

ZB# 94-46

Christopher Eachus

13-15-2

Pailem.

#94-46-Eachus, Christopher

561-5622
Quin

November 14, 1994
notice to Sentinel 1/19/95

(Existing additions
project into easement
area.)

Need copy of:

- ① Deed ✓
- ② Title Report
- ③ Fee: ① 50.00 ✓
300.00 ✓
- ④ Photos ✓
- ⑤ Easement if
Letter out 2/1995.

Public Hearing:

February 27, 1995.

Granted Area

Variance

Refund \$185.00 ✓
Paid

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14436

Jan. 13 1995

Received of Christopher & Kimberly Eachus \$ 50.⁰⁰

_____ Fifty ⁰⁰/₁₀₀ _____ DOLLARS

For Application Fee #94-46

DISTRIBUTION:

| FUND | CODE | AMOUNT |
|----------|------|--------|
| Ck # 944 | | 50.00 |
| | | |
| | | |

By Dorothy H. Hansen

Town Clerk
_____ Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

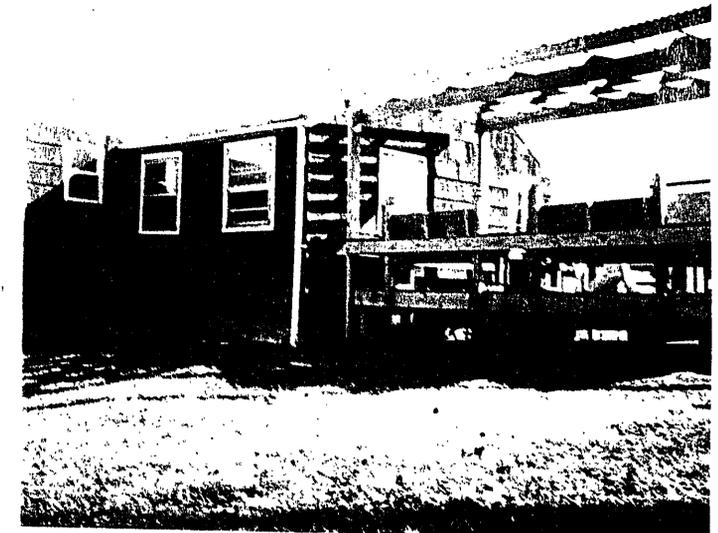
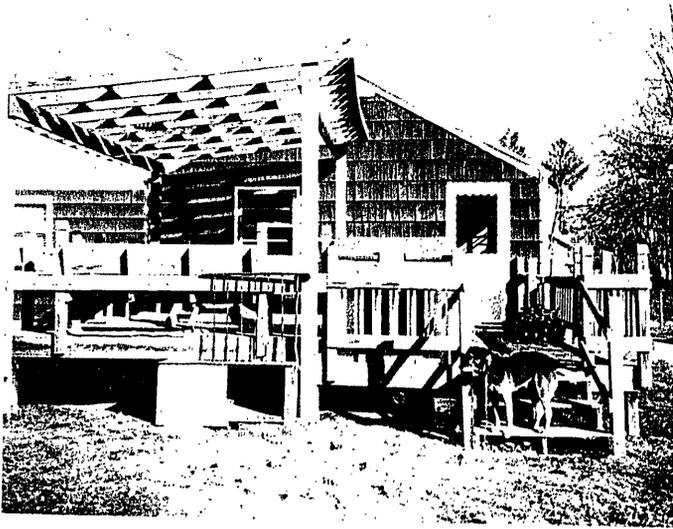
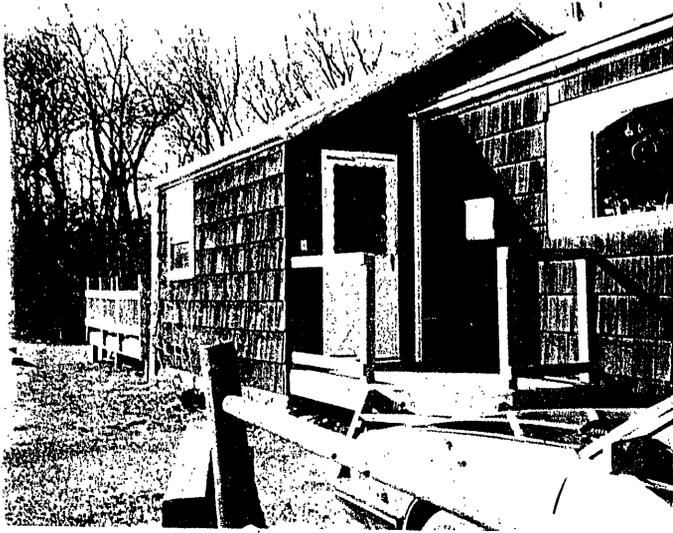


| | |
|----------|-------|
| ck # 944 | 50.00 |
| | |
| | |

sh
Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Eachus, Christopher

FILE # 94-46

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

| | | |
|----------------------------------|---------------------------|-----------------|
| PRELIMINARY MEETING - PER PAGE | <u>11/14/94 - 5 pages</u> | \$ <u>22.50</u> |
| 2ND PRELIM. MEETING - PER PAGE | <u>2/27/95 - 5 pages</u> | \$ <u>22.50</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 - <u>11/14</u> HRS. | <u>11/14/94</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 . . . \$ 300.00
 (ADDL. CHARGES DUE) . . . \$ _____
 REFUND TO APPLICANT DUE . . . \$ 185.00

(ZBA DISK#7-012192.FEE)

1/12/95
paid
ck 0944
paid
ck #
0945.

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

CHRISTOPHER EACHUS

DECISION GRANTING
AREA VARIANCES

#94-46.
-----X

WHEREAS, CHRISTOPHER EACHUS, 110 Clancy Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 9 ft. 3 in. side yard variance and 1 ft. rear yard variance for an existing addition and a 13 ft. side yard and 17 ft. rear yard variance for an existing deck, located at the above address in an R-4 zone; and

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

WHEREAS, applicant appeared before the Board for this proposal; 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 property located in a neighborhood of one-family homes.

(b) At the time the applicant bought the property there was a deck and enclosed porch attached to the building.

(c) The property is bordered on the west by a one-family home owned by the same applicant, on the south (or rear) by lands of the Town of New Windsor and on the east by a right-of-way from Clancy Avenue to said lands of the Town of New Windsor.

(d) The aforementioned right-of-way is used by the Town of New Windsor snow plows and garbage trucks and is presently being used with the deck and porch for which the variances are sought in place. There appears to be no difficulty in the utilization of this right-of-way in its present condition.

(e) It appears that the deck and porch were built in

1983. It also appears that many of the one-family homes in the area have similar decks.

(f) The variances requested are on the side of the building abutting the aforementioned right-of-way which is 15 to 20 ft. wide.

(g) Before the right-of-way came into existence, the deck and enclosed porch constructions would have met the side yard requirements. Nothing is constructed in this right-of-way.

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. The right-of-way into which the structures encroach is now being used by the Town of New Windsor apparently without difficulty or complaint.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure. The structures for which the variances are sought are existing.

3. Some of the requested variances are substantial but are nevertheless warranted because they are consistent with the neighborhood and do not interfere with the use of the right-of-way aforementioned.

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

5. The difficulty the applicant faces in conforming to the bulk regulations are self-created in that the applicant bought the property at a time when the non-compliances existed. Nevertheless the variances should be granted because their existence does not harm or effect the neighborhood in any way and requiring that the encroaching porch and deck be removed would be a great hardship to the present owner.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are 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 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 variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 9 ft. 3 in. side yard and 1 ft. rear yard variance for an existing addition and 13 ft. side yard and 17 ft. rear yard variance to allow an existing deck 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: April 10, 1995.


Chairman

(ZBA DISK#13-032895.CE)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914) 563-4630

April 4, 1995
FAX: (914) 563-4693

ZBA file

Christopher W. and Kimberly A. Eachus
112 Clancy Avenue
New Windsor, N. Y. 12553

RE: EASEMENT - SEWER DISTRICT #9
Section 13 - Block 15 - Lot 2

Dear Chris and Kimberly:

Enclosed please find a recorded copy of the above-entitled easement which is dated February 16, 1995 and recorded in the Orange County Clerk's Office in Liber 4193 at page 203 on March 13, 1995.

Very truly yours,

PATRICIA A. BARNHART
Attorney's Office

/PAB

Enclosure
cc: Town Clerk Hansen

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



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

CHRISTOPHER W. EACHUS
and KIMBERLY A. EACHUS

TO

TOWN OF NEW WINDSOR

SECTION 13 BLOCK 15 LOT 2

RECORD AND RETURN TO:
(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION

| | |
|--------------------------------|-------------------------------|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) |
| ___ 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) |
| ___ 2600 CRAWFORD (TN) | ___ 4600 NEWBURGH (TN) |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) |
| ___ 3689 HIGHLANDS (TN) | ___ 5600 WAWAYANDA (TN) |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 5889 WOODBURY (TN) |
| ___ 3889 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) |
| ___ 3801 UNIONVILLE (VLG) | |
| ___ 4089 MONROE (TN) | |
| ___ 4001 MONROE (VLG) | ___ 0900 MIDDLETOWN |
| ___ 4003 HARRIMAN (VLG) | ___ 1100 NEWBURGH |
| ___ 4005 KIRYAS JOEL (VLG) | ___ 1300 PORT JERVIS |

CITIES

NO. PAGES 3 CROSS REF _____
CERT. COPY _____ AFFT. FILED _____

PAYMENT TYPE: CHECK X
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ _____
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:

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

Joan A Macchi

JOAN A. MACCHI
Orange County Clerk

9999 HOLD

RECEIVED FROM: Town of New Windsor

LIBER 4193 PAGE 203

ORANGE COUNTY CLERKS OFFICE 11480 MRL
RECORDED/FILED 03/13/95 03:34:43 PM
FEES 19.00 EDUCATION FUND 5.00
SERIAL NUMBER: 005935
DEED CNTL NO 52822 RE TAX .00

RE: RECEIVE AND FILE - EASEMENT
EACHUS, CHRISTOPHER W. and KIMBERLY A.
Section 13 - Block 15 - Lot 2

Hearing no objection, the Town Board of the Town of New Windsor receive and file an easement from CHRISTOPHER W. EACHUS and KIMBERLY A. EACHUS to the TOWN OF NEW WINDSOR, the Grantors having constructed an addition to their residential dwelling located at 112 Clancy Avenue (Sewer District #9) within the easement area, said easement having been recorded in the Orange County Clerk's Office in Liber 4193 at page 203 on March 13, 1995.

Town Board Agenda: 04/05/95.

(TA DOCDISK#1-040387.RF)

E A S E M E N T

EASEMENT granted this 16th day of February, 1995, in consideration of the sum of ONE (\$1.00) DOLLAR, the payment of which is hereby waived, the undersigned, CHRISTOPHER W. EACHUS and KIMBERLY A. EACHUS, residing at 112 Clancy Avenue, New Windsor, N. Y. 12553, hereinafter called "Grantor", hereby grants unto the TOWN OF NEW WINDSOR, a municipal corporation having its office at 555 Union Avenue, Town of New Windsor, Orange County, New York, hereinafter called the "Grantee", for the use of Sewer District #9, a perpetual right-of-way and right of entry, to enter upon and lay, install, operate, maintain and replace a pipe, pipeline, manhole or manholes, and appurtenances for conveying sewage through the property of the Grantor which is described in Schedule A attached.

The Grantor reserves the right to use and enjoy the said premises except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sanitary sewer line or appurtenances thereto.

This Easement is made upon the following expressed conditions and reservations which shall run with the land and be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors, heirs or assigns:

(a) That the Grantee shall, at its own cost and expense after completion of the original construction and the completion of any future repairs to the sanitary sewer line, restore the surface of said lands and premises to substantially the same condition as before such construction or repairs, except, however, the Grantor shall be responsible for all costs incurred in removing and replacing the addition and deck or any other structure now existing or constructed within the easement area.

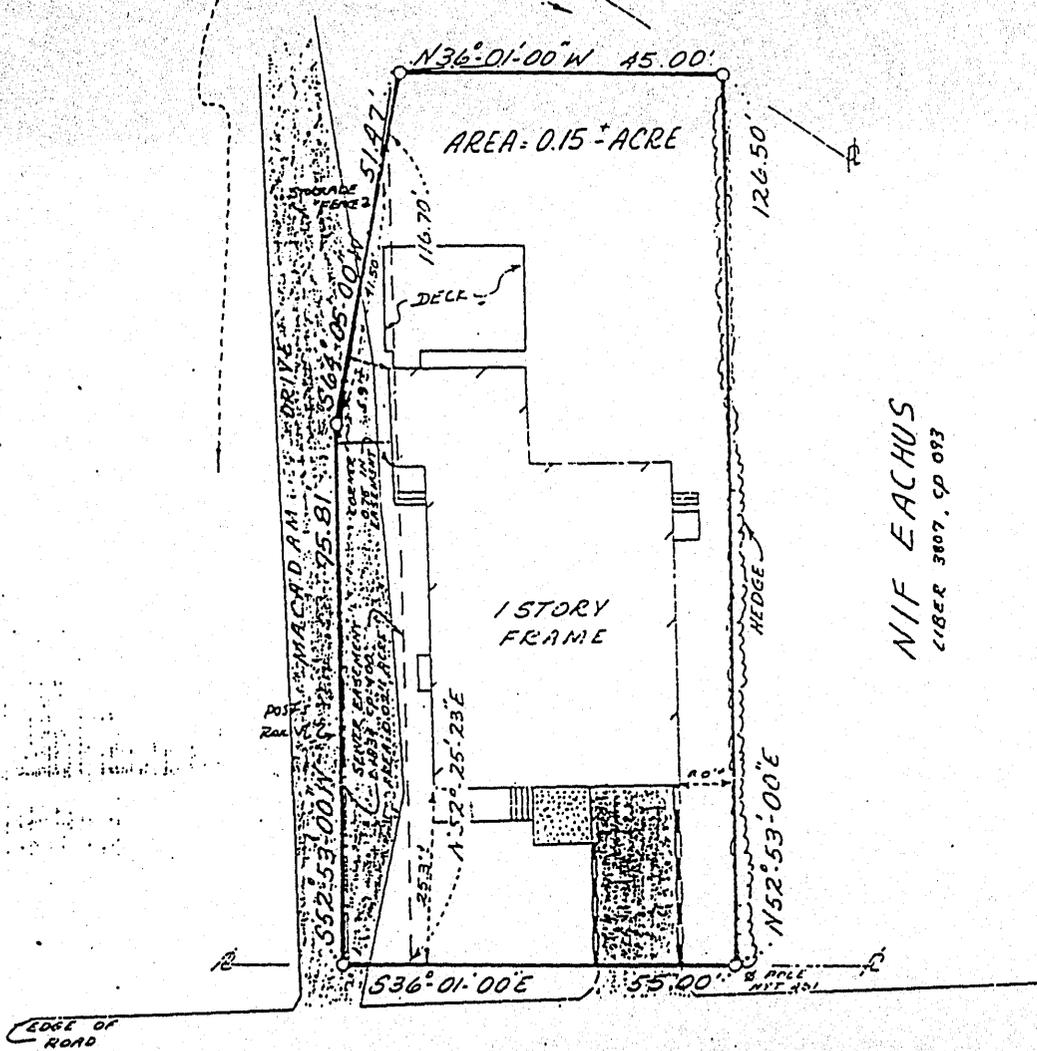
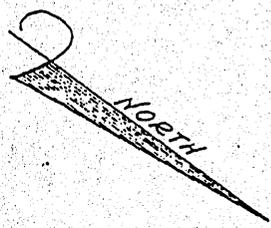
(b) That the systems placed in or under said right-of-way shall, at all times, remain the property of the Town of New Windsor and under its control and supervision and the Grantor and its successors and assigns shall not interfere with or cause injury to said systems.

(c) That the Grantor shall have the right to enter at any manhole or other location along the sewer line easement for the purpose of connecting to the said systems.

(d) That the Grantor shall have the right to pave any section of the said easement area for the purpose of parking or drainage facilities. The Grantor shall also have the right to place a deck and addition to the existing structure providing, however, Grantor remains responsible for the obligations set forth in paragraph (a) hereof.

(e) The consent of the Grantor to erect or maintain a deck

NIF WILSON & CONKLIN
MODERN VENDING INC.
LIBER 1897 SP 676
REC # 7412



NIF EACHUS
LIBER 3807, SP 093

CLANCY AVENUE EXTENSION

MAP OF SURVEY
FOR
KIMBERLY A. & CHRISTOPHER W. EACHUS

TOWN OF NEW WINDSOR
SCALE: 1" = 20'

ORANGE COUNTY, N.Y.
JULY 31, 1994

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE
WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE
NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

CERTIFIED TO: MANUFACTURERS AND TRADERS TRUST CO., ITS SUCCESSORS

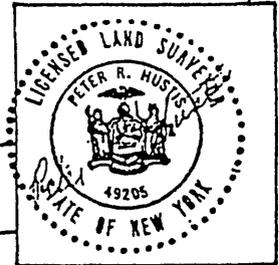
AND/OR ASSIGNS.

FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK
KIMBERLY A. & CHRISTOPHER W. EACHUS

JOB No 80:196B

PETER R. HUSTIS, L.L.S.

33 HENRY STREET, BEACON, NEW YORK - 828 BROADWAY, NEWBURGH, NEW YORK



LIBER 4193 PAGE 206

DATE 2-28-95

file - ZBA checks

dear PARTY #1 _____
PARTY #2 _____

ig of each debtor w/addresses for each.
st add.
: docketed/rendered dates.
ne affixed over all corrections/additions/
uts".
ay not exceed \$ _____ unless indicated
sterclaim B.) Rents due C.) Civil.

Date of acknowledgment should not precede
rument.
parties must be inserted.
1/acknowledged in compliance with N.Y.S. laws:
complete: Venue Name Date
Title of Officer Corporate Seal Missing.
on required in legal description
use required: 1 or 2 family dwelling only;
perty improved by one or more structures
of six cooking units or less; Real property
oved by one or more structures consisting of
units or less.
affidavit in duplicate with \$5.00 fee.
emption NOT allowed.
lock - Lot.
Sec. #275 of Tax Law must be met.
NYS Equalization Form and/or T.Tax-Gains Afft.
o regarding wrong information on Discharge
nt of Mortgage.
ections and/or "white-outs".
ording page required. Attach to front of
complete TOP PORTION ONLY; print legibly
ng BLACK INK; submit one per document.

it; Notice of Petition; or Order to Show
be submitted with purchase of Index number.
lication in duplicate, completed & signed.
y checks in excess of \$500. must be certified.
cks in excess of \$100. must be certified.
1 check, cash or money order ONLY.
ressed stamped envelope for information
u wish returned.
st appear on ALL filed papers.
les NOT attached as indicated.
losed/signed.
nds/overpayment. Amount required: \$ 24
able for filming. Please submit legible copy.
Additional information is required _____

*fee by enclosed - save
to copy for future use.
redo labels fee by*

PAY: 

TOWNSHIP OF NEW WINDSOR
DISBURSEMENT ACCOUNT
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

CHECK NO. **039103**

THE BANK OF NEW YORK
MID-HUDSON REGION
Route 94
New Windsor, NY 12553

CHECK NO. 039103 DATE 03/08/95 AMOUNT \$*****24.00

TO THE ORDER OF: TWENTY FOUR AND 00/100 DOLLARS

ORANGE COUNTY CLERK
ORANGE COUNTY GOVERNMENT CENTER
GOSHEN, NEW YORK
10924-0000

00039103 0219023521 0232008190

PLEASE RETURN THIS SHEET WHEN RE-SUBMITTING DOCUMENTS IN ORDER TO
AVOID DELAYS IN PROCESSING. If you have any questions, please do
not hesitate to contact this office at (914) 294-5151, Ext. _____.

Thank you - INITIAL Ls



JOAN A. MACCHI
ORANGE COUNTY CLERK, Goshen, N.Y. 10924



TOWN OF NEW WINDSOR
 TRUST AND AGENCY FUND
 555 UNION AVE.
 NEW WINDSOR, NY 12553

2027

29-1
 213

3.6 19 95

PAY
 TO THE
 ORDER OF

Michael & Patricia Kane

\$ 207.50

The sum of \$207 and 50/100

DOLLARS



Joseph J. Ryan
John J. Ryan

FOR RETURN OF ZBA ESCROW

⑈002027⑈ ⑆021300019⑆ 52090 00433⑈

© DELUXE, INC.

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

TOWN OF NEW WINDSOR

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

TO Frances Roth 147 Sycamore Dr DR.
New Windsor, NY 12553

| DATE | | CLAIMED | ALLOWED |
|---------|-----------------------|---------------|---------|
| 2/27/95 | Zoning Board Meeting | 75 00 | |
| | Misc - 4 | | |
| | Keegan - 13 | | |
| | J.N.G. - 3 | | |
| | Eorhus - 5 | | |
| | Kane - 3 | | |
| | Perrott - 4 | | |
| | 32 pp | <u>144 00</u> | |
| | | 219 00 | |

PUBLIC HEARING:

EACHUS, CHRISTOPHER

MR. TORLEY: Request for 9 ft. 3 in. side yard and 1 ft. rear yard variance for addition and 13 ft. side yard and 17 ft. rear yard variance for deck, both existing at 110 Clancy Avenue in an R-4 zone.

Mr. Christopher Eachus appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience wishing to speak on this besides the applicant? At the moment, there is none.

MR. EACHUS: I purchased a house at 110 Clancy Avenue which at the time of purchase was a foreclosure from a bank. It had a total of 6 violations on it. I corrected 3 of the violations, the other 3 violations, 2 apply to a deck which is currently built, two of them for the deck because it is at two different heights and one to an enclosed porch. I'm seeking the area variance for the structures as they currently exist. One ten Clancy Avenue is bordered on the north side by Clancy Avenue itself. It is bordered on the west by 112 Clancy Avenue of which I personally own myself. It is bordered on the south side by the Town of New Windsor land or property, some sort of reservoir, I'm not exactly sure what it is and it is bordered on the east side by a right-of-way. The variance is asking for changes to the right-of-way as well as to the town lands. I would like to mention that the right-of-way is currently used by both the Town of New Windsor garbage truck as well as the snow plow coming through there with the structures as they currently exist and I can vouch for that, for the last 18 months and I can also assume that that has been true since the assessor's office found both of these structures in 1983 so that is what I am looking for.

MR. LANGANKE: When did you appear for the preliminary?

MS. BARNHART: November 14.

MR. EACHUS: Thank you.

MR. TORLEY: So your intention, you're replacing the structures?

MR. EACHUS: No, sir, as they currently exist, I would just like to--

MR. TORLEY: Make them legal?

MR. EACHUS: Have them inspected, fulfill the requirements of actually I suppose a building permit, having the building inspector come over and make sure that they are up to snuff and so on like that.

MR. TORLEY: Since you own the adjoining property, you have no objections to this?

MR. EACHUS: That is correct.

MR. TORLEY: And you have spoken with your neighbors about this?

MR. EACHUS: Yes, sir, everybody did receive the letters which I sent out.

MR. LANGANKE: When were these decks constructed?

MR. EACHUS: One is actually a deck, the other is an enclosed porch, we can justifiably say that they were built in 1983 because the New Windsor assessor's office noted them and I believe sent notification then to the building inspector's office so I can vouch for the fact that they have been there since 1983.

MR. LANGANKE: When you purchased this property, you knew they were in violation?

MR. EACHUS: Yes, sir.

MR. TORLEY: And you're talking steps to remedy the violation?

MR. EACHUS: Yes, sir.

MS. BARNHART: For the record, I sent out 34 notices to adjacent property owners, the same that appeared on the list.

MR. BABCOCK: I do not have a copy of the assessor's records here, all I have is a letter saying they picked them up. It doesn't say the date.

MR. TORLEY: But we're clearly not making any claim that they predated zoning.

MR. EACHUS: No, sir.

MR. BABCOCK: No.

MR. EACHUS: I got the dates off of the property card.

MR. BABCOCK: Right, I don't have that here. I don't have the dates when they picked it up but that is what we go by. We wouldn't be talking about it if they predated.

MR. TORLEY: I want that on the record so. Now I'll open up to the public, if there's anyone here that wishes to speak on this? Seeing and hearing none, I'll close the public hearing. Gentlemen, any other questions you have?

MR. KRIEGER: These dwellings are located, they are one family homes located in the neighborhood of one family homes?

MR. EACHUS: The right-of-way is for a commercial piece of property, I believe.

MR. KRIEGER: Well, what's actually existing there now?

MR. EACHUS: Mostly single family homes or trailers.

MR. KRIEGER: And some of these homes have a substantial, a substantial portion of them have decks or porches and in some way similar to what's on these buildings?

MR. EACHUS: Except in size, yes.

MR. KRIEGER: Somewhat similar, not identical?

MR. EACHUS: Yes.

MR. KRIEGER: Mike, how much is required? I see we have two side yards and two rear yards?

MR. BABCOCK: The required side yard is 15 foot, required rear yard is 40 feet.

MR. KRIEGER: Right side yard is 15 feet?

MR. BABCOCK: Yes.

MR. KANE: These are the minimum requirements necessary to meet?

MR. TORLEY: He's asking for 9 foot variance. Is that on the side that has the right-of-way?

MR. EACHUS: Yes, sir.

MR. TORLEY: So before the right-of-way was granted it would have met the 15 feet?

MR. EACHUS: Must have, yes.

MR. TORLEY: But as the laws change, the right-of-ways no longer account for that so.

MR. KRIEGER: Is the 13 foot request on the other building, would that space be between the two buildings or--

MR. EACHUS: The 13, oh no, sir it would be between the edge of the right-of-way and the building itself, the right-of-way being, I'm estimating right now, 15 to 20 foot wide.

MR. KANE: So both side yards are dealing with the right-of-way?

MR. KRIEGER: Both of the ones that you need variances the right-of-way runs between them?

MR. EACHUS: Yes.

MR. KRIEGER: I have what I need.

MR. TORLEY: All right, gentlemen, any other questions?

MR. EACHUS: I might mention that there was a question about a sewer easement through that area, of which I at your last meeting, I believe you approved my signing of that letter that I would take financial as well as obligatory responsibility for if that needed to be dug up.

MS. BARNHART: Mr. Eachus has signed an easement over to the Town of New Windsor, the date is February 16, it was signed by himself and his wife and it was also executed by the Town of New Windsor and it's in the process of being recorded in Goshen. So we do have the easement.

MR. TORLEY: Mike, do you have anything you'd like to add?

MR. BABCOCK: No.

MR. TORLEY: Gentlemen?

MR. LANGANKE: I make a motion that we grant the applicant the required variances.

MR. KANE: I'll second it.

ROLL CALL

| | |
|--------------|-----|
| MR. KANE | AYE |
| MR. LANGANKE | AYE |
| MR. TORLEY | AYE |
| MR. REISS | AYE |

2
Bar

RE: MOTION-AUTHORIZATION FOR SUPERVISOR TO EXECUTE EASEMENT
EACHUS, CHRISTOPHER W. and KIMBERLY A. EACHUS w/ TNW
ENCROACHMENT IN EASEMENT AREA - 13-15-2

MOTION BY COUNCIL Heft

SECONDED BY COUNCIL Finnegan

That the Town Board of the Town of New Windsor authorize the Supervisor to execute an easement and Real Property Transfer Gains Tax Affidavit from CHRISTOPHER W. EACHUS and KIMBERLY A. EACHUS to TOWN OF NEW WINDSOR, said easement is to allow an encroachment by Grantors on the easement area located at 112 Clancy Avenue.

ROLL CALL: All Ayes MOTION CARRIED: 4-0

Town Board Meeting: 02/15/95.

(TA DOCDISK#2-120288.MCQ)

Note: Please return executed document to the Attorney's office for recording in Goshen.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-46

Date: 1/12/95

I. ✓ Applicant Information:

- (a) EACHUS, CHRISTOPHER W. & KIMBERLY A., 110 Clancy Ave., New Windsor
(Name, address and phone of Applicant) (Owner) NY 12553
561-8622
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) HUNTER, STEPHEN R. 140 Main St, PO Box 808, Goshen, NY 10924
(Name, address and phone of attorney) 294-7810
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. ✓ Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) C-4 110 CLANCY AVENUE, New Windsor 13-15-2 55'-126'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 9/19/94
- (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? NO
- (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.

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

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

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

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F+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. <u>15'</u> | <u>5' 9"</u> | <u>9' 3" Addition</u> |
| | <u>2'</u> | <u>13' DECK</u> |
| - Reqd. Rear Yd. <u>40'</u> | <u>39'</u> | <u>1' Addition</u> |
| Reqd. Street Frontage* <u>40'</u> | <u>23'</u> | <u>17' DECK</u> |
| 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 variances requested are for existing structures that have been in place for a minimum of 12 years and have posed no problems for residents nor have generated any complaints to date.

(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

(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)

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 20, 1994

APPLICANT: CHRISTOPHER EACHUS
112 CLANCY AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 19, 1994
FOR (BUILDING PERMIT): EXISTING ROOM. [REDACTED]

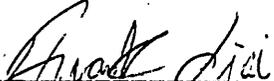
LOCATED AT: 110 CLANCY AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 15, LOT: 2
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING ATTACHED [REDACTED] ADDITION EXCEEDS MINIMUM SIDE AND REAR YARD SET-BACKS.
2. ESISTING ADDITIONS PROJECT ONTO SEWER EASEMENT APPROXIMATELY ONE (1) FOOT.



BUILDING INSPECTOR

| REQUIREMENTS | | PROPOSED OR AVAILABLE | VARIANCE REQUEST |
|----------------|------|--------------------------|---------------------|
| ZONE: R-4 | USE | | |
| MIN. LOT AREA | | | |
| MIN. LOT WIDTH | | | |
| REQ'D FRONT YD | | | |
| REQ'D SIDE YD | 10-F | 15FT. | 5FT.9 IN. |
| REQ'D REAR YD. | 10-G | 40FT. | 39FT. |
| | | | 9FT. 3 IN. |
| | | | 1FT. |

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.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 20, 1994

APPLICANT: CHRISTOPHER EACHUS
112 CLANCY AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 19, 1994

FOR (BUILDING PERMIT): EXISTING [REDACTED] DECK

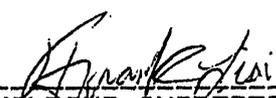
LOCATED AT: 110 CLANCY AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 15, LOT: 2
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING ATTACHED DECK [REDACTED] EXCEEDS MINIMUM SIDE AND REAR YARD SET-BACKS.

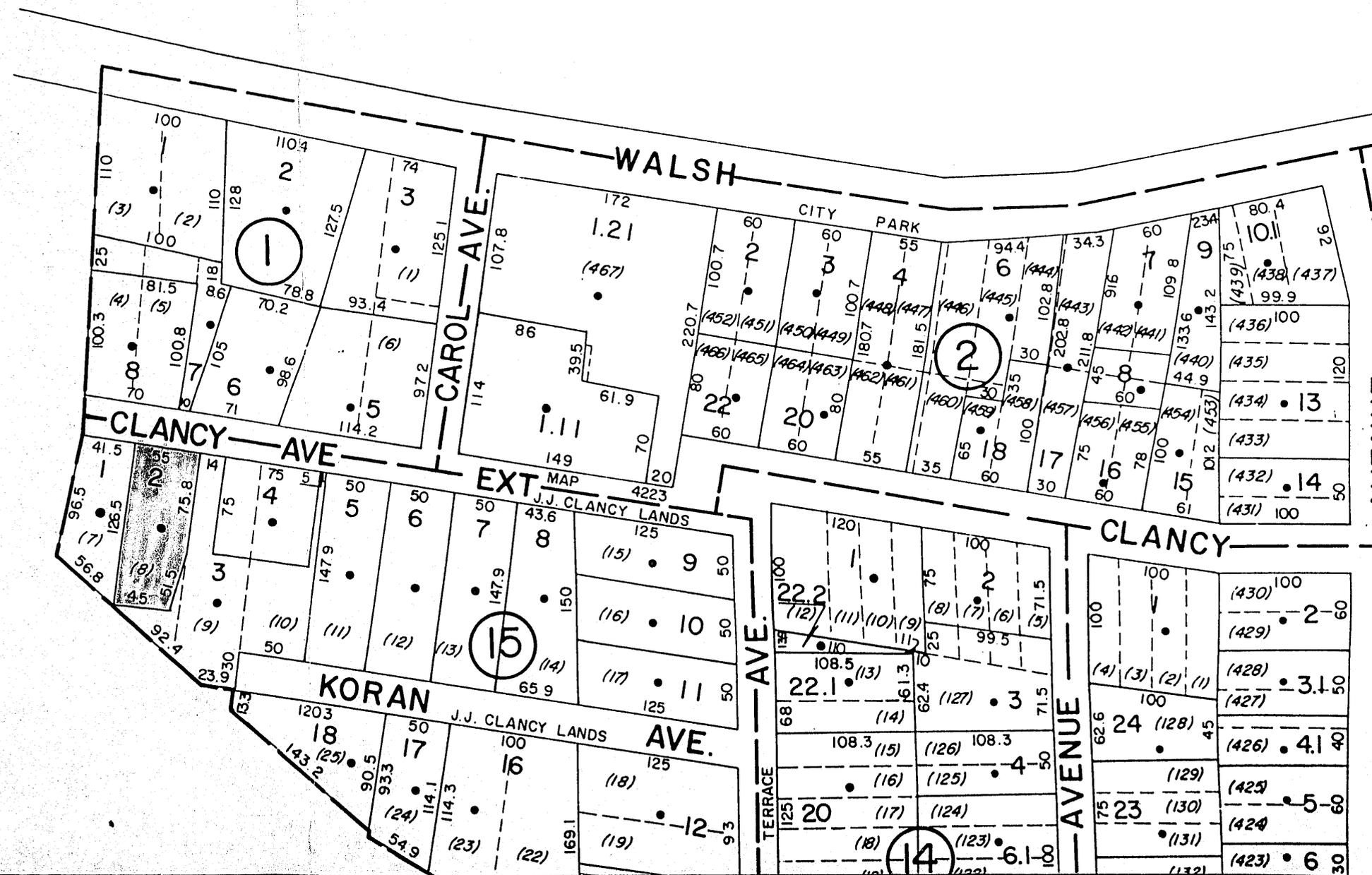
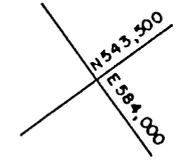


BUILDING INSPECTOR

REQUIREMENTS**PROPOSED OR
AVAILABLE****VARIANCE
REQUEST****ZONE: R-4****USE****MIN. LOT AREA****MIN. LOT WIDTH****REQ'D FRONT YD****REQ'D SIDE YD 10-F 15FT. 2FT. 13FT.****REQ'D REAR YD. 10-G 40FT. 23FT. 17FT.**

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.





1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

34

December 19, 1994

Christopher & Kimberly Eachus
112 Clancy Avenue
New Windsor, NY 12553

Re: Tax Map Parcel #13-15-2

Dear Mr. & Mrs. Eachus:

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook/co

LESLIE COOK
Sole Assessor

LC/co
Attachment
cc: Pat Barnhart

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

Burgoa, Jorge X
492 Liberty Street
Newburgh, NY 12550

Padavano, Jr. Lawrence J.
Box 440, RD 2 Quaker Street
Wallkill, NY 12589 X

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

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

Sunderlin, David L. & Lorraine A.
83 Clancy Ave.
New Windsor, NY 12553 X

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

Monaco, Carmen
Box 292 Prospect Hill Road
Wallkill, NY 12589 X

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

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

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

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

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

Wilson's & Conklin's Modern Vending Inc.

5 Koran Ave.
New Windsor, NY 12553 X

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

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

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 X
2 Cherry Ave.
New Windsor, NY 12553

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

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

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

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

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

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

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

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

Aldrich Jr., Robert &
Hudson, Jane G.
PO Box 7039
Newburgh, NY 12550

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

NP Funding II LP
77 Walsh Road
New Windsor, NY 12553

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

Air Products & Chemicals Inc.
PO Box 2608
Lehigh Valley, PA 18001-2608

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



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

February 24, 1995
FAX:914-563-4693

file

ORANGE COUNTY CLERK'S OFFICE
COUNTY GOVERNMENT CENTER
GOSHEN, N.Y. 10924

Attn: Ms. Mary Long

RE: RECORDING OF DOCUMENTS: EASEMENT
EACHUS, CHRISTOPHER W. and KIMBERLY A. to TNW
112 CLANCY AVENUE - 13-15-2

Dear Mary:

Enclosed please find the above-entitled document with recording page, Real Property Transfer Gains Tax Affidavit, stamped self-addressed envelope together with Town of New Windsor voucher for payment of fees.

Kindly fill in the amount of your fee for recording on the face of the voucher, execute the reverse side where indicated and return the voucher in the envelope provided. I will then provide a check for the fee quoted on the voucher.

Thank you for your usual prompt assistance.

Very truly yours,

PATRICIA A. BARNHART
Attorney's Office

/PAB
Enclosure

cc: Town Clerk Hansen

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

SECTION 13 BLOOM 15 LVI 2

CHRISTOPHER W. EACHUS
 KIMBERLY A. EACHUS
 TO
 TOWN OF NEW WINDSOR

RECORD AND RETURN TO:
 (Name and Address)

ATTORNEY'S OFFICE
 TOWN OF NEW WINDSOR
 555 UNION AVENUE
 NEW WINDSOR, N.Y. 12553

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. _____ DATE _____ 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 Highland _____
- 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 _____

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 the _____ day of _____
 _____ 19 ____ at _____

O'Clock _____ M. in Liber/Film _____
 _____ at page _____ and examined.

 County Clerk

CHECK _____ CASH _____ CHARGE _____

MORTGAGE TAX \$ _____

TRANSFER TAX \$ _____

RECORD. FEE \$ _____

REPORT FORMS \$ _____

CERT. COPIES \$ _____

RECEIVED

\$ _____
 REAL ESTATE

TRANSFER TAX
 ORANGE COUNTY

E A S E M E N T

EASEMENT granted this 16th day of February, 1995, in consideration of the sum of ONE (\$1.00) DOLLAR, the payment of which is hereby waived, the undersigned, CHRISTOPHER W. EACHUS and KIMBERLY A. EACHUS, residing at 112 Clancy Avenue, New Windsor, N. Y. 12553, hereinafter called "Grantor", hereby grants unto the TOWN OF NEW WINDSOR, a municipal corporation having its office at 555 Union Avenue, Town of New Windsor, Orange County, New York, hereinafter called the "Grantee", for the use of Sewer District #9, a perpetual right-of-way and right of entry, to enter upon and lay, install, operate, maintain and replace a pipe, pipeline, manhole or manholes, and appurtenances for conveying sewage through the property of the Grantor which is described in Schedule A attached.

The Grantor reserves the right to use and enjoy the said premises except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sanitary sewer line or appurtenances thereto.

This Easement is made upon the following expressed conditions and reservations which shall run with the land and be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors, heirs or assigns:

(a) That the Grantee shall, at its own cost and expense after completion of the original construction and the completion of any future repairs to the sanitary sewer line, restore the surface of said lands and premises to substantially the same condition as before such construction or repairs, except, however, the Grantor shall be responsible for all costs incurred in removing and replacing the addition and deck or any other structure now existing or constructed within the easement area.

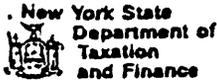
(b) That the systems placed in or under said right-of-way shall, at all times, remain the property of the Town of New Windsor and under its control and supervision and the Grantor and its successors and assigns shall not interfere with or cause injury to said systems.

(c) That the Grantor shall have the right to enter at any manhole or other location along the sewer line easement for the purpose of connecting to the said systems.

(d) That the Grantor shall have the right to pave any section of the said easement area for the purpose of parking or drainage facilities. The Grantor shall also have the right to place a deck and addition to the existing structure providing, however, Grantor remains responsible for the obligations set forth in paragraph (a) hereof.

(e) The consent of the Grantor to erect or maintain a deck

TP-584 (4/89)



New York State

Combined

Real Property Transfer Gains Tax Affidavit
Real Estate Transfer Tax Return
Credit Line Mortgage Certificate

For department use only

See instructions (TP-584-1) before completing this form

Schedule A - Information Relating to Conveyance

| | | | |
|--|--|-------------------|--|
| Please print or type (Transferor/grantor) | Name EACHUS, CHRISTOPHER W. and KIMBERLY A. | ZIP code 12553 | Social security number 054 50 4482 067 62 9943 |
| | Address 112 Clancy Avenue, New Windsor, N. Y. | | Federal employer identification number |
| (Transferee/grantee) | Name TOWN OF NEW WINDSOR | ZIP code 12550 | Social security number |
| | Address 555 UNION AVENUE, NEW WINDSOR, N. Y. | | Federal employer identification number 14 6002338 W |

Location and description of property conveyed

| Tax map designation | Address | City/Village | Town | County |
|---------------------|-------------------|--------------|-------------|--------|
| 13 - 15 - 2 | 112 Clancy Avenue | | New Windsor | Orange |

Type of property conveyed

(Check applicable box)

- 1 1 - 3 family house
2 Residential cooperative

- 3 Residential condominium
4 Vacant land
5 Other Easement

Date of conveyance

02 | 16 | 95.
month day year

Percentage of real property conveyed which is residential property 0

Condition of conveyance (Check all that apply)

- | | | |
|---|---|--|
| a. <input type="checkbox"/> Conveyance of fee interest | i. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (Attach Form TP-584.1, Schedule F) | k. <input type="checkbox"/> Leasehold assignment or surrender |
| b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %) | g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (Attach Form TP-584.1, Schedule G) | l. <input type="checkbox"/> Leasehold grant |
| c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %) | h. <input type="checkbox"/> Conveyance of air rights or development rights | m. <input checked="" type="checkbox"/> Conveyance of an easement |
| d. <input type="checkbox"/> Conveyance to cooperative housing corporation | i. <input type="checkbox"/> Contract assignment | n. <input type="checkbox"/> Conveyance for which exemption from transfer tax is claimed. (Complete Schedule C, Part III) |
| e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure (Attach Form TP-584.1, Schedule E) | j. <input type="checkbox"/> Option assignment or surrender | o. <input type="checkbox"/> Conveyance by gift |
| | | p. <input type="checkbox"/> Conveyance of property partly within and partly without the state |
| | | q. <input type="checkbox"/> Other (Describe) _____ |

Schedule B - Real Property Transfer Gains Tax Affidavit (Article 31-B of the Tax Law)

- Check this box if a Tentative Assessment and Return is being filed with respect to your current transfer, and proceed to Schedule C without completing the following affidavit. Also, enter the assessment number shown on the Tentative Assessment: _____

1 (we) certify that: (check appropriate box)

- 1 The transfer of real property consists of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property.
- 2 The transfer is a transfer of real property where the consideration is less than \$500,000 and which is neither (A) pursuant to a cooperative or condominium plan, nor (B) a partial or successive transfer pursuant to an agreement or plan to effectuate by partial or successive transfers a transfer which would otherwise be included in the coverage of Article 31-B of the Tax Law.
- 3 The transfer is a transfer of real property by tenants in common, joint tenants or tenants by the entirety where the aggregate consideration is less than \$500,000. (All such transferors must sign this form.)
- 4 The conveyance is not a transfer of real property within the meaning of section 1440.7 of Article 31-B of the Tax Law. (Attach documents supporting such claim, and sign on back as required.)
- 5 The transfer of real property consists of premises wholly occupied and used by the transferor exclusively as his residence, including a cooperative apartment or condominium occupied by the transferor exclusively as a residence. (This exemption may only be claimed by an individual, estate or trust.)
- 6 The governmental entity (transferor) is the State of New York, or any of its agencies, instrumentalities, political subdivisions, or public corporations, including a public corporation created pursuant to an agreement or compact with another state or Canada.
- 7 The governmental entity (transferor) is the United Nations or any other international organization of which the United States is a member, the United States of America or any of its agencies or instrumentalities.

Schedule C - Real Estate Transfer Tax Return (Article 31 of the Tax Law)

Part I - Computation of Tax Due

| | | | | |
|---|---|---|------|--|
| 1 | Enter amount of consideration for conveyance. (If you are claiming a total exemption from tax, enter consideration and proceed to Part III) | 1 | \$00 | |
| 2 | Continuing lien deduction (See instructions if property is taken subject to mortgage or lien) | 2 | | |
| 3 | Taxable consideration (Subtract line 2 from line 1) | 3 | | |
| 4 | Tax due: \$2 for each \$500, or fractional part thereof, of consideration on line 3 | 4 | | |
| 5 | Amount of credit claimed (See instructions and attach Form TP-584.1, Schedule G) | 5 | | |
| 6 | Total tax due* (Subtract line 5 from line 4) | 6 | - | |

Part II - Computation of Additional Tax Due on the Conveyance of Residential Real Property for \$1 Million or More

| | | | | |
|---|---|---|--------|--|
| 1 | Enter amount of consideration for conveyance (same as amount in Part I, line 1) | 1 | | |
| 2 | Taxable consideration (Multiply line 1 by the percentage of the premises which is residential real property) (see instructions) | 2 | | |
| 3 | Total additional transfer tax due* (1% of line 2) | 3 | - \$00 | |

*Please make check(s) payable to the county clerk where the recording is to take place or the Department of Taxation and Finance if payment is being made directly to the Tax Department.

| | | | | |
|-----------------------------|-----------------|------------|---------------|--------------------|
| For recording officer's use | Amount received | Part I \$ | Date received | Transaction number |
| | | Part II \$ | | |

Schedule C - (continued)

Part III - Explanation of Exemption Claimed in Part I, line 1. (check any boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the State of New York or any of their instrumentalities, agencies or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a
- b. Conveyance is to secure a debt or other obligation b
- c. Conveyance is without additional consideration to confirm, correct, modify or supplement a prior conveyance c
- d. Conveyance of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts d
- e. Conveyance is given in connection with a tax sale e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) f
- g. Conveyance consists of deed of partition g
- h. Conveyance is given pursuant to the federal bankruptcy act h
- i. Conveyance consists of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as his personal residence and consists of a 1, 2, or 3 family house, a residential individual condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative unit j
- k. Other (attach explanation) k

Schedule D - Credit Line Mortgage Certificate (Article 11 of the Tax Law)

Complete the following only if the interest being transferred is a fee simple interest.

(we) certify that: (Check appropriate box)

- The real property being sold or transferred is not principally improved nor will it be improved by a one-to six-family owner-occupied residence or dwelling.
- The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:

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. 46

Request of CHRISTOPHER W. and KIMBERLY A. EACHUS

for a VARIANCE of the Zoning Local Law to permit:

Existing structures to remain at 110 Clancy Avenue to include
enclosed porch and deck at less than the minimum offset requirements
being a VARIANCE of Section 48-12-Table of Use/Bulk Regs. -
Cols. F+G.

for property situated as follows:

110 CLANCY AVENUE, NEW WINDSOR, NEW YORK 12553

known as tax lot Section 13 Block 15 Lot 2.

SAID HEARING will take place on the 27th day of February,
19 95, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent.
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

December 19, 1994

Christopher & Kimberly Eachus
112 Clancy Avenue
New Windsor, NY 12553

Re: Tax Map Parcel #13-15-2

Dear Mr. & Mrs. Eachus:

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook/co

LESLIE COOK
Sole Assessor

LC/co
Attachment
cc: 

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

Burgoa, Jorge
492 Liberty Street
Newburgh, NY 12550

Padavano, Jr. Lawrence J.
Box 440, RD 2 Quaker Street
Wallkill, NY 12589

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

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

Sunderlin, David L. & Lorraine A.
83 Clancy Ave.
New Windsor, NY 12553

Colandrea, Michael & Elena Marie
5 Sylvia Street
Newburgh, NY 12550

Monaco, Carmen
Box 292 Prospect Hill Road
Wallkill, NY 12589

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

Rodriguez, Iris & Catalino &
Rodriguez, Esther
128 Walsh Road
New Windsor, NY 12553

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

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

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

Wilson's & Conklin's Modern Vending Inc.
5 Koran Ave.
New Windsor, NY 12553

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

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

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

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

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

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

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

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

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

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

Radulski, Janet M.
23 Koran Ave.
New Windsor, NY 12553

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

Triangle Pacific Corp.
16803 Dallas Parkway
Dallas, Texas 75248

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

Aldrich Jr., Robert &
Hudson, Jane G.
PO Box 7039
Newburgh, NY 12550

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

NP Funding II LP
77 Walsh Road
New Windsor, NY 12553

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

Air Products & Chemicals Inc.
PO Box 2608
Lehigh Valley, PA 18001-2608

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

EASEMENT FOR PUBLIC SEWER

LIBER 1834 PG 400

In consideration of the sum of One Dollar (\$1.00) lawful money of the United States, the receipt whereof is hereby acknowledged, the undersigned, JOSEPH RUSCITTI, residing at 22 Clintonwood Drive, New Windsor, New York, hereinafter called "Grantor," hereby grants unto the TOWN OF NEW WINDSOR, a municipal corporation having its offices at 244 Union Avenue, Town of New Windsor, Orange County, New York, hereinafter called "Grantee," for the use of Sewer District No. 9, a perpetual right of way over a parcel of land to enter upon and lay, install, operate, maintain and replace a pipe, manhole or manholes and appurtenances for conveying sewage in, on, over, through and under the property of the Grantor, situated in the Town of New Windsor, Orange County, New York, more particularly described as follows:

BEGINNING at a point in the westerly line of Clancy Avenue, said point being the southeasterly corner of lands of the Grantors and running thence, along the southerly line of lands of the Grantors, and along lands now or formerly of Greene, S52° 53' W 76' to a point; thence, still along the southerly line of lands of the Grantors, and along lands now or formerly of Conklin and Wilson, S62° 53' W 41.5' to a point; thence, through lands of the Grantors, N 52° 00' 22" E 117.1'+ to a point in the aforementioned westerly line of Clancy Avenue; thence, along said westerly line of Clancy Avenue, S 36° 01'E 9'+ to the point or place of beginning.

ALL of which is shown on Map No. 70 of Sewer District No. 9 prepared by Herbert L. Kartiganer, P.E.L.S., dated 8 April 1969, a copy of which is hereto attached.

The Grantor reserves the right to use and enjoy the said premises, except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sewer line or appurtenances thereto.

This grant is made upon the express conditions and reservations which shall continue and run with the land:

(a) That the Grantee shall, at its own cost and expense after completion of the original construction or the completion of future repairs to the sewer line, restore the surface of said lands and premises to substantially the same condition as before such construction or repairs.

(b) That the sewer line and appurtenances placed in or under said right of way shall, at all times, remain the property of the Grantee and under its control and supervision and the Grantor shall not interfere with or cause injury or damage to said sewer line or appurtenances.

This grant shall be binding upon the Grantor and the Grantee and their respective successors, heirs, or assigns.

TO HAVE AND TO HOLD the rights herein granted unto the Grantee forever.

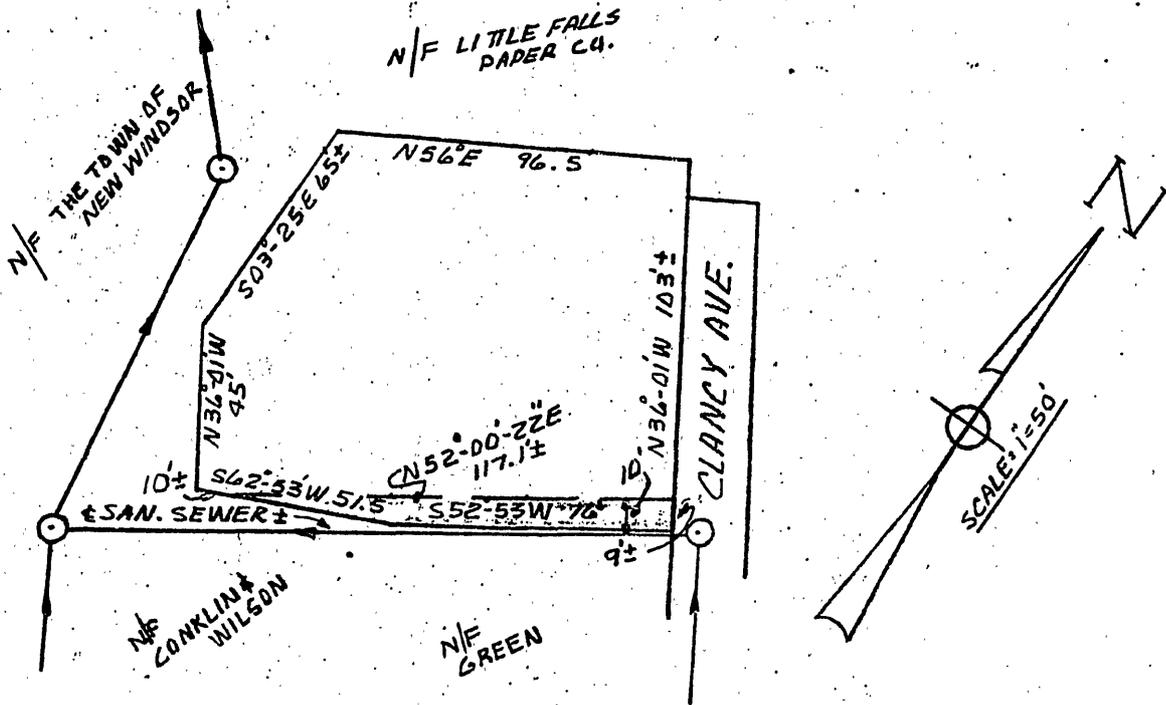
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the 29 day of Oct, 1969.

Witness:

John J. Pover

Joseph Ruscitti

L. S.



UTILITY EASEMENT

IN LANDS NOW OR FORMERLY OF:

JOSEPH & SYLVIA B. RUSCITTI

TOWN OF NEW WINDSOR - ORANGE CO. N.Y.

NOTE:

PROPERTY LINES PLOTTED FROM DEEDS & MAPS OF RECORD.

HERBERT L. KARTIGANER, P. E.
ENGINEERS & DESIGNERS
NEWBURGH, N. Y.



Herbert L. Kartiganer

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

MANUFACTURERS AND TRADERS TRUST
COMPANY, SUCCESSOR BY MERGER WITH
THE FIRST NATIONAL BANK OF HIGHLAND

TO

CHRISTOPHER W. EACHUS
KIMBERLY A. EACHUS

SECTION 13 BLOCK 15 LOT 2

RECORD AND RETURN TO:
(Name and Address)

STEPHEN R. HUNTER, ESQ.
140 MAIN STREET
P.O. BOX 808
GOSHEN, NEW YORK
10924

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 61354 DATE 8-1-94 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 Hamplonburgh _____
HI36 Highlands _____
MK38 Minnsink _____
ME40 Monroe _____
MY42 Montgomery _____
MH44 Mount Hope _____
NT46 Newburgh (T) _____
NW48 New Windsor
TU50 Tuxedo _____
WL52 Wallkill _____
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 \$ _____

CHECK CASH _____ CHARGE _____
MORTGAGE TAX \$ _____
TRANSFER TAX \$ 210 -
ED. FUND \$ 5.00
RECORD. FEE \$ 14 -
REPORT FORMS \$ 30 -
CERT. COPIES \$ _____

JOAN A. MACCHI
Orange County Clerk

by: LS
ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on SEP 23 1994
at 3:00 O'Clock P M.
In Liber/Film 4113
at page 231 and examined.

Joan A. Macchi
County Clerk

Haidenburgh
RECEIVED
\$ 210 -
REAL ESTATE
SEP 23 1994
TRANSFER TAX
ORANGE COUNTY

ORG 09/23/94 03:00:02 44626 44.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 61354 210.00 *

***** SERIAL NUMBER: 001716 *****

(2)

Being the same premises conveyed to the party of the first part by Referee's Deed in Forclosures dated

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

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

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

IN PRESENCE OF:

Manufacturers and Traders Trust Company

By:

Thomas P. Kowick
THOMAS P. KOWICK
ADMIN. VICE PRESIDENT

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____ 19____, before me personally came

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

STATE OF NEW YORK, COUNTY OF *ERIE*

SS:

On the *1st* day of *August* 19*94*, before me personally came *Thomas P. Kowick* to me known, who, being by me duly sworn, did depose and say that he resides at *No. the town of Amherst*

that he is the *Admin Vice President* of *Manufacturers + Traders Trust Co.* *NEW YORK*, the corporation described in and which executed the foregoing instrument; that he ~~knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; and that he signed his name thereto by like order.~~

Joan M. Sherwood

JOAN M. SHERWOOD
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 9, 19*96*

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____ 19____, before me personally came

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

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____ 19____, before me personally came _____ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____;

that he knows _____

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

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

SECTION
BLOCK
LOT
COUNTY OR TOWN

TO

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

LIBER 4113 PAGE 233

SCHEDULE "A"

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, County of Orange and State of New York, more particularly described as follows:

BEGINNING at a point being the intersection of the southeasterly line of lands now or formerly of Maines (Liber 1142, cp 422) with the southwesterly line of lands of the Clancy Avenue Extension, South 36 deg. 01 min. 00 sec. East, 55.00 feet; thence along lands now or formerly of Wilson and Conklin Modern Vending, Inc. (Liber 1897, cp 676) the following: South 52 deg. 53 min. 00 sec. West, 75.81 feet, South 64 deg. 05 min. 00 sec. West, 51.47 feet, and North 36 deg. 01 min. 00 sec. West, 45.00 feet; thence along lands now or formerly of Maines (Liber 1142, cp 422), North 52 deg. 53 min. 00 sec. East, 126.50 feet to the point of beginning.

This does not constitute all or substantially all the assets of the corporation herein. This conveyance is made with the consent and authorization of its Board of Directors and is made in its usual course of business.

BEING THE SAME PREMISES conveyed to party of the first part, formerly known as the First National Bank of Highland, by deed dated November 12, 1991 and recorded in the Orange County Clerk's Office in Liber 3530 of Deeds at Page 133 on December 5, 1991.

THE ABOVE DESCRIBED PREMISES ARE MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

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

Beginning at a point on the southwesterly line of Clancy Avenue Extension, said point being the intersection of the southwesterly line of Clancy Avenue Extension with the southeasterly line of the lands now or formerly Eachus, (Liber 3807, Cp 093); thence along the southwesterly line of Clancy Avenue Extension South 36-01-00 East 55.00 feet to a point; thence along the lands now or formerly Wilson and Conklin Modern Vending Inc. the following three (3) courses and distances, (1) South 52-53-00 West 75.81 feet, (2) South 64-05-00 West 51.47 feet and (3) North 36-01-00 West 45.00 feet to a point; thence along the lands now or formerly Eachus (Liber 3807, Cp 093), North 52-53-00 East 126.50 feet to the point or place of beginning. Containing 0.15 of an acre of land, more or less.

Subject to a sewer easement granted to the Town of New Windsor in Liber 1034, Cp 400.

LIBER 4113 PAGE 234

EACHUS, CHRISTOPHER

MR. NUGENT: Request for 9 ft. 3 in. side yard and 1 ft. rear yard variance for existing addition and 13 ft. side yard and 16 ft. rear yard variance for existing deck at 110 Clancy Avenue in R-4 zone. (Note: Existing additions project into sewer easement approximately 1 ft.)

Mr. Christopher Eachus appeared before the board for this proposal.

MR. EACHUS: I purchased this house approximately 2 1/2 months ago with the knowledge that there were violations of this sort in the purchase. I talked with Mr. Babcock and he gave me the recommendation of coming in front of you to apply for variances for both of these which are existing. They were picked up the earlier detection that we have on them is in 1983 that both of these structures were there already and have been there since that point in time. They are on the assessor's card, property card and so I need to go through the process of applying for the variances and seeing if I can get them straightened out.

MR. TORLEY: Hasn't it been our practice in the past when we have had things encroaching into the sewer easement even if they were granted a variance you'd have no recourse if the town had to rip out the sewer line?

MR. BABCOCK: Right. We're going to ask the gentleman to enter into an agreement with the town, we didn't, we were not aware that they were on the easement at the time that we talked. Then when the survey came in, we found that out so if the variances are granted, we are going to enter into an agreement or ask him to enter into an agreement. We won't give him building permits or C.O.s unless he does. We have a problem with the sewer line and if these have to be removed, it's on him to remove them and the town attorney is going to have to draw up that agreement and both parties will sign it.

MR. EACHUS: I certainly have no problem with that.

MR. TORLEY: Is it the deck or addition?

MR. BABCOCK: Both.

MR. TORLEY: Hope that sewer line's in good shape.

MR. BABCOCK: It's only one foot so.

MR. NUGENT: How big is the easement?

MR. BABCOCK: Depends how deep the pipe is.

MR. NUGENT: That is fairly new, this is an extension.

MR. BABCOCK: No, this is not.

MR. NUGENT: Where is this house, by Smith's, next door to Smith's, Donald Smith?

MR. BABCOCK: He's a new neighbor two months, they haven't had a party for him yet.

MR. EACHUS: If you are familiar with Clancy Avenue, it is the second to last house on Clancy Avenue. It's a brown ranch house and there's a right-of-way that runs from clancy to and I don't even know the street behind us there, it's a right-of-way, it's right next to a right-of-way that runs through there.

MR. NUGENT: Down by the pond?

MR. EACHUS: Yes.

MR. BABCOCK: I have a tax map, if you'd like to see it.

MR. LANGANKE: Do you know where the pipe is in that easement?

MR. BABCOCK: No.

MR. LANGANKE: How long ago was it put in?

MR. BABCOCK: I have no information on it at all.

MR. LANGANKE: Quite a while.

MR. BABCOCK: We don't think so. It might have been the new easement that was obtained when they built the new houses about six, seven years ago when they built those houses.

MR. KANE: He was saying that the addition has been verified, been there since '83 so that would make it more than ten years old for the easement, right?

MR. BABCOCK: Yeah, that is correct.

MR. TORLEY: That is the easement being shown on the map.

MR. EACHUS: I purchased the property from M & T Bank out of foreclosure. I have some, I'm trying to think of some names of who was on there. Actually, it was on the property card, some of the other names.

MR. TORLEY: I move we set Mr. Eachus up for a public hearing regarding his requested variancs.

MR. KANE: I'll second that.

ROLL CALL

| | |
|--------------|-----|
| MR. KANE | AYE |
| MR. LANGANKE | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |

MR. KRIEGER: Mr. Eachus, did you hear what I said to Mr. Lee. Those are the 5 criteria. Do the same and if you have either your title your deed or title policy or both, if you have them, bring them with you that night so I can look at them.

MR. EACHUS: Very good.

MS. BARNHART: I have some paperwork work for you here however I'm missing an application so I'll send that to you tomorrow in the mail, okay?

MR. EACHUS: Or I can stop by and pick it up.

MS. BARNHART: Sure, no problem.

MR. TORLEY: When was the house built?

MR. EACHUS: '74.

MR. KANE: Additions were pre '83?

MR. EACHUS: Alls I can say pre '83.

MR. LANGANKE: How far pre '83?

MR. EACHUS: Asking my estimation, I would venture a guess that the deck was pretty right close to 1983, if not in 1983, it is treated lumber and we weren't dealing with treated lumber prior to that time. The addition, it's an enclosed porch was probably a porch and then enclosed. The dates on that would be tough to summarize.

MR. BABCOCK: The porch is probably there for some time but when they enclosed it, that is when they built the new deck.

MR. KANE: Okay.

MR. EACHUS: Thank you.

MR. KANE: Bring pictures, whatever you can to show us the area how the layout of the land is.

MR. EACHUS: You have some pictures already.

MR. KRIEGER: Just enough so that they can see at least from every side.

MR. TORLEY: It's a good idea your neighbors are going to be getting a letter, talk to them cause the letters are not very informative.

MR. EACHUS: Very good.

November 14, 1994

12

MR. BABCOCK: I do have some pictures here. I'll be more than happy to submit to the board for their records.