ZB# 03-09

Makan Land Development

65-1-22.3

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

APPROVED
4-28-03

03-09 MAKAN LAND DEVELOPMENT
200 RILEY ROAD 65-1-22.3

area

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-09 TYPE: AREA ✓ USE

APPLICANT: Makan Homes
P.O. Box 979
Harriman, NY 10926

TELE: 783-6878

RESIDENTIAL:	$ 50.00	CHECK # 1004
COMMERCIAL:	$150.00	CHECK #
INTERPRETATION:	$150.00	CHECK #

ESCROW: $300.00 ~~$500.00~~ CHECK # 1005

DISBURSEMENTS:

	MINUTES $4.50 PER PAGE	ATTORNEY FEES $35.00 / MEETING
PRELIM. 2/24	$ 18.00	$ 35.00
2ND PRELIM.		
3RD PRELIM.		
PUB HEARING 4/28 (13)	58.50	35.00
PUB HEARING (CON'T)		
TOTAL	$ 76.50	$ 70.00

OTHER CHARGES: $

ESCROW POSTED: $ 300.00
AMOUNT DUE: $
REFUND DUE: $ 153.50

SOMERSET CROSSING, LLC
PO BOX 979
HARRIMAN, NY 10926

(845) 783-6878
(845) 783-6409 **FAX (845) 783-7720**

Zoning Board of Appeals
Town of New Windsor
555 Union Ave.,
New Windsor, New York

April 7, 2003

RE: Area Variance
300 Riley Road
New Windsor

Section 65 Block 1 Lot 22.3

Dear Board Members:

During our presentation on February 24, 2003, the members of the Zoning Board of Appeals requested certain information regarding the above-referenced property.

In response to the Board's request, we have compiled the following information:

1. The property record cards for the parcel from the Town of New Windsor Assessor's Office. These cards only contain information dating back to 1965. The Clerk in the Assessor's Office did not have any information pre 1965.

   According to the property record cards, 300 Riley Road was a separate lot as of March 2, 1965.

   Upon adoption of a Master Plan in 1974, 300 Riley Road was kept in a residential district and in particular a "Suburban Residential (R-3) Zone" which allows for two (2) family dwellings.

   Our intention is to construct a single family dwelling.

2. We hired Aztec Abstract Services, a title company, to prepare a chain of title.

   This title report verifies that the County of Orange filed a deed with the Orange County Clerk's Office on February 25, 2003 transferring the property from County of Orange to Somerset Crossing, LLC.

   The title report also contains deeds which indicate that this parcel was in existence on these dates: January 28, 1965 and April 6, 1965.

   The title report contains an agreement which was filed relating to the property on November 14, 1876.

3. The Board was concerned that the previous owner(s) might have received payment for the parcel as part of the Thruway land taking, thus realizing a double benefit. I couldn't find any records which discussed payment for land takings by the Thruway authority relating to this property; nor could I find any documents which indicate that the ownership of this parcel was transferred to the State of New York or any of its agencies and/or departments.

   However, I believe we can agree that the State Thruway Authority would have paid for land taken for road construction, but not paid for land it did not acquire. Because this land was not taken by the State of New York there would be no record of payment made to the owner at the time of the takings.

   In addition, even if there was a payment made to the prior owner, there would still be no double benefit to the owner in fee before the County of Orange because the monies we paid for this parcel were paid to the County of Orange and not to any private property owner.

4. The Board requested a drainage study from the engineer.

   A copy of his report has been included in this package. A summary of the report indicates no change in the drainage under a buildout scenario.

   The drainage will continue to flow into the New York State Thruway Authority drainage system.

Our application, together with the attachments, clearly evidence that the subject parcel has been a single lot for many decades. The Town and County's tax map designation also serves as proof that the property is an individual lot. As further proof, the different owners of the property continued paying real property taxes until recently on this lot.

I believe that the Zoning Board of Appeals, upon a review of all of the information contained in our application, will reach a determination favorable to Somerset Crossing, LLC.

Very truly yours,

Sean D. Purdy
Project Manager

Cc: Davinder Makan, President

40392

PROPERTY DESCRIPTION

SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT: SCHOOL	FIRE	LIGHT	WATER	OTHER	ASSESSED VALUE: LAND	IMPROV.	TOTAL	SEQ.
65	1	22 3	29 TOWN OF NEW WINDSOR	1	1	1			8100		8100	N

OWNER NO.	LOCATION	DIMENSIONS	ACRES
	E S RILEY ROAD	571x125xIR	

T.S. A.M. S.P.

OWNERSHIP RECORD

	DEED RECORDED: DATE	BOOK	PAGE
KUMSTAR, ROSE BRUCKERT RD SEARSVILLE ROAD, WALDEN, N Y	3 02 65	1702	5
~~R.D.#3 Box 300~~ North Clark Road Newburgh N.Y. 12550			
Kumstar, Rose B. c/o Wendell Harp PO Box 400 New Paltz, NY 12561			
COUNTY OF ORANGE	4 7 98	4757	285
~~265~~ Main St., Goshen, NY 10924 255-275			

ORANGE COUNTY PROPERTY MAP AND RECORDS SYSTEM

/ REP WINDSOR
E S RILEY RD

571X125XIR

DEED DATE 03/02/65

KUMSTAR ROSE BRUCKERT
R D SEARSVILLE RD WALDEN N Y
R03 RT.300 NORTH PLANK RD

DISTRICT	SECTION	BLOCK	LOT

ACCOUNT NUMBER: 314

GRID COORDINATE: E 592458 N 5[illegible]

CLASS CODE	ZONING	CARD NUMBER	ROUTING NUMBER
370 R	RA	01 OF 01	

PROPERTY ADDRESS: Riley Rd.

RECORD OF OWNERSHIP

	DATE MO.	DATE YR.	TYPE 1 LAND 2 L&B	SALE PRICE	SOURCE 1 BUYER 2 SELLER 3 FEE 4 AGENT	VALIDITY 1 YES 2 NO
COUNTY OF ORNAGE	4	98	1 2	-0-	1 2 3 4	1 2
			1 2		1 2 3 4	1 2
			1 2		1 2 3 4	1 2

LAND COMPUTATIONS

		ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE
0 NONE	N								
LOTS	L							%	
1 REGULAR LOT	L							%	
2 MINUS LOT	L							%	
3 APARTMENT SITE	L							%	
SQ. FT.	S			SQ. FT.				%	
1 PRIMARY SITE	S			SQ. FT.				%	
2 SECONDARY SITE	S			SQ. FT.				%	
3 UNDEVELOPED									
4 RESIDUAL									
ACREAGE	A 3	1.80	ACRES		4500			%	8100
1 PRIMARY SITE	A		ACRES					%	
2 SECONDARY SITE	A		ACRES					%	
3 UNDEVELOPED	A		ACRES					%	
4 RESIDUAL	A		ACRES					%	
5 TILLABLE	A		ACRES					%	
6 PASTURE	A		ACRES					%	
7 WOODLAND	A		ACRES					%	
8 WASTELAND	A		ACRES					%	
9 HOMESITE	A		ACRES					%	
0 TOTAL	A 0	1.8	ACRES					%	
GROSS	G								
1 IRREGULAR LOT									
2 SITE VALUE									
3 RESIDUAL									
4 HOMESITE									
0 MINUS R.O.W.									

INFLUENCE FACTORS
1 CORNER
2 TOPOGRAPHY
3 UNIMPROVED
4 EXCESSIVE FRONT
5 SHAPE OR SIZE
6 RESTRICTIONS
7 ECONOMIC MISIMPROVEMENT
8 VIEW

TOTAL VALUE LAND	8100
TOTAL VALUE BUILDINGS	
TOTAL VALUE LAND & BLDGS.	8100

NUMBER OF LAND ENTRIES: #02

PROPERTY CLASSIFICATION CODE

AGRICULTURAL—100
110—Livestock & Products
111—Poultry & products
112—Dairy products
113—Cattle, hogs, & products
114—Sheep & wool
115—Apiary products
116—Other livestock
120—Field Crops
130—Truck Crops—Mucklands Only
140—Truck Crops
150—Orchard Crops
151—Tree fruits
152—Vineyards
160—Other Fruits
170—Nursery/Greenhouse
180—Fur Products
190—Fish/Game & Wildlife Preserves

RESIDENTIAL—200
210—1 Family Year Round
220—2 Family Year Round
230—3 Family Year-Round
240—Rural Residence W/Acreage
250—Estate
260—Seasonal
270—Mobile Home

UNUSED VACANT LAND—300
310—Residential
320—Rural
330—Commercial
340—Industrial
350—Urban Renewal

COMMERCIAL—400
410—Living Accommodations
411—Apts. other than 412/413
412—Condominium apt.
413—Co-operative apt.
414—Hotel
415—Motel
416—Mobile home parks
417—Camps & cottages
418—Other transient lodging
*—Other commercial

RECREATIONAL—500*

COMMUNITY SVCS—600*

INDUSTRIAL—700
710—Manufacturing & Processing
720—Mining and Quarrying
730—Wells

PUBLIC SVCS—800*

WILD AND FORESTED—900
910—Private Other Than 920
920—Private Hunting/Fishing
930—State Owned
940—County Owned

*See Detailed Listing for Divisions & Subdivisions

ASSESSMENT RECORD

19	LAND	
	BLDGS.	
	TOTAL	
19	LAND	
	BLDGS.	
	TOTAL	
19	LAND	
	BLDGS.	
	TOTAL	
19	LAND	
	BLDGS.	
	TOTAL	

BUILDING PERMIT RECORD

DATE MO.	DATE YR.	TYPE 1 DEMOL. 2 ADDN.	AMOUNT	NUMBER

(P) GENERAL PROPERTY FACTORS

NEIGHBORHOOD I.D. 04

TOPOGRAPHY RATING: 1 GOOD 2 FAIR 3 POOR 4 VERY POOR

STREET OR ROAD: 1 PAVED 2 UNPAVED 3 PROPOSED

SIDEWALK: 1 YES 2 NO

ALLEY: 1 YES 2 NO

UTILITIES: ALL | WATER 0 | SEWER 0 | ELECTRICITY 1 | GAS 0
0. NONE 1. PUBLIC 2. PRIVATE

(R) RESIDENTIAL PROPERTY FACTORS

NEIGHBORHOOD FACTORS

TYPE: 1 RURAL 2 URBAN 3 SUBURBAN 4 SUBDIVISION

TREND: 1 IMPROVING 2 STATIC 3 DECLINING

INFLUENCE ON SUBJECT PROPERTY: 1 NONE 2 DEVALUING 3 ENHANCING

DESIRABILITY RATING: 1 EXCELLENT 2 VERY GOOD 3 GOOD 4 AVERAGE 5 FAIR 6 POOR 7 VERY POOR

LOT FACTORS

LANDSCAPING RATING: 1 EXCELLENT 2 GOOD 3 FAIR 4 POOR 5 NONE

DRIVEWAY: 1 IMPROVED 2 UNIMPROVED 3 NONE

FRONTING TRAFFIC: 1 LIGHT 2 MEDIUM 3 HEAVY 4 NONE

COMPARISON TO NEIGHBORING PROPERTIES: LOT 1 IMPROVEMENTS 4
1. TYPICAL 2. POORER 3. BETTER 4. NONE

MEMORANDA

6.2
U.Y
1.8

No change 3/23/74

COLE • LAYER • TRUMBLE CO. ASSESSORS © 1972

ORANGE COUNTY, NEW YORK

CHICAGO TITLE INSURANCE COMPANY

File No. **AZ-455-03**

Effective date: **03/15/2003**
Redated:

Proposed Insured:

Purchaser: **Sean Purdy**

Mortgagee: **N/A**

CERTIFICATION

THIS COMPANY CERTIFIES that a 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 mortgaged by:

Somerset Crossing, LLC

Somerset Crossing, LLC, who acquired title by deed dated 1/15/03, recorded 2/25/03 in the Orange County Clerk's Office in Liber 6208, Page 39 from The County of Orange.

The estate or interest in the land described or referred to in this certificate and covered herein is:
Fee Simple

Address:	**200 Riley Road** **New Windsor**
County:	**Orange**
Town:	**New Windsor**
District:	**New Windsor**
Section:	**65**
Block:	**1**
Lot:	**22.3**

SEE SCHEDULE A, PROPERTY DESCRIPTION ATTACHED.

Issued by:
Aztec Abstract Services, Inc.
233 East Main Street
Middletown, NY 10940
Telephone: 845-342-2486 Fax: 845-342-4912

CHICAGO TITLE INSURANCE COMPANY

File No. AZ-455-03

SCHEDULE A

All that certain plots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, designated on the Orange County Tax Map as Section 65, Block 1, Lot 22.3.

LEGAL DESCRIPTION

CHICAGO TITLE INSURANCE COMPANY

File No. AZ-455-03

SCHEDULE B

The following estates, interests, defects, objections to title, liens and encumbrances and other matters will be excepted from the coverage of any policy or policies to be issued.

1. Defects and encumbrances arising or becoming a lien after the date of the policy to be issued, except as therein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body or the effect of any noncompliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or encumbrances created, suffered, assumed or agreed to by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, road, avenues, lanes ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this Commitment specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, the policy to be issued, unless otherwise excepted in this Commitment, will insure the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise. (No search has been made for financing statements except as may have been ordered and reported separately.)

   Schedule B of the policy or policies to be issued will further contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

7. If the application is for insurance under a master or blanket policy all items under this Schedule B will be excepted from coverage in the Certificate of Title Insurance to be issued hereon unless disposed of to the satisfaction of the Company on or prior to closing.
8. The identity of parties at the closing of this title should be established to the satisfaction of the closer and the affidavit attached to this certificate filled out, signed and sworn to.
9. Deeds and mortgages must contain the covenant required by Section 13 of the Lien Law and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
10. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.
11. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
12. If the present transaction consists in whole or in part of a conveyance or lease by a corporate grantor or lessor, there must be compliance with Section 909 of the Business Corporation Law. We will require the written consent to such conveyance or lease by all of the holders of all of the outstanding shares of the said corporation and the instrument on closing should so recite. In lieu thereof the consent of the holders of two-thirds of all of the outstanding shares entitled to vote thereon obtained at a meeting duly noticed and called for the purpose of obtaining such consent in the manner provided for in Section 605 of the Business Corporation Law is required and the instrument on closing should so recite.

    If neither of the above is obtained, then, the proofs showing the basis upon which the conveyance or lease is to be made must be submitted to counsel prior to closing.

13. If the present transaction consists in whole or in part of the making of a new mortgage there must be compliance with Section 911 of the Business Corporation Law. We will require a certified copy of the resolution of the board of directors of any corporate mortgagor authorizing the making of said mortgage. Proof must also be shown that the consent of stockholders of the mortgagor corporation is not required by its certificate of incorporation or amendments thereto for the making of said mortgage. The mortgage should contain a recital showing that it was made and executed pursuant to the resolution of the board of directors of the mortgagor.
14. If this Commitment requires a conveyance of the fee estate and the contract therefore has not been submitted to the Company, it should be furnished for consideration prior to closing. (Continued)

TITLE EXCEPTIONS

CHICAGO TITLE INSURANCE COMPANY

File No. AZ-455-03

SCHEDULE B (continued)

15. FOR YOUR PROTECTION
Due to increased problems with returned or dishonored checks, no uncertified checks for $500.00 or more will be accepted without advanced approval by counsel or branch manager. Under no circumstances will third party or seller's checks be accepted in any amount at closing without advanced approval. TITLE CLOSERS ARE NOT AUTHORIZED TO MAKE SUCH APPROVALS. ATTORNEY ESCROW CHECKS ARE ACCEPTABLE.

16. NOTE: The Company may make other requirements or exceptions upon its review of the proposed documents creating the estate or interest to be insured or otherwise ascertaining details of the transaction.

17. An affidavit of title approved by this company must be signed for each closing "This exception will not be omitted".

18. All parties will be required to provide photo-identification and social security numbers to the Company's representative at closing.

19. Rights of tenants or persons in possession.

20. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.

21. Policy will except any loss or damage resulting from water charges, unless we are provided with a final water bill from the municipality.

22. If, at the time of closing, all documents which are to be recorded are not presented to the closer or are not presented in recordable form, the following exception will appear in the title policy:

    Policy excepts any and all loss or damage and any additional costs resulting from any delay in recording or the inability to record the closing instruments hereunder due to circumstances beyond the control of this company.

23. The name/names of the proposed mortgagor/mortgagors, grantor/grantors, has/have been searched for Judgments and Federal Tax Liens. Unless there are specific exceptions set forth herein regarding same, we find none of record.

24. At closing seller(s)/mortgagors will be required to review the Mortgage Schedule contained in the Title Report and to execute an Affidavit to the effect that all open mortgages affecting the property are contained herein.

CHICAGO TITLE INSURANCE COMPANY

File No. AZ-455-03

MORTGAGE SCHEDULE

NONE OPEN OF RECORD

MORTGAGE SCHEDULE

Aztec Abstract Services, Inc. as agent for
CHICAGO TITLE INSURANCE COMPANY

Title Number: **AZ-455-03**

SURVEY READING

Until a guaranteed survey is received, policy will not insure courses, distances and dimensions of subject premises or the bed of any street, road or avenue passing through same, and will except any state of facts such a survey and/or inspection would show.

SURVEY READING

CHICAGO TITLE INSURANCE COMPANY

File No. AZ-455-03

Land: $8,100.00	**Total:** $8,100.00	**County: Orange**
City:	**Town:** New Windsor	**Village:**
School District: Newburgh	**Property Class Code:** 311	**Lot Size:** 571 X 125
Section: 65	**Block: 1**	**Lot: 22.3**
Exemptions:		

TAX SEARCH

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT -- DO NOT REMOVE

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

COUNTY OF ORANGE

TO

Somerset Crossing, LLC

TOWN OF NEW WINDSOR
SECTION 65 BLOCK 1 LOT 22.3

RECORD AND RETURN TO:
(name and address)

Somerset Crossing, LLC
335 Laroe Road
Chester, NY 10918

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED XX MORTGAGE ___ SATISFACTION ___ ASSIGNMENT ___ OTHER ___

PROPERTY LOCATION

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

CITIES

___ 0900 MIDDLETOWN
___ 1100 NEWBURGH
___ 1300 PORT JERVIS

___ 9999 HOLD

NO PAGES 2 CROSS REF. ___
CERT.COPY ___ ADD'L X-REF. ___
MAP# ___ PGS. ___

PAYMENT TYPE: CHECK ✓
CASH ___
CHARGE ___
NO FEE ___

Taxable
CONSIDERATION $ 6000
TAX EXEMPT ___

Taxable
MORTGAGE AMT. $ ___
DATE ___

MORTGAGE TAX TYPE:

___ (A) COMMERCIAL/FULL 1%
___ (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.UN/1 OR 2
___ (K) CONDO

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Somerset Crossing

6208 PG 39

LIBER 6208 PAGE 39
ORANGE COUNTY CLERKS OFFICE 13169 DAB
RECORDED/FILED 02/25/2003 12:13:29 PM
FEES 41.00 EDUCATION FUND 20.00

DEED

.HIS INDENTURE, made the 15th day of January, 2003, between the **COUNTY OF ORANGE**, a municipal corporation with offices at 255 Main Street, Goshen, New York, party of the first part, and

Somerset Crossing, LLC, located at 335 Laroe Road, Chester, New York 10918 party of the second part,

WITNESSETH, that the party of the first part, in consideration of the sum of **SIX THOUSAND and 00/100 ($6,000.00) DOLLARS**, and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL these certain plots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the **TOWN OF NEW WINDSOR**, designated on the Orange County Tax Map as **Section 65, Block 1, Lot 22.3**

BEING the same premises conveyed to the County of Orange by deed dated April 7, 1998 and being recorded in the Orange County Clerk's Office on April 7, 1998 in Liber 4757 of Deeds at Page 285. Said premises being formerly owned by County of Orange.

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

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.

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:

COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

STATE OF NEW YORK :
SS:
COUNTY OF ORANGE :

On the 15th day of January, in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared **EDWARD A. DIANA**, 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; and that he signed his name thereto pursuant to Local Law No 2 of 1981, as amended, by authority of the County Legislature of said County.

NOTARY PUBLIC

MARY J. HENRICI
Notary Public, State of New York
Qualified in Orange County
My Commission Expires Dec. 31, 2005

This Indenture,

Made 6th *day of* April *in the year of our Lord One Thousand Eight Hundred and Fifty-six*

Between [illegible]

[illegible] *party of the first part, and* [illegible] *residing in* [illegible] *State of* [illegible] *party of the second part*

Witnesseth, *that the party of the first part* [illegible] *in consideration of* [illegible] *lawful money of the United States* [illegible] *and to the party of the second part* [illegible]

[illegible] *the hereinafter described premises* [illegible]

All [illegible]

Article 1

[illegible]

TOGETHER with whatever rights the party of the first part has in and to the center line of the road now or formerly known as the Temple Hill Road where it adjoins the above described parcel.

SUBJECT to a perpetual easement for drainage as acquired by the New York State Department of Public Works for the construction of the West Point Military Academy - Stewart Field Pt 1 Highway by deed dated January 6, 1943, recorded in the Orange County Clerk's Office February 18, 1943, in Book 904 at Page 104. Said easement/ is shown on State Taking Map 428 Parcel 32 for said Highway.

PARCEL 22

BEGINNING at a point in a stone wall, said point being the intersection of the northerly side of Route 32 with the easterly side of the road now or formerly known as the Temple Hill Road; running thence from said beginning point along the easterly side of the road now or formerly known as the Temple Hill Road and a stone wall North 20 degrees, 40 minutes West 600.15 feet to an iron pipe set in said wall; thence along the land of Oliver & Ruth L. Staples North 63 degrees, 14 minutes East 450.00 feet to the southeasterly corner of said Staples; thence along the same North 20 degrees, 40 minutes West 165.00 feet to the northeasterly corner of said Staples; thence along the same South 63 degrees, 14 minutes West 93.02 feet to a point in the center line of a brook known as Silver Stream; thence up the middle of said brook and along the lands now or formerly of Elizabeth Paolo, Eleanor Paolo, Walter U. Lawson, Albert & Clara Ruggeri, the following 16 courses and distances: (1) North 4 degrees, 00 minutes East 7.46 feet; (2) North 30 degrees, 30 minutes West 135.31 feet; (3) North 4 degrees, 52 minutes East 21.23 feet; (4) North 31 degrees, 45 minutes East 40.40 feet; (5) North 1 degree, 35 minutes West 20.96 feet; (6) North 31 degrees, 31 minutes, 30 seconds West 241.33 feet; (7) North 12 degrees, 13 minutes West 62.65 feet; (8) North 45 degrees, 13 minutes West 21.11 feet; (9) North 24 degrees, 25 minutes West 124.10 feet; (10) North 30 degrees, 00 minutes West 5.10 feet; (11) North 55 degrees, 30 minutes West 20.07 feet; (12) North 40 degrees, 24 minutes West 10.41 feet to the center of a small oak at a corner of the lands as covered by Rose Drucker Kurster to Joseph [illegible] Russino; thence along the said line [illegible] above and the lands of [illegible], bearing North 71 degrees, 00 minutes East 99.70 feet [illegible]; thence along the same South 57 degrees, 11 minutes East 322.00 feet to a stake at the inter section of a stone wall; thence along the same and a stone wall North 74 degrees, 49 minutes East 977.55 feet to a point in the center line of the old North Road; thence along the old North Road South 9 degrees, 34 minutes East 304.94 feet to the intersection of the northerly side of Route 32; thence along the northerly side of Route 32 and a stone wall South 30 degrees, 14 minutes West 1307.70 feet to the place of beginning.

CONTAINING 22.982 acres of land more or less.

TOGETHER with whatever rights the party of the first part has in and to the center line of the road now or formerly known as Temple Hill Road, where it adjoins the above described parcel.

TOGETHER with the rights of owners to use the Old North Road for the purpose of travel to and from the public highway.

TOGETHER with the rights of the public to use State Highway 32 for the purpose of travel.

PARCEL 23

BEGINNING at a concrete monument set by the New York State Department of Public Works in the easterly taking line of the New York State Thruway; said monument being the northwesterly corner of lands of [illegible] Mertes and the southwesterly corner of the foregoing [illegible] parcel; running thence along the easterly taking line of the New York State Thruway North 16 degrees, 32 minutes West [illegible] to a point; thence along the same North 11 degrees, 07 [illegible] West 1760.00 feet to a concrete monument; thence [illegible] North 7 degrees, 17 minutes West [illegible] feet to a [illegible] set in a stone wall, said monument being a corner [illegible] now or formerly of Joan & Katherine Gardner; thence along

Subject to the part of the easement grant conveyed to the Central Hudson Gas and Electric Corporation that crosses the above described parcel, description of which whole easement is dated July 30, 1954, recorded August 2, 1954, in Book 1314 at Page 563.

TOGETHER with whatever rights the party of the first part has in and to the center line of Riley Road, where it adjoins the above described parcel.

SUBJECT also to the rights, if any, of adjoining owners in, in and to the brooks, streams, dams, ditches, drains, ponds and water lying upon, flowing into or through the above described premises.

SUBJECT also to the terms of three grants made by Lewis Brackett and Permilia Brackett to Central Hudson Gas and Electric Corporation and the following three grants dated and recorded respectively in the Orange County Clerk's Office: January [illegible], 1929 in Liber 635 of Deeds at page 77; August 14, 1931 in Liber 722 of Deeds at page 217; and December [illegible], 1931 in Liber 723 of Deeds at page 213, and to any other utility grants of record, if any, not herein referred to.

SUBJECT also to the right of the City of Newburgh, if any, to appropriate and take and use and continue to use now and hereafter and in all times the waters of the stream known as Orchard Brook in the Town of Cornwall, in accordance with the use of said stream as referred to in a deed recorded in the Orange County Clerk's Office on December 14, 1874, in Book 401, at page 40.

SUBJECT also to the right of Joseph H. Kowling to erect and maintain a sign that shall be no larger than 3 feet by 6 feet on the state-line entrance to the Riverview Road.

SUBJECT also to such state of facts as a personal inspection of the premises might disclose.

The above described premises being a portion of the premises described in a certain deed dated May 15, 1943 from Hedwick Brown Machemer Brackett to the party of the first part herein, which said deed is recorded in the office of the Clerk of the County of Orange on July 1, 1943 in Book 904 of Deeds at page 436.

Party of the first part conveys all right, title and interest, if any, in and to any streets and roads abutting the above described premises.

perches be the same more or less

Also all that certain other lot of land situate in said town of Hanover and bounded as follows (Beginning at an iron (Rod) and stones set in an corner of Louis Dreher land and in the line of Daniel Bernis land and runs thence (1) South five degrees west two chains to an iron and stones in the line of said Hyatt's lands thence (2) nearly south degrees west nine chains and forty links to a pile of stones in the line of John S Lines thence North fifty degrees East nine chains to an iron and stones in the line of said Louis Dreher thence South fifty eight degrees East seven chains and twenty five links to the place of beginning containing seven and one half acres be the same more or less

Excepting and reserving to the grantor and assigns of grantor herein the privilege of fencing and pasturing this land lot and also the privilege of communication and ways of the wooden lot land out on the South side of said tract formerly owned by Henry Steiner deceased in also granted to the said party of the second part their heirs and assigns forever

To have and to hold all and singular the premises above mentioned and described and hereby conveyed unto the said party of the second part their heirs and assigns forever. In Witness Whereof the said party of the first part hereunto as aforesaid hath hereunto set his hand and seal the day and year first above written

Sealed and delivered in presence of — John E Howell (Seal)
Jesse S Mains — Bogue
State of New York } ss
County of Orange } On this thirteenth day of November in the year one thousand eight hundred and seventy four before me the subscriber personally came John E Howell to me known to be the person described in and who executed the within instrument and acknowledged that he executed the same

Jesse S Mains Notary Public
L 261 P 404
Filed
To Jesse Mains Entered November 14th 1874 at 7 o'clock
W Kelly Clerk

This Indenture made the second day of May in the year

R 11/14/1876

representatives, successors, assigns and lessees of the undersigned and of said corporations respectively.

Signed, sealed and delivered on Aug. 13th, 1931. James Burte L. S.
In the presence of Cyril N. Sturrup Rose Burte L. S.

State of New York
County of Orange SS.

On this 18th day of August 1931 before me personally came Cyril N. Sturrup 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 City of Newburgh, that he is personally acquainted with James Burte & Rose Burte, and knows said persons to be the person described in and who executed the foregoing instrument; that he, the said subscribing witness, was present and saw the said persons execute the same and that they severally duly acknowledged to him, the said subscribing witness, that they executed the same and that he thereupon subscribed his name as witness thereto.

C. D. Ewing, Notary Public

Name of Project: Old Temple Hill Road.

1. In whose names does the title to the property actually rest?
James & Rose Burte

2. Is this the same name that is given in the document transferring the property or was the property acquired in the wife's maiden name or in some other name?....

3. Is Grantor married. Yes.

4. From whom was the particular piece of property affected by this grant obtained?
New Windsor School Board.

5. Was property acquired by deed, will, judgment or tax sale, or by descent.
Deed.

6. That is the approximate date when property was acquired? 1917

7. Will it be necessary to secure permission from others for this right of way (such as a mortgage holder) and if so, from whom and for what interest? No.
If the amount of the mortgage is less than 40% of the value of the land, a mortgage release will be unneccesary.

L 722
CP 281

A true record entered October 2, 1931 at 9 A. M.

E. T. Brewerton Clerk.

W. O. #5-463

In consideration of the sum of One dollar ($1.00) and other valuable considerations, the receipt whereof from Central Hudson Gas and Electric Corporation, and New York Telephone Company, is hereby acknowledged the undersigned hereby grants and conveys unto said corporations and either of them, their respective successors, assigns and lessees, an easement and right of way in, upon, over, under and across the lands of the undersigned including the roads and highways thereon and adjacent thereto, situate in the Town of New Windsor County of Orange, State of New York, Old Temple Hill Road.

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,

R

replace, protect and remove a line of poles including cables, wires, cross arms guys, braces, underground conduits and all other appurtenances or fixtures adapted to the present or future needs, uses and purposes of said corporations their respective successors, assigns and lessees.

Together with the right also to attach guy wires to trees on said property, and to trim, cut and remove trees and other objects thereon so as to provide a clearance of six feet from the property of said corporations.

Said easement and line shall extend from the property line of Windsor Highway, on the south to the property line of The Erie Railroad on the North & from property line to building.

The exact location of said easement and line to be as determined by said corporations having regard to the origin, general direction and destination of said line and the requirements of said corporations.

Provided, however, that this right of way shall be void and of no effect unless construction hereunder is commenced on the property covered hereby on or before one year from the date hereof.

The provisions hereof shall apply to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and of said corporations respectively.

Rose Bruckert L. S.
Residing at Vail Gate

Signed, sealed and delivered on Aug. 13th, 1931.

Hermine Bruckert L. S.
Residing at Vail Gate

In the presence of Cyril N. Sturrup

State of New York
County of Orange SS.

On this 13th day of August, 1931 before me personally came Cyril N. Sturrup 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 City of Newburgh, that he is personally acquainted with Rose Bruckert & Hermine Bruckert and knows said persons to be the persons described in and who executed the foregoing instrument; that he, the said subscribing witness, was present and say the said persons execute the same and that they severally duly acknowledged to him, the said subscribing witness, that they executed the same, and that he thereupon subscribed his name as witness thereto.

C. D. Ewing, Notary Public

Name of Project: Old Temple Hill Road

1. In whose names does the title to the property actually rest?
Rose & Hermine Bruckert

2. Is this the same name that is given in the document transferring the property or was the property acquired in the wife's maiden name or in some other name?.....

3. Is grantor married? Yes (Mrs. Hermine Bruckert)

4. From whom was the particular piece of property affected by this grant obtained?
Est. of Dr. Malone.

5. Was property acquired by deed, will, judgment or tax sale, or by descent?
Deed.

6. What is the approximate date when property was acquired? 1917

7. Will it be necessary to secure permission from others for this right of way (such as a mortgagee, lessee) & if so from whom & what interest in the property the mortgagee is less than 50% of the value of the property a release will be necessary

Signed, sealed and delivered on Sept. 28, 1931.

In the presence of Wilbur Krom — V. Brescia L. S.

Cyril J. Sutcliffe — Bain Brescia L. S.

State of New York — On this 29 day of Sept. 1931 before

County of Orange SS. — me personally came Wilbur Krom

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 City of Newburgh, that he is personally acquainted with V. Brescia & Bain Brescia and knows said persons to be the persons described in and who executed the foregoing instrument; that he, the said subscribing witness was present and saw the said persons execute the same and that they severally duly acknowledged to him, the said subscribing witness, that they executed the same, and that he thereupon subscribed his name as witness thereto.

Edw. F. Dillon, Notary Public

Name of Project? .....

1. In whose names does the title to the property actually rest? V. Brescia

2. Is this the same name that is given in the document transferring the property or was the property acquired in the wife's maiden name or in some other name? No.

3. Is grantor married? Yes.

4. From whom was the particular piece of property affected by this grant obtained? Bought.

5. Was property acquired by deed, will, judgment or tax sale, or by descent? Deed.

6. What is the approximate date when property was acquired? 1914.

7. Will it be necessary to secure permission from others for this right of way (such as a mortgage holder) and if so, from whom and for what interest? No.

If the amount of the mortgage is less than 40% of the value of the land a mortgage release will be unnecessary.

A true record entered October 27, 1931 at 9 A. M.

723
CP213

Clerk.

W. O. #5-11-16 -158 — In consideration of the sum of One dollar ($1.00) and other valuable considerations, the receipt whereof from Central Hudson Gas and Electric Corporation, and New York Telephone Company is hereby acknowledged, the undersigned hereby grants and conveys unto said corporations and either of them, their respective successors, assigns and lessees, an easement and right of way, in, upon, over, under and across the lands of the undersigned including the roads and highways thereon and adjacent thereto, situate in the Town of New Windsor County of Orange, State of New York, Vails Gate junction Road.

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, protect and remove a line of poles including cables, wires, cross arms, guys, braces, underground conduits and all other appurtenances or fixtures adapted to the present or future needs, uses and purposes of said corporations their respective successors assigns and lessees.

Together with the right also to attach guy wires to trees on said

property, and to trim, cut, and remove trees and other objects thereon so as to provide a clearance of six feet from the property of said corporations.

Said easement and line shall extend from the property line of Windsor Highway, on the East to the property line of The Erie Railroad on the West.

The exact location of said easement and line to be as determined by said corporations having regard to the origin, general direction and destination of said line and the requirements of said corporations.

Provided, however, that this right of way shall be void and of no effect unless construction hereunder is commenced on the property covered hereby on or before one year from the date hereof.

The provisions hereof shall apply to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and of said corporations respectively.

Rose Bruckert L. S.
Residing at Vail Gate

Signed, sealed and delivered on Sept. 2nd, 1931.

Hermine Bruckert L. S.
Residing at Vail Gate

In the presence of Cyril N. Sturrup

State of New York
County of Orange SS.

On this 2nd day of Sept. 1931 before me personally came Cyril N. Sturrup 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 City of Newburgh that he is personally acquainted with Rose & Hermine Bruckert and knows said persons to be the persons described in and who executed the foregoing instrument; that he, the said subscribing witness, was present and saw the said persons execute the same and that they severally duly acknowledged to him, the said subscribing witness, that they executed the same and that he thereupon subscribed his name as witness thereto.

C. D. Ewing, Notary Public

Name of Project Vails Gate Junction Road

1. In whose names does the title to the property actually rest?
Rose Bruckert & Hermine Bruckert
2. Is this the same name that is given in the document transferring the property or was the property acquired in the wife's maiden name or in some other name? ...
~~2. Is this the same name that is given in the document transferring the property or was the property acquired in the wife's maiden name or in some other name?~~..
3. Is grantor married? Yes (Mrs. Hermine Bruckert)
4. From whom was the particular piece of property affected by this grant obtained? Est. of Dr. Malone.
5. Was property acquired by deed, will, judgment or tax sale, or by descent? Deed.
6. What is the approximate date when property was acquired? 1917.
7. Will it be necessary to secure permission from others for this right of way (such as a mortgage holder) and if so, from whom and for what interest? No.
If the amount of the mortgage is less than 40% of the value of the land, a mortgage release will be unnecessary.

A true record entered October 27, 1931 at 9 A. M.

Clerk.

the lands of said Kikana in a northerly direction one hundred fifty (150) feet; thence in an Easterly direction about Six hundred seventy five (675) feet to the Montgomery Road; thence in a Southerly direction one hundred fifty (150) feet along said Montgomery road to place of Beginning. Containing two and one third (2 1/3) acres of land be the same more or less.

Being a part of the land conveyed by Louisa Gillespie to Thomas Eade by deed dated May 2nd, 1918 and recorded in the Orange County Clerk's office on May 4th, 1918 in Book 580 at page 275.

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 parties of the second part, their heirs and assigns forever. And said Thomas Eade covenant as follows: First. That said Thomas Eade, is seized of said premises in fee simple, and has good right to convey the same; Second. That the parties of the second part shall quietly enjoy the said premises; Third. That the said premises are free from incumbrances; Fourth. That the party of the first part will execute or procure any further necessary assurance of the title to said premises; Fifth. That said Thomas Eade will forever warrant the title to said premises. In Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

In presence of Hassie A. Tillson — Thomas Eade L. S.

State of New York
County of Orange
State of New York SS.

On this 19th day of March, nineteen hundred and twenty nine, before me, the subscriber personally appeared Thomas Eade to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.

Hassie A. Tillson, Notary Public, Orange Co. N. Y.

L 695
CP 7

A true record entered March 20, 1929 at 9 A. M.

Clerk.

NE 3021

In consideration of the sum of $1.00 paid to the undersigned by Central Hudson Gas & Electric Corporation, the receipt whereof is hereby acknowledged, the undersigned hereby grants and conveys unto said corporation, its successors and assigns, in perpetuity, an easement and right of way ... feet in width throughout its extent, in, upon, over and across the lands of the undersigned, including roads thereon and adjacent thereto, situated in the Town of New Windsor, County of Orange State of New York, the exact location thereof to be selected by said corporation after its final surveys have been made.

To erect guy wire on pole in front of said property on highway.

Together with the right at all times to enter thereon and to have access thereto and to construct, operate and maintain thereon and to repair, replace, protect and remove, lines of poles, towers, cables, cross arms, guys, braces and all other appurtenances or fixtures adapted to the present and future needs, uses and purposes of said corporation, its successors, assigns and lessees.

Together with the right also to trim, cut and remove at any time such

R 3/2012

trees and other objections thereon and on adjacent property of the undersigned as in the judgment of said corporation, its successors, assigns and lessees, may interfere with, obstruct or endanger the construction, operation or maintenance of said rights, lines and fixtures or any thereof.

Reserving unto the undersigned the right to cultivate the ground between between said poles and towers 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 damage to the property owned by the undersigned caused solely by said corporation, its successors, assigns or lessees, in maintaining or repairing said lines shall be adjusted at the expense of said corporation, its successors, assigns or lessees.

The undersigned agrees to accept in full payment and satisfaction for the easement, right of way and all the rights granted as aforesaid, the further sum of $... which shall be paid or tendered by said corporation before the construction of said lines is begun, and in any event not later than ... 192.. in default of which said payment or tender, this agreement shall without further act on the part of either the undersigned or of the corporation, become in all respects void and of no effect.

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

Rose Bruckert L. S.
Residing at Vails Gate

Signed, sealed and delivered on Jan. 22nd 1929

Hermine Bruckert L. S.
Residing at ...

In the presence of William A. R. Meisler

State of New York

County of Orange SS.

On this 31st day of January, 1929 before me personally William A. Meisler, 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 City of Newburgh, that he is personally acquainted with Rose & Hermine Bruckert and knows said persons to be the persons described in and who executed the foregoing instrument; that he, the said subscribing witness was present and say the said persons execute the same and that they severally duly acknowledged to him the said subscribing witness that they executed the same and that he thereupon subscribed his name as witness thereto.

C. D. Ewing, Notary Public, Orange Co.

A true record entered March 20, 1929 at 11:30 A. M.

Clerk.

In consideration of the sum of $1.00 paid to the undersigned by Central Hudson Gas and Electric Corporation, a corporation of the State of New York, and having its principal office at 50 Market Street, Poughkeepsie, State of New York, and New York Telephone Company, a corporation of the States of New York & New Jersey, and having its principal office at 15 Dey Street, N. Y. C. in the State of New York and at 281 Washington St., Newark, in the State of New Jersey the receipt of which is hereby acknowledged, the undersigned hereby grants unto

NE 3284

Utility

C1014
CP 583
R 8/2/54

In consideration of the sum of $ _____ (01) dollar and other valuable considerations, the receipt whereof from Central Hudson Gas & Electric Corporation, a duly [illegible] corporation having its principal office [illegible] at [illegible] hereinafter, hereinafter, hereby acknowledged, the undersigned hereby grants unto said corporation, its successors and assigns, an easement and right of way _____ feet in width throughout its extent, in, upon, over, under and across the lands of the undersigned, including roads and driveways thereon and adjacent thereto, situated in the _____ of _____, County of _____, State of New York.

In said easement Grantor shall maintain clear the [illegible] line of _____ _____ _____ on the _____ side of _____ _____ _____ parallel to the property line of _____ _____ _____ more definitely described as

[illegible] the right of all ingress and egress [illegible] and to construct, reconstruct, operate and maintain thereon and to repair, [illegible] protect and remove lines of poles, towers, cables, conduits, lifts, [illegible] underground conduits, and all other appurtenances and fixtures [illegible] and purposes of said corporation, its successors and assigns [illegible]

Together with the right also to trim, cut and remove at any time, by any appropriate means, (including chemicals, provided that the use of chemicals does not interfere with the rights of the party of the first part to cultivate his ground as hereinafter set forth) such trees and other objects thereon and on adjacent property as the party of the first part, or in the judgment of the party of the second part, its successors, assigns and licensees, may interfere with, obstruct, or endanger the construction, operation or maintenance of said rights, lines and fixtures or any thereof.

Reserving unto the undersigned the right to cultivate the ground between said poles and/or towers 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 houses or other structures shall be erected within the limits of the right of way without the written consent of said corporation; and provided that damage to the property owned by the undersigned caused solely by said corporation, its successors, assigns or lessees, in maintaining or repairing said lines shall be adjusted at the expense of said corporation, its successors, assigns or lessees.

The true meaning hereof shall inure to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and said corporation respectively.

Signed, sealed and delivered in presence of:

[illegible] (Seal)
[illegible] (Seal)
[illegible] (Seal)
[illegible] (Seal)

[illegible]
Number Street
[illegible]
Town City or Village County State
* If no street number give "(none)"

INDIVIDUAL ACKNOWLEDGMENT.
State of New York
County of Orange

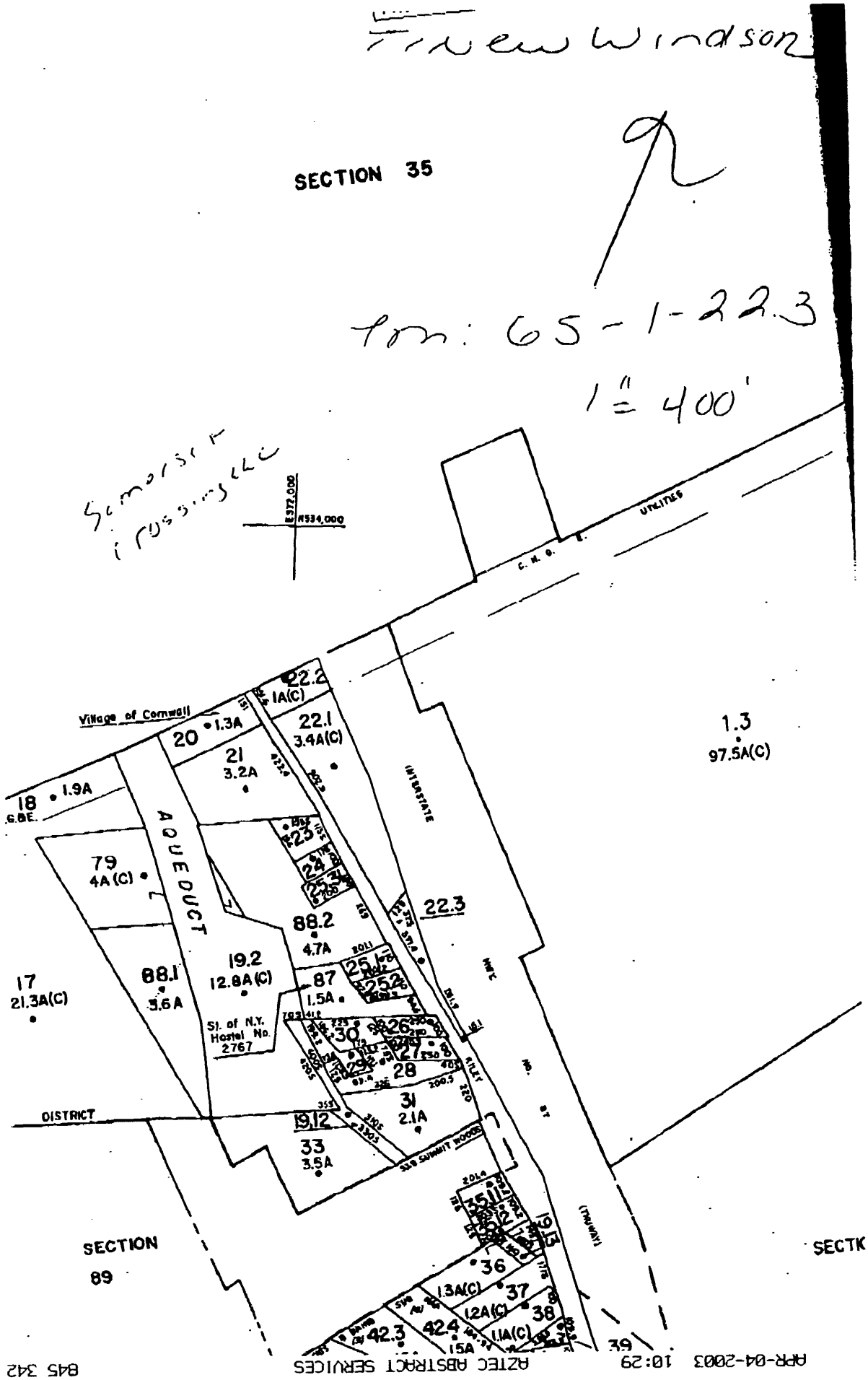
On this [illegible] before me, the subscriber personally appeared [illegible] to me personally known and known to me to be the individual described in and who executed the foregoing instrument and [illegible] duly acknowledged to me that [illegible] executed the same.

[illegible]
Notary Public

A true copy entered August 2nd, [illegible] P.M.
[illegible] Clerk

U. Filling

L 1347
CP 351
R 8/16/56


SECTION 35
Tax: 65-1-22.3
1" = 400'
Summit Ridge LLC
E372,000
N534,000
C. N. O.
UTILITIES
Village of Cornwall
1.3
97.5A(C)
22.2
1A(C)
22.1
3.4A(C)
20
1.3A
21
3.2A
18
1.9A
G.B.E.
AQUEDUCT
INTERSTATE
79
4A(C)
22.3
88.2
4.7A
19.2
12.8A(C)
88.1
5.6A
87
1.5A
17
21.3A(C)
St. of N.Y.
Hostel No.
2767
28
31
2.1A
DISTRICT
19.12
33
3.5A
SUMMIT WOODS
SECTION
89
36
1.3A(C)
37
1.2A(C)
38
1.1A(C)
42.3
42.4
1.5A
39
SECTK

ZIMMERMAN
ENGINEERING & SURVEYING, P.C.

148 Route 17M • Harriman, NY 10926 Tel: 845-782-7976 • Fax: 845- 782 3148

GERALD ZIMMERMAN P.E., L.S
ROY OPPEWALL, P.E.
EMAIL: zimeng@frontiernet.net

March 06, 2003

Town of New Windsor
Zoning Board of Appeals

Re: Survey & Plot Plan For Maken Homes
Variance Application
Tax Map No. S.65 – B.1 – L.22.3
Our Job No. 23003

Dear Board Members,

This letter is to address your concerns regarding the existing and proposed drainage pattern for the proposed site development on the above referenced project.

An examination of the available mapping on the above site shows that the existing drainage presently flows into and across the site from Riley Road in a southeasterly direction onto lands of the New York State Thruway Authority ultimately ending up in the Thruway drainage system.

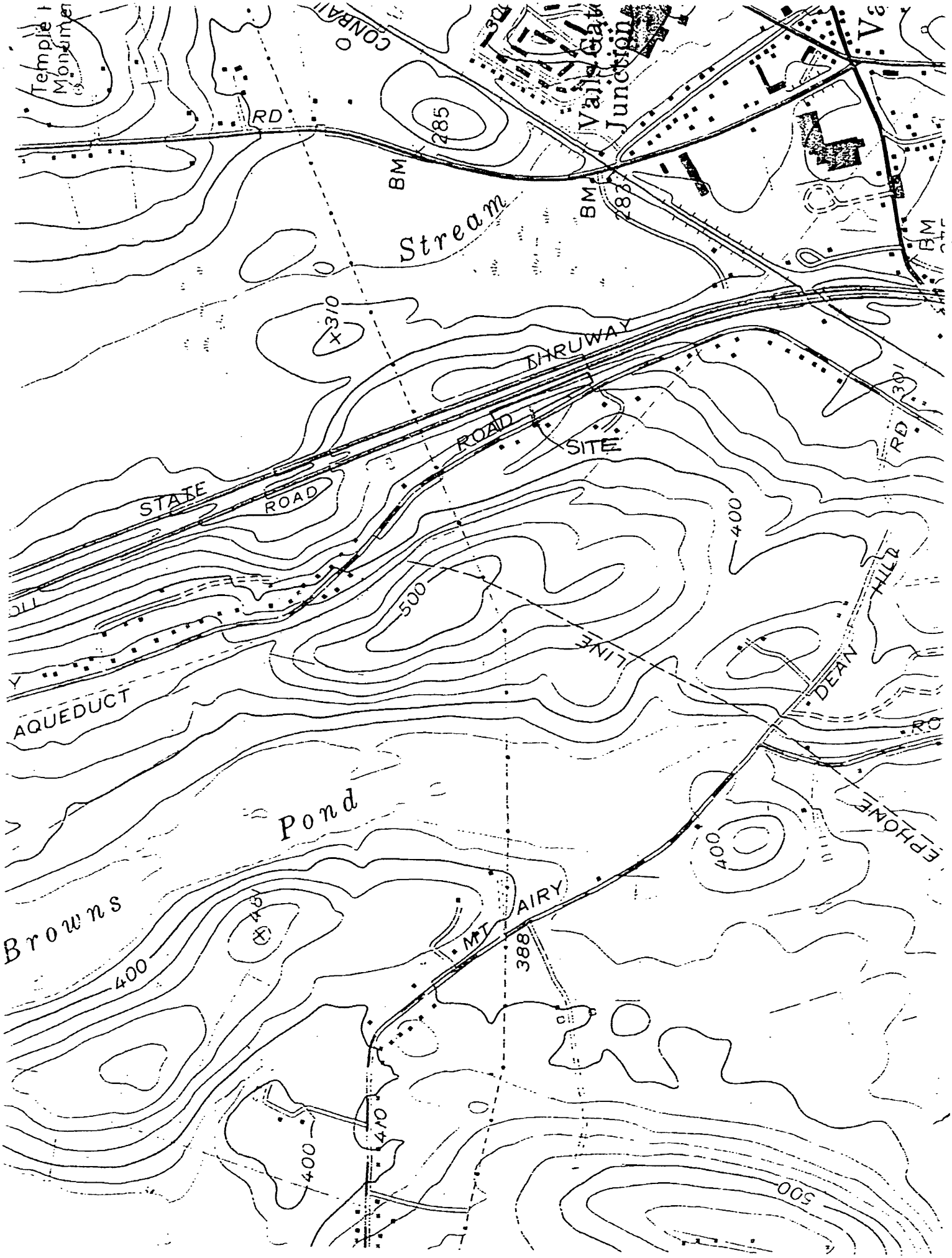
The proposed development of this site does not seek to alter the existing drainage flow across the property. The project proposes roof / footing drains that discharge toward the southerly end of the site as well as a swale to catch and divert surface drainage from the developed area of the site toward its natural exit at the southerly end of the property.

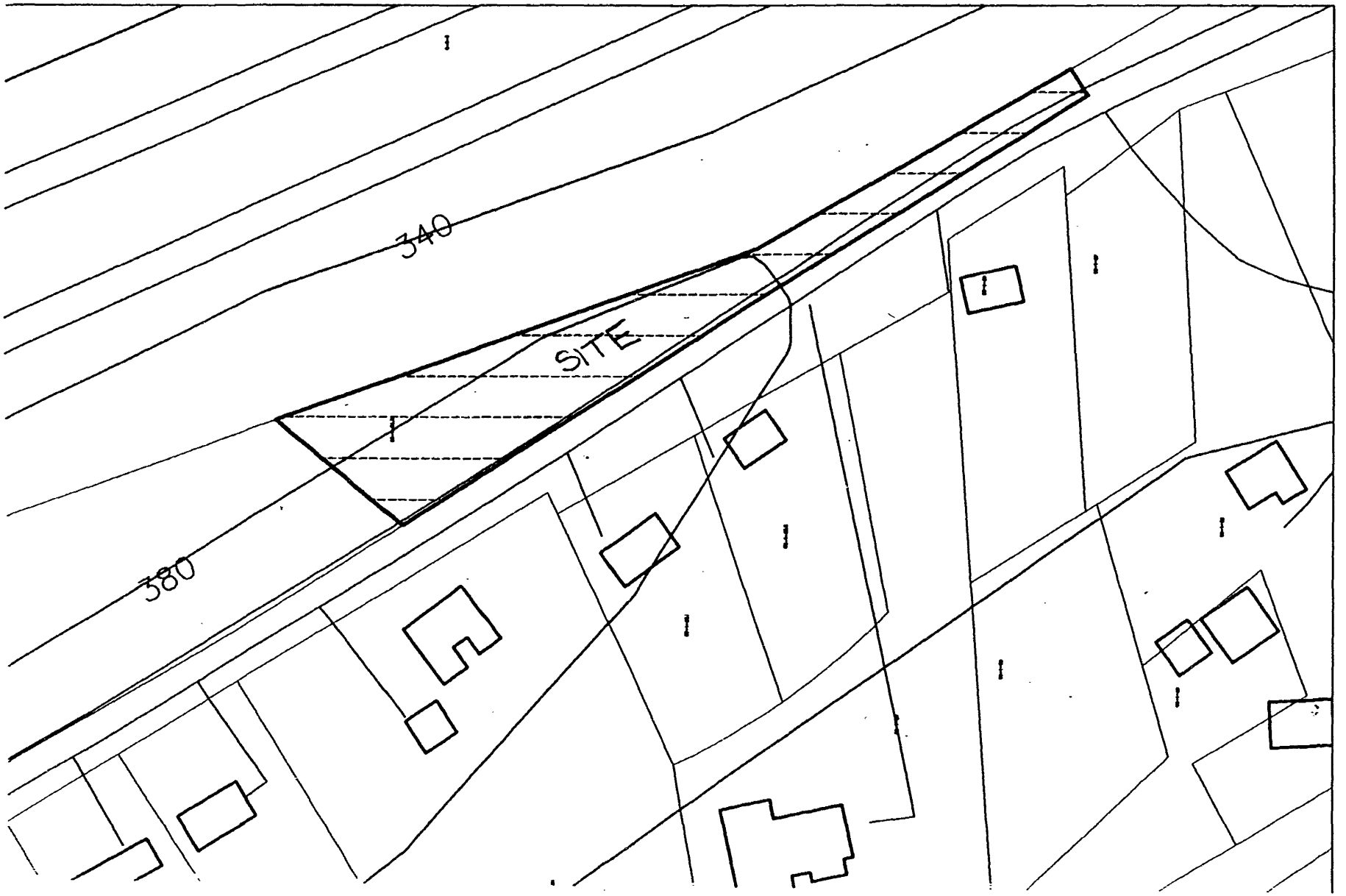
Please find attached copies of U.S.G.S. mapping, Cornwall Quadrangle and Orange County Water Authority Mapping Derived from U.S.G.S. mapping.

Very truly yours,

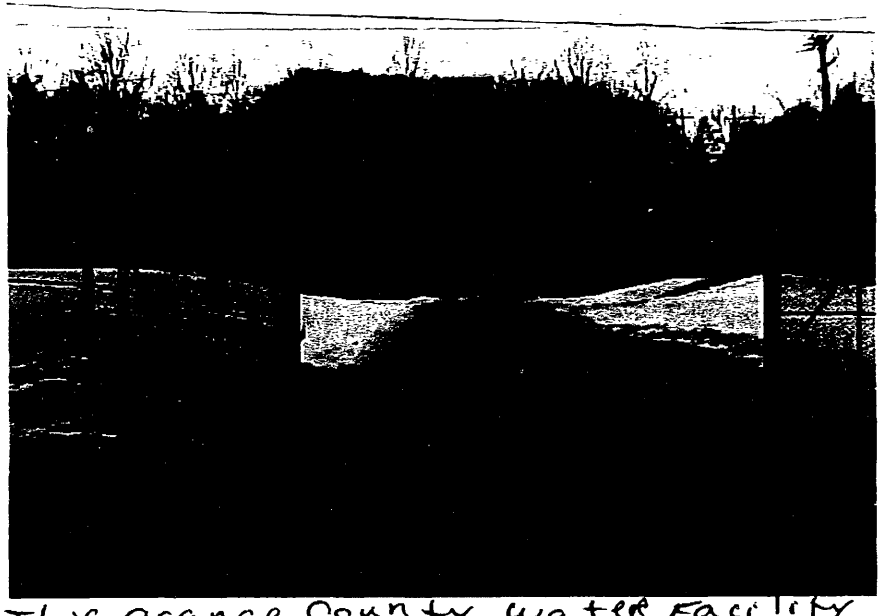
Gerald Zimmerman, P.E., L.S.

G:\Land Projects 3\2303\RESPONSE\030603.doc


Temple
Monument
CONRAIL
RD
285
BM
Valley Gate
Junction
BM
283
Stream
310
THRUWAY
ROAD
SITE
STATE
ROAD
400
500
LINE
DEAN
HILL
AQUEDUCT
Pond
Browns
400
MT
AIRY
388
400
410
400
500
TELEPHONE


340
SITE
380

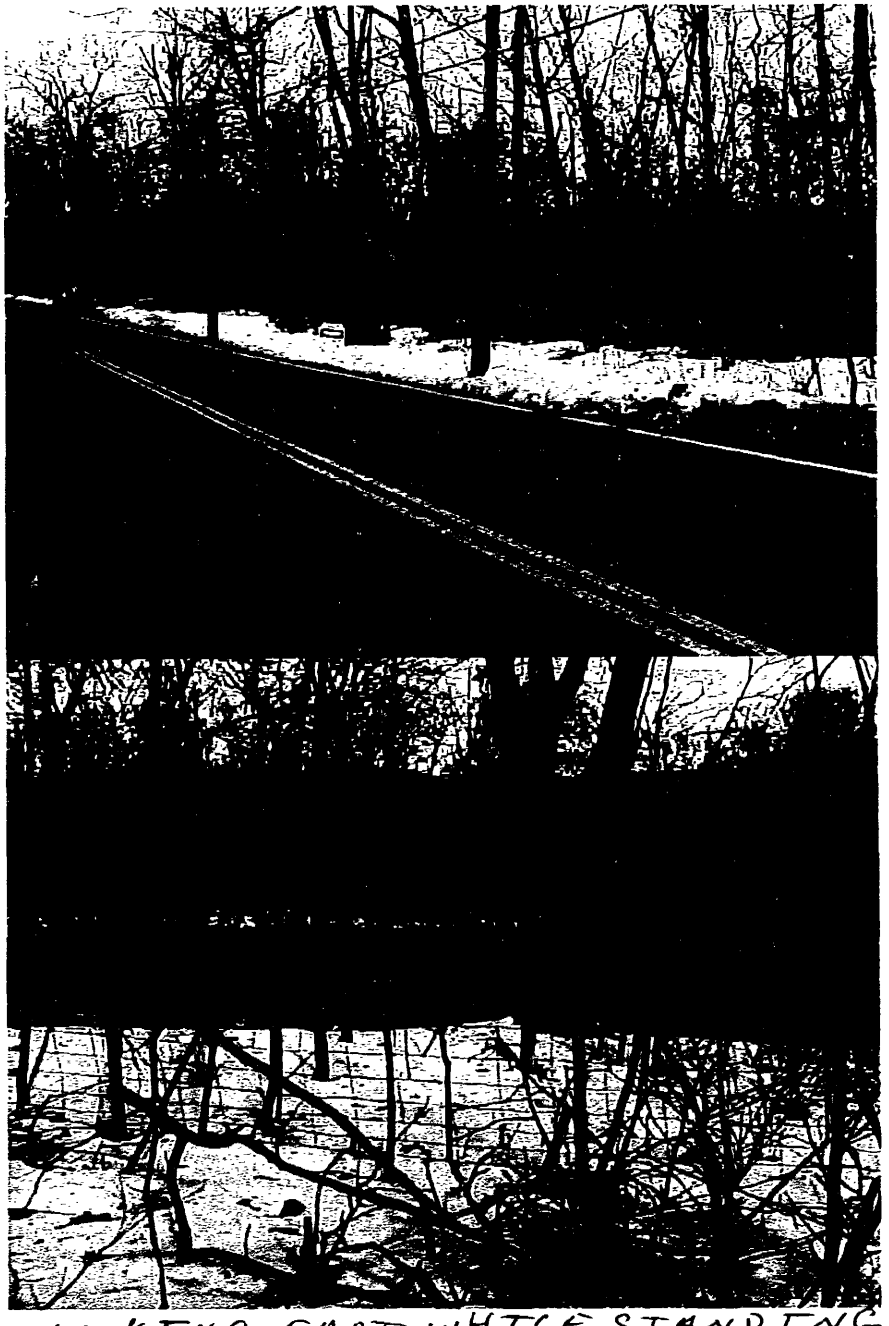
ACROSS STREET FROM subject PROPERTY (West)



This Orange County water facility is approximately 1/4 mile Northwest of Subject property

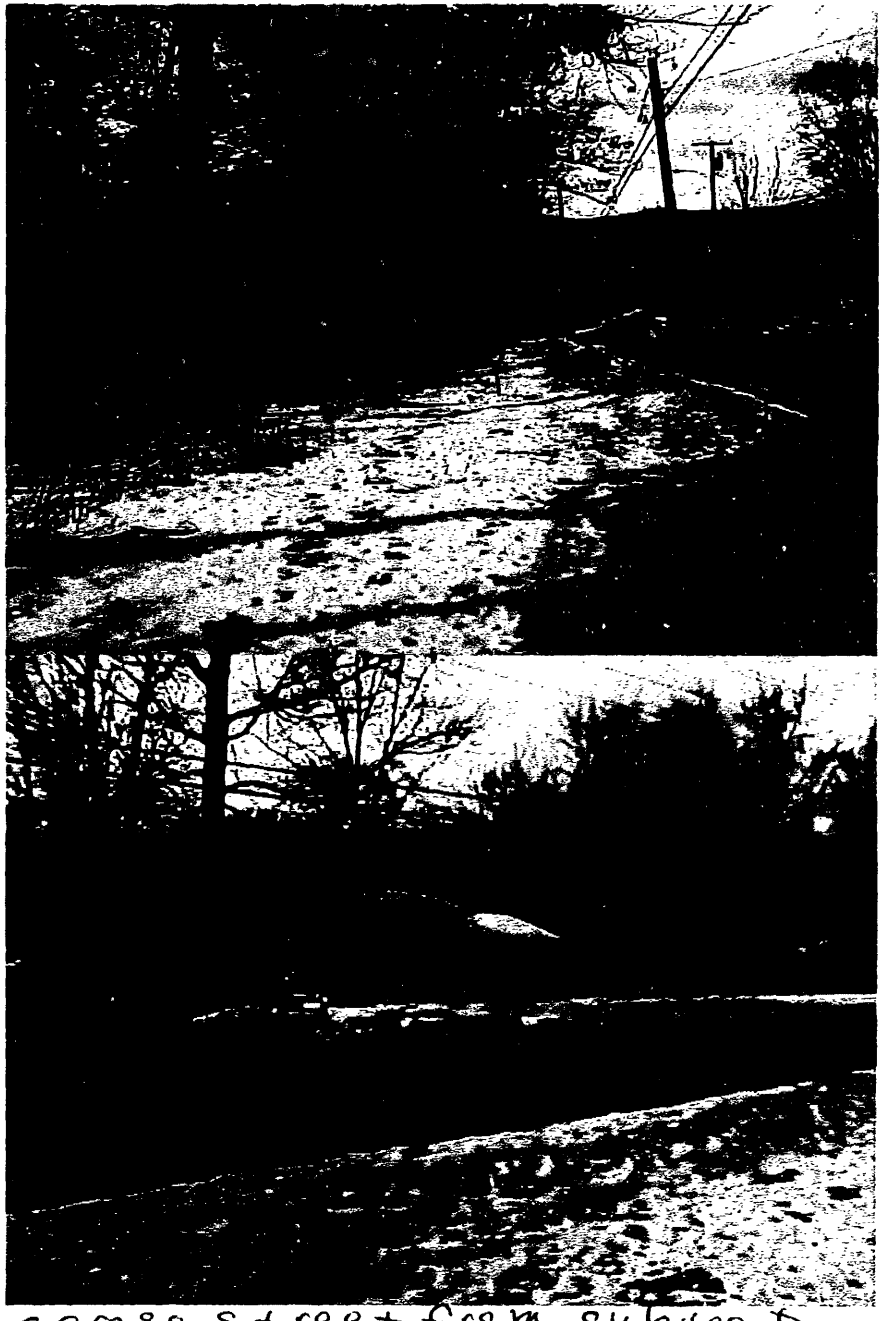
RILEY ROAD

North and ADJACENT TO SUBJECT PROPERTY



LOOKING EAST WHILE STANDING ON SUBJECT PROPERTY — AT NEW YORK STATE THRUWAY

Looking at the subject Property from North to South



across street from subject property (west)

Looking at the subject property from Riley Road

across street from subject property

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615

MEMORANDUM

TO: LARRY REIS, COMPTROLLER

FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD

DATE: AUGUST 12, 2003

SUBJECT: ESCROW REFUND - 03-09 - MAKAN

PLEASE ISSUE A CHECK IN THE AMOUNT OF $ 153.50 TO CLOSE OUT ESCROW FOR:

ZBA FILE #03-09

NAME: MAKAN HOMES

ADDRESS: P.O. BOX 979

HARRIMAN, NY 10926

THANK YOU,

MYRA

L.R. 8-12-03

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

August 12, 2003

Makan Land Development
P.O. Box 979
Harriman, NY 10926

SUBJECT: REQUEST FOR VARIANCE #03-09

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 65-1-22.3

----------x

In the Matter of the Application of

MAKAN LAND DEVELOPMENT

MEMORANDUM OF DECISION GRANTING

AREA

CASE #**03-09**

----------x

WHEREAS, Makan Land Development, owners of 200 Riley Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 51,543 square foot minimum lot area; and a 16 foot rear yard setback to construct a single-family home in an R-3 zone and;

WHEREAS, a public hearing was held on the 28th day of April 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Mr. Sean Purdy, representing the Applicant appeared on behalf of this Application; and

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

WHEREAS, no one 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 published in The Sentinel, also as required by law.

2. The Evidence presented by the Applicant showed that:

   (a) The property is a residential property located in a neighborhood of residential properties.

   (b) The property consists of a vacant lot, served by municipal water and sewer, which lot is located adjacent to the New York State Thruway and which is a peculiarly configured lot.

(c) The property has been so configured since construction of the Thruway in 1954 or 1955.

(d) The applicant seeks a variance in order to construct a house of approximately 2,600 square feet, which house is commonly known as a two-story colonial.

(e) While the lot does not conform to the requirements of the current zoning code, that zoning code was recently amended and the lot would have conformed under the prior zoning code.

(f) The proposed sturcture is consistent with the existing character of the neighborhood.

(g) Construction of a house on the lot would not change the drainage from the lot.

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 variances 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 variances requested are substantial in relation to the Town regulations but nevertheless are warranted.

4. The requested variances 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 variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances 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 variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 51,543 square foot minimum lot area; and a 16 foot rear yard setback to construct a single-family home 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: July 8, 2003

Michael S. Kane

Chairman

RESULTS OF Z.B.A. MEETING OF: April 28, 2003

PROJECT: Makan Homes **ZBA #** 03-09
P.B.#

USE VARIANCE: **NEED: EAF** ____ **PROXY** ____

LEAD AGENCY: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
REIS ____
KANE ____
TORLEY ____

NEGATIVE DEC: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
REIS ____
KANE ____
TORLEY ____

PUBLIC HEARING: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
REIS ____
KANE ____
TORLEY ____

APPROVED: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
REIS ____
KANE ____
TORLEY ____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____
REIS ____ CARRIED: Y____ N____
KANE ____
TORLEY ____

PUBLIC HEARING: **STATEMENT OF MAILING READ INTO MINUTES** ✓

VARIANCE APPROVED: M) R S) M VOTE: A 3 N 1.

RIVERA A
MC DONALD A
REIS A
~~KANE~~
TORLEY N

CARRIED: Y ✓ N____.

To move the house 5' off the front yard

Variance to be amended
16' Rear
51,543 Area

MAKAN HOMES (03-09)

MR. TORLEY: Request for 51,543 sq. ft. minimum lot area, 5 ft. front yard setback and 10 ft. 6 inch rear yard setback to construct a single-family house in an R-3 zone at 200 Riley Road.

Mr. Sean Purdy appeared before the board for this proposal.

MR. PURDY: Good evening members of the board. Sean Purdy, I'm an employee of Makan Home Developers and I have a copy of what I'm going to say.

MR. TORLEY: So the issue is this is a non-conforming lot pre-existing zoning?

MR. PURDY: That's correct.

MR. REIS: Mike, town water and town sewer in this location?

MR. BACOCK: Yes. Is the elevation going to be high enough for sewer?

MR. PURDY: It will be high enough according to the engineer. Also, in that packet, if you have the same packet, drainage study from the engineer also indicating the flow is to remain the same towards the Thruway outfall.

MR. MC DONALD: Question. I'm trying, in relation to the crash gate that they have for vehicles entering the Thruway, where is this lot located?

MR. BABCOCK: It's on the north towards 207, it's the next available lot from the crash gate, the crash gate, Riley Road comes right out to the Thruway and that's this pipe, point of the lot where it goes to the crash gates a ways down the road.

MR. MC DONALD: I'm just trying to see where it's at, that's the only reference point that I could think of.

MR. TORLEY: So you have a pre-existing, non-conforming

lot?

MR. PURDY: Correct.

MR. TORLEY: That--

MR. PURDY: The board had requested some information. Should I highlight that for anybody?

MR. TORLEY: It's up to the board, if they have any questions after looking at the document packet. Do you guys have any questions?

MR. PURDY: We included in the packet information from the assessor's office, the assessor's office did not have any information which preceded 1965 which included a title report which shows evidence of the property and there's a typo in the letter which shows evidence of the property in 1965 and 1956, 1931, 1929 and it goes back reference to about 1876.

MR. TORLEY: But the present constraints of this property, Thruway was put in in what, '54, '55 up here?

MR. PURDY: It would be around that time and we have also submitted an engineering report with respect to drainage which is another item which the board had requested. And it indicates there would be no change in the drainage flow, the drainage would continue running down towards the Thruway drainage system, which is naturally and currently where it is at present.

MR. REIS: Mike, would it be any less of an encumbrance to place the proposed dwelling back and have them require a rear yard variance rather than a front yard variance to be more consistent with the neighborhood?

MR. PURDY: There's also a rear yard setback.

MR. BABCOCK: It's a rear yard also.

MR. TORLEY: The permitted building lines don't allow any kind of a house here really.

MR. REIS: Oh, yes, I'm sorry.

MR. PURDY: The proposed dwelling which I have a plan for is 2,600 square feet approximately. I don't know if anybody wants to see what that looks like.

MR. TORLEY: Two story colonial?

MR. PURDY: Want to see it? No problem. Yes, to answer your question.

MR. TORLEY: And that house is going to border on the Thruway?

MR. MC DONALD: Why is it going there? That's my question.

MR. TORLEY: Given the fact that this house requires setback encroaching on the required back yard that borders the Thruway, do we have any special notification requirements for that?

MR. BABCOCK: They had to be within the letters that were sent out.

MR. TORLEY: But there used to be special requirements for government owned properties.

MR. BABCOCK: The only thing that you may be talking about, Mr. Chairman, is Orange County Planning Board which is not, I don't know, that went away quite a few years ago.

MR. KRIEGER: They have pretty much written themselves out of it, they don't want to hear about it.

MR. TORLEY: I thought with the State Thruway we'd have something. This certainly is a uniquely shaped lot.

MR. PURDY: It certainly is.

MR. MC DONALD: To say the least.

MR. TORLEY: But it's so far below the present zoning.

MR. PURDY: It's under the acreage for SEQRA.

MR. TORLEY: What I was thinking of we had another one some years back where we had the lot adjoined set aside for the water canal.

MR. BABCOCK: That's a little bit different, they get more involved with the lot, water and the aqueduct and they were notified like any adjoining neighbors and then and the State of New York was notified and they have not chose to say anything, the aqueduct people at that time had come in and said that they wanted the people to repair their fence.

MR. TORLEY: Yeah.

MR. REIS: Could this lot have been in conformity prior to the new zoning, Mike?

MR. TORLEY: It's 28,000 square feet, the old zoning was one acre, as I recall.

MR. BABCOCK: Well, the water just went down Riley Road, partially went down Riley Road, I don't know where the sewer line, I think the sewer line was always there.

MR. MC DONALD: Yeah, it's been there for a while.

MR. BABCOCK: With water and sewer, my answer would be yes, if the water came after the zoning change, then it would not have met the zoning.

MR. REIS: Thank you.

MR. TORLEY: Yeah, Mike, you're asking if we can ask them to move the house site to some other point in the land?

MR. REIS: Yeah, I don't see that that's possible.

MR. TORLEY: Well, we have the, as a board, we can decide to grant such variances we deem proper and you could say that we're only going to grant him, we, wouldn't grant him a front yard variance cause we

wanted the house sited further back, that's within our purview. I don't see a topo on this, I don't know whether it's physically possible to site the house a little more to the, I guess it would be east, southeast maybe.

MR. BACOCK: Well, I can tell you that the Thruway at this point is much lower than Riley Road so the dropoff, I don't know how far it goes before it drops off. So the farther he goes back, the lower the house would be also.

MR. PURDY: Yeah, I submitted photographs the first time I was here.

MR. TORLEY: I can't tell really where the slope breaks but that's, again, no matter where you put the house on the property, it would fail one or the other of the setbacks. There's the alternative, you have a quote pre-existing, a lot that pre-exists zoning, but it may be so oddly shaped and so badly sited it really isn't practical to build on it.

MR. PURDY: That's an interesting argument.

MR. TORLEY: Does this have, your question is would this proposed structure, would it change the nature of the neighborhood?

MR. PURDY: No, it doesn't.

MR. TORLEY: You're asserting it would not change any drainage?

MR. PURDY: According to the engineer's report. The surrounding neighborhood is single family residential, about a half mile up the road, there's an Orange County water facility.

MR. REIS: Your immediate neighbor to the north, is that an existing dwelling there?

MR. PURDY: It's a vacant lot, across the street is single family.

MR. TORLEY: So this lot indicated, that's what we're talking about you say it's a vacant piece of property?

MR. PURDY: Yes.

MR. TORLEY: Well, you could certainly offer to purchase or combine those two lots, therefore have a perfectly suitable piece of property that would not require variances.

MR. PURDY: If the owner so chooses, yes.

MR. TORLEY: Have your, the people you represent or the owner of this other lot, have they discussed possible purchase with those people?

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

MR. TORLEY: You've got a really weird substandard shaped lot next to it, if it was added to the lot next to it, you could site a house on there without any side yard setback variances, anything at all and it will become much closer to what the Town Board has deemed to be proper size lots for that area.

MR. PURDY: I understand, Mr. Chairman, however, at this point, the people that I work for are not looking to buy that lot and the only thing that I can present to the board is the lot that we own.

MR. BABCOCK: Mr. Chairman, this map, the survey map that they have presented to us from Zimmerman Engineering shows that these are possibly three different lots to the north of his, according to my tax map they're not, so I'm not sure if he picked up some information that was older or what but lot 22.1 is a 3.4 acre lot so I'm not sure what those lines are doing there.

MR. PURDY: Which lines are those?

MR. BABCOCK: It's showing 65-1-22.1 shows a small lot.

MR. PURDY: What he did is compressed it to fit it on to the plot plan, you see the--

MR. TORLEY: I see a notch there. Although these two properties could be combined into a property that in each case would meet, you'd have two conforming lots by moving the lot line, one is 3.4 acres, yours is 3/4 of an acre, you can add them together and get two conforming lots.

MR. PURDY: It's possible, I don't have any authority there, Mr. Chairman.

MR. TORLEY: I'm asking if you pursued that possibility?

MR. PURDY: No.

MR. MC DONALD: That big a lot would be looking for a subdivision.

MR. TORLEY: Well, no, it's 2 acre zoning out there now so those two lots together would just about--

MR. BABCOCK: In this zone is one acre.

MR. TORLEY: Says 80,000 square feet.

MR. BABCOCK: I don't know where the line is but this, I'll have to check that, I think that's a typo.

MR. TORLEY: So it should be 40,000, not 80?

MR. BABCOCK: Yeah, I think so.

MR. TORLEY: That makes the requested variance even less then.

MR. BABCOCK: I think they may have picked the information off the survey and plot plan, says minimum lot area of 80,000.

MR. PURDY: Yeah, that's where we took the information from based on what the engineer represented.

MR. TORLEY: I don't recall where it goes from one to two acres out there.

MR. BABCOCK: No, the R-3 zone and R-2 zone split somewhere here, I'm pretty sure this is an R-3 zone which would be one acre lot.

MR. TORLEY: Says R-3 so instead of 51,000 square foot variance request, it's a 15,000.

MR. PURDY: That might be more palatable to the board.

MR. TORLEY: You're substantially less in the variance request.

MR. BABCOCK: Before I represent that as being true, I'd have to go to my office and verify that. You want me to do that?

MR. TORLEY: I think it might be helpful if you can do it, it makes a big difference 51,000 square foot variance to a 20,000. Mike, I'm somewhat troubled by the front yard variance, the front and the northern side yard variance, is there any way you can shift that, like I said, back a little further away from Riley Road a little further south of that other borderline really making you move to the south, southeast?

MR. PURDY: I believe that the house that this envelope has been placed on the plan in an effort to place the house in the widest section. If the board is looking the relocate that, I don't think that that's a difficult problem.

MR. TORLEY: Cause I personally I could live with more of a back yard variance when it's bordered on the Thruway anyway than the front yard variance on Riley Road.

MR. REIS: That's why I brought it up.

MR. TORLEY: It's a good point.

MR. PURDY: The front yard is 35 feet.

MR. TORLEY: If you can fit the front of the house on

the front yard setback.

MR. PURDY: Make the front yard conform.

MR. TORLEY: See the dashed triangle, yeah.

MR. PURDY: Okay, just to make sure we're discussing the same thing.

MR. TORLEY: Mike brought up the point if you move the house back so you need a, you need a requested front yard variance, move back a few feet, it increases the rear yard variance request but that's the Thruway, it's not one of our roads or to a potential neighbor over here, also means you meet the side yard variances.

MR. PURDY: Side yard is 15 we're already meeting that.

MR. TORLEY: Move it straight back to whatever.

MR. PURDY: 35 foot front yard. It would only cause a problem with the septic and well and there's no septic and well so--

MR. TORLEY: If we get to that stage, what would happen then I think is we'd grant an increased rear yard variance and refuse to grant a front yard variance.

MR. PURDY: Or I could just offer to amend the application.

MR. TORLEY: Withdraw the front yard variance request.

MR. PURDY: And increase the rear yard variance.

MR. TORLEY: I'm not sure how much that would do it because you've got the rear yard, you're offering 29.6 so it looks like it might be another like a 15 foot six inch rear yard variance then.

MR. PURDY: That would add five feet. You want me to wait to make that amendment till the building inspector returns?

MR. TORLEY: Yes, it's his input as to whether or not

it's there.

MR. BABCOCK: It's an R-3, 80,000 square foot.

MR. TORLEY: It's 80,000?

MR. BABCOCK: Yes.

MR. REIS: Mike, we were just discussing if the applicant would basically move the proposed dwelling back the same proportion towards the Thruway.

MR. TORLEY: So he'd meet the front yard setback.

MR. REIS: It would be less obtrusive.

MR. KRIEGER: Now the question is if he does that how much rear yard variance would be requested?

MR. BABCOCK: Well, if it's 30 feet, 30.1 feet, he's got to be 35 feet so he has to go back an extra five feet for the rear yard so the rear yard would be 15 feet six inches, 15.6 feet.

MR. KRIEGER: Would that be enough?

MR. TORLEY: My denial says ten feet point six inches.

MR. BABCOCK: This is a typo. No, it's 10.6 feet, forget the inches.

MR. TORLEY: So why don't we, I would suggest that you request a 16 foot, make sure we're a little--

MR. PURDY: So I would amend our application to remove the requirement for a front yard variance and increase the rear yard variance that we're requesting to 16 feet.

MR. TORLEY: Is there anyone in the public who wishes to speak on this hearing? Let the record show there is none.

MR. MC DONALD: If we go back to the 35 foot.

MR. PURDY: Yeah, the front yard would become 35 feet which is the normal setback.

MR. RIVERA: Did we get the number of notices sent out?

MR. PURDY: I'm also making the assumption, Mr. Chairman, that when I pull the building back, it won't alter negatively the side yard.

MR. BABCOCK: That's correct, it's going to help it.

MR. PURDY: I think it would increase it because of the angle of the northern property.

MS. MASON: On April 10, 16 addressed envelopes containing the public hearing notice were mailed out.

MR. REIS: Any responses?

MS. MASON: No.

MR. TORLEY: Mike, were this to be considered as our non-conforming, pre-existing substandard lot which is known as the Beaver Dam type lots, would this meet those criteria?

MR. BABCOCK: No, that's why he's here.

MR. TORLEY: So he would not even meet the criteria of that substandard size lot because--

MR. BABCOCK: Well, you have to meet them all, which is a 40 foot rear yard, 35 foot front yard, two of the ones, Mr. Chairman, I don't have that in front of me but he didn't meet some of the rules of the non-conforming lots, so therefore, he doesn't meet it, that's it, he goes to a regular lot.

MR. TORLEY: And my recollection, I'm sorry I neglected to bring my copy, my recollection is the following paragraph is a statement by the Town Board that it's their considered opinion that, I'm paraphrasing here obviously, that lots that do not meet those criteria are not compatible with an orderly growth of the community, that's a paraphrase, I believe of the spirit

of their statement. So to my mind, comes under the old legislative intent kind of statement.

MR. KRIEGER: It was a statement of legislative intent, I guess.

MR. REIS: I don't see this altering the community in any way, you've got the State highway behind you, it's a rural area, substandard lot, obviously, I'm personally not opposed to it.

MR. MC DONALD: Second it.

MR. TORLEY: Gentlemen, are you ready to entertain a motion?

MR. MC DONALD: Yes, I am.

MR. TORLEY: And sir, you're willing to, we're now amending the variance request so that we're not requesting, you're not requesting a front yard variance.

MR. PURDY: That's correct, Mr. Chairman.

MR. TORLEY: And you're requesting a, we said a 16 foot rear yard variance and we're still in the nature of requesting a 51,543 square foot area variance.

MR. BABCOCK: That's correct.

MR. PURDY: Yes, Mr. Chairman.

MR. TORLEY: If you have no other questions, I'll entertain a motion on it.

MR. REIS: I make a motion to meet those requirements.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MC DONALD	AYE

MR. TORLEY NO

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

April 22, 2003

Makan Land Developers
P.O. Box 979
Harriman, NY 10926

Attn: Sean Purdy

SUBJECT: ZBA APPEARANCE (PUBLIC HEARING)

Dear Mr. Purdy:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

200 Riley Road
New Windsor, NY

is scheduled for the April 28th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason

Myra Mason, Secretary
Zoning Board of Appeals

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

MAKAN LAND DEVELOPERS

AFFIDAVIT OF
SERVICE
BY MAIL

#03-09

_____ X

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

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 10TH day of **APRIL, 2003,** I compared the **16** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

11th day of April, 2003

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

Notary Public

PUBLIC HEARING NOTICE

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. 03-09

Request of MAKAN LAND DEVELOPMENT

for a VARIANCE of the Zoning Local Law to Permit:

51,543 SQ. FT MINIMUM LOT AREA
5 FT. REQUIRED FRONT YARD SETBACK
10 FT. 6 INCHES REQUIRED REAR YARD SETBACK

for property located at: 200 RILEY ROAD - N EW WINDSOR, NY

known and designated as tax map Section 65 Block 1 Lot 22.3

PUBLIC HEARING will take place on APRIL 28TH, 2003 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

Lawrence N. Torley

Chairman

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

March 7, 2003

Makan Land Development- One, LLC.
P.O. Box 979
Harriman, NY

Re: 65-1-22.3

Dear Sir:

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 $35.00, minus your deposit of $25.00.

Please remit the balance of $10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley

J. Todd Wiley
Sole Assessor

JTW/jjl
Attachments

CC: Myra Mason, ZBA

65-1-19.12
Irwin Bergknoff
Route 32
Highland Mills, NY 10930

65-1-12.2
NY City Dept of E P
C/o City of New York Dep. Bureau of
Water Supply- OWSL
465 Columbus Ave Suite 350
Valhalla, NY 10595

65-1-21
The Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

65-1-22.1
Khaja & Azara Fasihuddin & Abdul
Majeed Butt & Majeed Ilmas & Syeda
Ayesha Soofia
9 Davenport Terrace
West Nyack, NY 10960

65-1-23
Robert & Patricia Gamble
219 Riley Rd.
New Windsor, NY 12553

65-1-24
Carlos A. & Mercedes Giraldo
213 Riley Rd.
New Windsor, NY 12553

65-1-25.1
Michael & Patricia Robinson
193 Riley Rd.
New Windsor, NY 12553

65-1-25.2
Elizabeth A. Callahan
189 Riley Rd.
New Windsor, NY 12553

65-1-25.31
Walter W. & Margaret M. Hedden
209 Riley Rd.
New Windsor, NY 12553

65-1-26
Paul & Diana Esposito
183 Riley Rd.
New Windsor, NY 12553

65-1-27 & 65-1-28 & 65-1-31
Ruby Nemeth
P.O. Box 81
Vails Gate, NY 12584

65-1-29
Attila & Ruby Nemeth
Box 81
Vails Gate, NY 12584

65-1-30 & 65-2-1.3
County Of Orange
255-271 Main Street
Goshen, NY 10924

65-1-87
State of NY Office of Comptroller Bureau
of Financial Adm.
Attn: Colin Campbell
5th Floor A.E. Smith Bldg.
Albany, NY 12236

65-1-88.2
John & Genevieve McClellan
203 Riley Rd.
New Windsor, NY 12553

89-3-1
Frank A. & Karen L. Nappi
1001 Summit Woods
New Windsor, NY 12553

ECKED BY MYRA: OK

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: **02-25-2003** PROJECT NUMBER: ZBA# **03-09** P.B. # _____

APPLICANT NAME: **MAKAN LAND DEVELOPMENT-ONE, LLC.**

PERSON TO NOTIFY TO PICK UP LIST:

MAKAN HOMES (SEAN PURDY)
P.O. BOX 979
HARRIMAN, NY

TELEPHONE: **783-6878**

TAX MAP NUMBER: SEC. **65** BLOCK **1** LOT **22.3**
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: **200 RILEY ROAD**
NEW WINDSOR

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD **XX**

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT **XX**

❖ ❖

AMOUNT OF DEPOSIT: **$25.00** CHECK NUMBER: **1006**

TOTAL CHARGES: _____

PRELIMINARY MEETINGS:

MAKAN HOMES (03-09)

Mr. Sean D. Purdy, Project Manager of Makan Exports, Inc., appeared before the board for this proposal.

MR. TORLEY: Request for 51,543 sq. ft. minimum lot area, 5 ft. front yard setback and 10 ft. 6 inch rear yard setback to construct a single-family house in an R-3 zone at 200 Riley Road.

MR. PURDY: Good evening board members, Miss Mason, how are you doing this evening. The property was purchased in January by Makan Land Development. My name is Sean Purdy, I'm the project manager for Makan Land Development, the property was purchased at a tax sale from the County of Orange. The property is pre-existing, non-conforming, Makan Land Development has not taken any steps to alter the boundaries of the property, other than that which was purchased from the county. The dimensions that we have and I believe that you have a map in front of you you will see has a very long piece heading south and it widens out as it goes north, it abuts the New York State Thruway on the northerly side, Riley Road on the western side, I'm sorry, Thruway on the eastern side, Riley Road on the westerly. It's zoned residential, 80,000 square foot piece of property and you have the plan prepared by Gary Zimmerman which indicates where the building envelope of the house could be provided that the zoning board favorably made a determination to grant the variance as required. The surrounding properties are residential, except for the New York State Thruway and approximately a quarter of the mile down the road there's an Orange County water building.

MR. TORLEY: This is a non-conforming lot?

MR. PURDY: That's correct.

MR. TORLEY: Mike, when did they go to 80,000 square feet?

MR. BABCOCK: About a year ago.

MR. TORLEY: But prior to that, it was 40,000 square feet, was it not?

MR. BABCOCK: That's correct.

MR. TORLEY: Even prior to that, this would have been a non-conforming lot?

MR. BABCOCK: That's correct, that's why we used the larger numbers if it met the criteria of the zoning a year ago.

MR. TORLEY: So even prior to the recent changing of the zoning code, this would be less than 75 percent of the required area?

MR. PURDY: That's correct.

MR. TORLEY: Back then. By law, you're entitled to pursue to a public hearing. And in general, what we would do with a quorum we'd have a motion to entitle you but you're basically allowed to go there anyway but when we come to a public hearing and me personally I would like to have a lot more information why this lot should be built on anyway, you got this at a tax sale from somebody else who decided it was not worth trying to build on. Before the zoning code changed, it was still well below the minimum lot size. Now with the change in zoning code, it's required 80,000 square feet and you're providing 28,000 square feet in a tremendously odd-shaped lot. And there's no way any kind of a house could fit within the legal setback lines.

MR. PURDY: That's correct, we'd need a variance on two of the setbacks.

MR. TORLEY: So you're asking for some very substantial variances on a very odd shaped lot and very substandard lot, so if you proceed to a public hearing, you're going to have to have I would expect some very good defense as to why this lot should be built on.

MR. PURDY: What type of information in particular

would you be looking for?

MR. TORLEY: Just as I said why is this lot buildable when it's substandard in all aspects really. It's a self-created hardship since you bought it from a tax sale knowing that it was not, that the zoning changed and it was conforming now not conforming, it hasn't been conforming for a very long time. Steve, do you have anything you want to bring up?

MR. RIVERA: It's a wooded lot?

MR. PURDY: Yes.

MR. RIVERA: You're chopping down trees I assume?

MR. PURDY: We would have to in order to fit the structure.

MR. TORLEY: Steve, you're asking about the trees and drainage, et cetera?

MR. RIVERA: Right.

MR. TORLEY: One of our other questions is if you were granted the variance for this house and you constructed it, would you be changing any of the drainage patterns? Are you building over any water or sewer easements?

MR. RIVERA: Creating any water hazards, runoffs?

MR. PURDY: You'd be looking for an engineering report to address those issues?

MR. TORLEY: It need not be that formal but indications would be useful, particularly in a lot that looks like this, I would not necessarily require a formal engineering study, but I'd like some information on it.

MR. RIVERA: It's a substandard lot that probably would help.

MR. TORLEY: Some history of the lot might be appropriate, as well as to whether it was ever designated to be as a residential lot or whether just a

left over piece from a condemnation in which case the state may have already compensated the prior owner. This is just a piece they didn't want.

MR. PURDY: So a narrative title report?

MR. TORLEY: That would be helpful to me at least.

MR. PURDY: Are you requiring this information before scheduling a public hearing?

MR. TORLEY: No, no, at the public hearing, at the public hearing we may also, we're going to have to fill in some of the absent members on this at the public hearing as well so there may be some extended questioning on that.

MR. PURDY: So if I could submit this information prior to the public hearing so--

MR. TORLEY: That would not necessarily be of much help, it's convenient but if it's not terribly convenient for you, it doesn't matter that much. We have never acted against a person because they didn't send the stuff in ahead of time. Come into the public hearing with your information, that's your case.

MR. PURDY: Very good.

MR. TORLEY: We can't take a vote to schedule for public hearing because we don't have a quorum, you can see Myra tomorrow to get your paperwork.

MR. PURDY: Thank you very much.

RESULTS OF Z.B.A. MEETING OF: February [illegible], 2003

PROJECT: Makan Land Dev. **ZBA #** 03-09

P.B.#

USE VARIANCE: **NEED: EAF** ____ **PROXY** ____

LEAD AGENCY: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
~~REIS~~ ____
KANE ____
TORLEY ____

NEGATIVE DEC: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
~~REIS~~ ____
KANE ____
TORLEY ____

PUBLIC HEARING: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
~~REIS~~ ____
KANE ____
TORLEY ____

APPROVED: M)____ S)____ VOTE: A____ N____
RIVERA ____
MCDONALD ____ CARRIED: Y____ N____
~~REIS~~ ____
KANE ____
TORLEY ____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)____ S)____ VOTE: A____ N____
RIVERA ____
~~MCDONALD~~ ____
~~REIS~~ ____ CARRIED: Y____ N____
~~KANE~~ ____
TORLEY ____

PUBLIC HEARING: **STATEMENT OF MAILING READ INTO MINUTES**____

VARIANCE APPROVED: **M)**____ **S)**____ **VOTE: A**____ **N**____.

RIVERA ____
MC DONALD ____ **CARRIED: Y**____ **N**____.
~~**REIS**~~ ____
KANE ____
TORLEY ____

Was a non-conforming lot when purchased
Chairman wants more info as to why property should be built on at P.H.
① Self-created Hardship
② Changing drainage?
③ History of lot - Ever meant to build on? Title Report

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

FEBRUARY 19, 2003

MAKAN HOMES
P.O. BOX 979
HARRIMAN, NY 10926
ATTN: SEAN PURDY

SUBJECT: #03-09 REQUEST FOR VARIANCE

Dear Mr. Purdy:

This letter is to inform you that you have been placed on the February 24th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

200 RILEY ROAD
NEW WINDSOR, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

_____

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 02-18-2003 FOR: **03-09**

FROM: **MAKAN HOMES**

P.O. BOX 979

HARRIMAN, NY 10926

CHECK NUMBER: **1005**

AMOUNT: **$300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

2/24/03

NAME DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 03-09

Town of New Windsor

555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#159-2003

02/24/2003

Makan Land Development - One, Llc

Received $ 50.00 for Zoning Board Fees, on 02/24/2003. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

03-09

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 (845) 563-4615 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: February 3, 2003

APPLICANT: MAKAN LAND DEVELOPMENT
P.O. BOX 979
HARRIMAN, NY 10926

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: February 3, 2003
FOR : PROPOSED ONE-FAMILY HOUSE

LOCATED AT: 200 RILEY ROAD

ZONE: R-3

DESCRIPTION OF EXISTING SITE: SECTION 65 BLOCK 1 LOT 22.3

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. PROPOSED ONE-FAMILY HOUSE WILL NOT MEET MIMIMUM LOT AREA, FRONT YARD AND REAR YARD SET-BACK.

BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3 USE: BULK TABLES		
MIN. LOT AREA: C-8 / 80,000 SQ. FT.	28,457 SQ.FT.	~~70,000~~ ½ ~~51,543~~ SQ.FT.
MIN LOT WIDTH:		
REQ=D.. FRONT YD: E-8 / 35 FT.	35' ~~30 FT.~~	~~5 FT.~~
REQ=D. SIDE YD:		
REQD. TOTAL SIDE YD:		
REQ=D REAR YD: G-8 / 40 FT.	29FT. 6 INCHES	16 ~~10~~FT. ~~6 INCHES~~
REQ=D FRONTAGE:		
MAX. BLDG. HT.:		
FLOOR AREA RATIO:		
MIN. LIVABLE AREA:		
DEV. COVERAGE:		

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

2/4/03 Sent Application - Picked Up

03-09

COLA

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MU[illegible] ALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUC[illegible]

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 reinspected after correction.

RECEIVED

JAN 2 9 2003

BUILDING DEPARTMENT

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.

FOR OFFICE USE ONLY:
Building Permit #: 2003 - 90

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

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

Owner of Premises MAKAN LAND DEVELOPMENT - ONE, LLC

Address P.O. Box 979, Harriman, NY 10926 Dave - Cell # 917-734-8971 Phone # 845-783-6878

Mailing Address Same as above. Fax # 845-783-7720

Name of Architect Eric Osborn

Address 7 Joyce Plaza, Stony Point, NY 10980 Phone 845-947-4614

Name of Contractor MAKAN LAND DEVELOPMENT - ONE LLC

Address P.O. Box 979, Harriman, NY 10926 Phone 845-783-6878

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

If applicant is a corporation, signature of duly authorized officer. MAKAN LAND DEVELOPMENT-ONE, LLC

BY: (Name and title of corporate officer) Founder Makan Managing Member

1. On what street is property located? On the EAST side of (200) RILEY ROAD
(N,S,E or W)
and 0' feet from the intersection of PASSARO

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

3. Tax Map Description: Section 65 Block 1 Lot 22.3

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

a. Existing use and occupancy VACANT LAND b. Intended use and occupancy Single family residence

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 48' Rear 48' Depth 28' Height 25' No. of stories 2

8. If dwelling, number of dwelling units: ONE Number of dwelling units on each floor N/A

Number of bedrooms 3 Baths 3 Toilets 3 Heating Plant: Gas ____ Oil X
Electric/Hot Air ____ Hot Water ____ If Garage, number of cars 2

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

10. Estimated cost tbd Fee _____

___/___/___
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 Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

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

INSTRUCTIONS

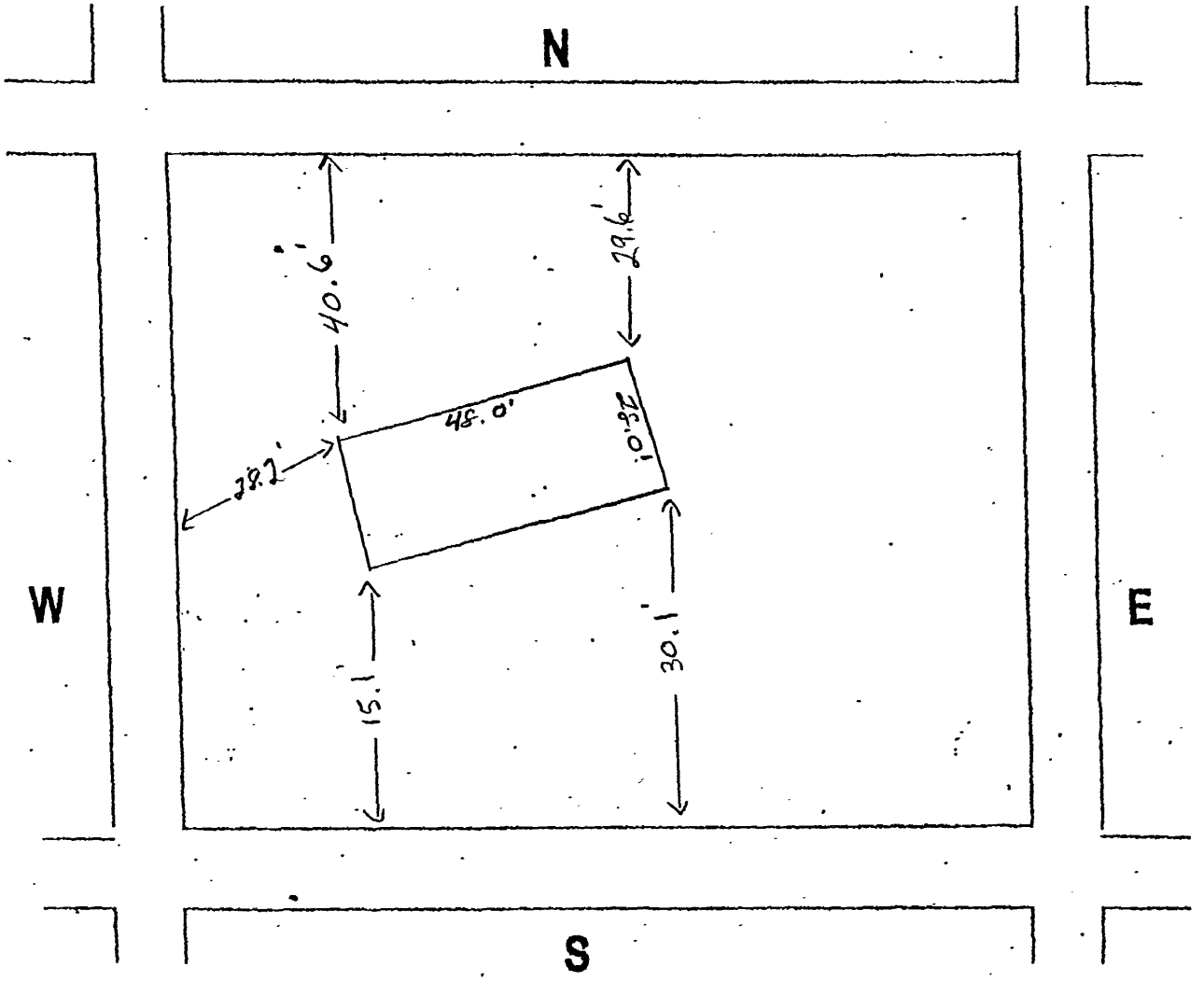
A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must 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.

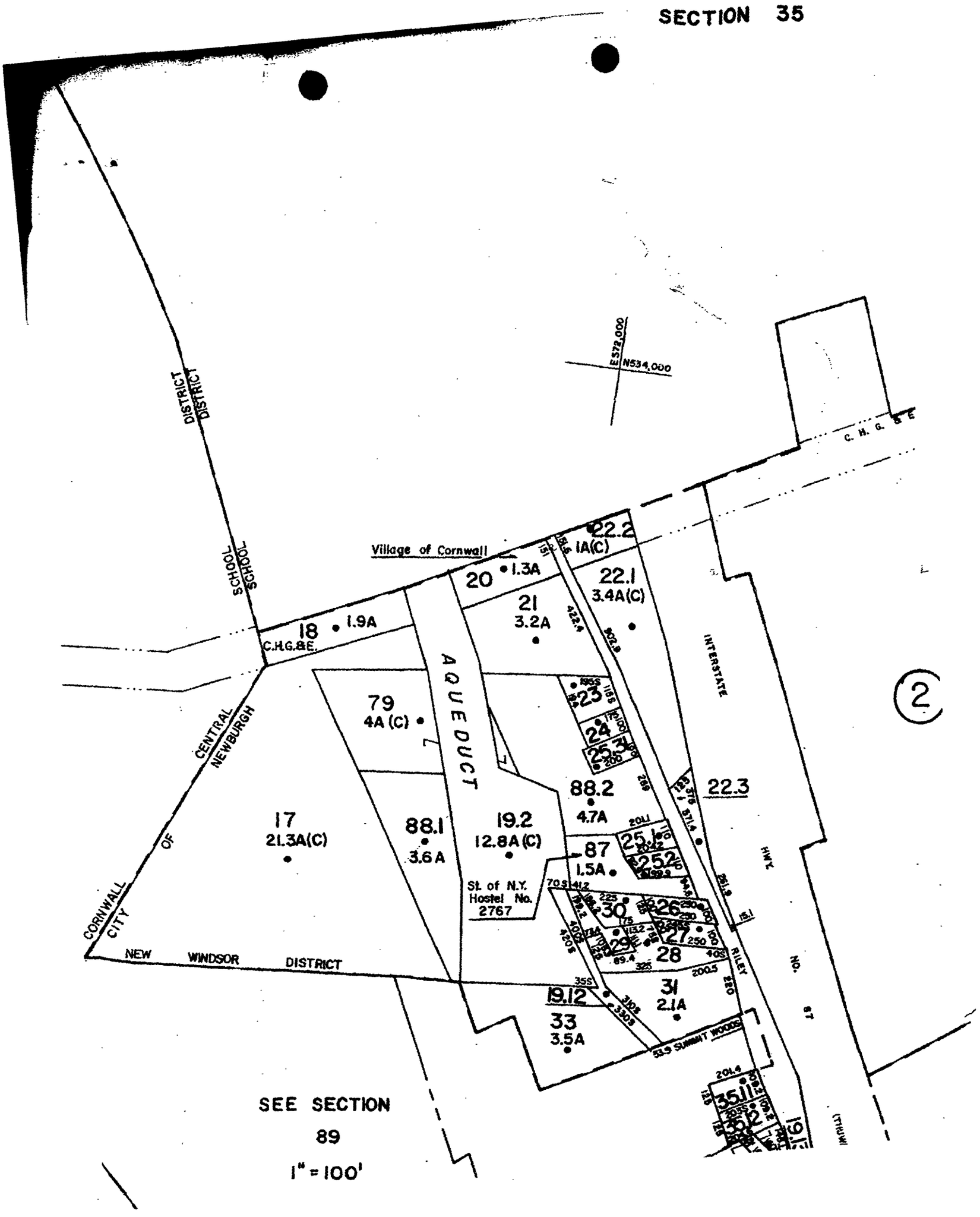
Makan Land Development Corp, LLC
BY (Signature of Applicant) Davinder Makan Managing member — P.O. Box 979, HARRIMAN, NY 10926 (Address of Applicant)

Makan Land Development Corp, LLC
BY (Owner's Signature) Davinder Makan, managing member — P.O. Box 979, Harriman, NY 10926 (Owner's Address)

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



SEE SECTION
89
1" = 100'

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

February 5, 2003 — Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. **Owner Information:**
MAKAN LAND DEVELOPMENT-ONE, LLC — (Name)
Phone Number: (845) 783-6878
Fax Number: (845) 783-7720
P.O. Box 979, HARRIMAN, NY 10926 — (Address)

II. **Purchaser or Lessee:**
SAME AS OWNER — (Name)
Phone Number: ( )
Fax Number: ( )
(Address)

III. **Attorney:**
NONE — (Name)
Phone Number: ( )
Fax Number: ( )
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**
JERRY ZIMMERMAN, P.E. — (Name)
Phone Number (845) 782-7976
Fax Number: (845) 782-3148
148 Route 17M, HARRIMAN, NY 10926 — (Address)

V. **Property Information:**

Zone: R-3 Property Address in Question: Riley Road (No #)
Lot Size: 38,457 S.F. Tax Map Number: Section 65 Block 1 Lot 22.3

a. What other zones lie within 500 feet?
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? JANUARY 13, 2003
d. Has property been subdivided previously? NO If so, When: N/A
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:******
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

RECEIVED
TOWN OF NEW WINDSOR
FEB 18 2003
ENGINEER & PLANNING

03-09

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

Section_____, Table of BULK Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Min. Lot Area	C-8, 80,000 S.F.	28,457 S.F.	51,543 S.F.
Min. Lot Width			N/A
Reqd. Front Yd.	E-8 35 FT.	30. FT.	5 FT.
Reqd. Side Yd.			N/A
Reqd. Rear Yd.	G-8 40 FT.	29FT. 6 Inches	10FT 6 INCHES
Reqd. St Front*			N/A
Max. Bldg. Hgt.			N/A
Min. Floor Area*			N/A
Dev. Coverage*			N/A
Floor Area Ration**			N/A
Parking Area			N/A

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:
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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

IX. 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.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance: SEE ATTACHED NARRATIVE

PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

RECEIVED
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FEB 18 2003
ENGINEER & PLANNING

03-09

XII. **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 Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

_____

_____

_____

XIII. **ATTACHMENTS REQUIRED:**

- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy 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.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
  - ☒ One in the amount of $ **300.00 or 500.00**, (escrow)
  - ☒ One in the amount of $ **50.00 or 150.00**, (application fee)
  - ☒ One in the amount of $ **25.00**, (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles.

XIV. **AFFIDAVIT.**

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/her 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.

Sworn to before me this:

6 day of February 2003.

Owner's Signature **(Notarized)**

Manik Makan

Owner's Name (Please Print)

Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE ***NOTE:***
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

LENA YORK
Notary Public, State of New York
Residing in County of Orange
No. 4626859
Commission Expires May 31, 2006

TOWN OF NEW WINDSOR
FEB 18 2003
ENGINEER & PLANNING

03-09

Section IX. Narrative

The title to the subject property was taken by the County of Orange for failure on the part of the owner to pay real property taxes.

The subject parcel was sold at auction by the County of Orange.

Makan Land Development – One, LLC, a New York State limited liability company submitted the successful bind at this auction. The bid amount was paid in full to the County on January 13, 2003.

The size of the property is 28,457 square feet. The subject property is bordered on the east by the New York State Thruway (Interstate 87), on the west by Riley Road, on the north and south by vacant property.

Directly across Riley Road from the subject parcel are residential single family homes of varying styles and age.

The granting of an area variance from 80,000 square feet to 28,457 square feet would not alter the character of the neighborhood because the use would remain residential single family, and the other residential lots on Riley Road are less than 80,000 square feet.

The alleged difficulty was not self-created. The lot was pre-existing and the applicant took no action which increased its hardship with respect to the utilization of the lot.

The lot was sold by the County as a separate tax lot.

REAL PROPERTY TAX SERVICE AGENCY

John I. McCarey - CCD
124 Main Street
Goshen, New York 10924
(845) 291-2491

Edward A. Diana
County Executive

December 20, 2002

Somerset Crossing, LLC
335 Laroe Road
Chester, NY 10918

The Orange County Legislature has accepted your bid by resolution on the property listed below. Payment in full by **cash or certified/bank check** as indicated below will be due on or before **January 22, 2003**. If payment is not made, your 10% deposit will be forfeited.

TOWN	New Windsor	
PARCEL	65-1-22.3	
AMOUNT DUE	$6,000.00	
LESS DEPOSIT	$600.00	
NET AMOUNT DUE	$5,400.00	PAYABLE TO ORANGE COUNTY COMMISSIONER OF FINANCE 5400
FILING FEE	$61.00	PAYABLE TO ORANGE COUNTY CLERK
TRANSFER FEE	$24.00	PAYABLE TO ORANCE COUNTY CLERK 85

The County requires your Social Security Number or Tax ID Number in order to file the deed for the property purchased. ***Our records show this number as 04-3671617***. If this information is incorrect, please notify us so we can change our records accordingly.

Send all payments to John McCarey, Director Real Property Tax Service Agency, 124 Main Street, Goshen, NY 10924. If you have any questions, please call.

Sincerely,

John I. McCarey
Director, Real Property Tax Service

PAID IN FULL

JAN 13 2003

REAL PROPERTY TAX

03-09

BR./DEPT. [illegible]

HUDSON UNITED BANK HUB
CASHIER'S CHECK

30991747

55-150/212

[illegible] CONSULTING, LLC

Janu[illegible] 13, [illegible]

[illegible] ORANGE COUNTY [illegible]

CUSTOMER COPY

[illegible]

Eighty Five and 00/100

HUDSON UNITED BANK HUB
1000 MacArthur Boulevard
Mahwah, NJ 07430

TWO SIGNATURES REQUIRED IF GREATER THAN 2500 DOLLARS

AUTHORIZED SIGNATURE

BR./DEPT. [illegible]

HUDSON UNITED BANK HUB

CASHIER'S CHECK

30991744

55-150/212

[illegible] LLC

[illegible]

[illegible] COUNTY COMMISSIONER OF [illegible]

CUSTOMER COPY

[illegible]

Five Thousand Four Hundred and 00/100

TWO SIGNATURES REQUIRED IF GREATER THAN 2500 DOLLARS

HUDSON UNITED BANK HUB
1000 MacArthur Boulevard
Mahwah, NJ 07430

AUTHORIZED SIGNATURE

REAL PROPERTY TAX SERVICE AGENCY
124 MAIN STREET - GOSHEN, NEW YORK 10924
PHONE: (845) 291-2490

2988

DATE 1/13/03

Received from: Somerset Crossing LLC

Five thousand four hundred eighty-five and 00/100 Dollars $ 5485

For: Tax Map Maintenance Fee ☐ Deed Sale Map ☐ Rent ☐

Tax Map ☐ Deed Sale Payment ☑ Other ☐

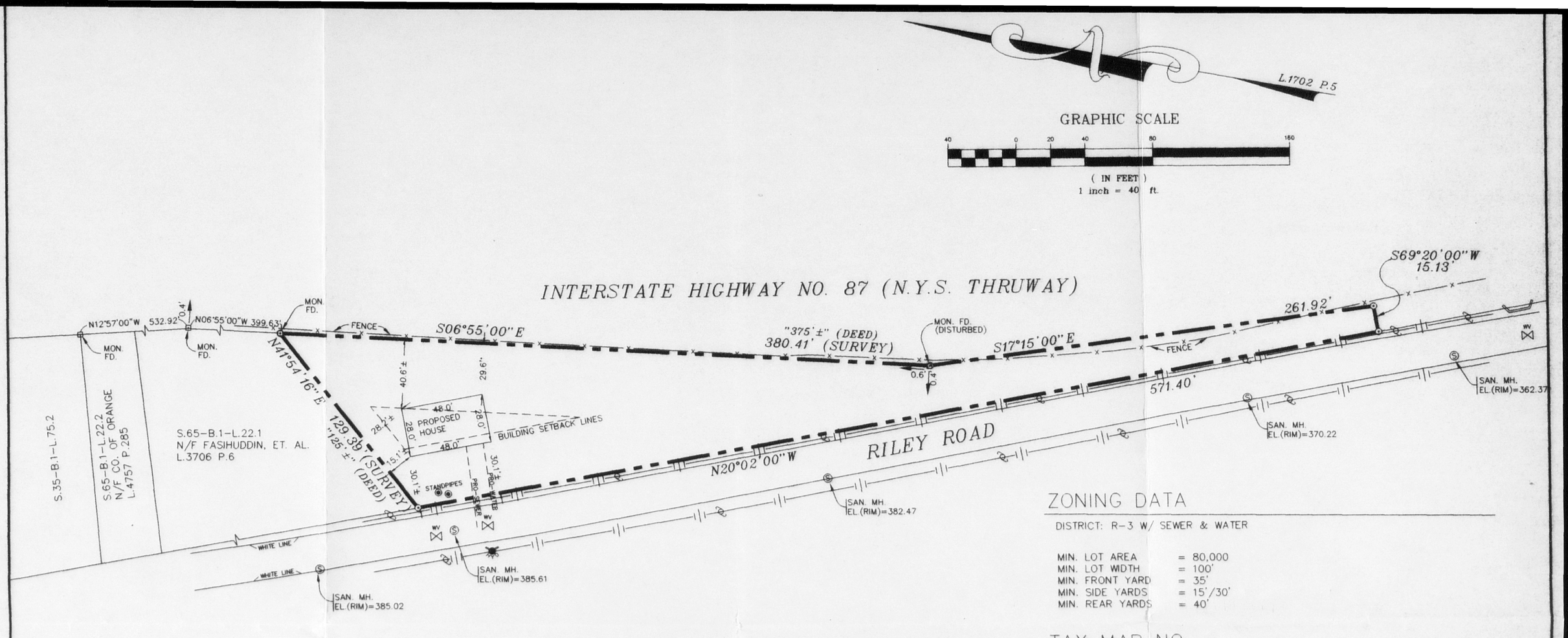
Balance on filing fees for New Windsor 651-223

REAL PROPERTY TAX SERVICE

CASH ☐ CHECK ☑ CHECK # 30991744 THANK YOU! By R Lehman

$5400

30991747 $85 -



ZONING DATA

DISTRICT: R-3 W/ SEWER & WATER

MIN. LOT AREA	= 80,000
MIN. LOT WIDTH	= 100'
MIN. FRONT YARD	= 35'
MIN. SIDE YARDS	= 15'/30'
MIN. REAR YARDS	= 40'

TAX MAP NO.

TOWN OF NEW WINDSOR
SECTION: 65
BLOCK: 1
LOT: 22.3

DEED REFERENCE

LIBER 4757 PAGE 285

AREA

28,457± S.F.
OR 0.65±AC.

NOTES

1) 1.5' SNOW COVER AT TIME OF FIELD SURVEY.
2) TOPOGRAPHY BASED ON ACTUAL FIELD RUN. DATUM IS ASSUMED.

NOTES:
1) UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE N.Y. STATE EDUCATION LAW.
2) ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3) CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREIN, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNER.
4) UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON.

CERTIFIED TRUE AND CORRECT TO:
MAKEN HOMES

SUBJECT TO COVENENTS, EASEMENTS, AND RESTRICTIONS OF RECORD, IF ANY

GERALD ZIMMERMAN P.L.S. LIC. NO. 49410

REVISIONS:

SHEET NO. 1 OF 1	~SURVEY & PLOT PLAN~ FOR MAKEN HOMES
SCALE: 1" = 40'	
DATE: JANUARY 23, 2003	TOWN OF NEW WINDSOR
JOB No. 23003 DRAWN BY DB	ORANGE COUNTY, NEW YORK

ZIMMERMAN ENGINEERING & SURVEYING, P.C.
ROUTE 17M
HARRIMAN, NEW YORK 10926 PHONE (845) 782-7976

03-09