

ZB# 00-30

Vincent & Donna Czepiel

33-1-16

Pellm.

June 26, 2000.

notice to send in 7/12/00

Public Hearing:

Aug. 14, 2000.

Area Variance
Granted.

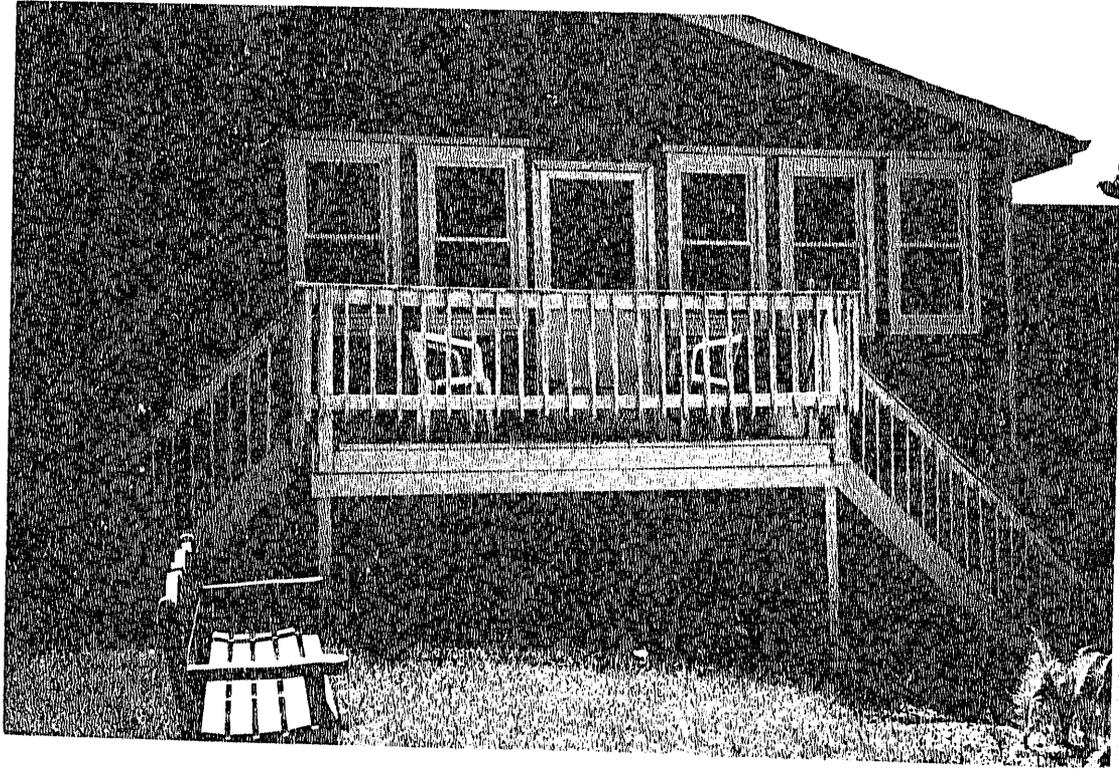
Refund:

\$ 207.50

#00-30-Czepiel, Donna

Area

33-1-16.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Czepiel, Donna & Vincent

FILE# 00-30.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid
ck. # 2301
7/12/00.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid
ck. 2300.
7/12/00.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/26/00-3 \$ 13.50
2ND PRELIMINARY- PER PAGE 8/14/00 \$ 9.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/26/00 \$ 35.00
2ND PRELIM. 8/14/00 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 92.50

LESS ESCROW DEPOSIT \$ 300.00.

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT . . \$ 207.50.

DONNA A. CZEPIEL
6 ELIZABETH LANE
NEW WINDSOR, NY 12553

50-235-799
219
6701410295

2301

July 12, 2000
DATE

Town of New Windsor
AT THE ORDER OF
Fifty and 00/100

\$ 50.00

THE BANK OF NEW YORK
235 Main Street
White Plains, NY 10601

20A 00-30
July Variance Application Donna A. Czepiel

⑆021902352⑆ ⑆6701410295⑆ 2301

SECURITY AMERICAN

DONNA A. CZEPIEL
14 TAFT AVE.
NEWBURGH, NY 12550

50-235-799
219
6701410295

2300

July 12, 2000
DATE

Town of New Windsor
AT THE ORDER OF
Three Hundred and 00/100

\$ 300.00

THE BANK OF NEW YORK
235 Main Street
White Plains, NY 10601

20A 00-30
July Escrow Deposit Donna A. Czepiel

⑆021902352⑆ ⑆6701410295⑆ 2300

SECURITY AMERICAN

-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

VINCENT & DONNA CZEPIEL

#00-30.
-----X

WHEREAS, VINCENT CZEPIEL, residing at 8 Elizabeth Lane, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for a 15 ft. rear yard variance for a proposed deck at the above residence in an R-3 zone; and

WHEREAS, a public hearing was held on the 14th day of August, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant, Vincent Czepiel, appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spectator spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) At the time the present owners purchased the house there was an existing deck on the house for which a certificate of occupancy was never issued. The Applicant now seeks to rebuild the deck slightly increasing its size.

(c) Without the deck a person exiting the home would fall a considerable distance to the ground, almost certainly sustaining serious injury. The presence of the deck is, therefore, a safety feature.

(d) The proposed deck does not cause any drainage problems nor does it divert water run off or cause any ponding of water.

(e) Other homes in the neighborhood have decks similar to the Applicants.

(f) The proposed deck, if built, will not be located on the top of any water or sewer easements or be placed on top of any septic systems or wells.

(g) No complaints have been made, either formal or informal, about the deck which existed when Applicants purchased the property.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

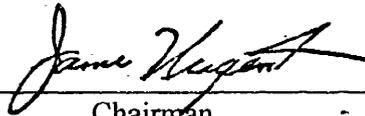
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 25 ft. rear yard variance for construction of a deck at the above address in an R-4

zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 13, 2000.



A handwritten signature in cursive script, appearing to read "James H. Houghton", is written over a horizontal line.

Chairman

Date 7/13/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
2/14/00	Zoning Board Mtg,	75.00	
	Misc - 2		
	Lasio - 2		
	Ferguson - 3		
	Marulanda - 5		
	Dunkin Donuts - 3		
	Lehman - 3		
	Schlesinger - 3		
	Panella - 3		
	Pearson - 3		
	Cuto - 1		
	Young - 3		
	Days Inn - 3		
	Czepiel - 2	175.50	
	Lahey - 3	<u>250.50</u>	
	13.50 9.00 39		

CZEPIEL, DONNA

Mr. Vincent Czepiel appeared before the Board for this proposal.

MR. TORLEY: Request for 15 foot year yard valances for proposed deck at 8 Elizabeth Lane in an R-3 zone. Is there anyone in the audience that wishes to speak on this matter? There being none, we'll proceed.

MR. CZEPIEL: There is an existing deck that there was never a certificate of occupancy for. And when we bought the house, we had the building inspector look at it to see what was going to be needed. Basically, the deck has to come down and be rebuilt. It's not safe. Since we have to rebuild it anyway, we'd like to make it a little bit larger. The existing deck is very small as you can see from the pictures. Also, it is a rear entrance and provides, you know, a stairway down to the backyard.

MR. KANE: How big is the proposed deck?

MR. CZEPIEL: Pardon me?

MR. KANE: How big is the proposed deck?

MR. CZEPIEL: 12 by 14.

MR. KRIEGER: And without a deck it looks like you would fall eight to ten feet?

MR. CZEPIEL: Yes.

MR. KANE: Other homes in your area have similar type decks?

MR. CZEPIEL: Yeah, just about every house in the neighborhood has a deck and most of them pools.

MS. BARNHART: May I just put in for the record that Mr. Czepiel and I sent out 26 notices to adjacent property owners on July 13th, and we received no response.

MR. McDONALD: Wouldn't infringe on easements or over any sewer or water easements?

MR. CZEPIEL: No.

MR. KRIEGER: Not over any wells or septic systems?

MR. CZEPIEL: No.

MR. KANE: And no complaints formal or informal about the current deck that was there?

MR. CZEPIEL: From neighbors?

MR. KRIEGER: From anybody.

MR. CZEPIEL: No, not that I'm aware of.

MR. TORLEY: And again, if that deck were not there, there would be a safety hazard in exiting your house?

MR. CZEPIEL: Yes.

MR. KANE: You're not creating any water hazards in building this deck whatsoever or cutting down any trees?

MR. CZEPIEL: No.

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: I make a motion that we grant Donna Czepiel the requested variance at 8 Elizabeth Lane.

MR. KANE: Second the motion.

ROLL CALL

MR. McDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: June 1, 2000

APPLICANT: Donna Czepiel
8 Elizabeth Lane
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed 12' x 14' rear deck

LOCATED AT: 8 Elizabeth Lane

ZONE: R-3

DESCRIPTION OF EXISTING SITE: One Family House 33-1-16

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 12' x 14' rear deck will exceed minimum 40' rear yard set back. Variance of 7-11-94 approved 5' x 10' wood deck..

R. J. [Signature]
BUILDING INSPECTOR

PERMITTED 40'	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3 USE:G-9		
MIN. LOT AREA:		
MIN LOT WIDTH:		
REQ'D.. FRONT YD:		
REQ'D. SIDE YD:		
REQD. TOTAL SIDE YD:		
REQ'D REAR YD:	15'	25'
REQ'D FRONTAGE:		
MAX. BLDG. HT.:		
FLOOR AREA RATIO:		
MIN. LIVABLE AREA:		
DEV. COVERAGE:		

*Check Fig.
OK [Signature]
See Survey*

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be corrected before reinspection.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED
MAY 31 2000

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 487-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises DONNA A. CZEPIEL

Address 8 ELIZABETH LANE Phone 567-3869

Mailing Address 8 ELIZABETH LANE

Name of Architect _____

Address _____ Phone _____

Name of Contractor BEN WILSON

Address 1522 RT. 376, WAPPINGERS FALLS, NY 12598 Phone 463-0538

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N,S,E,or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 33 Block 1 Lot 16

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? NO

Deck 14x12

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee 50.00

PAID

_____ Bldg Insp Examined
_____ Fire Insp Examined
_____ Approved
_____ Disapproved
_____ Permit No.

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

____/____/____ date

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this 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.

Donald Gyepiel
(Signature of Applicant)

(Address of Applicant)

Donald Gyepiel
(Owner's Signature)

8 Elizabeth Lane
(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required.

RECEIVED
MAY 31 2000

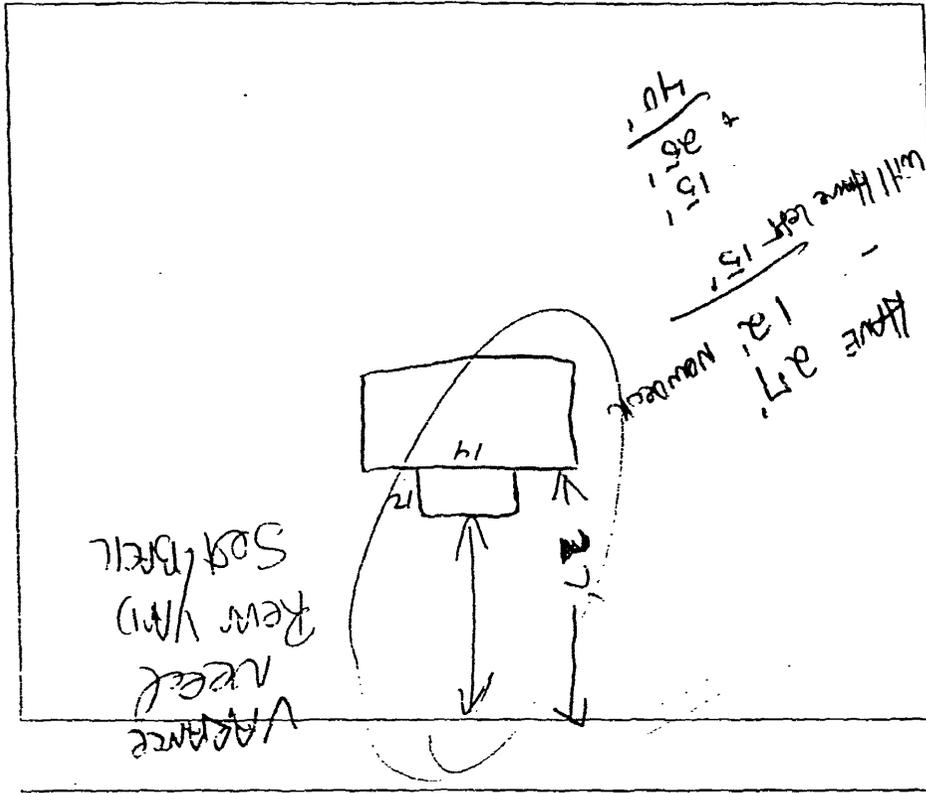
BUILDING DEPARTMENT

BY ID

S

E

W



IRON PIPE FOUND N06°03'W 0.55' FROM
PROPERTY CORNER.

U.F. SILVER STREAM INC.
LIBER 252B-PAGE 304
S. 32-3.2-L. 13

506°03'E

SHED

(DEED 207.94')

RETAINING WALL 0.6' OFF TOP
207.99'

STOCKADE FENCE

W.D. BOX

PAVEMENT

N 42° 46' E

GARAGE

WALK

10.6'

(DEED 132.8')

23.7'

32.87'

THE RET. WALL

DWELLING

240.0'

STOP

WALKWAY

28.7'

(IRON PIPE FOUND AT N06°03'W 2.58'
FROM PROPERTY CORNER.)

GRAVED DRIVE

(DEED N06°00'W)

N06°03'W

207.50'

GRAVED DRIVE

LAWN

U.F. JOHN & KAREN McDERMOTT



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

June 29, 2000

26

Pat

Donna Czepiel
8 Elizabeth Lane
New Windsor, NY 12553

Re: 33-1-16

Dear Ms. Czepiel

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

Dibrizzi Family Realty Inc.
647 Little Britain Rd
New Windsor, NY 12553

Livia & John Connaughton
10 Elizabeth Lane
New Windsor, NY 12553

Valerie Shepard- Johns & Winthrop Johns
9 Elizabeth Lane
New Windsor, NY 12553

Cosimo Dibrizzi
1089 Little Britain Rd
New Windsor, NY 12553

Mary & James Garofolo
12 Elizabeth Lane
New Windsor, NY 12553

Colleen & Gregory Morris
11 Elizabeth Lane
New Windsor, NY 12553

Lo- Rac Fuel Corp.
1083 Little Britain Rd
New Windsor, NY 12553

Patricia Domalavage A.K. A. Mary P.
14 Elizabeth Lane
New Windsor, NY 12553

Henry Stellwag
470 Little Britain Rd
New Windsor, NY 12553

Anna Sabatino & Lucia Feola
8 Dapple Terrace
Newburgh, NY 12550

Eilee & Rickie Yankow
16 Elizabeth Lane
New Windsor, NY 12553

Herbert & Wolf Barbara Mason
120 Mt. Airy Rd
New Windsor, NY 12553

Park, Fly & Drive Inc.
P.O. Box 247
Vails Gate, NY 12584

Bernadette & Theoharis Spyropoulos
7 Elizabeth Lane
New Windsor, NY 12553

Sophia & Peter Karnavezos
124 Mt. Airy Rd
New Windsor, NY 12553

Gisela & Donald Ayers
111 Mt. Airy Rd
New Windsor, NY 12553

Carol Owen
18 Elizabeth Lane
New Windsor, NY 12553

Silver Stream Inc.
400 BaMar Drive
Stony Point, NY 10980

Kim & Daniel Marshall
117 Mt. Airy Rd.
New Windsor, NY 12553

Herbert Mason
120 Mt. Airy Rd
New Windsor, NY 12553

Marie & Gerard Bennett
2 Elizabeth Lane
New Windsor, NY 12553

Sam Iannolo Jr.
5 Elizabeth Lane
New Windsor, NY 12553

David Ogden
4 Elizabeth Lane
New Windsor, NY 12553

Joann & Douglas Carey
3 Elizabeth Lane
New Windsor, NY 12553

Karen & John McDermott
6 Elizabeth Lane
New Windsor, NY 12553

Angela & Paul Barbero
1 Elizabeth Lane
New Windsor, NY 12553

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 583-4811

RECEIPT
#532-2000

07/13/2000

Czepiel, Donna

Received \$ 50.00 for Zoning Board Fees, on 07/13/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

ZBA # 00-30

ck# 2301

Dorothy H. Hansen
Town Clerk

Date 7/18/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
New Windsor, NY 12550

DATE		CLAIMED	ALLOWED
6/30/00	Zoning Board Mtg		75.00
	Misc - 2		
	Bed / Guardvan - 3		
	Lesio - 1		
	Young - 3		
	Ehoet Days Inn - 2		
	Czepiel - 3 \$13.50		
	Kelly - 4		
	Labey - 2		
	Bila - 15		
	Don Marciano - 6		<u>207.00</u>
	Reynolds - 6 = 46		
			282.00

CZEPIEL, DONNA

MR. NUGENT: Request for 25 ft. rear yard variance for proposed rear deck at 8 Elizabeth Lane in an R-4 zone.

Mr. and Mrs. Vincent Czepiel appeared before the board for this proposal.

MR. NUGENT: You're on.

MR. CZEPIEL: I'm her husband. The existing deck which the previous owners got a variance for but they never got a C.O. for, it needs considerable amount of work to be brought into code to get a C.O. so basically has to be rebuilt anyways. What we'd like to do is enlarge it a little bit bigger, make the house a little nicer.

MR. NUGENT: See here they had a hearing in 1994, the old people Weikert Realtors area variance, is that the one, 8 Elizabeth?

MR. TORLEY: It was being sold and the realtors got the variance.

MR. CZEPIEL: For the deck that's there, but they never got a C.O. so we have to get a C.O. anyways and the work that it needs just to get a C.O. would involve basically taking it down and rebuilding it from scratch anyways so while we're doing that, we'd like to make it bigger, pretty small what's up there now. I have some photos, also, the existing deck and the surrounding area, the back yard's private, fenced in back yard, so it's not very visible to any of the neighbors.

MR. NUGENT: The one you're building is going to go across the back?

MR. CZEPIEL: It will be 14 across the back and 12 out.

MR. NUGENT: That's where you lose it.

MR. REIS: Vince, how large is the existing deck?

MR. CZEPIEL: The existing deck is I believe 5 x 10.

MR. REIS: You want to expand it to what?

MR. CZEPIEL: 14 x 12, I'm afraid to go out on it anyways.

MR. TORLEY: So, you consider the present deck is in fact a safety hazard?

MR. CZEPIEL: Yes.

MR. TORLEY: Any deck that you put on there would require a variance because of the location of the house?

MR. CZEPIEL: Yes, that's right.

MR. NUGENT: You realize that according to this, what I am reading here, you're only going to be 15 feet from your back fence line?

MR. CZEPIEL: From the back of the house to the fence on the back right now is 36 feet, so if we're coming out 12 feet with the deck, that would be 24.

MR. NUGENT: You've got to be 24 feet from the back line, not 15 feet.

MR. CZEPIEL: I don't know if this helps at all, the property map.

MR. NUGENT: From the back of the house, you have 37 plus or minus.

MR. TORLEY: He's already short 3.

MR. NUGENT: But that's from the house.

(Whereupon, Mr. Kane entered the room.)

MR. TORLEY: Twelve foot deck, so it's a 15 foot variance.

MR. KRIEGER: The difference would be the back line is diagonal of the house, depends on where you measure the setback now the building inspector has to measure it

from the house to the shortest distance.

MR. NUGENT: They've got the numbers backwards.

MS. CORSETTI: Make sure it's right. So we should change the 25 to 15?

MR. NUGENT: Right.

MR. TORLEY: Please doublecheck your measurements, you might want to leave that.

MR. NUGENT: Well, they have a survey that has 37 foot on it, he just showed it to me and if the deck is coming out 12.

MR. MCDONALD: Make a motion we set him up for a public hearing.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MS. CORSETTI: Here's your paperwork.

MR. KRIEGER: If you would, take that sheet, if you would address yourself to those criteria when you come back to the public hearing, that would be helpful since those are the criteria on which the zoning board must decide by state law.

MR. CZEPIEL: Thank you.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Donna Czepiel

AFFIDAVIT OF
SERVICE
BY MAIL

00-30.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 13th day of July, 2000, I compared the 26 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

___ day of _____, 20___.

Notary Public

Pls. publish immediately. Send bill to Applicant @ below address.

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 30

Request of Donna Czepiel

for a VARIANCE of the Zoning Local Law to Permit:

Proposed deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12. Table of Use/Bulk Regs - Col. G

for property situated as follows:

8 Elizabeth Lane, New Windsor, N.Y.

known and designated as tax map Section 33, Blk. 1 Lot 16

PUBLIC HEARING will take place on the 14th day of August, 2000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Corsetti, Secy.



CERTIFICATE OF TITLE

Fidelity National Title Insurance Company

OF NEW YORK

Certifies to

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of insurance policy in the amount of \$ insuring

and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

THIS CERTIFICATE IS INTENDED FOR LAWYERS ONLY. SUCH EXCEPTIONS AS MAY BE SET FORTH HEREIN MAY AFFECT MARKETABILITY OF TITLE. YOUR LAWYER SHOULD BE CONSULTED BEFORE TAKING ANY ACTION BASED UPON THE CONTENTS HEREOF. THE COMPANY'S REPRESENTATIVE AT THE CLOSING HEREUNDER MAY NOT ACT AS LEGAL ADVISOR TO ANY OF THE PARTIES OR DRAW LEGAL INSTRUMENTS FOR THEM. SUCH REPRESENTATIVE IS PERMITTED TO BE OF ASSISTANCE ONLY TO AN ATTORNEY. IT IS ADVISABLE TO HAVE YOUR ATTORNEY PRESENT AT THE CLOSING.

IF ANY OF THE CLOSING INSTRUMENTS WILL BE OTHER THAN COMMONLY USED FORMS OR CONTAIN UNUSUAL PROVISIONS, THE CLOSING CAN BE SIMPLIFIED AND EXPEDITED BY FURNISHING THE COMPANY WITH COPIES OF THE PROPOSED DOCUMENTS IN ADVANCE OF CLOSING.

Dated 9 A.M. Premises in Section Block Lot

Redated 9 A.M. 8/30/99 On the land/tax map of the County of

Tom Romera

Fidelity National Title Insurance Company of New York

Safe & Sound Abstract & Settlement Company 42 Catharine Street Poughkeepsie NY 12601 (914) 485-9441 Agent F.N. - NY 2419 Will be pleased to confer on any questions concerning this certificate

Umarc Kerchman /ms Authorized Signature



Safe & Sound Abstract & Settlement Company

42 Catharine Street • Poughkeepsie, New York 12601

(914) 485-9441

Fax:(914) 471-8101

Representing
Fidelity National Title Insurance Company of New York

TITLE #: 99RC-1112

REISSUE OF:

PURCHASERS/MORTGAGORS:
CZEPIEL w/ TBD

PURCHASE PRICE: \$127,500.00

MORTGAGE : \$121,125.00
SELLERS CHARGES: (Recording)

NYS Transfer Tax _____

Capital Gains Aff. _____

Satisfaction/Res. _____

Power of Attorney _____

Other _____

TOTAL _____
MORTGAGE PAYOFF _____

SERVICE CHARGE:

CHECKS: AMOUNT PAYABLE TO:

Red Line _____

S/C/T Tax _____

School _____

Other _____

CLOSING DATE: _____

ATTORNEY: Marc Kerchman, Esq.

cc:

cc:

PURCHASERS/MORTGAGORS CHARGES

Mortgage Policy 204.00

Fee Policy 827.00

Market Val. End. 83.00

Environmental End 25.00

Wav. of Arbitrat. 25.00

Var. Rate End _____

Residential Mort. 25.00

Tax Search 10.00 (cost)

Departmentals 50.00 (cost)

Survey Inspection _____

Escrow Svc. Chg. _____

SUB TOTAL _____
RECORDING CHARGES:

Mortgage Tax _____

Record Deed _____

Record Mortgage _____

Power of Attorney _____

Equalization _____

Satisfaction/Release _____

Affidavit _____

Bldg Loan Agmt. _____

Cons/Ext/Mod Agmt _____

SUBTOTAL _____

TOTAL _____

SAFE & SOUND ABSTRACT & SETTLEMENT COMPANY
42 CATHARINE STREET
POUGHKEEPSIE, NEW YORK 12601
PHONE (914) 485-9441 FAX (914) 471-8101

Title #: 99RC-1112

Effective Date: 7/16/99

Redated: 8/30/89 *PA*

PROPOSED INSURED:

Fee: DONNA CZEPIEL *Inmate*

Mortgage: TBD *CFS Bank*
Its successors and/or assigns

AMOUNT OF INSURANCE:

Fee: \$127,500.00

Mortgage: \$121,125.00

Except R

THIS COMPANY CERTIFIES that good and marketable title to the premises described in Schedule "A", subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgages by:

FRANK PUZZILLO AND CLAUDIA PUZZILLO, ux, as to a 99% interest and SALVADORE IBARRA, as to 1% interest, who acquired Title by Deed from: Larry Bullock and Mary A. Bullock dated 9/21/92 and recorded 9/16/94 in Liber 4108 of Deeds, at Page 282 in the Office of the Orange County Clerk.

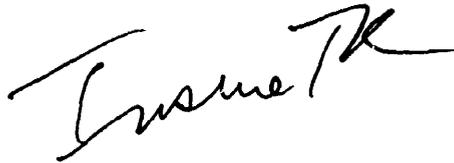
cc: Marc Kerchman, Esq.
John Poggioli, Esq.

SCHEDULE "A"

Title #: 99RC-1112

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:

BEGINNING at an iron pipe set on the easterly bounds of Elizabeth Lane, said iron pipe being the northwesterly corner of lands of Venuto and is North 6 degrees 03' West 110.00 feet from the northwest corner of lands of Garafalo, and runs from thence along the bounds of Elizabeth Lane, North 6 degrees West 120.5 feet to an iron pipe; thence through lands of Vincent Bivona, Sr., North 42 degrees 46' East 132.8 feet per deed and 132.87 feet per actual measurement to a point in the line of lands of Andrew Bivona; thence along said lands, South 6 degrees 03' East 207.94 feet per deed and 207.99 feet per actual measurement to an iron pipe, the northeasterly corner of lands of Venuto; thence along the lands of Venuto, South 83 degrees 57' West 100.00 feet to the point or place of **BEGINNING**.

A handwritten signature in black ink, appearing to read "Insure TR", is written in a cursive style.

SCHEDULE "B"

Title #: 99RC-1112

The following matters are expressly excluded from coverage of policy, and the company will not pay loss or damage costs, attorney's fees, or expenses which arise by reason of::

1. *(omit TR)* Rights of tenants or persons in possession.
2. *sell within TR* Taxes, tax liens, tax sales, water rates, sewer rents, and assessments returned herein.
3. Proof is required that the certified owners herein have been known by no other names in the last ten years. Any other name must be submitted prior to closing.
4. *(omit TR)* PHOTO LICENSE IDENTIFICATION OF THE BUYERS / SELLERS / MORTGAGORS WILL BE REQUIRED AT CLOSING, WHETHER THEY WILL OR WILL NOT BE PRESENT.
5. Mortgages (ONE) returned herein.
6. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same; policy insures, however, there are no such easements and rights of record in connection therewith, except as may be shown herein.
7. *(omit TR)* Utilities as found in Liber 1281 cp 41 and in Liber 1283 cp 574.
8. Road dedication as set forth in Liber 1379 cp 425 and in Liber 1461 cp 412.
9. No title is insured to any land lying in the bed of Elizabeth Lane.
10. *(omit TR)* Final reading to be ordered from Town Water Department with final bill to be delivered at closing. If water service is provided by private water company or well and septic, then affidavit stating same must be delivered at closing.
11. Policy excepts the possible lien for medical assistance in favor of the Department of Social Services pursuant to Section 369, Par. 2(a) (ii) of the Social Services Law. This exception will be removed upon completion of an affidavit to be supplied upon request.
12. *(omit TR)* In the absence of a survey and/or until receipt of a print certified to the company; policy will except any state of facts an accurate survey and personal inspection would show.
13. *(omit TR)* Policy excepts any loss, claim or damage that may arise by reason of the non-compliance with the provisions of the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA) and the Deficit Act of 1984; which requires the transferee-grantee to withhold 10% of the gross sales price for the seller's income tax liability.

SCHEDULE "B" CONTINUED

Title #: 99RC-1112

- ** *Deeds and mortgages must contain covenant required by section 13 of the lien law.*
- ** *If any deed, mortgage, power of attorney, etc. are to be prepared on other than the standard NYBTU forms, such instruments shall be submitted to the company sufficiently prior to closing for review to assure compliance with the NEW YORK STATE statutes.*
- ** *If PREMISES ARE SERVICED BY MUNICIPAL WATER AND/OR SEWER: A final water reading must be obtained, and the bill, therefore, presented at the closing. In the event the premises are serviced by the municipal water, sewer, etc. and no bill is presented, policy will except any and all charges accrued against the subject premises for same, unless a letter of indemnity is obtained from any loss, claim or damage arising company will be forced to escrow from the proceeds of the sale an amount to be determined by the company at its discretion, sufficient to pay said water and/or sewer charges.*
- ** *Proposed purchasers/mortgagors have been run for judgments and liens, nothing found.*
- ** *Closing instruments must be subscribed in black ink.*
- ** *Although the company will use its best efforts to record instruments promptly, no liability is assumed for penalty and interest under Section 1416 of the Tax Law due to the inability to file transfer within the time required.*

** **

POLICY TO INCLUDE ENDORSEMENTS AS INDICATED BY A CHECK MARK

- | | |
|--|---------------------------------------|
| <i>Market Value Rider</i> | <i>Environmental Lien Endorsement</i> |
| <i>Variable Rate Mortgage End.</i> | <i>Condominium Endorsement</i> |
| <i>Survey Coverage Endorsement</i> | <i>ALTA 9 Endorsement</i> |
| <i>Waiver of Arbitration Endorsement (Loan Policy)</i> | |
| <i>Waiver of Arbitration Endorsement (Owners Policy)</i> | |
| <i>Residential Mortgage Endorsement (1 - 4 Family) (Loan Policy)</i> | |

MORTGAGE SCHEDULE

Title #: 99RC-1112

MORTGAGOR: FRANK PUZZILLO
CLAUDIA PUZZILLO
SALVADORE IBARRA

MORTGAGEE: Hartford Funding, Ltd.

AMOUNT: \$55,200.00

DATED: 8/31/94

RECORDED: 9/16/94

LIBER: 5227

AT PAGE: 67

ASSIGNED TO: The Prudential Home Mortgage Company, Inc. dated 8/31/94 and recorded 9/16/94 in Liber 5227 mp 75.

FURTHER ASSIGNED TO: Norwest Mortgage, Inc. dated 4/23/96 and recorded 7/8/96 in Liber 5818 mp 340.

AS FURTHER ASSIGNED TO: Bank United dated 8/3/98 and recorded 9/8/98 in Liber 6798 mp 114.

Grant TR

TAX SCHEDULE

Title #: 99RC-1112

Assessed to: FRANK PUZZILLO
CLAUDIA PUZZILLO

Address: 8 Elizabeth Lane

Property Size: 120 x 133

COUNTY : Orange **LAND VALUE** : \$ 7,900.00

TOWN : New Windsor **TOTAL VALUE** : \$31,900.00

SCHOOL : Newburgh **TAX MAP #** : 33 - 1 - 16

EXEMPTIONS: NONE **LAND USE** : 210

1999 STATE, COUNTY AND TOWN TAX: \$1506.70 PAID 1/31/99
Lien Year runs from 1/1 through 12/31

1998/99 SCHOOL TAX: \$2044.95 (Total)
1st installment: \$681.95 PAID 10/1/98
2nd installment: \$681.95 PAID 12/11/98
3rd installment: \$681.95 PAID 3/5/99
Lien Year runs from 7/1 through 6/30

WATER: Well

SEWER: MUNICIPAL \$28.90 PAID 6/30/99
Period covers from 4/1/99 through 6/30/99

omit
1st installment 1999/2000 Escrow
2nd + 3rd installments
Except

RECEIPTED TAX BILLS REQUIRED AT CLOSING

EXCEPT Water and/or sewer rents not included in the regular town or city estate bill are not searched for unless expressly stated so in this certificate and are not insured against.

**MUNICIPAL DEPARTMENT SEARCHES
(FOR INFORMATION ONLY)**

Title #: 99RC-1112

No state or municipal department searches for notices of violations of laws, regulations and ordinances filed therein and no searches for certificate of occupancy, building or other permits or licenses are made unless specifically requested by the applicant. If requested, they are made by the particular municipal department and are called "Record Search"; they disclose only those violations reported by the last inspection made by the department and do not show the present condition, which can be ascertained only by requesting a new inspection and paying the fee therefor. Such searches are not continued to date of closing nor are new searches made in event of adjournment of closing. All searches, specifically requested, are made at an additional charge to the applicant.

This company does not, in any event, insure that the buildings or other erections upon the premises or their use comply with Federal, State and Municipal laws, regulations and ordinances, and therefore assumes no liability whatsoever by reason of such searches and does not insure their accuracy. The following information has been furnished by the various departments.

SEARCH MADE BY DEPARTMENT OF BUILDINGS: Available upon receipt.

SEARCH MADE BY FIRE DEPARTMENT: N/A

SEARCH MADE BY HIGHWAY DEPARTMENT:

Elizabeth Lane - OPEN and maintained by the Town of New Windsor.

This Indenture,

Made the
hundred and Fifty-Seven

30th

day of July

, nineteen

Between VINCENT BIVONA, residing in the Town of New Windsor,
Orange County, Newburgh, New York (P.O. Address: Little
Britain Road, R.D. Newburgh, New York)

party of the first part, and

TOWN OF NEW WINDSOR, a municipal corporation having its
principal offices at Union Avenue (no number), Town of New
Windsor, Orange County, New York,

party of the second part:

Witnesseth, that the party of the first part, in consideration of
\$10.00 (Ten Dollars) - - - - - Dollars,
lawful money of the United States, and other good and valuable
considerations paid by the party of the second part,
does hereby grant and release unto the party of the second part,
its successors and assigns forever.

All that certain piece or parcel of land situate in the Town of New
Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point on the easterly bounds of the Old Bethlehem
Road sometimes known as the Mt. Airy Road, leading from State Route
#267 to State Route #94, said point being South 26° 12' East 290.0
feet from the southwesterly corner of lands of E. L. Mason and runs
from thence through the lands of Bivona North 61° 06' East 120.78 feet
to a point, thence North 6° 03' West 520.71 feet to a point in the
southerly line of a portion of Elizabeth Lane previously conveyed to
the Town of New Windsor, thence along said land South 78° 27' East
18.92 feet to a point, thence North 11° 33' East 50.0 feet to a point
on the northerly bounds of Elizabeth Lane, thence along the same
South 78° 27' East 14.87 feet to a point, thence South 6° 03' East
590.5 feet to a point, thence South 61° 06' West 156.34 feet to a
point on the easterly bounds of the Old Bethlehem Road, thence along
the same North 26° 12' West 50.05 feet to the place of beginning.
Containing 0.797 acres of land, more or less.

11461 07912

**RETAKE
OF
PREVIOUS
DOCUMENT**

This Indenture,

Made the 30th day of July, nineteen hundred and Fifty-Seven

Between VINCENT BIVONA, residing in the Town of New Windsor, Orange County, Newburgh, New York (P.O. Address: Little Britain Road, R.D. Newburgh, New York)

party of the first part, and

TOWN OF NEW WINDSOR, a municipal corporation having its principal office at Union Avenue (no number), Town of New Windsor, Orange County, New York,

party of the second part;

Witnesseth, that the party of the first part, in consideration of \$100.00 Dollars, lawful money of the United States, and other good and valuable considerations paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

All that certain piece or parcel of land situated in the town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point on the easterly bounds of the Old Bethlehem Road sometimes known as the Mt. Airy Road, leading from State Route 207 to State Route 94, said point being South $26^{\circ} 12'$ East 290.0 feet from the southwesterly corner of lands of J. L. Pasch and runs from thence through the lands of Bivona North $61^{\circ} 06'$ East 120.78 feet to a point, thence North $6^{\circ} 03'$ East 520.71 feet to a point in the southerly line of a portion of Elizabeth Lane previously conveyed to the Town of New Windsor, thence along said land South $73^{\circ} 27'$ East 13.92 feet to a point, thence North $11^{\circ} 33'$ East 50.0 feet to a point on the northerly bounds of Elizabeth Lane, thence along the same South $7^{\circ} 27'$ East 14.37 feet to a point, thence South $6^{\circ} 03'$ East 590.5 feet to a point, thence South $61^{\circ} 06'$ East 156.34 feet to a point on the easterly bounds of the Old Bethlehem Road, thence along the same North $26^{\circ} 12'$ West 50.05 feet to the place of beginning. Containing 0.797 acres of land, more or less.

5-12-58

L-1461 CP 412

domestic Corporation having its principal office (residence) at _____ is hereby acknowledged the undersigned hereby grants and conveys unto said Corporation(s) and each of them their respective successors, assigns and lessees, an easement and right of way in, upon, over and across the lands of the undersigned including roads and highways thereon and adjacent thereto, situated in the _____ County of _____ State of New York on the _____ of _____ in the _____ of _____

Said easement and the right shall extend from the property, the _____ of _____ to the property, the _____ of _____ in the _____ of _____

Together with the right at all times to enter thereon and have access thereto and to construct, relocate, operate and maintain thereon and to repair, replace, alter and remove a line of poles, cables, crossarms, wires, guy wires, brackets, underground conduits and all other appurtenances and fixtures adapted to the present and future needs, uses and purposes of said Corporation(s), their respective successors, assigns and lessees.

Together with the right also to attach any wires to trees on said property and to trim, cut and remove trees and other objects thereon so as to provide clearance for the wires from the wires of said Corporation(s).

The exact location of said easement and the line to be determined by said Corporation(s) having regard to the origin, general direction and location of said line and the requirements of said Corporation(s). If such line hereafter materially interferes with any new use to which the land of the undersigned may subsequently be devoted, the Corporation(s) will, on reasonable notice, and on being given without cost a new easement and right of way satisfactory in form to them, for a substitute location reasonably suitable for their requirements, remove such line to such substitute location, but only one such removal may be required.

Central Hudson Gas & Electric Corporation AND _____ shall reimburse the undersigned for any damage to his _____ his property caused solely by the said Corporation(s) in repairing the line to be located on this easement.

The provisions hereof shall inure to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and of said Corporation(s) respectively.

Signed, sealed and delivered in _____ 19____ (L.S.)

In the presence of _____ (L.S.)

Residing at _____ Number _____ Street _____ Town, City or Village _____ County _____ State _____

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS
STATE OF NEW YORK

County of Orange

On this 12th day of September

1953

before me personally came James H. Vanecko (Subscribing witness)

whom I am personally acquainted to the known and known to me to be the subscribing witness to the foregoing instrument, who being by me duly sworn, did advise and say that he resides in Denmark, New York that he is personally acquainted with James H. Vanecko

and knows said person(s) to be the person(s) described in and who executed the foregoing instrument; that he, the said subscribing witness, was present and saw the said person(s) execute the same and that he, the said (severally) duly acknowledged to him, the said subscribing witness, that he, the said person(s) subscribed his name as witness thereto.

James H. Vanecko Notary Public

A true record entered September 12th, 1953 at 9:00 A.M.

Deputy & Acting Clerk

129-12.53

L 1281 cp 41

in consideration of the sum of \$1,000 and other valuable considerations, the receipt whereof from Central Hudson Gas and Electric Corporation, a domestic corporation having its principal office (residence) at South Road (no street number), Poughkeepsie, New York, AND New York Telephone Company, a domestic Corporation having its principal office (residence) at 140 West St., New York, N.Y. is hereby acknowledged, the undersigned hereby grant(s) and convey(s) unto said corporation(s), and each of them, their respective successors, assigns and lessees, an easement and right of way 30 feet in width throughout its extent, in, upon, over, under and across the lands of the undersigned, including roads and highways thereon and adjacent thereto, situated in the Town of New Windsor, County of Orange, State of New York.

Said easement and line shall extend from the property line of Bethlehem on the West in a Easterly direction to the property line of The undersigned on the East end shall also extend to other portions of the property of the undersigned on which a line may be extended subsequently to supply service to additional lots.

Together with the right at all times to enter thereon and to have access thereto and to construct, relocate, operate and maintain thereon and to repair, replace, protect and remove, lines of poles, cables, crossarms, wires, guys, brackets, underground conduits, and all other appurtenances and fixtures adapted to the present and future needs, uses and purposes of said corporation(s), their respective successors, assigns and lessees.

Together with the right also to trim, cut and remove at any time such trees and other objects thereon and on adjacent property of the undersigned, as in the judgment of said corporation(s), their respective successors, assigns and lessees, may interfere with, obstruct or endanger the construction, operation or maintenance of said rights, lines and fixtures or any thereof.

The exact location of said easement and lines is to be as determined by said corporation(s) having regard to the origin, general direction and destination of said lines, and the requirements of said corporation(s).

Reserving unto the undersigned the right to cultivate the ground between said poles and beneath said wires and fixtures, provided that such use of said ground shall not interfere with, obstruct or endanger any of the rights granted as aforesaid, and provided that no house or other structure shall be erected within the limits of the right of way without the written consent of said corporation(s), and provided that damage to the property owned by the undersigned caused solely by said corporation(s), their respective successors, assigns or lessees, in maintaining or repairing said lines shall be adjusted at the expense of said corporation(s), their respective successors, assigns or lessees.

The provisions hereof shall inure to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and said corporation(s) respectively.

Signed, sealed and delivered, on Aug 26 1953 Vincent Buona (L.S.)
 In the presence of: Charles F. Winchell (L.S.)
 Residing at: Little Britain Rd. No. 1
New Windsor, Orange, NY
 Town, City or Village, County, State

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS.
 STATE OF NEW YORK
 County of Orange
 On this 26 day of August 1953, before me personally came Charles F. Winchell (subscribing witness) with whom I am personally acquainted, to me known and known to me to be the subscribing witness to the foregoing instrument, who, being by me duly sworn did depose and say that he resides in Town of Bethlehem, N.Y. that he is personally acquainted with Vincent Buona and knows said person(s) to be the person(s) described in and who executed the foregoing instrument; that he, the said subscribing witness, was present and saw the said person(s) execute the same and that Frank W. Shay (severally) duly acknowledged to him, the said subscribing witness that he executed the same and that he thereupon acted as a witness thereto.

NOTARY PUBLIC State of New York
 Residing in Dutchess County, N.Y.
Frank W. Shay
 My Commission Expires March 20, 1957 Notary Public

A true record entered October 6th, 1953 at 12:30 P.M.
B. J. Smith Deputy & Acting Clerk

R 10-6.53

L. 1283 ep 574

This Indenture,

Made the ^{15th} day of November, nineteen hundred and Fifty-five

Between VINCENT BIVONA, residing at Little Britain Road (no number), Town of New Windsor, Orange County, New York, (P.O. Address: R.D. 2 Newburgh, New York),

part y of the first part, and

TOWN OF NEW WINDSOR, a municipal corporation having its principal offices on Union Avenue (no number), Town of New Windsor, Orange County, New York,

part y of the second part:

Witnesseth, that the part y of the first part, in consideration of TEN AND NO/100 (\$10.00) - - - - - Dollars, lawful money of the United States,

do as hereby grant and release unto the part y of the second part, its successors and assigns forever,

All that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of the Old Bethlehem Road (sometimes known as the Mt. Airy Road) leading southerly from State Highway #207, also known as Little Britain Road, at or near the entrance to Stewart Air Force Base at the southwest corner of premises described in Deed, Vincent Bivona, Jr. to John J. Gatto and Angelina J. Gatto, his wife, dated November 25, 1952 and recorded in the Orange County Clerk's Office on November 26, 1952 in Liber 1251 of Deeds at page 539, and runs thence along the northerly side of a proposed 50 foot roadway North 82° 03' East 133.6 feet to a point of bend in same; thence South 78° 27' East 291.4 feet to a point; thence leaving the northerly side of said roadway and crossing same at right angles to the side line thereof South 11° 33' West 50 feet to a point in the southerly side of said roadway; thence North 78° 27' West 280 feet, more or less, to a point of bend in same at the northeasterly corner of a lot described in a Deed, Vincent Bivona, Jr. to Harry M. Butler and Mary Agnes Butler, his wife, dated July 30, 1953 and recorded in the Orange County Clerk's Office on August

R 3-14-56

L 1379 op 425

formerly line South 82° 03' West 125 feet to a point in the easterly
line of the Old Bethlehem Road aforesaid; thence along same North 7° 57'
West 50 feet to the point or place of beginning.

BEING and intended to be a portion of the premises described in
Deed, Vincent Bivona, Jr. to Vincent Bivona, dated February 28, 1948
and recorded in the Orange County Clerk's Office on March 6, 1948 in
Liber 1076 of Deeds at page 480.

Adjustments as of _____

CREDITS			DEBITS		
Paid on Contract _____			Purchase Price _____		
First Mortgage _____					
Int. from _____ @ _____ % _____			Insurance _____		
Second Mortgage _____					
Int. from _____ @ _____ % _____					
Purchase Money Mortgage _____					
Rents _____					
_____			Taxes _____		
_____			Water Rates _____		
Security on Lease _____					
Taxes _____			Assessments _____		
_____			Fuel Adjustment _____		
Water Rates _____					
Assessments _____			Total Debit _____		
_____			Total Credit _____		
Total Credit _____			Balance Paid _____		

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

FRANK Puzello, Claudia
 Puzello & Salvadore
 Ibarra
 TO
 Donna Czepiel

SECTION 33 BLOCK 1 LOT 16

RECORD AND RETURN TO:
 (Name and Address)

Marc Kechman, Esq.
 310 Fullerton Avenue
 Newburgh, NY 12550

HERE IS NO FEE FOR THE RECORDING OF THIS PAGE
 ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
 RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|---|---|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN) | <input type="checkbox"/> 4289 MONTGOMERY (TN) |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG) | <input type="checkbox"/> 4201 MAYBROOK (VLG) |
| <input type="checkbox"/> 2289 CHESTER (TN) | <input type="checkbox"/> 4203 MONTGOMERY (VLG) |
| <input type="checkbox"/> 2201 CHESTER (VLG) | <input type="checkbox"/> 4205 WALDEN (VLG) |
| <input type="checkbox"/> 2489 CORNWALL (TN) | <input type="checkbox"/> 4489 MOUNT HOPE (TN) |
| <input type="checkbox"/> 2401 CORNWALL (VLG) | <input type="checkbox"/> 4401 OTISVILLE (VLG) |
| <input type="checkbox"/> 2600 CRAWFORD (TN) | <input type="checkbox"/> 4600 NEWBURGH (TN) |
| <input type="checkbox"/> 2800 DEERPARK (TN) | <input checked="" type="checkbox"/> 4800 NEW WINDSOR (TN) |
| <input type="checkbox"/> 3089 GOSHEN (TN) | <input type="checkbox"/> 5089 TUXEDO (TN) |
| <input type="checkbox"/> 3001 GOSHEN (VLG) | <input type="checkbox"/> 5001 TUXEDO PARK (VLG) |
| <input type="checkbox"/> 3003 FLORIDA (VLG) | <input type="checkbox"/> 5200 WALLKILL (TN) |
| <input type="checkbox"/> 3005 CHESTER (VLG) | <input type="checkbox"/> 5489 WARWICK (TN) |
| <input type="checkbox"/> 3200 GREENVILLE (TN) | <input type="checkbox"/> 5401 FLORIDA (VLG) |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN) | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG) |
| <input type="checkbox"/> 3401 MAYBROOK (VLG) | <input type="checkbox"/> 5405 WARWICK (VLG) |
| <input type="checkbox"/> 3689 HIGHLANDS (TN) | <input type="checkbox"/> 5600 WAWAYANDA (TN) |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLG) | <input type="checkbox"/> 5889 WOODBURY (TN) |
| <input type="checkbox"/> 3889 MINISINK (TN) | <input type="checkbox"/> 5801 HARRIMAN (VLG) |
| <input type="checkbox"/> 3801 UNIONVILLE (VLG) | |
| <input type="checkbox"/> 4089 MONROE (TN) | |
| <input type="checkbox"/> 4001 MONROE (VLG) | |
| <input type="checkbox"/> 4003 HARRIMAN (VLG) | |
| <input type="checkbox"/> 4005 KIRYAS JOEL (VLG) | |

NO. PAGES 4 CROSS REF _____
 CERT. COPY _____ AFFT. _____

PAYMENT TYPE: CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 127500-
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE _____

- MORTGAGE TYPE:**
- (A) COMMERCIAL
 - (B) 1 OR 2 FAMILY
 - (C) UNDER \$10,000.
 - (E) EXEMPT
 - (F) 3 TO 6 UNITS
 - (I) NAT.PERSON/CR.UNION
 - (J) NAT.PER-CR.UNI OR 2
 - (K) CONDO

CITIES

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

Donna L. Benson

DONNA L. BENSON
 Orange County Clerk

RECEIVED FROM: Safe 2 Sound

LIBER 5143 PAGE 321

ORANGE COUNTY CLERKS OFFICE 50598 NRL
RECORDED/FILED 09/10/2009 11:03:10 AM

FEES 47.00 EDUCATION FUND 5.00
SERIAL NUMBER: 003492
NETT CNTL NO 62643 RI TAX 510.00

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 30th day of August , nineteen hundred and ninety-nine
BETWEEN Frank Puzzillo, Claudia Puzzillo and Salvadore Ibarra
8 Elizabeth Lane
New Windsor, New York 12553

party of the first part, and

Donna Czepiel
14 Taft Avenue
Newburgh, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten 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 part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See Schedule A, attached hereto and
made a part hereof.

TAX MAP
DESIGNATION

99RC1112

Dist.

Sec.

Blk.

Lot (s)

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

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.

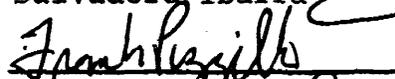
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

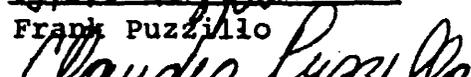
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIBER 5143PG 322


Salvadore Ibarra


Frank Puzzillo


Claudia Puzzillo

STATE OF NEW YORK, COUNTY OF Orange

On the 29th day of August 19 99, before me personally came

Salvadore Ibarra

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.



JOHN POGGIOLI
Notary Public, State of New York
No. 4941905
Qualified in Orange County
Commission Expires September 6, 1999
2000

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF Orange

On the 30th day of August 19 99, before me personally came

Frank Puzzillo and Claudia Puzzillo to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.



JOHN POGGIOLI
Notary Public, State of New York
No. 4941905
Qualified in Orange County
Commission Expires September 6, 1999
2000

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

Frank Puzzillo, Claudia Puzzillo
and Salvadore Ibarra

TO

Donna Czepiel

SECTION

BLOCK

LOT

COUNTY OR TOWN

STREET ADDRESS

TAX BILLING ADDRESS

RETURN BY MAIL TO:

Grendell Abstract, Inc,
380 Broadway
Newburgh, New York 12550

Marc Kerchman, Esq.
310 Fullerton Avenue
Newburgh, NY 12550

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 5143 PG 323

Title #: 99RC-1112

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:

BEGINNING at an iron pipe set on the easterly bounds of Elizabeth Lane, said iron pipe being the northwesterly corner of lands of Venuto and is North 6 degrees 03' West 110.00 feet from the northwest corner of lands of Garafalo, and runs from thence along the bounds of Elizabeth Lane, North 6 degrees West 120.5 feet to an iron pipe; thence through lands of Vincent Bivona, Sr., North 42 degrees 46' East 132.8 feet per deed and 132.87 feet per actual measurement to a point in the line of lands of Andrew Bivona; thence along said lands, South 6 degrees 03' East 207.94 feet per deed and 207.99 feet per actual measurement to an iron pipe, the northeasterly corner of lands of Venuto; thence along the lands of Venuto, South 83 degrees 57' West 100.00 feet to the point or place of *BEGINNING*.

LIBER 5143 PG 324

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-30.

Date:

7/11/00

567-3969

I. Applicant Information:

- (a) DONNA CZEPIEL 8 ELIZABETH LANE, NEW WINDSOR, NY 12553
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

✓ III. Property Information:

- (a) R-3 8 ELIZABETH LANE 33-1-16 100x120.5±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/C
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 8/30/99
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? yes
If so, when? 7/11/94
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk. Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE EXISTING DECK DOES NOT HAVE A C.D. AND MUST BE COMPLETELY REBUILT ACCORDING TO THE BUILDING INSPECTOR'S REPORT. INCREASING THE SIZE OF THE DECK WILL MAKE IT MORE USEFUL AND SAFER, AND MAKE THE PROPERTY MORE ATTRACTIVE.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: NA.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign .	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. NA.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

THE ZONING WOULD NOT BE AFFECTED BY THIS DECK IN FACT MANY OF THE HOUSES IN THE NEIGHBORHOOD HAVE DECKS SIMILAR OR LARGER THAN THIS.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd. ?
- Copy of tax map showing adjacent properties. ?
- N/A Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: July 11, 2000

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Barbara A. Gopiel
(Applicant)

Florrie Lynne Yarnitty
FLORRIE LYNNE YARNITTY
Notary Public, State of New York
4601262 Orange County
Commission Expires Jan. 31, 01

Sworn to before me this
11 day of July, 2000.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

-----X
In the Matter of the Application of

GENERAL MOTORS CORP./WEICHERT REALTORS,
#94-24.

DECISION GRANTING
AREA VARIANCE

-----X
WHEREAS, WEICHERT REALTORS, 53 Route 17K, Newburgh, New York 12550, as agent for GENERAL MOTORS CORP., owner of property, have made application before the Zoning Board of Appeals for a 2 ft. 10 in. rear yard variance for existing deck located at 8 Elizabeth Lane, New Windsor, New York, in an R-3 zone; and

WHEREAS, a public hearing was held on the 11th day of July, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by Ms. Dolores Rooney of Weichert Realtors; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is in a residential neighborhood consisting of one-family residences, many of whom have decks similar to the one for which this permission is sought.

(b) This property has a deck but there is no certificate of occupancy on record.

(c) This deck provides a staircase access to the back door and without it there would be no access to the back door creating a safety hazard for the occupants of the dwelling.

(d) The deck is existing at this time and cannot feasibly be made smaller. Making a smaller deck would require tearing out and removing the present deck and constructing an entirely new deck which is economically not feasible considering the value of the home and the neighborhood.

(e) The area variance that is requested is slightly larger than 7%.

(f) The structure for which the variance is sought, i.e. a deck, exists and is consistent with the neighborhood, many homes of which have similar decks.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is not substantial in relation to the town regulations.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created hardship. The difficulty may have been created by a prior owner but the house and deck were in its present condition when acquired by the present owner. Notwithstanding the foregoing, it is the opinion of the Board that the variance should be granted because of the character of the neighborhood and this deck in both size and appearance is consistent with the neighborhood.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

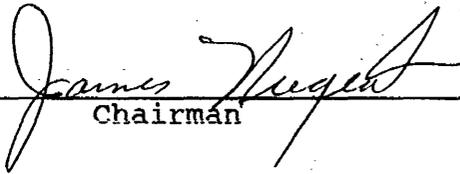
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 2 ft. 10 in. rear yard variance to allow existing deck at 8 Elizabeth Lane in an R-3 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to

the Town Clerk, Town Planning Board and applicant.

Dated: October 24, 1994.


Chairman

(ZBA DISK#12-092794.WEI)

S/S ROUTE 207 #95-66 NC ZONE

03/11/96

ZBA GRANTED 4 FT. FRONT YARD VARIANCE FOR EXISTING BUILDING, 39 FT. FRONT YARD VARIANCE FOR CANOPY, 6 FT. SIDE YARD VARIANCE, PLUS 56 S.F. SIGN AREA VARIANCE FOR FREE-STANDING SIGN. REQUESTED 4 FT. HEIGHT VARIANCE FOR FREE-STANDING SIGN WAS DENIED.

33-1-8&9 MANS, C.P. USE VARIANCE GRANTED

ROUTE 207 #81-26 NC ZONE 12/14/81

REQUEST FOR USE VARIANCE AND SPECIAL PERMIT FOR OPERATION OF MOBILE HOME DISPLAY AND SALES IN NC ZONE ACROSS FROM STEWART INTL. AIRPORT GATE ON ROUTE 207.

33-1-16 WEICHERT REALTORS/GENERAL MOTORS AREA VARIANCE GRANTED: 07/11/94

8 ELIZABETH LANE R-4 ZONE #94-24

REQUEST FOR 2 FT. 10 IN. REAR YARD VARIANCE FOR EXISTING DECK AT 8 ELIZABETH LANE IN AN R-4 ZONE.

33-1-22 MASON, HERBERT AREA VARIANCE GRANTED

MT. AIRY ROAD #86-44 R-3 ZONE 11/24/86

REQUEST FOR 20,920 S.F. LOT AREA AND 15 FT. FRONT YARD VARIANCE TO CONSTRUCT SINGLE-FAMILY RESIDENCE IN R-4 ZONE.

33-1-24 SANTILLO, JOSEPH AREA VARIANCE GRANTED

3 ELIZABETH LANE #97-16 R-4 ZONE 04/28/97

REQUEST WAS GRANTED FOR 10 FT. SIDE YARD VARIANCE FOR EXISTING DECK AND 4 FT. REAR YARD VARIANCE FOR EXISTING SHED AT 3 ELIZABETH LANE IN AN R-4 ZONE.

33-2-13 PELLECHIA, FRED AREA VARIANCE GRANTED

603 LITTLE BRITAIN ROAD #83-19 NC ZONE 05/23/83

REQUEST FOR 12 FT. FRONT YARD VARIANCE TO CONVERT NON-CONFORMING BUILDING (FORMERLY GREEN THUMB NURSERY) TO SOFT ICE CREAM STAND (DAIRY BARN). RESTRICTIONS: (1) THAT A NATURAL BARRIER BE PLACED IN FRONT OF THE STRUCTURE PREVENTING PARKING IN FRONT OF STRUCTURE; (2) A FENCE OR A BARRICADE OF SOME TYPE BE PLACED TO PREVENT EASY ACCESS TO THE OPEN CULVERT ON PROPERTY.

34- 1 - 10 WORTMANN, FRANK AREA VARIANCES GRANTED

WEATHER OAK HILL #83-7 R-4A 05/09/83

Request for area variance wherein no town water is available for site in order to construct two-family residential dwelling. Also, 4,960 s.f. lot area and 5 ft. Lot width variances needed.

34-1-17 WORTMANN, FRANK AREA VARIANCE GRANTED

MOORES HILL ROAD R-3 ZONE #89-5 09/11/89

Request for 3,046 s.f. lot area and 35 ft. Street frontage to construct singlefamily residence at above address.

34-1-19 SORRENTINO/WORTMANN AREA VARIANCE GRANTED

WEATHER OAK HILL R-3 ZONE #88-16 04/25/88

Request for 10,495 s.f. lot area and 35 ft. Required street frontage variance to construct single-family residence in r-3 zone.

34-2-1 BARBERA, BRIAN SIGN AREA #99-27 GRANTED: 08/09/99