

**ZB# 94-39**

**David Sunderlin**

**13-2-1.11**

Helms

Sept. 26, 1994.

Need:

Copy of Order.

② ~~File Report~~

③ Photos ✓

④ Fees: ① 30.00 ~~PL~~

② 292.00 ~~PL~~

~~Order~~  
Motion to schedule P.H.

App. furnished  
2/16/95 in order to send in

Public Hearing:

March 27, 1995.

Area Varance

Granted

Refund due: \$ 177.00

# 94-39-Sunderlin, David  
area - 48-14A(1) + 48-14C(1)



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Sunderlin, David

FILE # 94-39

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00 *ck 5143*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 292.00 *#5144*

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	<u>9/26/94 - 4 pages</u>	\$	<u>18.00</u>
2ND PRELIM. MEETING - PER PAGE	<u>3/27/95 - 6 pages</u>	\$	<u>27.00</u>
3RD PRELIM. MEETING - PER PAGE		\$	
PUBLIC HEARING - PER PAGE		\$	
PUBLIC HEARING (CONT'D) PER PAGE		\$	
TOTAL		\$	<u>45.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	HRS.	<u>9/26/94</u>	\$	<u>35.00</u>
2ND PRELIM.	HRS.	<u>2/27/95</u>	\$	<u>35.00</u>
3RD PRELIM.	HRS.		\$	
PUBLIC HEARING	HRS.		\$	
PUBLIC HEARING	HRS.	(CONT'D)	\$	
TOTAL HRS.	@ \$		PER HR.	\$
			TOTAL	\$ <u>70.00</u>

MISC. CHARGES:

TOTAL . . . . . \$ 115.00

LESS ESCROW DEPOSIT . . . \$ 292.00  
 (ADDL. CHARGES DUE) . . . \$             
 REFUND TO APPLICANT DUE . . . \$ 177.00

(ZBA DISK#7-012192.FEE)



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

DAVID SUNDERLIN,

DECISION GRANTING  
AREA VARIANCE

#94-39.

-----X  
WHEREAS, DAVID SUNDERLIN, 83 Clancy Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for variances of Sections 48-14A(1) and 48-14C(1)(c) of the Supplementary Yard Regulations, to allow an existing deck, pool and 5 ft. fence in front yard of residential property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 27th day of March, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant was present and was represented by Richard Clarino, Esq.; and

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

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

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

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

2. The evidence presented by the applicant showed that:

(a) The property is a one-family home in a neighborhood of one-family homes.

(b) The applicant purchased the property four to five years ago. The property was then part of a larger residential parcel. It did not then have a certificate of occupancy.

(c) The applicant has now applied for a certificate of occupancy and certain area variances are requested because the property does not comply with the requirements of the town code.

(d) The fence and above-ground pool the existence of which causes the application, were put in their present location by the prior owner of the parcel and through no act of the applicant or present owners.

(e) The property is situated on the corner of two public streets and, therefore, by operation of law, has two front yards. The pool and deck which are the subject of this action are

located in a portion of the property which is actually used as and appears to be a side yard but which is subject to front yard requirements because of the provisions of the Town Law.

(f) It is probable that regardless of where on the property this pool and deck (an allowed use) is located, some type of area variances would still be needed to permit the location of this permitted accessory use.

(g) The fence on the property surrounds the pool and deck and has been placed therein and has continued to be maintained by the applicant-owner, since it is a safety measure restricting access to the pool. Although this safety measure is not required by law, it does, in fact, enhance the safety to the public of this pool.

(h) There are other similar pools and decks in the neighborhood in which this property is located.

(i) The applicant could not safely move the pool and relocate it because of the slope of the ground and for safety reasons it appears to be in the best possible location on the property.

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

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

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

3. The requested variance is substantial in relation to the town regulations but nevertheless is warranted because it is needed to allow this property to be used as others in the neighborhood are, and is allowed by law.

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

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created hardship. The pool, deck and fence were there when the present applicant acquired the property and at the time the applicant acquired the property he believed that it was in conformance with all legal requirements.

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 variances are the minimum variances 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 variances.

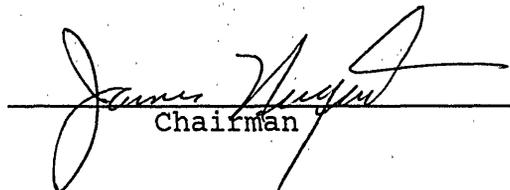
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a variance from Sections 48-14A(1) and 48-14C(1)(c)(1) of the Supplementary Yard Regulations to allow existing pool, deck and 5 ft. fence in the front yard, which structures are not permitted in front yard, at the above residence in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

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

Dated: May 22, 1995.

  
Chairman

(ZBA DISK#13-051195.ds)

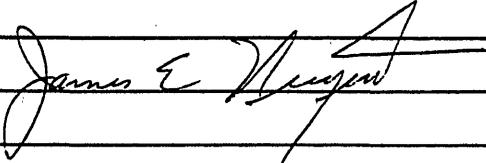
Date 3/30/95, 19.....

# TOWN OF NEW WINDSOR

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

TO Francis Roth 147 Sycamore Dr. DR.

New Windsor, NY 12553

DATE	CLAIMED	ALLOWED
3/27/95	75.00	
Zoning Board Meeting Misc - 5		
<del>Sunderlin - 6</del> 27.00 11	49.50	
	124.50	
		

PUBLIC HEARING

SUNDERLIN, DAVID

MR. NUGENT: Request for variances of Sections 48-14A(1) and 48-14A(1)(c)(1) to allow existing pool, deck and five ft. fence at 83 Clancy Avenue in R-4 zone.

Richard Clarino, Esq. and David Sunderlin appeared before the board for this proposal.

MR. CLARINO: My name is Richard Clarino, this is David Sunderlin. I am not really representing him with respect to this instant application but I am here to give you some background information. I understand we have to show hardship. If that is one of the things we have to show, that is why I am here because Dave and his wife, Lorraine, hired me to represent them when they purchased this property on Clancy Avenue back in 1989, right, and they purchased it from people who owned an adjoining parcel, their name was Colandrea. The Sunderlins did everything right. They hired a lawyer, they got title insurance. They had a closing and they purchased the property, it was financed. Couple years later, they went to refinance it to take advantage of the then lowered interest rates and needed to get a C.O. for someone for the title company and it was determined for the first time that the Colandreas, the people who deeded the property to Dave and his wife, had subdivided the property without the benefit of Planning Board approval. This was first made known to us two years after they owned the property. This is one of the things that of course the parties ended up in litigation and we're in our third year of litigation, they are trying to recover money from the title company and from the Colandreas for all the problems that were caused as a result of this illegal subdivision. Dave has been before the Planning Board with a lot line change. That has all been approved but I think there is a couple of things that he has to resolve with you folks relating to, I don't know, I don't even know what it relates to. All I know I guess a lot line, not lot line but setback.

MR. BABCOCK: Right, setbacks.

MR. CLARINO: He's done nothing to encumber or cause the situation at all. This is all pre-existing stuff when he bought the property. I can answer any questions you might have with respect to that.

MR. NUGENT: According to the disapproval itself, an accessory building is not permitted in the front yard and five foot fence is not permitted in the front yard. I went over there Sunday morning, took a ride over to take a look at the property, you're on the corner, you have two front yards and I think that is what brings it up because he has two front yards.

MR. LANGANKE: Did you put up the fence and pool or was it already there?

MR. SUNDERLIN: They were already there.

MR. TORLEY: And you would consider the fence as part of the safety measures for your pool, even though it's above-ground pool, it's not required?

MR. SUNDERLIN: Absolutely.

MR. BABCOCK: This is an above-ground pool.

MR. TORLEY: Having a fence could be an additional safety factor, even though it's not required.

MR. KANE: Mike, the pool is considered the accessory building?

MR. BABCOCK: The pool and the deck.

MR. NUGENT: We're going to show you pictures in a minute, as soon as Andy gets finished looking at them.

MR. LANGANKE: Mike, can he put the pool somewhere on the property and have it be legal or is it against the law for him to have a pool?

MR. BABCOCK: It would be very tight. I don't know. I'd have to lay it out.

MR. LANGANKE: So in other words, if this man wanted a swimming pool legally, he'd have a problem. What he'd have to do is appear before us for a variance of some sort no matter where he put that pool?

MR. BABCOCK: That is a very good possibility. Did you see the survey? You might be able to get it in the very, very back corner.

MR. LANGANKE: Well, that is why I was asking.

MR. NUGENT: That the yard narrows in the back, doesn't it?

MR. BABCOCK: Right.

MR. NUGENT: That is why I went and looked at this.

MR. KRIEGER: Without saying with certainty, he probably would need a variance of some sort?

MR. BABCOCK: That is correct.

MR. TORLEY: Sir, you consider it that your house actually fronts on Carroll Avenue and Clancy is sort of a side?

MR. SUNDERLIN: Right, when I got there, it was there. That is the way it was set up.

MR. KRIEGER: Are there other similar pools and decks in the neighborhood, not identical but--

MR. SUNDERLIN: Yeah, yeah, I think so.

MR. KRIEGER: This is a one family home in a neighborhood of one family homes?

MR. SUNDERLIN: Yup.

MR. NUGENT: Surrounded by commercial property, too.

MR. TORLEY: The lots are all approximately the same size?

MR. SUNDERLIN: I can't say for sure, that is down in ducktown.

MR. TORLEY: Yours is a larger lot, you have got a double lot, looks like.

MR. SUNDERLIN: Yeah.

MR. KRIEGER: Mike, how substantial is the request here, what does he need, what's he looking for?

MR. BABCOCK: Well, there's no setback, it just says that the accessory building cannot project closer to the street than the principal building.

MR. KRIEGER: Do we know how far it's projecting?

MR. BABCOCK: Yes, he's 7.8 feet, 7.8 feet off the Carroll Avenue side with the pool and the requirements are 35 feet.

MR. TORLEY: He's actually about 34 feet from in front of his house, if you want, looking at the Clancy Avenue as a front yard.

MR. BABCOCK: Yes.

MR. NUGENT: If you look at the layout of the house, it's actually the side actually the rear side yard.

MR. TORLEY: It looks like it's a side area.

MR. NUGENT: But by law, it's a front yard. What I am trying to say is if you looked at the building and the property, the pool looks like it belongs there.

MR. TORLEY: It's a nice setting, you're well maintained.

MR. KANE: From looking at the pictures, the side property is sloped down so the pool is cut a little bit into the--

MR. SUNDERLIN: Little bit, yeah, maybe a foot and a

half.

MR. KANE: How deep is the slope further in the back?

MR. SUNDERLIN: A little bit worse, yeah.

MR. LANGANKE: Doesn't look like he could really safely move that pool.

MR. KANE: Would be financially difficult and might be a safety hazard to move it.

MR. REIS: How long has the pool been there, Dave?

MR. SUNDERLIN: To be honest, before I purchased the house, how long before, I don't know.

MR. REIS: The location, it's really a mixed bag over there, you have got, like Jimmy said, you have got commercial, single family, you have got multi-family.

MR. NUGENT: Mobile home.

MR. REISS: It's really a mixed bag, I don't see it as a negative to the community or the environment.

MR. NUGENT: That is probably one of the nicer looking properties in the area maintained.

MR. TORLEY: If we were to grant you the variance, you do not feel that this would be a detriment to the appearance or safety of the neighborhood?

MR. SUNDERLIN: No, not at all.

MR. KRIEGER: One of the reasons for the five foot fence is to increase the safety?

MR. SUNDERLIN: Right.

MR. LANGANKE: I don't have anymore questions.

MRS. BARNHART: For the record, I have the affidavit of service stating that I mailed out 58 addressed legal notices to property owners within 500 feet and it looks

March 27, 1995

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like nobody's here tonight.

MR. NUGENT: Nobody cares about you.

MR. KRIEGER: Record should reflect nobody signed up to appear.

MR. NUGENT: I'll close the public hearing. Are there any other questions by the board?

MR. KANE: No.

MR. TORLEY: No.

MR. LANGANKE: I make a motion that we grant the applicant, David Sunderlin, the requested variances.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

SUNDERLIN, DAVID

MR. NUGENT: Request for variance from Section 48-14A(1) and 48-14C(1) for existing accessory building, 5 ft. fence and pool not permitted in front yard at 83 Clancy Avenue in R-4 zone.

Mr. David Sunderlin appeared before the board for this proposal.

MR. NUGENT: Tell us what you want to do.

MR. SUNDERLIN: I want to get a C.O. And when I bought the house, the stuff that is there was there when I bought it and somehow the people that sold it to me had a piece of paper that claimed to be a C.O. so I was able to close on the house but now apparently--

MR. NUGENT: How long have you had it?

MR. SUNDERLIN: Five years.

MR. TORLEY: Do you have the original what they said was a C.O.?

MR. SUNDERLIN: I don't have it with me.

MR. NUGENT: Did you show it to Mike?

MR. SUNDERLIN: Yes.

MR. NUGENT: And he don't buy it?

MR. SUNDERLIN: No.

MR. LANGANKE: Are you selling the house now?

MR. SUNDERLIN: No, right now I just want to try and keep it at three years, I was trying to refinance, that is how I found out I had these problems. He said it was a C.O.

MR. LANGANKE: Is this an inground pool?

MR. SUNDERLIN: No, aboveground.

September 26, 1994

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MR. NUGENT: He claimed that he had a C.O. on that property.

MR. BABCOCK: Say that again.

MR. NUGENT: He claimed that he had a C.O. on the property.

MR. BABCOCK: On what property?

MS. BARNHART: 83 Clancy Avenue.

MR. BABCOCK: He had a C.O. on the pool, you mean?

MR. NUGENT: Did he have one on the house?

MR. BABCOCK: I have to check it out.

MR. SUNDERLIN: When I bought the house in '89 there was supposed to be a C.O. so I was able to close on the house at that time.

MR. BABCOCK: There's a C.O. February 16 of 1988 on the house.

MR. BABCOCK: Nothing else on any other structures?

MR. BABCOCK: Not to my knowledge. The problem here was as far as this lot line that is in there this house that says Colandrea, one time Colandrea owned both of those houses and they were on one lot and they put this lot line where it says proposed property line they put that lot line through and then it went between the patio on the shed in the back you see that. See how it keeps going there and they subdivided and they made it 13-2-1.11, 13-2-1.21 and they sold it to Mr. Sunderlin and everybody was happy, nobody had any problems. When we were asked to do a search on 13-2-1.11, it didn't exist in my records because it was created without the benefit of the Planning Board.

MS. BARNHART: Done by deed.

MR. BABCOCK: Right, so it's a long story so we have

been doing this for quite some time now and they went to the Planning Board and I think it's all been approved at the Planning Board. I think it's all official at the Planning Board and now they are here to get the variance.

MR. NUGENT: All they need is these two variances?

MR. BABCOCK: That is correct.

MR. TORLEY: Because of the corner lot?

MR. BABCOCK: That is correct, the pool and the deck both are in the front yard.

MR. TORLEY: You have a corner lot, you have two front yards.

MR. SUNDERLIN: I found out.

MR. BABCOCK: And there's also a five foot fence there.

MR. LANGANKE: Which way does the house face?

MR. SUNDERLIN: House faces Carroll.

MR. LANGANKE: So you really don't think the pool is in your front yard?

MR. SUNDERLIN: I thought it was on the side.

MR. NUGENT: Neither of these roads are paved, are they?

MR. SUNDERLIN: Yeah, they are.

MR. TORLEY: Never heard it described as traveled way.

MR. NUGENT: Any other questions guys?

MR. TORLEY: I move we set Mr. Sunderlin up for a public hearing.

MR. KANE: Second it.

ROLL CALL

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

MR. TORLEY: Can you bring some pictures when you come back?

MR. SUNDERLIN: Yes.

MR. BABCOCK: The accessory building is the pool and the deck, see the deck is right next to the pool, it doesn't say deck. I wrote it in on my, the little square that attaches the house to the pool.

MR. KANE: That is considered the accessory building?

MR. BABCOCK: That is correct and then the chain link fence that goes around the property is five foot.

MR. TORLEY: Five foot fence is required by local law?

MR. BABCOCK: That is correct.

MR. KANE: Because it's 4 foot for state.

MR. KRIEGER: When you come back, if you would address yourself to the 5 criteria set forth on that list. Those are the criteria on which the Zoning Board must by law decide your application. Do you have in your possession a copy of the deed to the premises?

MR. SUNDERLIN: Yes.

MR. KRIEGER: If you would bring that with you. Do you have in your possession the title report?

MR. SUNDERLIN: Yes.

MR. KRIEGER: If you would bring that with you as well, thank you.

MS. BARNHART: And photographs.

*Prelim.*  
Sept. 26, 1994  
7:30 P.M.  
# 94-39.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: SEPTEMBER 9, 1994

APPLICANT: DAVID SUNDERLIN  
83 CLANCY AVENUE  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED:  
FOR (BUILDING PERMIT): EXISTING DECK AND POOL AND 5FT. FENCE  
LOCATED AT: 83 CLANCY AVENUE

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 2, LOT: 1.11

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

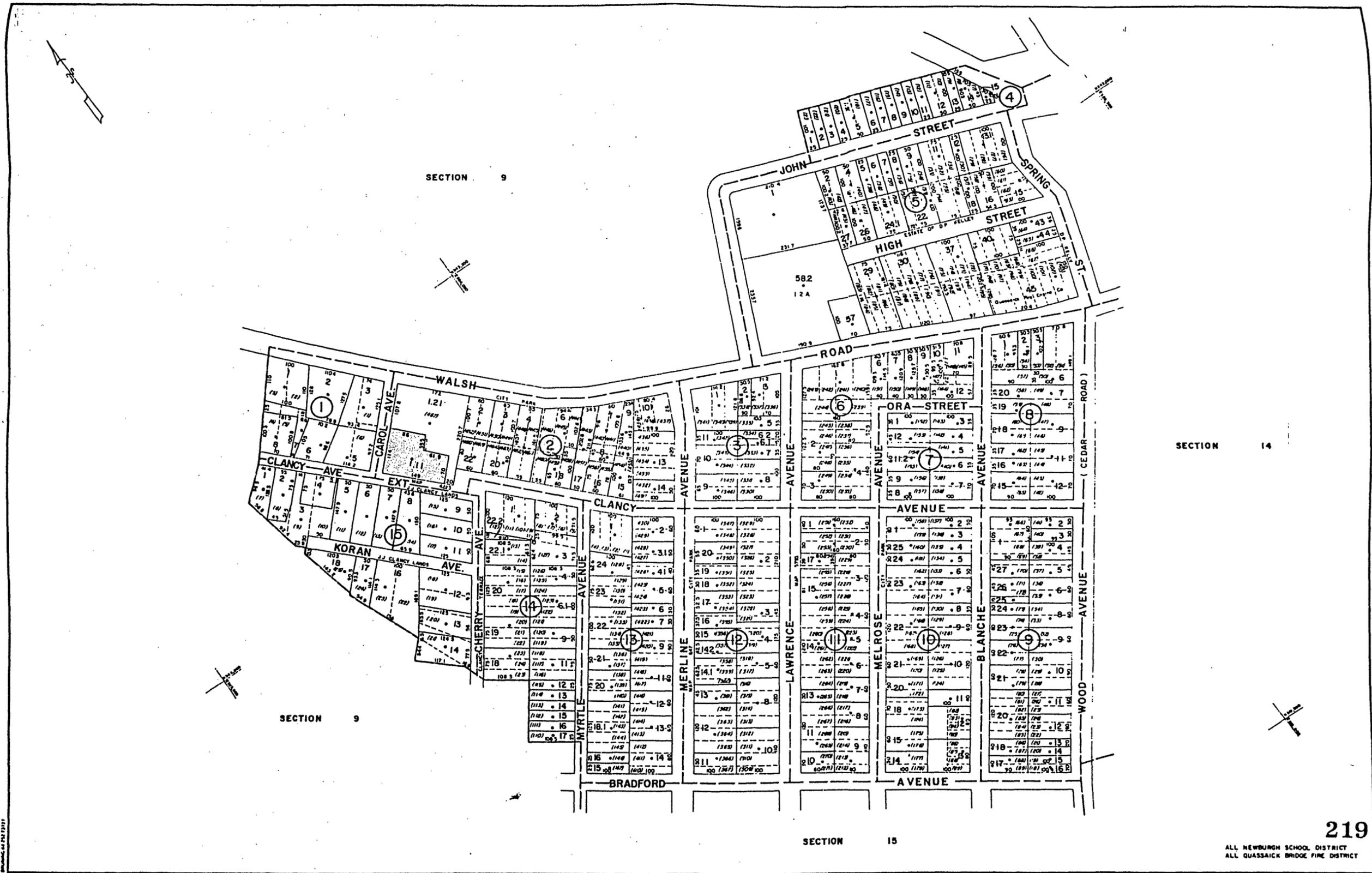
1. 48-14 A (1) ACCESSORY BUILDING NOT PERMITTED IN FRONT YARD.
2. 48-14 C (1) (C) [1] 5FT. FENCE NOT PERMITTED IN FRONT YARD.

  
BUILDING INSPECTOR

\*\*\*\*\*

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.



Prepared by  
 ORANGE CO. TAX MAP DEPT.  
 MAIN ST., GORHAM, N. Y. 13664  
 1989  
 FOR TAX PURPOSES ONLY  
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREA	STATE HIGHWAY
SPECIAL DISTRICT LINE	STREAM	DIMENSIONS (Feet or Meters)	COUNTY HIGHWAY
PROPERTY LINE	GRID COORDINATE CENTROID		TOWN ROAD

## ORANGE COUNTY~NEW YORK

Photo No. 14-30-31 Date of Map: 9-24-67  
 Date of Photo: 3-1-63 Date of Revision: 3-1-91  
 Scale: 1" = 100'

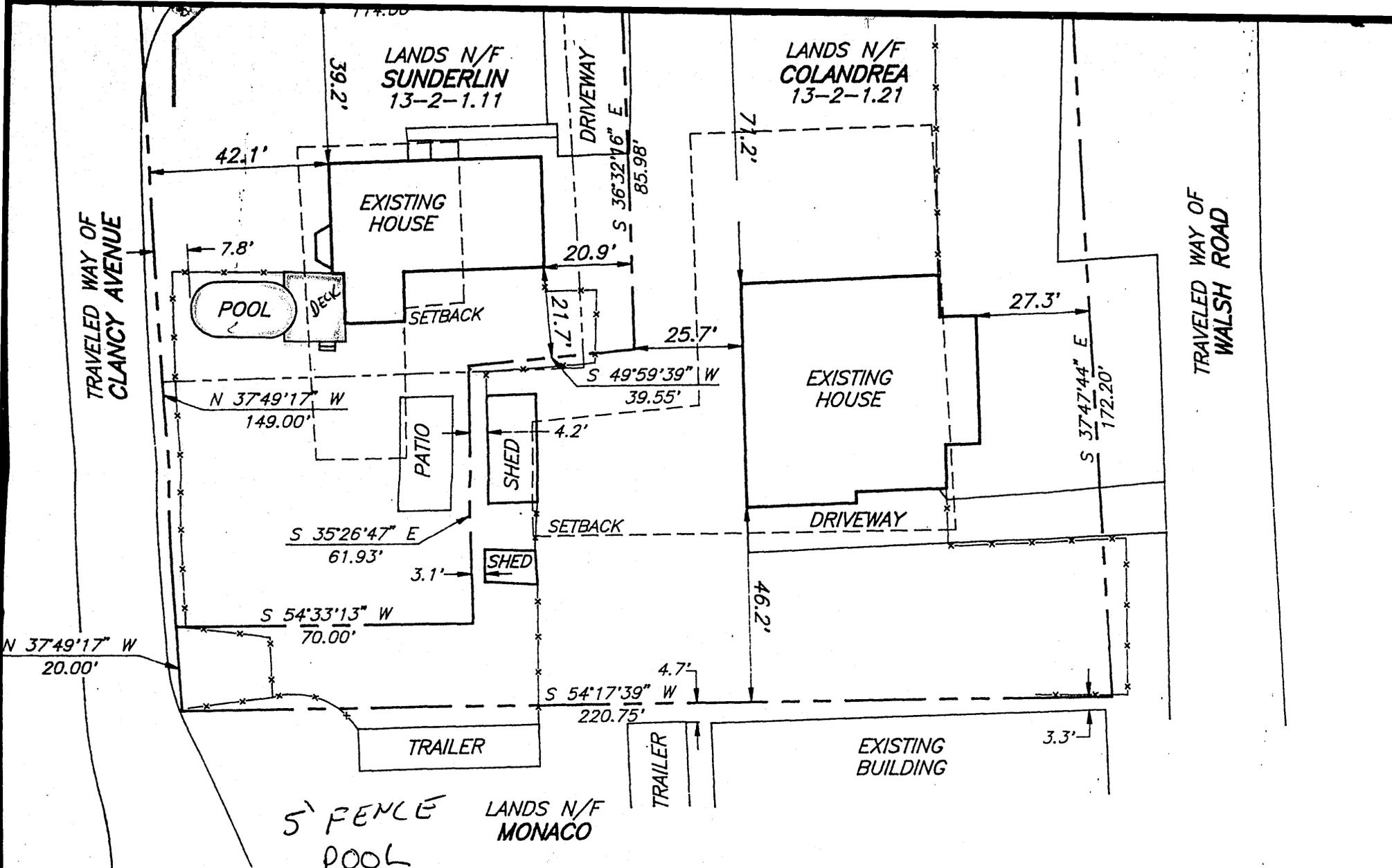
## TOWN OF NEW WINDSOR

Section No. 13

219

ALL NEWBURGH SCHOOL DISTRICT  
 ALL QUASSACK BRIDGE FIRE DISTRICT





5' FENCE  
 POOL  
 DECK  
 48-14 (4)

**SITE PLAN**  
 1" = 30'

N 37°49'17" W  
 20.00'

**CERTIFICATION**

I HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THE INFORMATION SHOWN HEREON IS THE RESULT OF AN ACTUAL FIELD SURVEY, PERFORMED ON MAY 4, 1994, AND IS AS DEEDS AND POSSESSION INDICATE.

CERTIFIED TO:  
 1. DAVID L. SUNDERLIN

IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 130, SECTION 7209, FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

PROJECT NUMBER

1

DATE	DRAWN	CHECKED
6/13/1994	K.R.L.	R.E.K.
SCALE AS NOTED		
SHEET TITLE		

PROPERTY LINE CHANGE  
 OF THE LANDS OF  
 COLANDREA & SUNDERLIN



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 94-39.

Date: 3/6/95.

I. ✓ Applicant Information:

- (a) David Sunderlin 83 Clancy Ave New Windsor NY 562-2643  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) Richard Clarino 100 Commerce Dr Suite 107 New Windsor NY 12553 562-8269  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. ✓ Property Information:

- (a) R4 83 Clancy Ave 13-2-1.11 149x114  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? P.D.
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1989
- (e) Has property been subdivided previously? Yes
- (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? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: None

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.

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

N/A

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

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

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

V.  Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14A(d) ~~48-14A(d)~~ Sec. 48-14C (1) c'(1) - Fence ~~Residential~~.

<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. _____	_____	_____
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 structures in question were erected prior to 1989, when property was purchased by current owner. The pictures demonstrate no detriment to nearby properties nor adverse effect on the physical or environmental conditions in the neighborhood. The requested variance is not substantial

(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) 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

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

(See IV (a) on page 2)

IX. ✓ Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- N/A. Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A. Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 292.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: March 6, 1995.

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

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

X. David J. Lunderlin  
(Applicant)

Sworn to before me this  
6th day of March, 1995.

**PATRICIA A. BARNHART**  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1996.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.

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

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

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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)





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

58

February 3, 1995

Mr. David L. Sunderlin  
83 Clancy Ave.  
New Windsor, NY 12553

Re: Tax Map Parcel #13-2-1.11

Dear Mr. Sunderlin:

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 \$75.00, minus your deposit of \$25.00.

Please remit balance of \$50.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook* /po  
Leslie Cook  
Sole Assessor

LC/po  
Attachments

cc: Pat Barnhart

Padavano, Lawrence J. Jr.  
Box 440, Quaker St. X  
Wallkill, NY 12589

Hulse, Walter J. X  
97 Clancy Ave.  
New Windsor, NY 12553

Sherwood, Gregory & Dawn X  
115 Clancy Ave.  
New Windsor, NY 12553

Colandrea, Michael & Elena Marie  
5 Sylvia St. X  
Newburgh, NY 12550

Monaco, Carmen  
Box 292 Prospect Hill Rd.  
Wallkill, NY 12589 X

Faricellia, Mary G.  
c/o Carmen Monaco X  
Box 292, Prospect Hill Rd.  
Wallkill, NY 12589

Rodriguez, Iris & Catalino & Esther X  
128 Walsh Rd.  
New Windsor, NY 12553

3D Realty, Inc.  
c/o DaMario, Carmine & Louise  
61 Clancy Ave. X  
New Windsor, NY 12553

Jacopino, Edward A. & Ellen  
140 Walsh Rd. X  
New Windsor, NY 12553

Wein, Susan & Edward J. X  
154 Walsh Ave.  
New Windsor, NY 12553

Petrillo Properties, Inc. X  
150 Walsh Rd.  
New Windsor, NY 12553

Crudele, Anna T. X  
12 Merline Ave.  
New Windsor, NY 12553

Sledzianowski, Emil X  
c/o Thomas J. Sledzianowski  
131 Pine Knoll Rd.  
Endicott, NY 13760

Jacopina, Edward A. & Ellen X  
140 Walsh Rd.  
New Windsor, NY 12553

Faricellia, John & Michael  
650 Blooming Grove Tpke. X  
New Windsor, NY 12553

Crudele, Alfred T.  
64 Clancy Ave. X  
New Windsor, NY 12553

Maslowski, Carol  
22 Merline Ave. X  
New Windsor, NY 12553

Davis, Charles H. & Fanny  
30 Merline Ave. X  
New Windsor, NY 12553

Hulse, Byron & Mary  
34 Merline Ave. X  
New Windsor, NY 12553

Smith, Everett & Mary  
34 Merline Ave. X  
New Windsor, NY 12553

Babcock, John T. Jr. &  
McAteer, Colleen X  
23 Myrtle Ave.  
New Windsor, NY 12553

Kaczmarek, John  
13 Myrtle Ave. X  
New Windsor, NY 12553

Duda, John L. & Janet  
80 Clancy Ave. X  
New Windsor, NY 12553

Bucci, Richard S.  
2 Myrtle Ave. X  
New Windsor, NY 12553

Curry, Rosella & X  
Rogers, Terri L.  
12 Myrtle Ave.  
New Windsor, NY 12553

Reardon, Joseph A. & Ethel K. X  
14 Myrtle Ave.  
New Windsor, NY 12553

Cangelosi, Gasper & Elizabeth X  
20 Myrtle Ave.  
New Windsor, NY 12553

Carlson, Carl E. & Gwendolyne E.  
26 Myrtle Ave.  
New Windsor, NY 12553

Makarewicz, Edward X  
31 Cherry Ave.  
New Windsor, NY 12553

Cardamone, Frank & Anna X  
27 Cherry Ave.  
New Windsor, NY 12553

Makarewicz, Stanley R. & Dorothea Janet X  
17 Cherry Ave.  
New Windsor, NY 12553

Bonet, Hector M. & Catherine F. X  
15 Cherry Ave.  
New Windsor, NY 12553

Eachus, Christopher W. & X  
Sanders, Kimberly Anne  
112 Clancy Ave.  
New Windsor, NY 12553

Wilsons & Conklins Modern Vending, Inc.  
5 Koran Ave. X  
New Windsor, NY 12553

Brock, Larence H. & Roberta J. X  
106 Clancy Ave.  
New Windsor, NY 12553

Pettine, Michael J. Jr. & Wilma X  
102 Clancy Ave.  
New Windsor, NY 12553

Triangle Pacific Corp.  
16803 Dallas Parkway  
Dallas, TX 75248 X

The Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553 X

H. C. Davis Boilerworks, Inc.  
3 Susan Dr.  
Newburgh, NY 12550 X

NP Funding II LP  
77 Walsh Rd.  
New Windsor, NY 12553 X

Glynn, Arthur G. &  
Lowe, Edward J.  
68 Walsh Rd.  
New Windsor, NY 12553 X

Air Products & Chemicals, Inc.  
PO Box 2608  
Lehigh Valley, PA 17001-2608 X

Thompson, Ellen W.,  
135 Walsh Ave.  
New Windsor, NY 12553 X

F. T. Realty Holding Corp.  
c/o Fred E. Thompson  
135 Walsh Ave.  
New Windsor, NY 12553 X

Miron, Stephen E. & Kenneth R.  
c/o Federal Block Corp.  
129 Walsh Ave.  
New Windsor, NY 12553 ✓

P & T Realty of New Windsor, Inc.  
144 John St.  
New Windsor, NY 12553 ✓

Maskey, John  
86 Walsh Ave.  
New Windsor, NY 12553 ✓

Burgoa, Jorge  
492 Liberty St.  
Newburgh, NY 12550 ✓

Heller, Kenneth H. & Patricia  
100 Clancy Ave.  
New Windsor, NY 12553 X

Nieves, William & Catalina  
96 Clancy Ave.  
New Windsor, NY 12553 X

Spignardo, John N. & Dora A.  
82 Clancy Ave.  
New Windsor, NY 12553 X

Smith, Albina J. Bugiada  
2 Cherry Ave.  
New Windsor, NY 12553 X

Cavicchio, Leonard & Evelyn  
4 Cherry Ave.  
New Windsor, NY 12553 X

Jones, Lawrence & Loretta E.  
22 Cherry Ave.  
New Windsor, NY 12553 X

Dell, Donald J. & Lucille J.  
28 Cherry Ave.  
New Windsor, NY 12553 X

Cannon, Kevin T. & Lisa M.  
32 Cherry Ave.  
New Windsor, NY 12553 X

Rudulski, Janet M.  
23 Koran Ave.  
New Windsor, NY 12553 X

Cruz, Willibaldo &  
Hortencia & Narcisco  
40 Benkard Ave.  
Newburgh, NY 12550 X

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

PRINT OR TYPE: BLACK INK ONLY

MICHAEL COLANDREA and ELENA COLANDREA, husband and wife

TO

DAVID L. SUNDERLIN and LORRAINE A. SUNDERLIN, husband and wife

SECTION 13 BLOCK 2 LOT 1.10

RECORD AND RETURN TO:  
(Name and Address)

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

Richard Clarino, Esq.  
386 Broadway  
Newburgh, NY 12550

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 061683 DATE 10-17-89 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

- BG20 Blooming Grove \_\_\_\_\_
- CH22 Chester \_\_\_\_\_
- CO24 Cornwall \_\_\_\_\_
- CR26 Crawford \_\_\_\_\_
- DP28 Deerpark \_\_\_\_\_
- GO30 Goshen \_\_\_\_\_
- GR32 Greenville \_\_\_\_\_
- HA34 Hamptonburgh \_\_\_\_\_
- HI36 Highlands \_\_\_\_\_
- MK38 Minisink \_\_\_\_\_
- ME40 Monroe \_\_\_\_\_
- MY42 Montgomery \_\_\_\_\_
- MH44 Mount Hope \_\_\_\_\_
- NT46 Newburgh (T) \_\_\_\_\_
- NW48 New Windsor
- TU50 Tuxedo \_\_\_\_\_
- WL52 Walkkill \_\_\_\_\_
- WK54 Warwick \_\_\_\_\_
- WA56 Wawayanda \_\_\_\_\_
- WO58 Woodbury \_\_\_\_\_
- MN09 Middletown \_\_\_\_\_
- NC11 Newburgh \_\_\_\_\_
- PJ13 Port Jervis \_\_\_\_\_
- 9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on OCT 25 1989  
at 1:11 O'Clock P M.  
in Liber/Film 3205 Deed  
at page 311 and examined.

Marion S. Murphy  
County Clerk

CHECK  CASH  CHARGE

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ 528

ED. FUNDS 5  
RECORD. FEE \$ 11

REPORT FORMS \$ 5

CERT. COPIES \$ \_\_\_\_\_

J. T. Abet

RECEIVED  
\$ 528.00  
REAL ESTATE  
OCT 25 1989  
TRANSFER TAX  
ORANGE COUNTY



1900  
52802

# This Indenture,

Made the 17th day of October Nineteen Hundred and Eighty-nine, Between

MICHAEL COLANDREA and ELENA COLANDREA, husband and wife, both residing at 5A Sylvia Street, Town of Newburgh, Orange County, New York,

parties of the first part, and

DAVID L. SUNDERLIN and LORRAINE A. SUNDERLIN, husband and wife, both residing at 1 Poplar Street, City of Newburgh, Orange County, New York,

parties of the second part.

Witnesseth that the parties of the first part, in consideration of ONE HUNDRED THIRTY-TWO THOUSAND AND 00/100----- Dollar (\$132,000.00 lawful money of the United States,

paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, Orange County, New York, more particularly bounded and described as follows:

BEGINNING at the northwesterly corner at the intersection of the southerly street boundary of Carol Avenue with the easterly street boundary of Clancy Avenue, thence along said street boundary of Carol Avenue North 53 degrees 27 minutes 44 seconds East, 114.00 feet to a point, said point being on the division line of Colandrea on the east and the herein described parcel on the west, thence along said division line the following four (4) courses and distances, South 36 degrees 32 minutes 16 seconds East, 85.98 feet, South 49 degrees 59 minutes 39 seconds West, 39.55 feet, South 35 degrees 26 minutes 47 seconds East, 61.93 feet and South 54 degrees 33 minutes 13 seconds West, 70.00 feet to the easterly boundary of Clancy Avenue aforesaid, thence along said boundary North 37 degrees 49 minutes 17 seconds West, 149.00 feet to the point of beginning.

Containing 0.328 acres of land more or less.

13  
2  
1.10

LIBER 3205 PAGE 312

*Together with the appurtenances and all the estate and rights of the parties 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, as tenants by the entirety.*

*And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.*

*And That, in Compliance with Sec. 13 of the Lien Law, the grantors 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.*

*In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.*

*In Presence of*

*Michael Colandrea*  
MICHAEL COLANDREA  
*Elena Colandrea*  
ELENA COLANDREA

State of New York  
County of ORANGE

} ss. On this 17th day of October  
Nineteen Hundred and Eighty-nine,  
before me, the subscriber, personally appeared

MICHAEL COLANDREA and ELENA COLANDREA,

*to me personally known and known to me to be the same person described in and who executed the within Instrument, and they duly acknowledged to me that they executed the same.*

*Thomas P. Callahan*

THOMAS P. CALLAHAN  
Notary Public, State of New York  
Appointed for Orange County  
Commission Expires Sept. 30, 1921

# Deed

Covenant Against Grantor with Lien Covenant

MICHAEL COLANDREA and ELENA  
COLANDREA, husband and wife

**TO**

DAVID L. SUNDERLIN and  
LORRAINE A. SUNDERLIN,  
husband and wife

Dated, October 17, 1989

JT-10-42542

LEMON & CALLAHAN  
ATTORNEYS-AT-LAW  
CORNWALL, NEW YORK

LIBER 3205 PAGE 313

Rec'd.  
ZBA - 3/14/95. (AB)

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. 39

Request of David L. Sunderlin

for a VARIANCE of the Zoning Local Law to permit:

an existing pool, deck & 5 ft. fence in variance of  
Secs. 48-14 A(1) and 48-14 C (1)(c)(1) of the Supp. Yard Regs.,

being a VARIANCE of Section 48-14 A(1) and 48-14 C (1)(c)(1)-

Supp. Yard Regs.,

for property situated as follows:

83 Clancy Avenue, New Windsor, N.Y. 12553,

known as tax lot Section 3 Block 2 Lot 1.11

SAID HEARING will take place on the 27th day of March,  
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P.M.

James Nugent,  
Chairman

DAVID L. SUNDERLIN  
LORRAINE A. SUNDERLIN  
83 CLANCY AVE.  
NEWBURGH, NY 12550

5143  
1-108/280

March 05 19 95

PAY TO THE ORDER OF Town of New Windsor \$ 50.00

Fifty and 00/100 DOLLARS

Marine Midland Bank   
EAST FISHKILL OFFICE  
1433 ROUTE 52  
HOPEWELL JUNCTION, NEW YORK 12533

FOR #94-39 ZBA David L. Sunderlin  
⑆028001081⑆085739948⑆ 5143

CHARLAND 1993

DAVID L. SUNDERLIN  
LORRAINE A. SUNDERLIN  
83 CLANCY AVE.  
NEWBURGH, NY 12550

5144  
1-108/280

March 05 19 95

PAY TO THE ORDER OF Town of New Windsor \$ 292.00

Two hundred ninety two and 00/100 DOLLARS

Marine Midland Bank   
EAST FISHKILL OFFICE  
1433 ROUTE 52  
HOPEWELL JUNCTION, NEW YORK 12533

FOR #94-39 - ZBA David L. Sunderlin  
⑆028001081⑆085739948⑆ 5144

CHARLAND 1993

the words "same as" are followed by a series of group symbols, the use group and their respective bulk regulations shall be construed as applying to equivalent uses in the district wherein referred.

## ARTICLE V Supplementary Regulations

### § 48-14. Supplementary yard regulations.

#### A. Accessory buildings.

- (1) An accessory building may be located in any required side or rear yard, provided that:
  - (a) Such building shall not exceed fifteen (15) feet in height or the maximum height of the principal building, whichever is less. [Amended 4-20-88 by L.L. No. 3 — 1988]
  - (b) Such building shall be set back ten (10) feet from any lot line.
  - (c) All such buildings, in the aggregate, shall not occupy more than ten percent (10%) of the area of the required rear or side yard.
- (2) Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
- (3) An accessory building on that portion of a lot not included in any required yard shall not exceed the height of the principal building. [Amended 4-20-88 by L.L. No. 3 — 1988]
- (4) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the erection of such garages under the following conditions:

- (a) If the natural slope is from ten percent (10%) to twenty percent (20%) within twenty-five (25) feet of the street line, the Board may permit a garage not closer than twenty (20) feet to the street line.
  - (b) Where such slope exceeds twenty percent (20%), a garage may be permitted not closer than ten (10) feet to the street line.
- (5) The storage of unlicensed vehicles is prohibited in any residential district except in enclosed structures complying with these regulations.

#### B. Corner lots.

- (1) Obstruction of vision at street intersections. At all street intersections in all districts, no obstructions of vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.
- (2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others side yards.

#### C. Exceptions to yard requirements.

- (1) Permitted obstructions. [Amended 4-20-88 by L.L. No. 3 - 1988]
  - (a) Cornices or cantilevered roofs may project not more than three (3) feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six (6) inches into a required yard.
  - (b) Bay or bow windows cannot project more than thirty (30) inches into a required yard.
  - (c) Fences or walls not over six (6) feet in height may be erected anywhere on the lot except as follows:

(1) Between the principal building and the street or streets on which it fronts, the maximum permissible height shall be four (4) feet except as set forth in § 48-14B, Corner lots.

- (d) Fences or walls with a height in excess of six (6) feet shall conform to the requirements set forth herein for buildings.
- (e) Paved terraces, steps, walks and decks not exceeding three (3) feet above the average finished grade (measured along the front wall of the building which it serves), other than such as are needed to provide access to the buildings on the lot, shall not project to within fifteen (15) feet of a front lot line nor within ten (10) feet of any other lot line.
- (2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico, not

(Cont'd on page 4813)