

BOARD OF ZONING APPEALS APPLICATION

MEETING DATE: _____ PAPERWORK DUE DATE: _____

PROPERTY OWNER'S NAME: MAM HOLDINGS INC.
MARGARET SUNG - MICHAEL SCHMIDTBERGER PHONE # 917-865-8288

MAILING ADDRESS: 21 CANNON HILL RD, TUXEDO PARK FAX # _____ E-MAIL: mschmidtberger@sidley.com
msung201nyc@gmail.com

TAX MAP NUMBER: _____ SECTION 106 BLOCK 1 LOT 7

PROPERTY LOCATION (STREET): 36 EAST LAKE RD. TUXEDO PARK. NY

APPLICANT IS: OWNER REPRESENTATIVE () Title: _____

OWNER'S NAME _____ PHONE # _____
REPRESENTATIVE: ADDRESS _____ FAX # _____

The original and nine (9) copies of this application must be filed with the Village Clerk a minimum of 30 days before the meeting date. See "Attachment A" for procedures. It shall be accompanied by an application fee of \$300.00, a public hearing fee of \$300.00 and Escrow of \$1,000.00. Make your check for \$1,600.00 payable to the Village of Tuxedo Park. This application will not be accepted unless accompanied by collated packets consisting of:

- A. Ten (10) copies of the building permit application and 10 copies of the signed and sealed survey or site plan which must include abutting property owners, streets, setbacks, buildings with dimensions, and the completed and signed Site Plan Table (Attachment B) imprinted on the plan. (All plans must be folded).
- B. Ten (10) copies of the Building Inspector's permit denial letter stating the variances required.
- C. Ten (10) copies of the completed EAF form and any other details or exhibits applicable to the situation.
- D. Ten (10) copies of a statement of hardship and/or practical difficulty involved.
- E. Ten (10) copies of the list of names, addresses, and tax map numbers of all property owners, including husband and wife as the case may be, whose property boundary is within 300 feet from the exterior boundaries of the property set forth above, and as the names of said owners appear on the last completed assessment roll of the Village of Tuxedo Park.
- F. Ten (10) copies of the deed to the subject property.

1. The undersigned hereby appeals to the Board of Zoning Appeals of the Village of Tuxedo Park from:

- a. An order, requirement, decision, or determination made by the Building Inspector
Dated 3/6/24
- b. Section(s) of the Village Code being appealed: 100-8, 100-18
Variances requested (state types): _____
- c. () Other _____ Dated _____

2. Has application been made for a Building Permit or a Certificate of Occupancy
 Yes () No (If yes, attach a copy showing denial)

3. State whether applicant has made an application for a previous variance of any kind affecting the subject premises. Yes () No

4. Has this Board rendered a decision upon a request for the same or similar relief sought herein for this property? () Yes No

5. At least 10 days prior to the public hearing of the BZA, the applicant must send a copy of the BZA public hearing notice to all property owners listed under 'E' of this application by certified, return receipt mail. The white mailing receipts and the returned green receipts must be brought to the meeting.

6. All expenses incurred for legal and engineering fees in review of the application will be reimbursed to the Village by the applicant.

Date 3/7/24 Property Owner Signature [Signature]

Applicant Signature _____

BUILDING DEPARTMENT - APPLICATION/PERMIT
VILLAGE OF TUXEDO PARK-LORILARD ROAD-TUXEDO PARK, N.Y. 10987 845-351-4746

PROPERTY LOCATION - SECTION 106 BLOCK 1 LOT 7
MARGARET SUNG
OWNER: MICHAEL SCHMIDTBERGER PROPERTY STREET ADDRESS 36 EAST LAKE

MAILING ADDRESS 21 CANNON Hill ROAD, TUXEDO PARK TELEPHONE 917-865-8288

NATURE OF CONSTRUCTION NEW ALTERATION ADDITION RECONSTRUCTION
ACCESSARY USE OTHER-DESCRIBE

IF STRUCTURE BRIEF DESCRIPTION RETAINING WALL

ESTIMATED COST OF CONSTRUCTION \$ 350,000

THE OWNER/AGENT Sung + Schmidt Berger 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: Rose Mixture **** SIGNED [Signature]

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

ADDRESS _____ TELEPHONE _____

BUILDING OR CONTRACTOR S+B TOTAL HOME CARE INC.

ADDRESS 9 CONTRACTORS RD, TUXEDO NY TELEPHONE 914-715-9659

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

TO BE RETURNED TO:
Nancy Public, Section 21, New York
10987
619-0002020
619-0002020
Commission Expires Jan. 31, 2002

INCORPORATED 1952
(845) 351-4745 (Voice)
(845) 351-2668 (Fax)
Website: tuxedopark-ny.gov

VILLAGE BOARD MEETING
THIRD WEDNESDAY OF EACH MONTH

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

March 6, 2024

Mr. Michael Schmidtberger
& Margaret Sung
21 Cannon Hill Rd.
Tuxedo Park, NY 10987

Re: Site plan review
36 East Lake Rd.
Parcel 106-1-7

Dear Mr. Schmidtberger and Margaret Sung,

At the March 4, 2024 meeting of the Board of Architectural Review the Structural Layout and Grading Plan L1 prepared by Andrea Buckingham dated February 23, 2024 was reviewed. During the review the following nonconformance with the Village of Tuxedo Park Zoning Code was identified:

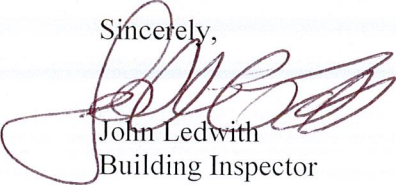
1. Village Code §100-8 Distance to Lake, where the minimum allowable distance to Tuxedo Lake is 100' and the site plan shows 89'10" at the closest point of the terrace. A variance of 10'2" or 10% is needed.
2. Village Code §100-18 Fence Wall height, where the permitted maximum height is 6' in the rear and side yards, and the proposed total wall and fence height in the rear yard is 11'. A variance of 5' or 83% is needed.

This letter serves as a denial letter to allow you to seek variances from the Board of Zoning Appeals if you choose.

To proceed with your project, you may alter your plans to comply with the Village Zoning Code or you may submit an application to the Board of Zoning Appeals to seek variances for those items that are not in conformity with the Village Zoning Code.

If you have any questions please contact me at 351-4745 ext. 2 or via email at jledwith@tuxedopark-ny.gov.

Sincerely,


John Ledwith
Building Inspector

**MARGARET SUNG
MICHAEL J. SCHMIDTBERGER
21 Cannon Hill Road
Tuxedo Park, New York 10987**

March 5, 2024

Board of Zoning Appeals
Tuxedo Park, New York

Re: 36 East Lake Road / Hardship Request

Dear Sir or Madam:

Margie & I write to request zoning variances relating to a proposed retaining wall and pool fencing for a previously BAR-approved renovation plan at 36 East Lake Road.

As background, the renovation to the home and site, including the construction of a pool, were approved at a BAR meeting on August 7, 2023. The landscape plan was approved at a BAR meeting on March 4, 2024. At that meeting we learned that a variance would be required in order to increase the height of the existing retaining wall and add pool fencing. The wall will include a “bunker” that will house the pool equipment, shielding that equipment from view from the lake and protecting it from the elements. The design elements of the wall and bunker were approved at the March 4 BAR meeting.

We have also been informed that we may need a variance because the rear patio/wall/fence modestly encroach within 100’ of the lake. We are unsure, as there was a pre-existing dual-staircase and second-floor outdoor patio and additional ground floor patios that together encroached far further. Fundamentally, we have “pulled back” the house and prior patios from the lake, and so would hope that we are either grandfathered for what is a reduction in intrusion or would receive a variance.

Regarding the wall itself, the site currently has a 4’ foot wall with approximately 10 feet of earth over a 4’ lateral rise to a top tier on which the home is sited. The pool is proposed to be adjacent to the home (so on the top tier).

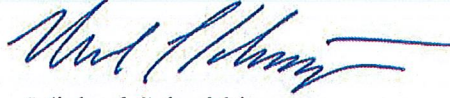
The result of the revision, essentially, is a retaining wall of 7 feet (at the highest point), with a 4-foot wrought iron fence (to conform to NY fencing, require requirements relating to swimming pools).

Without the height/intrusion variance, we may be forced to cite the pool equipment outside of the pool wall, and the pool likely would be more visible to the lake, neither of which is aesthetically desirable. Ironically, had we repaired the existing conditions, we’d have more outdoor patio space and there would have remained far more substantial intrusion.

Last, the proposed wall would be consistent with (and shorter than) several retaining walls on properties along East Lake Drive and generally within Tuxedo Park.

Accordingly, we respectfully request variances needed to complete the design plan as approved by the BAR.

Kind regards,

A handwritten signature in blue ink, appearing to read "Michael Schmidtberger", with a stylized flourish at the end.

Michael Schmidtberger

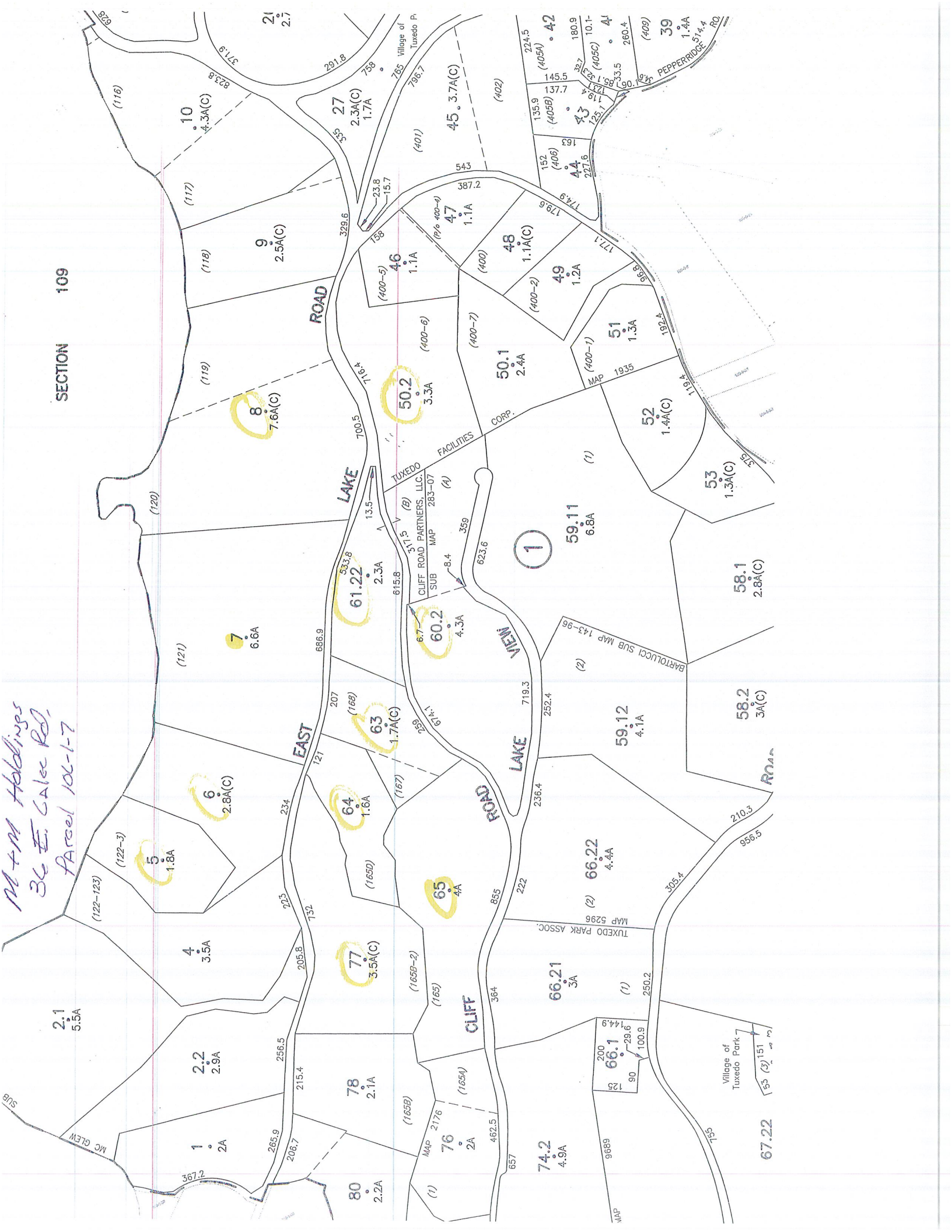
Cc: Margaret Sung

M&M Holdings 36 East Lake Rd. Neighbor list.xls

Parcel	Sir	First	Last	Street	City	State	Zip
106-1-60.2	Mr.&Mrs.	Henricus	Vanderlee	13 Cliff Road	Tuxedo Park	NY	10987
106-1-61.22	Mr.&Mrs.	James	Hays	P.O. Box 76	Tuxedo Park	NY	10987
106-1-8	Mr.	Paul	Brooke	34 East Lake Road	Tuxedo Park	NY	10987
106-1-9	Mr.	Charles	Decasteja	P.O. Box 84	Tuxedo Park	NY	10987
106-1-63	Mr. & Mrs.	Gregory	Kass	800 Park Ave. #2103	Fort Lee	NJ	07024
106-1-64	Dr.	Jinder	Khurana	P.O. Box 467	Tuxedo Park	NY	10987
106-1-77	Mr.	Eric	Klinenberg & Caitlin Zaloom	120W 15th St., Apt. 6H	New York	NY	10011
106-1-5&6	Mrs.	Gail	Lobkowitz	17 E 85th St., Apt. 1B	New York	NY	10128
106-1-65	Mr.	Stanislav	Stravchinsky	50 Cliff Rd.	Tuxedo Park	NY	10987

SECTION 109

M+M Holdings
36 E. Calver Rd.
Parcel 10L-1-7



FOR COUNTY USE ONLY

INSTRUCTIONS(RP-5217-PDF-INS): www.orps.state.ny.us

C1. SWIS Code
Swis Code # 335001

C2. Date Deed Rec
Date Deed Recorded 08/04/2022

C3. Book
Bk # 15284 Pg # 1335

New York State Department of Taxation and Finance
Office of Real Property Tax Services
RP- 5217-PDF
Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location
36 East Lake Road
Tuxedo Park Village of Tuxedo Park 10987

2. Buyer Name
Tuxedo M&M Holdings LLC

3. Tax Billing Address
Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form)

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR Part of a Parcel (Only if Part of a Parcel) Check as they apply:
4A. Planning Board with Subdivision Authority Exists
4B. Subdivision Approval was Required for Transfer
4C. Parcel Approved for Subdivision with Map Provided

5. Deed Property Size
X 6.60 ACRES

6. Seller Name
Tuxedo Daughters LLC

7. Select the description which most accurately describes the use of the property at the time of sale:
A. One Family Residential
8. Ownership Type is Condominium
9. New Construction on a Vacant Land
10A. Property Located within an Agricultural District
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date 06/12/2022

12. Date of Sale/Transfer 07/22/2022

13. Full Sale Price 2,895,000.00

14. Indicate the value of personal property included in the sale .00

15. Check one or more of these conditions as applicable to transfer:
A. Sale Between Relatives or Former Relatives
B. Sale between Related Companies or Partners in Business
C. One of the Buyers is also a Seller
D. Buyer or Seller is Government Agency or Lending Institution
E. Deed Type not Warranty or Bargain and Sale (Specify Below)
F. Sale of Fractional or Less than Fee Interest (Specify Below)
G. Significant Change in Property Between Taxable Status and Sale Date
H. Sale of Business is Included in Sale Price
I. Other Unusual Factors Affecting Sale Price (Specify Below)
J. Note

*Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(VY) 22

17. Total Assessed Value 382,950

18. Property Class 210

19. School District Name Tuxedo

20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional Identifier(s))
106.1.7

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE
Tuxedo Daughters LLC
SELLER SIGNATURE DATE 7/22/2022

BUYER SIGNATURE
Tuxedo M&M Holdings LLC
BUYER SIGNATURE DATE 7/22/2022

BUYER CONTACT INFORMATION
(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)
Schmidtberger Michael
LAST NAME FIRST NAME
212 839-5458
AREA CODE TELEPHONE NUMBER (EX. 999999)
21 Cannon Hill Road
STREET NUMBER STREET NAME
Tuxedo Park NY 10987
CITY OR TOWN STATE ZIP CODE

BUYER'S ATTORNEY
Pinkhasova Adelina
LAST NAME FIRST NAME
(646) 642-0091
AREA CODE TELEPHONE NUMBER (EX. 999999)



ORANGE COUNTY – STATE OF NEW YORK
KELLY A. ESKEW, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 15284 / 1335
INSTRUMENT #: 20220057350

Receipt#: 3064431
Clerk: GMB
Rec Date: 08/04/2022 09:28:32 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 6
Rec'd Frm: Langdon Title Agency

Party1: TUXEDO DAUGHTERS LLC
Party2: TUXEDO M&M HOLDINGS LLC
Town: TUXEDO-TUXEDO PARK
106-1-7

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

Kelly A. Eskew
Orange County Clerk

Recording:

Recording Fee 50.00
Cultural Ed 14.25
Records Management - Coun 1.00
Records Management - Stat 4.75
TP584 5.00
Notice of Transfer of Sal 10.00
RP5217 Residential/Agricu 116.00
RP5217 - County 9.00

Sub Total: 210.00

Transfer Tax
Transfer Tax - State 11580.00
Mansion Tax 28950.00

Sub Total: 40530.00

Total: 40740.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 150
Transfer Tax
Consideration: 2895000.00

Transfer Tax - State 11580.00
Mansion Tax 28950.00

Total: 40530.00

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

BARGAIN AND SALE DEED

WITH COVENANT AGAINST GRANTOR'S ACTS

TUXEDO DAUGHTERS LLC

TO

TUXEDO M&M HOLDINGS LLC

ADDRESS: 36 East Lake Road
Tuxedo Park, New York 10987
SECTION: 106
BLOCK: 1
LOT: 7
COUNTY: Orange

RETURN BY MAIL TO:

Adelina Pinkhasova, Esq.
Schuman & Associates LLC
1536 Third Avenue, 4th Floor
New York, New York 10028

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS**

THIS INDENTURE, made as of this 22nd day of July, 2022

BETWEEN

TUXEDO DAUGHTERS LLC, a Delaware limited liability company, having an address at 174 West 4th Street, #266, New York, New York 10014,

party of the first part, and

TUXEDO M&M HOLDINGS LLC, a New York limited liability company, having an address at 36 East Lake Road, Tuxedo Park, New York 10987,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second party forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Tuxedo Park, Town of Tuxedo, County of Orange and State of New York, more commonly known as 36 East Lake Road, Tuxedo Park, New York 10987 and more particularly described on Exhibit A attached hereto and hereby made part hereof.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises has been encumbered in any way whatever, except as aforesaid.

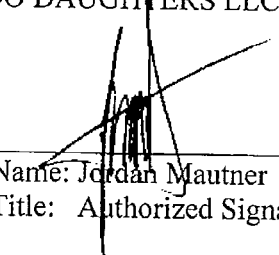
BEING and intended to be the same premises conveyed to the party of the first part herein by deed made by Linda Patricia Miller, dated January 11, 2022 and recorded on March 2, 2022 in Book 15168 Page 1634.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the party of the first part has duly executed this Deed the day and year first above written.

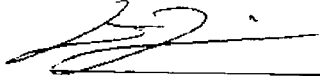
TUXEDO DAUGHTERS LLC

By:


Name: Jordan Mautner
Title: Authorized Signatory

STATE OF *New York*)
) ss.:
COUNTY OF *New York*)

On the 21st day of July in the year 2022, before me, the undersigned a Notary Public in and for said state, personally appeared Jordan Mautner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

LINGHUI JIANG
Notary Public, State of New York
Reg. No. 02J16392700
Qualified in Queens County
Commission Expires 06/03/2023

Exhibit A to Deed

Legal Description

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Tuxedo Park, Town of Tuxedo, County of Orange and State of New York, being Lot 121 on a map or plan of Tuxedo Park made by Ernest S. Bowditch, Civil Engineer, dated February 1886 and filed in the Office of the Clerk of the said County of Orange, bounded and described as follows:

BEGINNING at a point on the westerly side of East Lake Road, distant 5 feet easterly from a stone monument marked 1102;

RUNNING THENCE North 50 degrees 28 minutes 55 seconds West 578.85 feet to the shore of Tuxedo Lake;

THENCE along the shore of Tuxedo Lake the following six courses and distances:

1. South 54 degrees 57 minutes 50 seconds West 52.64 feet;
2. South 44 degrees 31 minutes 40 seconds West 26.54 feet;
3. South 27 degrees 03 minutes 10 seconds West 78.23 feet;
4. South 33 degrees 59 minutes 10 seconds West 184.08 feet;
5. South 49 degrees 38 minutes 00 seconds West 142.13 feet;
6. South 43 degrees 10 minutes 00 seconds West 32.92 feet to the easterly side of Lot 122 on the aforesaid map;

THENCE along the easterly side of said Lot 122 on the aforesaid map, South 30 degrees 40 minutes 30 seconds East 432.84 feet to the westerly side of East Lake Road;

THENCE along the westerly side of East Lake Road, the following thirteen courses and distances:

1. North 61 degrees 24 minutes 50 seconds East 75.47 feet;
2. North 63 degrees 29 minutes 10 seconds East 25.02 feet;
3. North 59 degrees 09 minutes 30 seconds East 28.01 feet;
4. North 55 degrees 37 minutes 50 seconds East 31.35 feet;
5. North 48 degrees 38 minutes 00 seconds East 31.91 feet;
6. North 46 degrees 16 minutes 10 seconds East 207.54 feet;
7. North 48 degrees 04 minutes 20 seconds East 45.38 feet;
8. North 51 degrees 33 minutes 40 seconds East 45.42 feet;
9. North 54 degrees 12 minutes 10 seconds East 31.92 feet;
10. North 59 degrees 23 minutes 20 seconds East 15.91 feet;
11. North 63 degrees 30 minutes 40 seconds East 57.37 feet;
12. North 67 degrees 25 minutes 00 seconds East 59.00 feet;
13. North 64 degrees 37 minutes 20 seconds East 32.60 feet to the point or place of BEGINNING.