

**ZB# 94-6**

**Quality Home Builders**

**57-1-122**

Prelim.

March 14, 1994.

Motion to Sched. P. H.

Notice - send to Sentinal  
done 4/4/94 ✓

Copy of <sup>10</sup>Deed ✓

② Title Report ✓

③ Fees: 50.00. ✓ paid

292.00. ✓ paid

Photos ✓

Public Hearing:

April 25, 1994.

Area Variance

Granted

#94-6 - Quality Home Bldgs.  
area.

Net 50,000  
+ 292,000  
Paid



Michael

Lucia



2000 - Lucia's house

-----x

In the Matter of the Application of  
QUALITY CUSTOM HOME CONTRACTORS, INC.

DECISION GRANTING  
AREA VARIANCE

#94-6.

-----x

WHEREAS, QUALITY CUSTOM HOME CONTRACTORS, INC., P. O. Box 10, Washingtonville, N. Y. 10992, has made application before the Zoning Board of Appeals for 8 ft. 10 in. rear yard variance for an existing deck located on Rico Drive in an R-4 zone; and

WHEREAS, a public hearing was held on the 25th day of April, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant was represented by Mr. Lou Tedaldi, an officer of the applicant and he spoke in support of the application; and

WHEREAS, there were a number of spectators appearing at the public hearing; and

WHEREAS, all of the spectators appeared to be in favor of the application and one spectator spoke at length in favor of the application; and

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to allow an existing deck to remain in its present location at the residential dwelling in an R-4 zone.
3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order for applicant to obtain a certificate of occupancy for the existing deck located in a residential dwelling built by the applicant for sale. It appears that, but for the deck, the aforesaid residential dwelling would conform to the bulk regulations in an R-4 zone.
4. The evidence presented by Mr. Tedaldi indicated that applicant constructed the deck in 1993 pursuant to subdivision approval which was granted by the New Windsor Planning Board and pursuant to plans submitted to and a building permit obtained from the New Windsor Building Inspector. When the deck was constructed, the building inspector informed the applicant that it encroached upon the allowable rear yard and that he would need

a variance for same in order for it to continue to exist.

5. The applicant now submits the instant application for an area variance in order to try to obtain a certificate of occupancy for the existing deck.

6. The evidence presented by Mr. Tedaldi for the applicant indicated that the residence, which is a one-family detached dwelling, is located on a lot having in excess of a 40 ft. rear yard set back, and the deck is approximately 12 to 14 ft. wide. The measurements of the rear yard would allow the applicant to place a 5 ft. deck on the back of its house without the need for obtaining a variance but the evidence presented by the applicant shows that it could not receive any economic return on a deck so narrow.

7. The evidence presented by the applicant's representative substantiated the fact that, although the deck is located off the kitchen, its impact on the neighboring properties is ameliorated by the trees and forestation which act as a buffer or screen to the view of neighbors.

8. A number of neighbors appeared at the public hearing but all spoke in support of this application and expressed other problems in the subdivision of which this residence is a part.

9. The evidence presented by the applicant and the Board's familiarity with the area indicated that many of the neighboring properties are improved with decks of a comparable size to the deck which is the subject of this application.

10. The evidence presented by the applicant's representative further indicated that the deck could not be located in a conforming manner on applicant's lot because no matter where the deck was placed, the only allowable width of the deck would be 5 ft. which is impractical.

11. The evidence presented by the applicant's representative indicated that the deck could not be constructed in a conforming manner since the construction of a deck 5 ft. wide would completely exhaust the available rear yard area. Such a narrow deck could not be constructed because it would be too narrow to be usable, furniture would not fit in it and, in addition, it would have been an uneconomic improvement to the house because it would not be a functional addition and would lack utility. The Board finds that if the deck were constructed any narrower, it would be an uneconomic improvement to the house and the applicant would never be able to recover its cost for the addition of the deck since it would not add any value or utility to the house.

12. The evidence presented by the applicant also indicated that the neighborhood surrounding the subject site is devoted exclusively to residential uses.

13. It is the finding of this Board that the requested variance, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have

decks of comparable dimensions.

14. Given these factors it is the finding of this Board that the applicant's existing deck have not had, and will not have, an adverse effect on property values in the neighborhood.

15. The evidence presented by the applicant further substantiated the fact that the requested variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the deck enhance the residential dwelling and appear to be typical improvements in this neighborhood and thus do not detract from other neighboring properties.

16. It is the finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare.

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

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

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

3. The requested variance for rear yard is substantial. However, it is the conclusion of this Board that the granting of the request for a substantial area variance is warranted because it would be impossible to locate a deck of reasonable size in the rear yard area without a variance.

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

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created. However, the applicant did not create the narrow and the small lot.

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

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

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

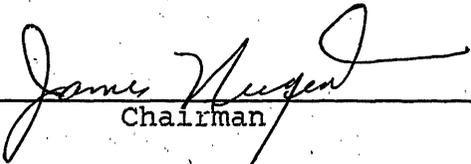
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an 8 ft. 10 in. rear yard variance for the existing deck, at the above location in an R-4 zone, as sought by 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: May 23, 1994.

  
Chairman

(ZBA DISK#12-051094.QH)

ZONING BOARD OF APPEALS  
Regular Session  
May 23, 1994

AGENDA:

7:30 P.M. ROLL CALL

MOTION TO ADOPT MINUTES OF THE 5/9/94 MEETING AS WRITTEN IF AVAILABLE.

PRELIMINARY MEETING:

1. ULLMAN, STUART - Request for 10 ft. rear yard variance to replace existing deck at 201 Cambridge Court in an R-4 zone. (25-5-9).
2. FAIRBANKS, JEFF - Second Preliminary. Request for 13 ft. 6 in. rear yard variance for construction of deck at 7 Haight Drive in R-4 zone. (70-1-28).
3. ARDIZZONE, EDWARD - Request for 4 ft. rear yard variance for existing pool and deck, and 1 ft. fence height variance at 172 Quassaick Avenue in R-4 zone. (19-4-16).
4. MDFC LOAN CORP./KONKOL, DANIEL P. - Request for 2,411.03 s.f. lot area, 8.5 ft. front yard and 12.4 ft. rear yard variance to convert barn to single-family residence located on Kings Drive in R-1 zone. (32-1-15).

PUBLIC HEARING:

5. BARBARO, JOHN - Request for 8 ft. rear yard variance for existing deck at 6 Truex Drive in an R-4 zone. (70-1-14).
6. KORNGOLD/M.C.& B. PARTNERS - Request for 4.0 ft. (Jiffy Lube) and 8.0 ft. (bldg. #2) maximum bldg. height variances and sign variances in order to construct two (2) buildings on property located on the eastside of NYS Route 300 in C zone. (69-2-1,2 & 12). Present: Greg Shaw, P.E.

FORMAL DECISIONS: (1) STAMM  
(2) QUALITY CUSTOM HOMES

PAT - 563-4630 (O)  
562-7107 (H)

PUBLIC HEARING:

QUALITY CUSTOM HOME CONTRACTORS, INC.

MR. TORLEY: Request for 8 ft. 10 inch rear yard variance for existing deck located on Rico Drive in an R-4 zone.

Mr. Lou Tedaldi appeared before the board for this proposal.

MR. TORLEY: Sir, would you, I know you went through this in the preliminary hearing but for the record, would you tell us what your situation is and what you're requesting?

MR. TEDALDI: Yup, I have the photographs here, I don't know which ones you have. We constructed a house on, presently it's named Rico Drive, it's off Chestnut, I don't know if it's the R-40 zone?

MR. BABCOCK: R-4.

MR. TEDALDI: And this particular lot, the minimum front yard is 35, I believe we're 39 and change, we have four feet in the front and the rear yard minimum is 40 feet and I think we're 45 feet. We were unaware that the deck counts as your rear yard minimum. The decks, I was informed in the Town of New Windsor, are classified just like they are a structure, like they are part of the building. The last Preliminary Hearing I think we had here, we build in a lot of towns, probably 12, 14 of them, and most towns have a specific section for decks. I remember asking Mr. Babcock and I don't think you have one here in town. We were surprised cause I think Monroe is I think it's five feet, some towns are 15 and a lot of towns are half of what, if the minimum rear property is 40 feet, they'll let you go half that distance with a deck which would mean 20.

MR. TORLEY: As you said in this town, they are considered as if they are part of the house.

MR. TEDALDI: After we got it up, we were shocked. And

if you take that in consideration, I probably should have applied for a variance when I got the subdivision. In fact, we had applied, I think for this lot for a variance originally because when we used the easement that was not included in the lot size and we had to get an easement, I'm sorry, a variance for that easement for the lot size. But the way the house sits now, the largest deck we can get on there is a five foot deck so we're applying for a variance.

MR. TORLEY: You said that you received a variance for the lot size itself earlier?

MR. TEDALDI: If you look at the map.

MR. BABCOCK: Definition of lot area you must subtract all easements.

MR. TEDALDI: This took, honestly when I told you I made a joke of it, I had hair when I started the subdivision, I think five or six years ago. And it started, it was a simple 4 lot, 5 lot subdivision. It went from one month, 6 months, two years, three years, four years. During the interim, I was using Lou Grevas, who was on the verge of moving down south and he had it and it just became a nightmare. During the interim, the lot was big enough and they changed the area, any easement area could not be included in the total area of the lot. So we had to get a variance for that lot also which we shouldn't have, if everything was done the way it was supposed to. But that is the history of that lot. We've also got three other houses there and we measured all those and they are certainly within the rear yard minimum for decks. But this particular lot, if you look at it, it's on a cul-de-sac and if you look at the envelope area where we have to put the deck, or the house, I should say we're fighting just a couple feet one way or the other.

MR. TORLEY: Which brings me to the next question. Is there any other way, economical way you can re-site this so that it would meet the zoning requirements?

MR. TEDALDI: Other than putting a 5 foot deck on the house.

MR. TORLEY: You consider the 5 foot deck would not show an economic return?

MR. TEDALDI: No, not at all.

MR. LANGANKE: Looks like a nice looking deck.

MR. TORLEY: Do you have any other questions at this time before I open it up to the public?

MR. KRIEGER: The other houses that you built in the subdivision, do they all have decks approximately the same size?

MR. TEDALDI: Yeah, we went out and measured them. We have a lot, I guess it's 3 and 4, we measured both of those and they are within the 40 foot minimum, yes.

MR. KRIEGER: But the decks on the other buildings are approximately the same size?

MR. TEDALDI: They are all 14 by 18, that is correct. In fact, I think houses behind this, if you look at the decks, you might pick some up in the photo, some of those like about 14 by 18 also.

MR. HOGAN: There appears to be some woods in between the homes that face on the back street and between the homes on the front and front homes on the back street.

MR. TORLEY: In that case, let's open it up to the public. Please identify yourself again for the record.

MR. RAY ALBRECHT: Ray Albrecht, 54 Vascello Road in New Windsor. Can I take a look at the pictures for a second?

MR. TORLEY: Sure.

MR. ALBRECHT: Can I ask a few questions first?

MR. TORLEY: Why don't we send those through the audience, if anybody else would like to look at them.

MR. TEDALDI: Just a point of reference, the smallest deck we have is 10 foot out, 14 feet across and even the smallest decks that we do certainly would still be in violation of 5 feet here.

MR. ALBRECHT: No, just a few questions. When they build a house and you have to have 40 feet behind the house to the next property line, is that what they are?

MR. TORLEY: In this particular zone, yeah.

MR. ALBRECHT: And then the deck has to be only five feet in width?

MR. TORLEY: No part of the house can be closer than 40 feet to the back property line. In this town, the decks are included as part of the house.

MR. ALBRECHT: It's been surveyed to show that that house is 40 feet from the property line?

MR. TORLEY: We're operating under his numbers.

MR. BABCOCK: We have the survey showing that.

MR. TEDALDI: It is a certified survey.

MR. ALBRECHT: I'm basically here just to make a statement on the public record.

MR. TORLEY: Go ahead.

MR. ALBRECHT: Lou had hair, you're right, when we started this whole thing. I live right behind the house or not behind the house but I live on the easement. Well, on the easement that goes into, I don't know what my lot is but so it's been almost six years I think we had a public hearing meeting here about four years ago. Originally, Lou was going to build 4 houses in that area, Town decided that in order to get public services, Lou had to build 5. So pretty much well not you made it more difficult for Lou to just build 4 nice homes on a half acre. Now he's got a cramped situation. He's got a house that is on top of another property line. He has a sewer easement going

through my property. Originally, I gave him right-of-way, he built the sewer easement. And then he had to build a sewer all the way down the line, down Vascello Road, all the way to the bottom of the hill runs off into a little creek. This whole subdivision--

MR. TORLEY: Storm drain.

MR. ALBRECHT: Excuse me, yes, storm drain, sewer drain. This whole development of Lou's has been variances. Everything he's done has had to have a variance and every one has passed. And there's no problem with that as far as I'm concerned. We had an easement built on my property back in 1986 or '87 when we first made arrangements. That was built into the ground and did not meet code. That sewer line was then ripped out and a new one put in. Instead of having something buried underground, I've got two manhole covers sitting in my back yard. Where is the variance for that, that manhole covers can be put in somebody's back yard? Not only are they not buried level, they are a good foot and a half off the ground. We have a sewer drain that runs down, I'm sorry what did you guys call it?

MR. TORLEY: Storm drain.

MR. ALBRECHT: Storm drain running down Vascello Road which a car this winter has already run into. There's no protection when the kids are going into that drain hole and we've heard all these stories about kids getting killed or going into drain holes. I don't know if that needed a variance and I have neighbors down the road, Joe Armendarez, who have a flooding problem because we had a lot of drainage this year, as you know. And I moved up here six years ago, I'm used to nice little flurries but we had a burial so I don't know if that has anything to effect that. It is very hard to believe that this board, that the Town sewer guy in charge of building, while the buildings are being built, a bi-level which does need an exitway and a house, didn't know that this would not meet code for an extension of a deck which you need by law, I guess by fire code to get out of the house. I'm not against the approval of this variance. This variance is needed

and it's a beautiful home. He builds beautiful houses. However, I don't see how we're putting the cart before the horse to build a building to make him build 5 homes when there should have only been 4. He's got 2 more lots that I would imagine are even smaller than the lots he has now with no front yard, hardly any back yard, 40 feet, I don't know. I can't see how he was able to build a home without having a deck there because it has to have a deck, the house, every bi-level like that has to have a deck, otherwise people cannot leave their house, I would imagine. I'm not a fire inspector. I'm not a code person. I'm not, you know, a builder. This has been approved before we're even here and you guys are going to approve it before it's even said and done and I just wanted to put that on public record that I approve that Lou gets this variance.

MR. TORLEY: Sir, in regards to your statement that you, in regards to your problem with the storm drain and sewer, that really isn't before this board but if you are having problems with that, talk to--who would you recommend they see about the problems?

MR. BABCOCK: Highway Superintendent.

MR. TORLEY: Does he handle storms?

MR. BABCOCK: Yes, he does.

MR. KANE: Fred Fayo.

MR. TEDALDI: Just to answer the question, this is a long, drawn out project which I guess if you try to do it again, you wouldn't even consider it. But a little history, I had to buy the house where Mr. Albrecht is in, pay for it, take an easement, then sell the house. It was never originally designed for 4 lots. We always told everybody we're going to subdivide the back 4 lots. That is academic at this point. During the winter, when we had the tremendous rains and snows, I met Fred Fayo's son there, I think, I don't know if Mike's been up and down the road, Mark Edsall and the flow works excellent. I've never seen it back up and I have been over there every time I had some tremendous

deluges and it's personal, and I'm telling you for a fact, it doesn't. But that has nothing to do with the variance what we're here for. I'm just trying to clarify.

MR. TORLEY: See Mr. Fayo, the Highway Superintendent.

MR. TEDALDI: I didn't design it. It was approved by the Town and it works as well as any we've seen.

MR. ALBRECHT: As far as I have manhole covers in the back yard, I'm not talking manhole, I'm talking regular, same thing in a street which is asphalted over and I got one sticking out of the ground. I can see the concrete underneath the manhole cover.

MR. TORLEY: Again, that would be Mr. Fayo.

MR. BABCOCK: Sewer Department.

MR. TEDALDI: Another interesting fact he's saying that going down the road, they made us take, I think it was 24 or 30 inch solid pipe starting from his house, Jose's, they made us extend it so we have an area there roughly 150, 200 feet where they have 24 or 30 inch pipe under the ground, you don't see it and we argued originally it looked stupid, made no sense in that case. There's a problem with clogging. Just to use the existing open drain for the water, you know. But we didn't have any voice in it so besides being an added expense, I thought it was kind of a silly idea but what do I know?

MR. TORLEY: Anybody else? Sir, you are in favor of his being granted the variance?

MR. ALBRECHT: How are you not to grant this man a variance when he just built a home? How are you or let me--

MR. TORLEY: It's been done.

MR. ALBRECHT: There's a person that comes--doesn't Lou have to hand to you the plans of a home before he builds on a lot?

MR. TORLEY: Mike?

MR. KRIEGER: Not to this board. But yes, he does to the Town Building Department.

MR. TORLEY: We're here only to act as an appellate kind of body. When a property owner has, finds that he does not meet the zoning code, and he's asking for some relief from that law, that is the only time we see it. We don't see. The Planning Board may see some of this. In fact, they probably did that. Maybe what you're thinking about in the original set up.

MR. ALBRECHT: But if the Planning Board sees a house, I'm just here, you know, help me, the guy Lou shows the plans of a home, he brings it to the Planning Board, Planning Board sees the house, says okay, I see the back of your plans, it's going to need a deck. You don't have enough room for the deck. They didn't.

MR. TORLEY: I would have hoped if the plans were presented in that detail, I hope they would have seen it.

MR. KANE: That is looking at that from the correct agency.

MR. ALBRECHT: Now we're seeing in this case it was not picked up. Now has to go through the appellate, right where we are sitting right here so how are you gentlemen and ladies to again deny this man a variance for something that should have never been built in the first place? And I would hate to see him tear down a beautiful house. However, I'd like, you know, you can't answer me, okay.

MR. TORLEY: Our prime problem is that we want to ensure that there's not an effect on the public health and safety. If we felt that was the case, we have told people to tear things down.

MR. JOSE ARMENDAREZ: Last year when Lou came over the house and told me that they were turning up the road, this was like the night before. I called Town

Supervisor, the Town newspaper and Edward Smith was my neighbor, he told me I could, the thing is Lou told me that night or the day before that the plans had been approved three or four years ago. Now, if he needed approval, if he met the approval three or four years ago, shouldn't all these plans, the deck and everything, they should have been already up for approval three or four years ago.

MR. LANGANKE: In an ideal world, yes, but it wasn't picked up and we're trying to resolve the problem at this time. You know, if everything were to work perfectly, years ago, that would have been pointed out and taken care of. But it wasn't so we're trying to resolve the problem now.

MR. BABCOCK: I honestly think when this problem started and was being reviewed by the Planning Board for the first time, the Town didn't look at decks as part of the setbacks. They also didn't look at lot areas subtracting easements. So these are the reasons why these are coming up. They are coming up today because today it's looked at differently.

MR. ARMENDARIZ: In reference to the drainage, I know it's not his problem, it belongs to the Town, last year I stopped a kid from crawling down into, crawling into that drain pipe. If that kid would have go under that pipe, he would have suffocated.

MR. TEDALDI: Probably close to 200 feet.

MR. ARMENDAREZ: From where it starts down to the creek, you got kids that ride the bicycles in the open drainage pipe. Now, if they would have put it underground, it would have been better having it underground because there's bolts that are over an inch, half inch that stick out. One of the kids playing in there falls in there, you're going to have a suit.

MR. ALBRECHT: It seems like it's metal, U-shaped metal, that is the way I can describe it. The bolts are bolted from the outside in, this is like if a kid was just riding a bike down the hill, kids can be kids.

MR. TORLEY: We don't have any guards on it?

MR. ALBRECHT: No.

MR. BABCOCK: This is a half pipe.

MR. TEDALDI: This is not the enclosed pipe.

MR. BABCOCK: Water used to run in an open ditch and the Town required that this project put a half pipe in, that is what they did. It's a half pipe and the thing is approximately 200 feet down the trench and where they fasten the two pipes together and they fasten them together, the bolts are sticking in.

MR. LANGENKE: So kids playing in there could get hurt?

MR. BABCOCK: Sure.

MR. TORLEY: That pipe would be the responsibility of Highway Department.

MR. BABCOCK: That is correct.

MR. TORLEY: Again, call the Highway Department and get them up there. That is unfortunate.

MR. ARMENDAREZ: I sent the Supervisor pictures last year with a letter and we never heard anything because somebody is going to get hurt. And I have, I stopped this kid. He was going to try to crawl into the pipe and then we had the other little kid that was going to try to make it all the way to the creek.

MR. TORLEY: Tomorrow morning, call the Town Supervisor and tell him again.

MR. KANE: We have a new Town Supervisor, I suggest you get in touch with him.

MR. ARMENDAREZ: You need some kind of a guard there where kids can't get in there.

MR. TORLEY: You're right, again, that is not our

bailiwick but please call them tomorrow and let them know. No one person would know everything that is going on in the Town all the time.

MR. TEDALDI: Just for the record, what they are saying is what I said and what I presented originally but I had no say in it.

MR. TORLEY: Do you have any objections to him being granted this variance for the deck?

MR. ARMENDAREZ: No, like I said, if somebody would have saw this three or four years ago.

MR. TEDALDI: To answer that question, you never bring blueprints before a Planning Board during that period of getting a subdivision. You only bring that ones you have a subdivision that are approved and then you go to the building department with plans. So that would only have been done in the last couple of months. That is all. That is never done during the Planning Board process.

MR. TORLEY: Anybody else like to speak?

MRS. AUDRY ARMENDAREZ: 30 Vascello Road. Another problem is where they tore up the blacktop now. Do I go to Fayo for that also? It was his contractor that did the job.

MR. TORLEY: But it's still part of the Town road.

MRS. ARMENDAREZ: Because the pipe is now like six inches above the road. The water is right underneath the pipe bringing it up.

MR. TORLEY: I assume that the pipe--

MR. TEDALDI: Didn't spend much time on the deck, did we?

MR. TORLEY: Do you have any objection to the variance on the deck?

MRS. ARMENDAREZ: No, I don't have any objection to the

variance. I would like to see the condition in my yard corrected though and I was told that I had to make a formal complaint which I did to the Supervisor with no response before his bond was given back to him for the job that was done in the front of the house. That was, that is what they told me to do I did and it was no response.

MR. TEDALDI: Just to rebuttal what she's saying, I have nothing against you, we had a plan to follow, we had to add about 60 feet of extra pipe because he wanted access to one of his lots next door so at my cost they made--

MR. TORLEY: Who is he?

MR. TEDALDI: Jose here. I'm talking, when we did all the work, we had to stop, we had to go order another 60 foot of pipe because he got a hold of the Town Supervisor and said I have a lot next door I want you to put a culvert all the way through here that I can get to this lot at a later date. I didn't have a choise. I was almost blackmailed to put the other 60 feet in at \$4,000 to satisfy him. He never told you that.

MR. TORLEY: Is there anyone else who wishes to speak on this?

MR. ARMENDAREZ: I would like to say just in rebuttal to that comment.

MR. KANE: We have to deal with the deck. We have no power to deal with the other problems at all.

MR. TORLEY: We have very restricted powers. We can only look at the deck.

MR. ARMENDAREZ: Just for future reference, if you get another subdivision, the thing is, they, the owners of the next lot up, they thought that the people lived somewhere else. They weren't even going to notify us. We did not get notified till the night before they started digging.

MR. TORLEY: I hope that they will alter the notification procedures for the Planning Board.

MR. KANE: I would suggest that you go to the Town meeting when the Town Board has their meeting and bring your grievances up to them. They are the people that can act on it. The only time we can act is when somebody finds an existing problem that goes against the codes of the Town. Then our job is to see that it doesn't violate any health codes, if it's consistent with what's in the neighborhood and that type of deal that is really the only power we have. But if you need to be heard, the Town Board meeting is the place to go.

MR. TORLEY: Not this Wednesday.

MS. BARNHART: First and third Wednesday of the month.

MR. TORLEY: Go to the Town Board meeting 7:30 in the main hall and there's always a public comment section where you can bring up anything you wish and you'll be heard. No other comments from the public, I'll close the public hearing and reopen it back to the members of the board. Gentlemen?

MR. LANGANKE: I make a motion we grant the variance.

MR. TORLEY: Before we get to that, we we have sufficient evidence on the record to justify a decision at this point?

MR. KRIEGER: I think so.

MR. KANE: I second it.

ROLL CALL

MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. KANE	AYE
MR. TORLEY	AYE

4/25/94

# Public Hearing: Quality Custom

Name:

Address:

No objection

Ray Albrecht

54 Vascello Rd N.W.

No objection

Jose Armendariz

30 Vascello Rd N.W.

(Cudrey " )

Prelim.

March 14, 1994

7:30 p.m.

94-6.

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

NOTICE OF DISAPPROVAL OF CERTIFICATE OF OCCUPANCY

DATE: FEBRUARY 17, 1994

APPLICANT: LEWIS TEDALDI  
P.O. BOX 10  
WASHINGTONVILLE, N.Y.

496-  
Quality Bldgs - 4141

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED:

FOR (BUILDING PERMIT): 6593

LOCATED AT: LOT #6, RICO DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 57, BLOCK: 1, LOT: 122  
NEW ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK.

*Exterior wood deck.*

Hirank Lisi  
BUILDING INSPECTOR

\*\*\*\*\*

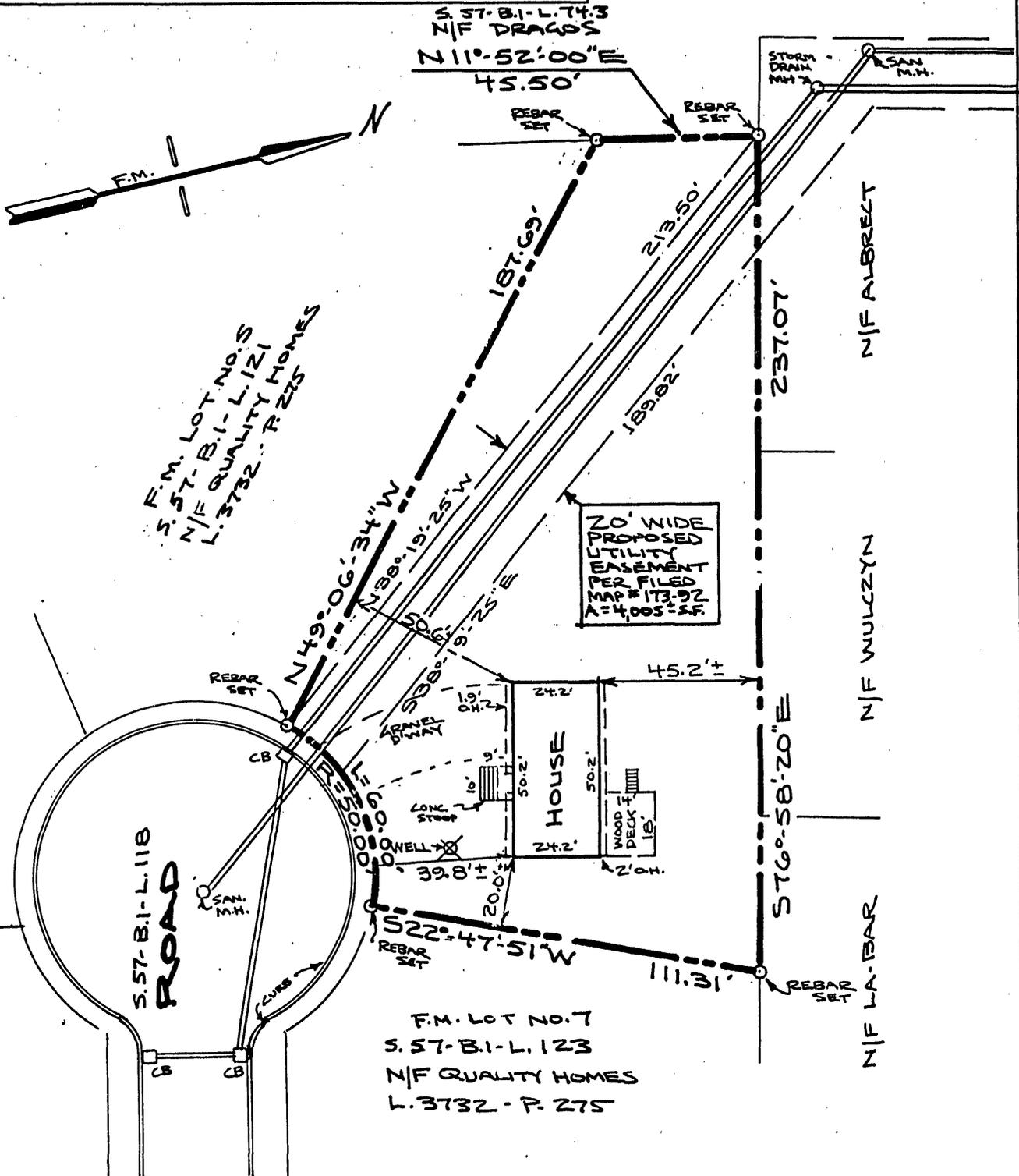
REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4 USE 69		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD. 40FT.	31FT. 2IN.	8FT. 10IN. Col. G.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

ZIMMERMAN ENGINEERING & SURVEYING, "P.C."  
 ROUTE 17M, HARRIMAN, NEW YORK  
 JOB NO. 93-22

SCALE : 1" = 40'  
 DATE : 2-14-94



TAX MAP NO. : SEC 57 BLK 1 LOT 122

DEED REF : LIBER 3732 PAGE 275

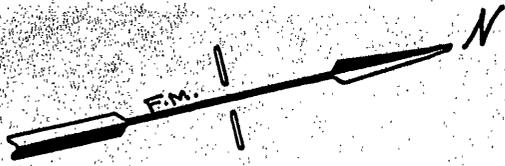
AREA : 21,782 ± S.F.  
 OR 0.50 ± AC.

CERTIFIED TRUE & CORRECT  
 TO :

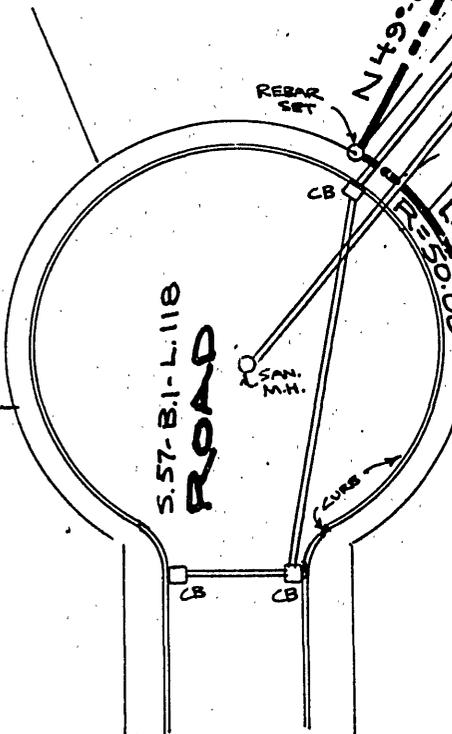
- SURVEY -  
 FOR

**QUALITY BUILDERS OF  
 THE COUNTY OF ORANGE, INC.**

MAP REF :  
 LOT NO. 6 ON A MAP ENTITLED

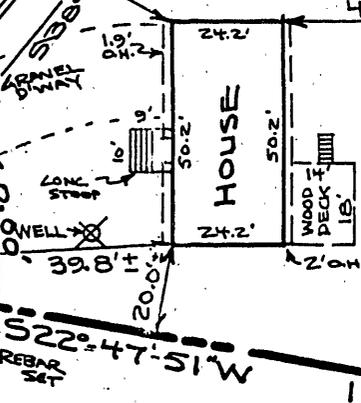


F.M. LOT NO. 5  
S. 57-B.1-L.121  
N/F QUALITY HOMES  
L. 3732 - P. 275



F.M. LOT NO. 7  
S. 57-B.1-L.123  
N/F QUALITY HOMES  
L. 3732 - P. 275

23' 0" WIDE  
UTILITIES  
TO BE FILED  
AS MAP NO. 173-92  
ON 8-24-92



N/F ALBRECHT  
N/F WULCZYK  
N/F LA-BAR

TAX MAP NO. : SEC 57 BLK 1 LOT 122

DEED REF : LIBER 3732 PAGE 275 - SURVEY -

AREA : 21,782 ± S.F.  
OR 0.50 ± AC.

CERTIFIED TRUE & CORRECT  
TO :

QUALITY BUILDERS OF THE  
COUNTY OF ORANGE, INC.

**QUALITY BUILDERS OF  
THE COUNTY OF ORANGE, INC.**

MAP REF :  
LOT NO. 6 ON A MAP ENTITLED  
"PLAN FOR QUALITY HOME BUILDERS  
OF ORANGE COUNTY, INC, CHESTNUT  
AVE MAJOR SUBDIVISION," TOWN  
OF NEW WINDSOR, ORANGE COUNTY,  
NEW YORK; FILED IN THE O.C.C.O.  
AS MAP NO. 173-92 ON 8-24-92.

GERALD ZIMMERMAN, P.L.S. LIC. NO. 49410  
SUBJECT TO COVENANTS, EASEMENTS &

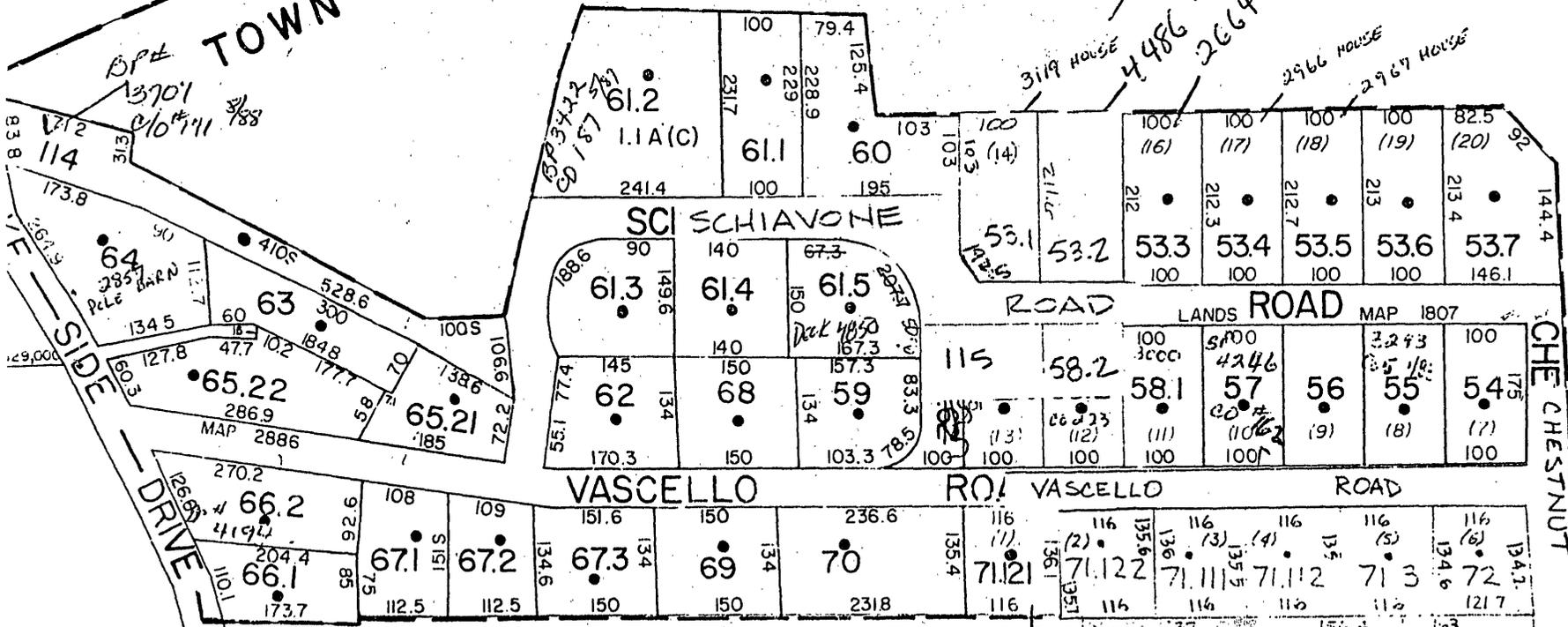
*Gerald Zimmerman*  
RESTRICTIONS OF RECORD, IF ANY

SECTION 63

1" = 100'

CORNWALL

TOWN OF



3119 HOUSE  
 4486 - 70-64  
 2664 - 86-202  
 2966 HOUSE  
 2967 HOUSE

INSERT A N 529,000  
 E 562,000

1

INSERT A  
 1" = 200'

SE COUNTY - NEW YORK

500,499,498

Date of Map: 9-24-67

Date of Revision: 3-1-88

Section No. 57

WINDSOR



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

39

March 28, 1994

Mr. Lou Tedaldi  
Quality Custom Home Contractors Inc.  
P.O. Box 10  
Washingtonville, NY. 10992

RE: 57-1-122

Dear Mr. Tedaldi:

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

The charge for this service is \$55.00, minus your deposit of \$25.00. Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

Leslie Cook  
SOLE ASSESSOR

LC/cd  
Attachments  
cc: Pat Barnhart

Upton, Robert W. & Roma  
106 Chestnut Ave.  
New Windsor, NY 12553

Richman, David & Caroline Abbio  
102 Chestnut Ave.  
New Windsor, NY 12553

Lowry, Robert M. & Lauren  
395C Chestnut Ave.  
New Windsor, NY 12553

Dibernardo, Christopher  
RD4 Box 395F Chestnut Ave.  
New Windsor, NY 12553

Toto, Frank D. & Dean A.  
94 Chestnut Ave.  
New Windsor, NY 12553

Schroeder, Mark V. & Debra L.  
397D Schiavone Rd.  
New Windsor, NY 12553

Pedersen, Kenneth L.  
PO Box 106  
Clinton Corners, NY 12514

Foti, Michael & Deborah A.  
35 Schiavone Rd.  
New Windsor, NY 12553

Anastasio, Edward C. & Teena  
39 Schiavone Rd.  
New Windsor, NY 12553

Broderick, Keith P. & Anne E. Carrozzo  
43 Schiavone Rd.  
New Windsor, NY 12553

Landi, Alex & Grace  
RD4 Box 396C Schiavone Rd.  
New Windsor, NY 12553

Brentnall-Zippo, Nancy  
RD4 Box 396B Schiavone Rd.  
New Windsor, NY 12553

Palko, Andrew A.  
398 Chestnut Ave  
New Windsor, NY 12553

DiGiacomo, Joseph & Charlene Marie  
Vascello Rd.  
New Windsor, NY 12553

Chmielnik, Kevin & Karen  
Box 398D RD 4  
Vascello Rd.  
New Windsor, NY. 12553

Koval, Frank & Mary  
399 Vascello Rd.  
New Windsor, NY 12553

Ryan, Thomas E. & Louise A.  
55 Vascello Rd.  
New Windsor, NY 12553

Forgacs, Ralph & Lori  
RD4 Box 399C  
New Windsor, NY 12553

Graham, Archibald & Patricia  
RD4 Box 400 Vascello Rd.  
New Windsor, NY 12553

Feldman, Mark & Lynn  
Schiavone Rd.  
New Windsor, NY 12553

Jannazzo, Thomas & Rosemary A.  
398 D Schiavone Rd.  
New Windsor, NY 12553

Gazzola, Audrey  
RD4 Vascello Rd.  
New Windsor, NY 12553

Frustaci, Joseph F & Linda  
58 Vascello Rd.  
New Windsor, NY 12553

La Bar, Jr. Charles G. & Cathy L.  
P.O. Box 4528  
New Windsor, NY 12553

Gazzola, Raymond A.  
Box 398-E, RD4  
Vascello RD.  
New Windsor, NY 12553

Albrecht, Raymond M. & Elizabeth  
391 Vascello RD.  
New Windsor, NY 12553

Curran, Kevin P  
66 Vascello RD.  
New Windsor, NY 12553

Dietrichsen, Donald & Arlene  
Vascello RD.  
New Windsor, NY. 12553

Dragos, Robert C. & Amy T.  
381A Lakeside Dr.  
New Windsor, NY. 12553

Loiacono, Anne & John  
Lakeside Dr., RD 4  
New Windsor, NY. 12553

Saxe, Barry  
Mc Daniel Road  
Shady, NY. 12479

Mecca, Joseph G. & Marion E.  
RD 4 Lakeside Dr.  
New Windsor, NY. 12553

Mannina, Domenick & Gail Anne  
92 Chestnut Ave.  
New Windsor, NY. 12553

Retcho, Terrance & Jeannette  
Lakeside Dr. RD 4  
New Windsor, NY. 12553

Richards, James J. & Luann M.  
118 Chestnut Ave.  
New Windsor, NY. 12553

Pluger, Peter J. & Barbara A.  
Chestnut Ave.  
New Windsor, NY. 12553

Locurto III, Joseph A. & Dawn V.  
RD #4, Box 392  
Chestnut Ave.  
New Windsor, NY. 12553

Quality Builders of Orange County Inc.  
PO Box 10  
Washingtonville, NY. 10992

Malcom, Francis B. & Linda M.  
Chestnut Ave.  
Salisbury Mills, NY. 12577

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 94-6

Date: 3/15/94

I.  Applicant Information:

- (a) Quality Custom Home Contractors, Inc. 496-4141  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) AL Goldstein High St. Chester 496-2020  
(Name, address and phone of attorney)
- (d) Lewis TEDALD, P.O. Box 10 WASHINGTONVILLE, 496-4141  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III.  Property Information:

- (a) R-4 Rico Drive (off Chestnut Ave) 571122, 50 ±  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1984-85
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? \_\_\_\_\_
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

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

N/A

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-17, Table of Use / Bulk Regulation Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft</u>	<u>31 ft. 2 in</u>	<u>8 ft. 10 in.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only  
\*\* No-residential districts only

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

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

The House is SET BACK FROM The rear Line 45' (40' is min.)  
IF The rear minimum of 40' is used for a Deck The  
Biggest Deck Allowed would be 5' Deep.

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

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

VII. Interpretation. *N/A*

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

✓ VIII. Additional comments:

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



(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

(ZBA DISK#7-080991.AP)

PRELIMINARY MEETING

QUALITY BUILDERS

MR. NUGENT: Request for 8 ft. 10 in. rear yard variance for existing exterior wood deck located on Rico Drive in an R-4 zone.

Mr. Lewis Tedaldi appeared before the board for this proposal.

MR. TEDALDI: This is over on Chestnut Avenue in the Beaver Dam Lake area. We put a new road on the left, we don't have a name up on it yet but it's going to be Rico Drive. There's five lots in there. We put a house up. We applied for the C.O. with Mr. Babcock and I was informed that the structure, the house structure itself and any decks also count as the minimum rear yard. I'm in the building business, we build probably in every town in the county and I might miss one but I'm pretty sure almost every town addresses rear decks on houses such as half the distance what the normal zoning would be ten feet or whatever. So I know Mike says you have this problem a lot. So we put the deck up, just assumed it was okay. And then I was told it wasn't. So that is why I'm here.

MR. BABCOCK: Normally most houses that Mr. Tedaldi has been building on most of the lots anyway in New Windsor, he usually seems to pick the lots out in the west end of town which are one acre lots, 5 acre lots whatever and of course he never ran into this problem because he's always had a lot that is so sizable that it didn't matter.

MR. TEDALDI: When we did the subdivision, I think we had to come back to the Zoning Board and also I think you changed the zoning back then where you didn't allow easements on property as the minimum size of the property. But anyway, this lot here is the rear yard 40 feet and front yard is 35.

MR. BABCOCK: Yes.

MR. TEDALDI: So if you look at the maps here in the

front we're 39.8. To be honest with you, I don't know, I guess that is with the cantilever and in the back it's 45 feet, 2 inches, so we have five feet, 26 if it's 40 feet rear we have five feet two inches to play with but then when you add the deck on there, not adding that would be in violation if you consider the deck as the same kind of structure as the house. I actually had my attorney and Jerry Zimmerman who does my engineering try to look up in your zoning if anything specifically addressed decks and we couldn't find anything other than I know Mike showed me where you address front porches, et cetera, but I've never seen anything in the zoning that specifically addressed rear sun decks.

MR. LANGANKE: Are you saying we're the only ones that you have run across in the county that do that?

MR. TEDALDI: Yes.

MR. BABCOCK: They have a separate requirement for it, is what he is saying. What we have, if you remember what we have been dealing with lately it says exemptions of yard requirements, it tells you if it borders an operating railroad, there's an exemption for bow windows, there's an exemption for certain things in there which is okay.

MR. TEDALDI: It's just a typical bi-level.

MR. NUGENT: Doesn't it have something to do with whether it's attached?

MR. BABCOCK: That is correct, if it's an accessory structure, it's ten feet.

MR. NUGENT: When it's attached to the house, it becomes part of the house?

MR. BABCOCK: That is correct. What we did, we experienced in once of developments, I won't name it, I'm sure your familiar with it, you're building decks from property line to property line. You can walk from house to house on the decks. They changed the requirements for yards, they allowed the bow windows.

When I talked to Tad, he said the reason they didn't put an exemption in there for a deck it's because they wanted it to be included in the rear yard setback cause they do give you an exemption, you have a front deck, you're allowed a 6 X 8 deck that can project into the front yard for an entranceway, you're allowed a patio, if you want to put a set of stairs off the back of his house going down that wouldn't be included but the deck is.

MR. TEDALDI: I'll tell you I was more shocked than anybody, that is what I said to Mike, you know, of all the towns we build in, its just something that never crossed my mind. I think I'm going to have a problem. There's a lot right next to it on, I don't know what lot number this is. This is 6 where the house is now, the lot which is going to be over here we're going to run into the same problem over there. Everything over here is all right. We have plenty of depth, this here we're narrowing.

MR. BABCOCK: On lot 7, you don't have the cul-de-sac in front of the house. If you pull the house up to the, you can come up to 35 feet.

MR. TEDALDI: It's going to be tight but--

MR. TEDALDI: Such a small lot that is the only thing you can do and maintain pretty much minimum and we still didn't have enough room if I had to maintain 40 feet.

MR. NUGENT: That is a nice size deck, 14 X 18, real nice.

MR. TEDALDI: Too nice.

MR. NUGENT: Any other question by the board? I'll accept a motion.

MR. HOGAN: Make a motion that we set the Quality Builders up for a public hearing.

MR. TORLEY: I'll second it.

March 14, 1994

6

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Here's your paperwork.

MR. TEDALDI: Thanks for your time.

MR. TORLEY: Our next meeting is over at the Moresco Center. We got that letter back in January. Is it still there?

MR. BABCOCK: I think it is at the Senior Citizen building.

MS. BARNHART: It will be on the minute sheet, on the agenda sheet if we have one for the next meeting.

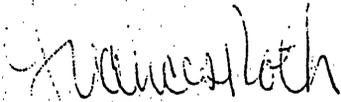
MR. TORLEY: I make a motion to adjourn.

MR. HOGAN: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

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

-----x  
In the Matter of Application for Variance of

Quality Home Builders of Orange County, Inc.

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 94-6  
-----x

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

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

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

On April 4, 1994, I compared the 38 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
4th day of April, 1994.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Pls. publish immediately. Send bill to: Applicant at P.O. Box 10  
Washingtonville, Ny 10992

PUBLIC NOTICE OF HEARING BEFORE  
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. 6

Request of Quality Custom Home Contractors, Inc.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit existing wood deck with insufficient rear  
yard.

being a VARIANCE of

Section 48-12-Table of use/bulk regulation/column G

for property situated as follows:

Rico Drive, New Windsor, New York

known as tax map sec. 57 blk. 1 lot 122

SAID HEARING will take place on the 25 day of  
April, 1994, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

James Nugent

Chairman

- By: Patricia A. Barnhart, Secy.

# Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS  
RICHMOND, VIRGINIA

## POLICY OF TITLE INSURANCE SCHEDULE A

AMOUNT  
\$ 65,000.00

DATE OF ISSUE  
April 15, 1986

### NAME OF INSURED

QUALITY HOME BUILDERS OF ORANGE COUNTY, INC.

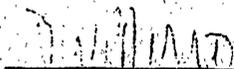
The estate or interest insured by this policy is Fee Simple

vested in the insured by means of a Deed from Charles Joseph Silva dated April 9, 1986, and duly recorded in the Orange County Clerk's Office on April 15, 1986 in Liber 2501 CP. 226.

The premises in which the insured has the estate or interest covered by this policy

SEE ANNEXED DESCRIPTION

Countersigned:



Authorized Officer or Agent

Issued at

C. T. I. ABSTRACT CORP.  
Goshen, New York

Page 1 of Sched. A--Pol. No. 47-00-030470

# Lawyers Title Insurance Corporation

National Headquarters  
Richmond, Virginia

Policy Number

47 - 00 - 030470

LAWYERS TITLE INSURANCE CORPORATION, in consideration of the payment of its premium for insurance insures the insured named in Schedule A against all loss or damage not exceeding the amount of insurance stated in Schedule A and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises or by reason of liens or incumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby, or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, incumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

IN WITNESS WHEREOF the Company has caused this Policy to be signed and sealed, to be valid when Schedule A is countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Lawyers Title Insurance Corporation

*Robert C. Dawson*

President

Attest:



*Robert C. Dawson*

Secretary

DESCRIPTION

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

BEGINNING at a point in the westerly line of a proposed roadway, a minimum of 50 feet wide, which leads along the easterly line of certain lands containing 17.491 acres which were heretofore conveyed to Carmell Gazzola, party of the first party hereto, the said point of beginning being a distance of 50.02 feet measured on a course N 77° 04' W along the northerly line of said Gazzola lands from the northeasterly corner of said lands, the said point of beginning being also at the southeasterly corner of Lot #6 as shown and laid down on a map titled "Lands of Vascello" dated May 27, 1957, said map being filed in the Orange County Clerk's Office, and runs thence from said point of beginning along the westerly line of said proposed roadway S 13° 17' 30" W 227.26 feet to a pole thence continuing along said line of roadway S 12° 19' W 87.74 feet to a point at the southeasterly corner of the parcel of land hereby described thence through the lands of said Gazzola N 77° 27' 30" W 544.17 feet to a point in the westerly line of said Gazzola lands, thence along said line N 8° 39' E 120.0 feet to a point, thence continuing along said line N 11° 52' E 200.0 feet to a point in the southerly line of lands of said Vascello, thence along said line of lands S 77° 04' E 557.32 feet to the point or place of beginning.

The said parcel as hereby described contains 4.032 acres, be the same more or less, and being a part or portion of the said Gazzola lands.

Also a right in common with others to the use for egress and ingress over said roadway as proposed leading along the easterly line of said Gazzola lands; also, the right in common with others to the use for egress and ingress over Vascello Road, leading northerly and westerly from the above-described parcel

to Lakeside Road as shown on said Vascello map filed in the County Clerk's Office.

The said right over the Vascello Road being in accordance with the easement of use thereof made July 8, 1959 by Anthony Vascello and Laura Vascello to Carmella Gazzola, her heirs and assigns, and filed simultaneously herewith.

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

**THIS INDENTURE**, made the 30th day of December, nineteen hundred and ninety-two **BETWEEN QUALITY HOME BUILDERS OF ORANGE COUNTY, INC.**, with offices at P.O. Box 10, Washingtonville, New York 10992; and **LEWIS TEDALDI**, residing at P.O. Box 10, Washingtonville, New York 10992,

party of the first part, and **QUALITY CUSTOM HOME CONTRACTORS, INC.**, a New York corporation with offices at P.O. Box 10, Washingtonville, New York 10992,

party of the second part.

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

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, known as Lots Nos. 3, 4, 5, 6, and 7, as shown on a map entitled "Plan for Quality Home Builders of Orange County, Inc., Chestnut Avenue Major Subdivision, Town of New Windsor, Orange County, New York", filed in the Orange County Clerk's Office on August 24, 1992 as Map No. 173-92.

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**BEING** a portion of the premises heretofore conveyed by Charles Joseph Silva to Quality Home Builders of Orange County, Inc. by deed dated April 9, 1986, and recorded in the Orange County Clerk's Office on April 15, 1986, in Liber 2501 of deeds, at page 226.

This deed is given pursuant to plan of dissolution of Quality Home Builders of Orange County, Inc.

Lewis Tedaldi is executing this deed as sole surviving shareholder and member of the Board of Directors of Quality Home Builders of Orange County, Inc.

This deed is given by the grantor corporation in the ordinary course of business and does not constitute all or a substantial part of the corporation assets.

**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; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything

**THIS INDENTURE**, made the 30th day of December, nineteen hundred and ninety-two **BETWEEN QUALITY HOME BUILDERS OF ORANGE COUNTY, INC.**, with offices at P.O. Box 10, Washingtonville, New York 10992; and **LEWIS TEDALDI**, residing at P.O. Box 10, Washingtonville, New York 10992,

party of the first part, and **QUALITY CUSTOM HOME CONTRACTORS, INC.**, a New York corporation with offices at P.O. Box 10, Washingtonville, New York 10992,

party of the second part.

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

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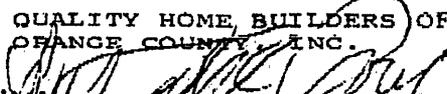
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

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

IN PRESENCE OF:

QUALITY HOME BUILDERS OF  
ORANGE COUNTY, INC.  
BY:   
LEWIS TEDALDI, PRES.