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Subject: BAR Request - PRIVILEGED & CONFIDENTIAL | ATTORNEY WORK PRODUCT | ATTORNEY CLIENT COMMUNICATION | FOIL EXEMPT

JK

Date: November 17, 2023 at 4:13 PM

To: Ryan Lynch ryanlynch33@gmail.com

Cc: Darius Chafizadeh DChafizadeh@HarrisBeach.com, Brian S. Stolar bstolar@HarrisBeach.com

Good Afternoon, Chairman Lynch.

This email is respectfully submitted in response to your request for a memo addressing the four points raised during the Board of Architectural Review (“BAR”) meeting held on November 6, 2023.

First, with respect to the BAR’s request to confirm its current composition, I have attached below a table including the date of appointment and expiration of term for each of the Board’s current members:

		Start	End
Ryan Lynch	BAR Chair	7/26/2023	6/30/2028
Molly Gonzalez	BAR Member	1/18/2023	6/30/2024
Christopher Gow	BAR Member	7/1/2020	6/30/2025
Rob McQuilken	BAR Member	7/18/2018	6/30/2026
Stefanie Rinza	BAR Member	1/18/2023	6/30/2027

Second, in regards to your question about the procedures for altering the configuration of the Board, I respectfully refer you to § 100-51 of the Village Code (<https://ecode360.com/11136671?highlight=board%20of%20architectural%20review&searchId=9076949190472349>, reproduced here for your ease of reference), which provides as follows:

Chapter 100. Zoning

Article VIII. Board of Architectural Review

§ 100-51. Creation and composition.

[Amended 6-7-2006 by L.L. No. 3-2006; 1-26-2022 by L.L. No. 1-2022]

- 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.
- 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. The Board of Architectural Review shall have jurisdiction to approve, modify or disapprove the landscaping and exterior aesthetics of all buildings and structures to preserve the

aesthetic and architectural integrity of the Village of Tuxedo Park. It shall also have site plan jurisdiction to approve, modify or disapprove the existence, location and architecture for any building and garage renovations and additions, cabana shed, gazebo, greenhouse, folly, animal shelter and playhouse. The Board of Architectural Review may, at any time during its review of an application before it, refer any matter, in whole or in part, to the Planning Board for a report and recommendation back to the Board of Architectural Review.

In short, the Board of Trustees is conferred with the power to appoint the members of the BAR and to designate its Chair.

Third, in regard to your question about the Mayor's unilateral authority to alter the configuration of the BAR, the Mayor does not have unilateral authority to change the configuration of the BAR. As set forth above, § 100-51 confers the Board of Trustees with the power to appoint BAR members and to designate its Chair.

Finally, regarding your question about "all administrative remedies that must be exhausted to challenge the Mayor's conduct", please understand that as Village Attorney we can provide you with legal advice relative to your duties and responsibilities as member and Chair of the BAR, but we are not permitted to provide you with general advice outside of those duties.

Please do not hesitate to contact Darius or me with any questions.

Wishing you an enjoyable weekend.

Jared A. Kasschau

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