OTHER PERMITS (LANDSCAPING, FENCE, DECK, POOL, WATER, HOOK UP, ETC.)

- A. Initial Building Inspector Review. \$ 200.00
(Residential generators, installed to provide power to a residence during times of power failures, shall not be subject to any Village fee if said generators are installed between January 1, 2011 and December 31, 2012. However, all such generator installations still remain subject to mandatory Building Inspector reviews. Any homeowners that have paid Building Inspector fees for the installation of such generators between January 1, 2011 and the date of the adoption of this Resolution will be refunded such fees.²)
- B. Escrow for Review by Village Consultant (Engineering, Legal, Etc.) for structural review applications: \$ 700.00
- C. Escrow for Review by Village Consultant (Engineering, Legal, Etc.) for landscape applications: \$ 400.00
- D. Escrow for Review by Village Consultant (Engineering, Legal, Etc.) for single item applications: \$ 100.00
- E. Issuance of Building Permit (Valid for 18 months) (Calculation is % of Project Cost-Minimum of \$600 with cap @ \$6,000³) 1.5%
- F. Building Permit Extension (12 month maximum extension) (Cost for each 6 months): \$ 300.00
- G. Public Hearing or Special Meeting (Cost per meeting): \$ 300.00
- H. Water Hook-Up Fee (each) \$ 600.00
- I. Sewer Hook-Up Fee (each); \$ 600.00

²By BOT Resolution 12/15/2011

³By BOT Resolution 4/22/2009

4. FEES FOR APPLICATIONS FOR SUBDIVISIONS

- A. Initial Building Inspector Review (Cost per lot): \$ 200.00
- B. Escrow for Review by Village Consultant (Engineering, Legal, Etc.) for lot line only applications: \$ 2,500.00
- C. Escrow for Review by Village Consultant (Engineering, Legal, Etc.) for two lot subdivision applications: \$ 5,000.00
- D. Escrow for Review by Village Consultant (Engineering, Legal, Etc.) for subdivision applications of three or more lots: \$20,000.00
- E. Public Hearing or Special Meeting (Cost per meeting): \$ 300.00
- F. Final Approval (Cost for each lot): \$ 200.00

5. FEES FOR APPLICATIONS FOR APPEALS TO THE ZONING BOARD OF APPEALS

- A. Area or Use Variance Application: \$ 300.00
- B. Home Business Application: \$ 50.00
- C. Escrow for Review by Village Consultants (Engineering, Legal, Etc.) \$ 1,000.00
- D. Public Hearing or Special Meeting (Cost per meeting): \$ 300.00

6. FEES FOR BUILDING INSPECTIONS

- A. Inspection for Certificates of Occupancy or Completion: \$ 100.00
- B. Escrow for Review by Village Consultants (Engineering, Legal, Etc.) if deemed necessary by the Building Inspector. \$ 500.00

AND IT IS FURTHER RESOLVED that the Village of Tuxedo Park hereby adopts the following escrow policy relating to monies received for the payment of the fees and expenses of the Village Consultants:

- A. All such escrow amounts to be provided by an applicant for the payment of the fees and expenses of the Village Consultants in connection with applications before the Planning Board, Board of Architectural Review, Board of Zoning Appeals, and Board of Trustees shall be paid by the applicant upon filing the application and be held by the Village in a general non-interest bearing escrow account for the payment to such Village Consultants as set forth below. No review of the Applicant's submissions to any Village board shall be scheduled before any of the village boards nor shall any action thereon be taken, until all Village fees, including the necessary initial consultant escrow monies, are paid in full. Monies withdrawn from these escrowed monies must be replenished immediately by the Applicant upon notice from the Village that replenishment is required.
- B. If the monies held in escrow fall below 50% of the initial escrow estimate required, and the Applicant has not deposited additional monies as required to replenish the escrow account to 50% of the initial escrow estimate, then no further review of the application by the consultants will be performed, and the application will not be scheduled for consideration by any Village board, and no permits or certificates will be issued by the Building Inspector.
- C. In cases where exceptional circumstances exist the initial escrow amount, or the amount required to be maintained in escrow, may be modified by the agreement of the Building Inspector and the Chairperson of the Village board that has primary responsibility for the application, provided that the modification (either an increase or a decrease) shall in the judgment of the Building Inspector and such Chairpersons, be reasonable in relation to the anticipated costs attendant to the Village's review of the application, given the degree of complexity of the project and the stage of review at the time of such modification and other such factors deemed by them to be relevant. The agreement of the modification is subject to approval by the Board of Trustees.
- D. Each of the Village's engineering, legal, planning or other consultants who render services pertaining to an application before the Planning Board, Board of Architectural Review, or Board of Zoning Appeals, Building Inspector and Board of Trustees shall submit statements to the Village reasonably setting forth the services performed and the amounts charged for such services. Copies of such statements shall be available to the Applicant for review, and the Applicant upon a written request to the Village Clerk may receive a statement of all fees and expenses debited against the escrow monies. The failure of the Applicant to notify the Village Board of Trustees of any objection to payment out of escrow funds of the amount of the charges set forth in the statement of all fees and expenses debited against the escrow monies. The failure of the Applicant to notify the Village Board of Trustees of any objection to payment out of escrow funds of the amount of the charges set forth in the statements of the consultants within 30 days of the receipt of any such consultant statement by the Village shall constitute an agreement by the Applicant that the charges are reasonable and also constitute a waiver of any objection thereto by the applicant. Any timely written objection by the Applicant shall be considered by the Village in determining the amount to release from escrow but shall not prevent the Village from withdrawing such amount as it may determine from such escrowed monies for the purpose of paying such statements. The Village shall review and audit all such statements in accordance with applicable law.

- E. Within 90 days of either the granting of a Certificate of Occupancy/Certificate of Completion by the Village Building Inspector, or the written request of the Applicant to remove the application from the Village review process, the escrow amount remaining after outstanding consultant fees are paid shall be returned to the applicant.
7. FEES FOR APPLICATIONS FILED IN RESPONSE TO RECEIVING A NOTICE OF VIOLATION OR STOP WORK ORDER FOR PERFORMING WORK WITHOUT VALID APPROVALS AND/OR PERMITS⁴
- A. Applications for New Residence or Existing Building Being Converted to New Residence:
- | | |
|--|-----------|
| Initial Building Inspector Review: | \$ 400.00 |
| Issuance of Building Permit (Valid for 18 months) (cost per sq. ft. of finished area): | \$ 3.00 |
- B. Applications for Structural Additions, Demolition and Blasting:
- | | |
|--|-----------|
| Initial Building Inspector Review: | \$ 400.00 |
| Issuance of Building Permit (Valid for 18 months) (cost per sq. ft. of finished area): | \$ 3.00 |
- C. Applications for Other Permits (landscaping, fence, deck, pool, water, hook-up, etc.):
- | | |
|---|-----------|
| Initial Building Inspector Review: | \$ 400.00 |
| Issuance of Building Permit (Valid for 18 months) (calculation is % of Project Cost-Minimum of \$600 with cap @ \$6,000): | 3.0% |

⁴By BOT Resolution 6/24/2014

INCORPORATED 1952
(845) 351-4745 ext. 3 (Voice)
(845) 351-2668 (Fax)
Email: jledwith@tuxedopark-ny.gov
Website: tuxedopark-ny.gov

VILLAGE BOARD MEETING
SECOND WEDNESDAY OF EACH MONTH

VILLAGE OF TUXEDO PARK
P.O. BOX 31
80 LORILLARD ROAD
TUXEDO PARK, NEW YORK 10987

How is the Board of Architectural Review (BAR) agenda decided?

The following is an explanation of how the BAR agenda is decided for each meeting. It is subject to further change without notice as the BAR continues to refine its process to make for greater efficiency and transparency.

Each BAR meeting consists of formal and informal reviews.

A formal application that is found to be complete and is approved by the Building Inspector (BI) in accordance with Village of Tuxedo Park (VTP) Code 100-53 (D), (E) will be put on the next available BAR agenda. An application that is already under formal BAR review will be put on the next available agenda if the plans are received by the Village Office ten calendar days before the next BAR meeting and if the submission is found by the BI to be complete at that stage of the review process (for example, having responded to the questions posed by the BI, Village Engineer or BAR, or having revised the plans as agreed at the prior public meeting, etc.) An application will not be put on the next available BAR agenda if the submission is not complete, ready or received in time for a meaningful review.

For informal concept reviews, applications are put on the next available BAR agenda on a first-come, first-served basis.

There is a cap to the number of items that may be scheduled on any particular meeting agenda because the BAR needs to devote appropriate time to each application. There is no fixed cap number. The BAR Chair will exercise discretion by considering the complexity of applications in both the formal and informal categories, the likely amount of time needed to conduct the reviews thoroughly in an evening, and providing for an appropriate mix of formal and informal applications that are ready for consideration.

Based on the above-mentioned considerations, the BAR Chair will attempt to finalize the agenda on Monday eight days before a BAR meeting. An applicant should contact the BI on Tuesday (one week before a BAR meeting) to confirm if his/her application is indeed on the agenda.

Generally speaking, applications already under review will be placed first on the agenda, followed by new applications. However, complex applications may be placed towards the end of an agenda to allow more time for deliberation.

All formal applications should be mindful of the Code requirement in Section 100-53(G) that (1) the project's architect (or engineer depending on the circumstances), and (2) the applicant (or the applicant's duly authorized agent), must be present at each relevant meeting.

Board of Architectural Review
September 5, 2007

§ 100-49. General provisions.

- A. The Board of Architectural Review of the Village of Tuxedo Park shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.
- B. The term "Board" as used in these rules shall mean the duly appointed Board of Architectural Review of the Village of Tuxedo Park.

§ 100-50. Findings and purpose.

The Board of Trustees finds that:

- A. The Village of Tuxedo Park is unique in its many examples of excellence in architectural and landscaping design.
- B. The designation of the entire Village as an historic site and its listing on the National Register of Historic Places by the United States Department of the Interior is both a recognition of the unique excellence of architecture and landscaping within the Village and a mandate to the Village to preserve the values and standards reflected in such excellence and such designation. **[Amended 12-21-1990 by L.L. No. 1-1990]**
- C. Property within the Village derives much of its value from its proximity to such examples of excellence in architecture and landscaping, and that when and where structures of poor design quality or inferior building materials have been erected within the Village there has been a corresponding diminution in value to adjacent properties in particular and to properties in general throughout the Village.
- D. The predominant terrain throughout the Village is steep, rocky and severe and presents unusual difficulties and challenges to designers of new construction and landscapers, and that such terrain does not lend itself to successful development with stock or standard structure designs but rather requires the skill and attention of trained professionals who have investigated and addressed the specific site to be developed.
- E. Special emphasis shall be placed on the State Environmental Quality Review Act (SEQRA), when applicable. **[Amended 3-18-2009 by L.L. No. 3-2009]**
- F. Poor siting, excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings and other structures erected in any neighborhood adversely

affects the desirability of the immediate areas and neighboring areas for residential and other use and by so doing impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof and destroys a proper relationship between the taxable value of real property in such areas and the cost of municipal services provided. It is the purpose of these governing rules to prevent these and other harmful effects of such exterior appearances of buildings and other structures and thus to promote and protect the health, safety, comfort and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of the buildings and to encourage the most appropriate use of land within the Village.

§ 100-51. Creation and composition; site plan approval.

- A. There is hereby established a Board of Architectural Review. Such Board shall consist of five members appointed by the Board of Trustees in accordance with all applicable laws. The Board of Trustees shall, by resolution, designate from the members of such Board a Chairman and Deputy Chairman. A quorum shall consist of not less than three members. Each member of such Board shall serve for a term of office as set forth in § 15-13 of the Code of the Village of Tuxedo Park. Any member may be removed by the Mayor for cause after a public hearing. **[Amended 6-7-2006 by L.L. No. 3-2006]**
- B. The Chairman shall decide all points of order and procedure subject to these rules unless directed otherwise by a majority of the Board. All matters shall be decided by a roll-call vote. Approval of any motion shall require a second and at least three aye votes; otherwise the matter shall be deemed disapproved.
- C. Vacancies shall be filled by appointments made by the Board of Trustees.
- D. In the absence of a quorum, the Chairman may adjourn the meeting to any subsequent date.
- E. All site plan review in connection with a subdivision application shall be the responsibility of the Planning Board. The Board of Architectural Review shall have the power to approve site plans

as set forth in Village Law § 7-725-a, as defined in that law, consistent, however, with any site plan regulations of the Village, for all proposed structures, as that term is defined in § 100-2 of the Code of the Village (Zoning), before a Building Permit shall be issued by the Building Inspector, for the following: **[Added 6-7-2006 by L.L. No. 2-2006; amended 1-16-2008 by L.L. No. 1-2008]**

- (1) All lots containing a habitable building at the time of an application. For purposes of this subsection, a "habitable building" shall mean a building that has a certificate of occupancy, or has had a certificate of occupancy within the last five years, and has functional Village infrastructure connections (i.e., water, sewer and roadway); and
- (2) The specific siting of a structure within the maximum appropriate buildable envelope designated by the Planning Board in accordance with § 17-3 of the Village Code; and
- (3) All other site plans not within the Planning Board's site plan approval jurisdiction as set forth in § 17-3B of the Village Code.

§ 100-52. Meetings.

- A. The Board shall hold a monthly public meeting at a chosen regular time and day at the Village Office. If there is no immediate business, the Chairman may cancel the meeting by notification to all members not less than 24 hours prior to the time set for such meeting.
- B. The Board shall hold an informal work session meeting at least once per month for the purpose of discussing preliminary plans and tentative projects. Work sessions may be combined with the regular monthly meeting, but no official action may be taken at these work sessions. The Board shall have the option to set the time and day of these work sessions, and the Chairman shall have the same prerogative to cancel as for the regular meeting.
- C. The Board may also employ outside professional advisors such as architects, engineers, landscape designers and architectural historians to aid in the execution of this article.
- D. When deemed necessary by the Board, a public hearing may be held for any matter before the Board. At least five days' public notice is required before a hearing may convene.

- E. Each Board member shall be expected to attend at least 75% of all meetings (regular and special) of the Board. If a member misses 25% or more of the meetings of the Board held over the last twelve-month period, that member shall forfeit his/her position on the Board and be deemed to have resigned from the Board. The Secretary is responsible for monitoring attendance and notifying the Chair of such an attendance situation. In such an event, the Chair shall report the situation to the Mayor and request the appointment of a replacement member. All Board members shall be expected to attend site visits of those properties and locations that are the subject of the application or appeal the Board. The Chair will schedule at least one PB/BAR site visit for each application or appeal. If a member cannot attend a site visit, he/she shall perform a site visit on his/her own. In deference to property owners, the Secretary will make every attempt to notify applicants of PB/BAR site visits in advance. **[Added 12-21-2005 by L.L. No. 2-2005¹]**

§ 100-53. Procedures.

- A. All projects involving new construction, exterior alteration, demolition, excavation, site work, accessory structures or any other activity that alters the property's appearance shall require a Building Permit and must come before the Board of Architectural Review. Normal repairs and maintenance, if not altering design, structure, materials or appearance, do not require Board approval.
- B. The applicant shall first request inclusion on an informal work session agenda. The Board shall require of the applicant:
- (1) A site plan or survey of the property preferably with topography.
 - (2) Sketches, renderings, tear sheets, pictures or other preliminary depictive information about the project together with several alternative designs.
 - (3) Representation by a registered New York State architect and/or licensed professional engineer responsible for the design who must be familiar with the site, SEQRA requirements, neighboring properties, the Zoning Law and the Village's National Register of Historic Places designation. The Board

1. Editor's Note: This local law also provided that the twelve-month period should begin the first Monday of the first month after Local Law No. 2 of 2005 is registered with the State of New York. Said local law was registered 1-6-2006.

may waive the requirement for an architect or engineer, but only if the proposed project is valued at less than \$10,000. **[Amended 12-21-1990 by L.L. No. 1-1990; 3-18-2009 by L.L. No. 3-2009]**

- (4) A preliminary landscape plan and any other materials considered essential by the Board.
 - (5) An agenda fee or preliminary review fee as established by resolution of the Board of Trustees. **[Added 12-21-1990 by L.L. No. 1-1990]**
- C. During the first work session discussion, the Board shall review the overall concept and architectural acceptability of the project rather than particular details. The Board shall also seek where appropriate the preliminary opinion of the Building Inspector regarding compliance with the Zoning Law, Uniform Fire Prevention and Building Code, water and sewer regulations, etc. The applicant may attend as many work sessions as he wishes without need of an additional application fee. During the review period, the applicant shall grant access to the subject parcel so Village officials may make any site inspections deemed necessary.
- D. When the applicant is ready to proceed formally, he or his designated agent shall file an application in the Village Office as follows:
- (1) Complete and submit two copies of the application for Building Permit form together with evidence of property ownership or project authority.
 - (2) Submit three sets of the architect's sealed drawings, including all four elevations, topography, site plan specifications and key map. The front, rear and both side elevations of the proposed building must show existing grade lines at the foundation walls and proposed finished grades. All exterior materials and colors must be indicated on the elevations.
 - (3) Submit two copies of the complete landscaping plan, including new trees, full perimeter plantings and location of existing trees over five inches in diameter at 48 inches in height, and designation of any trees to be removed.
 - (4) Submit to the Village Clerk at least 14 days prior to the meeting, sufficient postage to permit notification by mail of

the project to all neighboring property owners within 500 feet of the subject property boundaries.

- (5) Pay to the Village Clerk the required formal application fee as established by the Board of Trustees.
 - (6) Complete one copy of the EAF, if applicable. **[Amended 3-18-2009 by L.L. No. 3-2009]**
 - (7) Include any renderings, photos, models or other supporting materials that may better convey the proposal to the Board.
- E. When the formal application is fully complete, the Building Inspector shall, within 45 days of its filing, review that application for conformance with this chapter, the Uniform Fire Prevention and Building Code, the water and sewer regulations and any other applicable regulations or local laws. Any application that is disapproved by the Building Inspector shall be deemed rejected and shall not proceed to any other phase of normal review. If approved, the application shall be placed on the Board of Architectural Review agenda for its next available formal meeting. However, no application shall be placed on this agenda unless it is on file at the Village Office at least 10 days prior to said Board meeting. **[Amended 12-21-1990 by L.L. No. 1-1990]**
- F. Once approved by the Building Inspector, the application, if complete, shall move to the Board of Architectural Review. Before deciding upon any application approved by the Building Inspector, the Board shall perform any and all necessary SEQRA review, unless otherwise previously performed by the Planning Board. **[Amended 12-21-1990 by L.L. No. 1-1990; 6-7-2006 by L.L. No. 2-2006; 3-18-2009 by L.L. No. 3-2009]**
- G. To be considered complete, an application must conform to Subsection D above, and the applicant and/or his authorized agent must be present at each relevant meeting with the project's architect and engineer. The Board shall then render its decision within the ensuing three formal meetings following the first formal agenda listing for that application. Extensions may occur if requested by the applicant and approved by the Board; if SEQRA requirements have not been met, if the application is deemed incomplete; or if a quorum of the Board is lacking. Approval shall require a second and three favorable votes; otherwise, the matter shall be deemed disapproved. Any application that is not ready for review within six months from its first agenda listing may be

deemed void by the Board. **[Amended 12-21-1990 by L.L. No. 1-1990]**

- H. Once approved by the Board of Architectural Review, the application moves to the Board of Trustees, which Board is empowered to issue Building Permits. Unless requested, neither the applicant/agent nor his architect/engineer need attend the Board of Trustees' meeting.

§ 100-54. Criteria. [Amended 8-17-2005 by L.L. No. 4-2005; 3-15-2006 by L.L. No. 1-2006]

- A. In approving site plans, the Board of Architectural Review shall take into consideration conformance with the applicable zoning regulations of the Village, parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses, tree removal, extreme slopes, regulated wetlands, utilities, orientation of the structure on the lot, tailoring to the natural terrain, overdevelopment of the site given the physical and other environmental features of the site, proximity to roads, adjacent structures and neighboring properties, visibility of the structure, appropriateness with the Village's listing on the National Register of Historic Places, and any other considerations or criteria that the Village Board of Trustees, by resolution or local law, may, from time to time, impose upon the Board of Architectural Review. **[Added 6-7-2006 by L.L. No. 2-2006²]**
- B. The Board shall consider if the proposed project exhibits excessive visual similarity or dissimilarity with nearby structures, either existing or planned. The basis for this determination shall be exterior materials, mass line, architectural style and authenticity, natural landscaping, colors, size, proportion, roof design, window fenestrations and the potential for visual anachronisms. The Board shall reject designs which mix design elements from various styles of architecture or which fail to present a homogeneous whole. For example and without limiting the generality of the foregoing, the Board shall disapprove the decorative use of half-timbers or any other elements traditionally having structural purpose unless the arrangement of such elements and the overall design of the structure are consistent with the visual effect of such elements.

2. Editor's Note: This local law also provided for the redesignation of former Subsections A through D as Subsections B through E, respectively.

- C. The Board shall be mindful of the unique planning, landscaping, architecture infrastructure and history of the Village of Tuxedo Park which inspired the United States Department of the Interior to list the entire Village on the National Register of Historic Places. New projects which tend to dilute the Village's historic integrity or alter the tradition of quality design and construction in the Village shall be disapproved.
- D. The Board shall examine the architectural plan and may employ consultants to assist in evaluation. The applicant's architect shall explain how the plan complies with the criteria of this section, especially its individual tailoring to the site and surrounding structures. While the chosen architectural style is important, the Board shall emphasize authenticity, scale, accuracy, integrity and detail of design as well. Such elements as roof pitch and geometry, gables, dormers, window design and recess, doorways, rails, porches, gutters, eaves, louvers, garage doors, pillars, sills, planters, etc., shall be scrutinized for design detail, accurate reproduction, appropriate scale, harmony and visual integrity. The Board shall reject designs which incorporate such elements as blank walls, exposed foundations, shallow roof lines, plastic mullions, frail chimneys, flush windows, aluminum stacks and erratic placement of windows and doors, etc.
- E. The Board shall, from time to time, promulgate and make available to the public through the office of the Village Clerk written graphic architectural and building design and landscape architecture guidelines or standards to be used by it in treating any application before it for architectural review. No such guidelines or standards, or any additions or amendments thereto shall be effective, however, unless and until the Board of Trustees shall have approved the same by its resolution after submission to the Board of Trustees for that purpose.

§ 100-55. Review by other officials. [Amended 12-21-1990 by L.L. No. 1-1990]

The Board may request that a project be reviewed by the Village Police Department, Village Attorney, Village Public Works Department or other officials, and agencies to help meet the intent of this chapter.

§ 100-56. Variances.

Should any aggrieved party seek a reversal or variance from the decision of this Board or any official, then that party, as well as the

Board or official, shall formally notify the Board of Zoning Appeals, and both shall be represented at any hearings held by the Board of Zoning Appeals on that matter. However, approval by the Board of Zoning Appeals of any portion of a project shall in no way be deemed implicit approval of the entire project.

§ 100-57. Appeals.

Appeals from decisions of the Board of Architectural Review may be made to the Board of Zoning Appeals in the same manner as provided for zoning appeals, and the Board of Zoning Appeals may revise or affirm action of the Board of Architectural Review and the Building Inspector.

Attachment B
Village of Tuxedo Park

SITE PLAN TABLE – MINIMUM DATA REQUIREMENTS

Zoning District:		Check one				Variance Requested	
Village Code Category	Village Code Section	Allowance Under Current Zoning Code	Existing Condition	Proposed Condition	Existing Non-Conforming	Feet	Percent
Lot Area	100-8						
Road Frontage	100-8						
Front Yard Setback	100-8						
Rear Yard Setback	100-8						
Side Yard Setback	100-8						
Footprint Ground Floor Total	100-8						
Decks/Porches	100-9						
Lot Coverage	100-11						
Driveway Sight Distance	100-18B						
Driveway Grades	100-21						
Driveway: Adjacent Property Lines	100-21						
Slope	100-12						
Ridge Line	100-13						
Distance to Lake	100-8						
Lake Frontage	100-8						
Accessory Use Building/Shed	100-48C 7C						
Fences Road	100-18						
Fences Property Line	100-18						
Driveway Width	100-21						
Building Height	100-10						
Parking	100-6C						
Other							

 (Applicant)

 (Section/Block/Lot)

 (Signature of Engineer or Architect)

 (Firm)

 (Date)

Note: Table must be prepared, dated and signed by Applicant's Architect or Engineer and Affixed to the site plan

Revised: June 10, 2009

Village of Tuxedo Park Site Plan Table Categories

§ 100-6. Permitted uses. [Amended 2-21-1990 by L.L. No. 1-1990]

No building or any premises shall be used or maintained and no building shall hereafter be constructed, enlarged or reconstructed or used for any purpose except one or more of the purposes enumerated below:

- A. One-family dwelling.
- B. Such accessory uses as are customary in connection with the foregoing use and are incidental thereto, provided that an accessory building existing as of the effective date of this chapter may be used for residence purposes for guests or employees of the owner or tenant of the principal building, subject to the granting of a permit by the Board of Zoning Appeals; and provided, further, that a boathouse under no circumstances shall be used for residence purposes; and provided, further, that such accessory building and its principal building independently both meet all provisions of the laws of the Village and the New York State Uniform Fire Prevention and Building Code.
- C. The front, side or rear yards may be used for the open-air parking of up to five registered passenger vehicles of the owner, his family or his household employees, which vehicles are frequently and regularly used and parked no closer than five feet to any property line. Vehicles in excess of this number shall be screened or housed so as not to be visible from the public roads and neighboring properties.
- D. The carrying on of a home occupation, as defined in § 100-2B hereof, provided that:
 - (1) The space used for the conduct of the home occupation does not exceed 500 square feet of the floor area of the dwelling unit.
 - (2) Such home occupation involves no employees other than the family members normally residing at that address.
 - (3) There are no clients, patients, students, salesmen, employees, customers, etc. visiting the subject premises.
 - (4) There is no display of goods or public advertising of the home occupation, its services or its products that contains the Tuxedo Park address.
 - (5) There are no exterior signs, vehicles, antennas, materials, equipment or other ostensible suggestion that a business is being operated on or from the premises.
 - (6) There are no lights, noises, odors, heat, vibrations, deliveries, shipments or any activity that would suggest a business operation.
 - (7) There are no flammable, toxic or otherwise hazardous forms of material or energy involved in any aspect of the home occupation.
 - (8) The home occupation does not involve pets, laboratory animals, livestock, organisms, viruses or the like.
 - (9) A permit is secured in advance from the Board of Zoning Appeals authorizing the home occupation and defining its scope of operation.
- E. Subject to the prior issuance of a permit by the Board of Zoning Appeals, the office or studio of a physician, painter, sculptor, photographer, real estate broker or salesman, accountant, architect, programmer, teacher, lawyer or engineer residing in the dwelling unit in which such office or studio is located, provided that there is no external evidence of such occupation and no display or advertising on the premises in connection with such use, and provided also that such studio or office does not occupy more than 500 square feet of such dwelling and that such use is merely incidental to the use of such dwelling unit primarily for residential purposes; provided, however, that any such musicians studio

is equipped and used in such manner that sounds therefrom are not audible to any other persons on nearby premises or public places; and provided further that no assistants, whether paid or not, may participate in such use; and provided further that no use shall be made of more than one building in connection with such professional use; and provided further that such professional use shall not be deemed to include the right to engage in wholesale or retail trade, as such term is ordinarily understood; and provided further that an off-street parking area shall be provided on the premises. No motion-picture, computer, video, radio or television installation or facility shall be permitted for commercial use.

- F. Public utility or municipal structures necessary for the service of the area.
- G. A nameplate not over one square foot in area may be erected. It shall not be attached to any tree or fence but, rather, shall be attached to a standard sunk in the ground. Customary nameplates listing the name of the owner of the property and/or the house name shall not require a permit.

§ 100-8. Minimum area and bulk regulations.

- A. The following minimum requirements are hereby established.

MINIMUM AREA AND BULK REGULATIONS VILLAGE OF TUXEDO PARK (See §100-8)

Type of Lot	Lot Area (Acres)	Inscribed Square Area (feet)	Improved Road Frontage (feet)	Lake Frontage If Abutting Lake (Feet)	Distance to Lake (feet)	Front Yard (feet)	Rear & Side Yards (feet)	New Floor Area (Square Feet)	
								Ground Floor	Total
Lots Created After L.L. No.1-1987	4	250 x 250	250	250	100	100	75	1,500	3,000
Existing Lots 2 Acres or Larger	2	250 x 250	250	250	100	75	50	1,200	2,400
Existing Lots 1 to 2 Acres	1	150 x 150	150	150	100	75	50	1,000	1,500
Existing Lots Under 1 Acre*	3/4	150 x 150	150	150	100	75	50	1,000	1,500

*Considered unbuildable unless approved by the Board of Zoning Appeals

- B. These specifications shall apply to all buildings and structures on a lot with the exception of those intrusions permitted by § 100-9 below.

§ 100-9. Permitted yard intrusions; decks and terraces.

- A. Certain structures are permitted within the minimum yard dimensions of a lot. These include fences, driveways, bridges, gates, culverts, ornaments, mailboxes, stanchions, lamps, gravel bins and refuse sheds, provided that they comply with the provisions of this chapter, and provided that the necessary permits have been granted for each such intrusion.

- B. Decks, porches, patios, verandas, terraces and other above-grade exterior space shall:
- (1) Require architectural review and a building permit.
 - (2) Be limited in size to 25% of the enclosed ground floor area of the associated building.
 - (3) Be painted, stained or constructed of materials so as to harmonize with the main structure.
 - (4) Be provided with appropriate stairs, rails and to prevent unnecessary hazards.
 - (5) Be maintained in an attractive, safe and structurally sound condition.

§ 100-10. Building height restrictions.

No dwelling or part thereof shall be erected to a height in excess of 3 1/2 stories, nor shall the height of any dwelling building exceed 70 feet, subject to the restrictions of the New York State Uniform Fire Prevention and Building Code. Accessory buildings shall not exceed two stories or 35 feet in height, measured similarly. The Boards may impose heights limits on other structures as they deem appropriate.

§ 100-11. Percentage of lot coverage.EN

All construction, including accessory buildings, driveways and other structures, shall not cover more than 25% of the area of the lot.

§ 100-12. Slope restrictions.EN

No building or structure shall be constructed on a lot where 75% of the lot area has a slope or grade of 20% or steeper.

§ 100-13. Ridge lines and elevations.EN

- A. No building shall be constructed on a ridge line or at the edge of a precipice.
- B. No new dwelling is permitted the foundation of which would be at or higher than 800 feet above sea level if located east of the three Tuxedo lakes or 900 feet above sea level if located west of the three Tuxedo lakes, due to water pressure limitations.EN

§ 100-18. Fences.

- A. No fence over two feet six inches in height shall hereafter be erected without a Building Permit and the approval of the Board of Architectural Review in accordance with Article VIII of this chapter. Any fence erected in the front yard shall not exceed four feet in height. Any fence erected in the rear or side yards may not exceed six feet in height. No fence shall be located closer than five feet to any roadway nor closer than two feet to any property line. Notwithstanding the foregoing, no fence shall be erected or maintained which will interfere or interferes with the light or air of an adjoining lot or building thereon.
- B. No wall, fence, shrubbery or other ground condition, growth or structure shall be erected, altered or maintained which may cause danger by reducing the vehicular line of sight to less than 250 feet.EN
- C. In the event that the Chief of Police shall report to the Board that any fence may constitute a hazard to traffic, the Board of Trustees may, on its own motion, cause such fence to be investigated by a licensed engineer or other qualified person and, in the event that such engineer or other qualified person shall determine that such fence constitutes a

traffic hazard, the Board of Trustees shall notify the owner or person maintaining such fence to remove the same or so alter such fence as to remove the hazard within such reasonable time as the Board of Trustees shall determine. Failure to comply with such notice shall constitute a violation of this chapter.

§ 100-21. Driveways.

Driveways shall be no wider than 14 feet and no narrower than eight feet. They shall enter the lot at such location and angle as to provide a safe slope and proper sight distances for all traffic. No driveway shall be constructed closer than 10 feet to any adjacent lot line or intersection, and spot grades shall not exceed 10%. Prior to consideration for a permit, the applicant shall present to the Board of Architectural Review an engineering design, including specifications for the base, surface, crown, drainage, retaining walls, blasting, landscaping and any other material required by the Board. Driveways shall not be permitted unless there is an existing building on the lot or unless a permit has issued for a new residence on that lot. Where possible, driveways shall be designed with a turnaround area and a radiused intersection with the public road. Off-street parking for two to six passenger vehicles shall also be incorporated in any new driveway design. Removal of trees for driveway construction shall be confined to the area within eight feet of the driveway center line.

§ 100-48. Powers.

- A. Review. The Board of Appeals shall, pursuant to the Village Law, hear and decide appeals from and review any orders, requirements, decisions or determinations made by the Building Inspector or other officer charged with the enforcement of this chapter, as well as any other matter requiring its determination pursuant to this chapter.
- B. Variance. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any of the provisions of this chapter, the Board of Appeals shall have the power, in passing upon appeals, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
- C. Special exceptions. When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be injured thereby, the Board of Appeals may, in a specific case to the extent hereinafter set forth, after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of this chapter in harmony with its general purpose and intent as follows:
 - (1) Grant a permit wherever it is provided in this chapter that the approval of the Board of Appeals is required.
 - (2) Permit the continuance of a nonconforming use or building upon the lot occupied by such use or building at the time of the adoption of this chapter.
 - (3) Modify the yard requirement in cases where the proposed building adjoins, on either or both sides, buildings that do not conform to the minimum setback line or where compliance with the minimum setback line would cause unnecessary hardships to the owner without any compensating benefit to the community, provided that each encroachment shall not extend into the yard more than the building which has the greatest encroachment on such yard setback.

- (4) Vary the application of the regulations herein established and establish appropriate requirements for irregular lots or lots that do not meet the area requirements for the particular district which so existed at the effective date of this chapter.
- (5) Vary yard restrictions where conformance would cause unnecessary hardship to the owner without any compensating benefit to the community.
- (6) Vary the application of the regulations herein established and modify the requirements hereof in cases of exceptional topography under such conditions as will safeguard the neighborhood.
- (7) Permit the encroachment of buildings and structures into the front, rear and side yards, as follows:
 - (a) An existing accessory building, the use of which is converted into a main dwelling.
 - (b) Fences, swimming pools, outdoor fireplaces, trellises, decks, driveways, pergolas, tennis courts, flagpoles, walls, gates and gate posts. [Amended 2-21-1990 by L.L. No. 1-1990]
 - (c) A main dwelling or accessory building which, by inadvertence (unintentional mistake), is found when erected to be in violation of a yard requirement, provided that such violation or encroachment does not exceed five feet.
- (8) Modify the minimum net floor by not more than 50 square feet when error in size is caused by unintentional mistake and cannot be remedied except at considerable expense.
- (9) Approve the issuance of a permit for the use of a proposed or existing building for the establishment or expansion of an educational or religious institution; provided, however, that permit with respect to both types of institutions may be granted only with respect to the institutions in existence at the time of the enactment of this chapter on the following conditions; provided, however, that under no circumstances shall such institutions be permitted on any lot or parcel of land or in any structure or building located on such lot or parcel of land that fronts on Tuxedo Lake, Wee Wah Lake or Pond No. 3. [Amended 6-17-1998 by L.L. No. 6-1998; 4-18-2001 by L.L. No. 1-2001]
 - (a) Buildings as to which a permit may be granted shall be of fireproof construction.
 - (b) Such institutions shall provide off-street parking area and reasonable off-site road improvements of such size and character as in the judgment of the Board of Appeals shall be adequate for the number of people who may be accommodated in the building and the purpose for which it may be used.
 - (c) Such other reasonable conditions relating to the location and physical characteristics of such institutions that Board of Zoning Appeals may deem appropriate under the circumstances in order to insure the peace and harmony of the surrounding neighborhood, such as, but not limited to,

screening and other inhibitors with regard to demonstrated off-site impacts due to excessive light and noise.

(d) Such permit for tax-exempt institutions may be granted only with respect to the quantity of acreage which is required exclusively for carrying out the purposes of such variance's use and subject to such setbacks as may be prescribed by the Board of Zoning Appeals. In determining the acreage requirements and the setbacks, the following factors, among others, shall be taken into consideration:

- [1] The size and location of the building or buildings thereon.
- [2] The proposed number of visitors and occupants of the building or buildings thereon.
- [3] The use for which the building or buildings thereon are intended.

- D. The Board of Appeals may, in appropriate cases, provide that any permit granted under this section shall be temporary and shall be effective only for the period fixed by the Board, and any application or renewal of such permit shall be acted upon in the same manner as an initial application.
- E. On all applications for permits under this section, the Board of Appeals, in addition to the requirements hereinbefore set forth, shall give consideration to the health, safety, morals, convenience and general welfare of the Village and of its property owners and residents and shall act in harmony with the general purpose and intent of this chapter and of the applicable provisions of the Village Law.
- F. The determination of the Board of Appeals on all applications under this section shall be made in accordance with the comprehensive plan and design set forth in this chapter, with the purpose and intent set forth in the title, subtitle and preamble thereto, and in § 7-704 of the Village Law.
- G. The Board shall not authorize the issuance of any permit under any of the provisions of this section unless it finds in each case that the proposed use of the property or the erection, alteration or maintenance of the proposed building or structure will not:
 - (1) Depreciate or tend to depreciate the value of property in the Village.
 - (2) Create a hazard to health, safety, morals or general welfare.
 - (3) Be detrimental to the neighborhood or to the residents thereof.
 - (4) Alter the essential character of the neighborhood.
 - (5) Otherwise be detrimental to public convenience and welfare.
- H. The Board of Appeals may exercise such other powers or original jurisdiction as are specifically provided for in other sections of this chapter or as are authorized under the Village Law of the State of New York.

**Village of Tuxedo Park Building Department
80 Lorillard Rd.
Tuxedo Park, NY 10987
(845) 351-4745**

June 17, 2009

NOTICE TO ENFORCE CODE

Please be advised, in recent months it has become evident that some contractors and residents are unaware of the Village Laws that pertain to Building Permits and permitted work hours.

To avoid the issuance of a Stop Work Order, or an appearance ticket before the Village Justice, please familiarize yourself with the following sections of the Village Code. Please note that a violation of the Code carries with it the potential criminal penalty of up to \$250.00/day and a civil penalty of \$250.00/day.

§70-6. Restricted activities.

- A. Construction, demolition, delivery and/or removal of heavy equipment into or from the Village, professional tree cutting, excavation, exterior repairs or site work that provides noise beyond the subject property line shall be permitted only weekdays between 8:00 a.m. and 4:30 p.m. No such activity shall be permitted on Saturday or Sunday or on any New York State recognized holiday. [Amended 4-24-2004 by L.L. No. 2-2004]
- B. Normal property maintenance, such as lawn mowing, hedge trimming and shrub planting, may be performed on Sundays and holidays.
- C. Village operations, authorized garbage collection vehicles operating under a permit issued by the Board of Trustees and bona fide medical, fire and utility emergencies are exempt from these restrictions. Other exceptions may be granted by the Mayor, Police Chief or Board of Trustees upon prior written request.

§ 100-53. Procedures.

- A. All projects involving new construction, exterior alteration, demolition, excavation, site work, accessory structures or any other activity that alters the property's appearance shall require a Building Permit and must come before the Board of Architectural Review. Normal repairs and maintenance, if not altering design, structure, materials or appearance, do not require Board approval.

If you have any questions regarding the above referenced sections of the Village Code (including whether or not your project qualifies as "normal repairs and maintenance"), or any other sections of the Village Code, please contact John Ledwith, Building Inspector, at (845) 351-4745 ext. 11 or via email at jledwith@tuxedopark-ny.gov.