

ZB# 97-40

Joseph Passaro

65-1-88.1

#97-40-Lassano, Jos.

Area 65-1-88.1

Prclm.

Nov. 10, 1997.

7 110 P.H.

Copies of R-D-W

Requested.

Deed 4

Feas:

Public Hearing:

December 8, 1997.

Area Variance

Granted

Refund: 189.50

NOV 18 1997

RECEIPT 340805

RECEIVED FROM Carol Rosario

FAIR 80/100 ~~50.00~~ 50.00

or ZBA # 97-40

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH \$ 3216
AMOUNT PAID	CHEQ 5000
BALANCE DUE	MONEY ORDER

Town Clerk

Donna H. Nason

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Passaro

FILE# 97-40

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid 11/18/97
ck # 2276*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid
ck 2275
11/18/97.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *11/10/97-4* \$ 18.00

2ND PRELIMINARY- PER PAGE *12/8/97-5* \$ 22.50

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE \$ _____

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: *11/10/97* \$ 35.00

2ND PRELIM. *12/8/97* \$ 35.00

3RD PRELIM. \$ _____

PUBLIC HEARING. \$ _____

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____

TOTAL \$ 110.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT . \$ 189.50

Refund

CAROL PASSARO
9 STATION RD. LOT 16
NEW WINDSOR, NY 12553
(914) 534-2149
DL. 414017830 EXP. 6/25/01

2275

Date Nov 17, 1997 50-7926/2219

Pay To The Order of Town of New Windsor \$ 300.00
Three hundred dollars and ~~xx~~ Dollars

HUDSON VALLEY
FEDERAL CREDIT UNION
POUGHKEEPSIE, NY 12601

For ZBA #97-40

Carol Passaro

⑆221979363⑆0854874149⑆ 2275

ARTIFICIAL CHECKS • 1-800-847-7271 • BRUSHED FLORAL

CAROL PASSARO
9 STATION RD. LOT 16
NEW WINDSOR, NY 12553
(914) 534-2149
DL. 414017830 EXP. 6/25/01

2276

Date Nov 17, 1997 50-7926/2219

Pay To The Order of Town of New Windsor \$ 50.00
fifty dollars and ~~xx~~ Dollars

HUDSON VALLEY
FEDERAL CREDIT UNION
POUGHKEEPSIE, NY 12601

For #ZBA 97-40

Carol Passaro

⑆221979363⑆0854874149⑆ 2276

ARTIFICIAL CHECKS • 1-800-847-7271 • BRUSHED FLORAL

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

JOSEPH PASSARO

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#97-40.
-----X

WHEREAS, JOSEPH PASSARO, 9 Station Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 125 ft. road frontage variance in order to construct a single-family residence on Riley Road in an R-2 zone; and

WHEREAS, a public hearing was held on the 8th day of December, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board on his own behalf for this Application; and

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

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

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

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

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

2. The evidence presented by the Applicant showed that:

(a) The Applicant proposes to construct a single-family residence in a neighborhood of single-family homes.

(b) The parcel is a peculiarly-shaped lot, being basically triangular in shape.

(c) The property is what is commonly known as "land locked" and the variance is sought to give this property access to an adjacent roadway which it would not have except if the variance requested is granted.

(d) If the requested variance is not granted, this Applicant will not be permitted to improve his property.

(e) No part of this property is in a designated wet land, neither state or federal.

(f) The building on this property will not create any water hazards, interfere with the flow of water or create any ponding or accumulation of water.

(g) The variance is sought for the construction of a single-family residence only and the Applicant has agreed not to further subdivide the lot.

(h) The variance, if granted, would permit the construction of a home which is consistent with and similar to the other single-family residences in the neighborhood.

(i) The property has existed in its present configuration since it has been acquired by the Applicant. No change to the property has been made by the Applicant.

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

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

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

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted because of the peculiar nature and location of the property.

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

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because of the peculiar nature and location of the property.

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

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

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

variance.

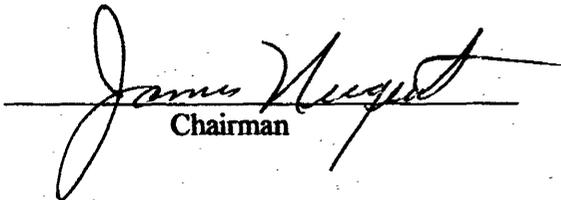
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 125 ft. variance for road frontage in order to construct a single-family residence on Riley Road in an R-2 zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

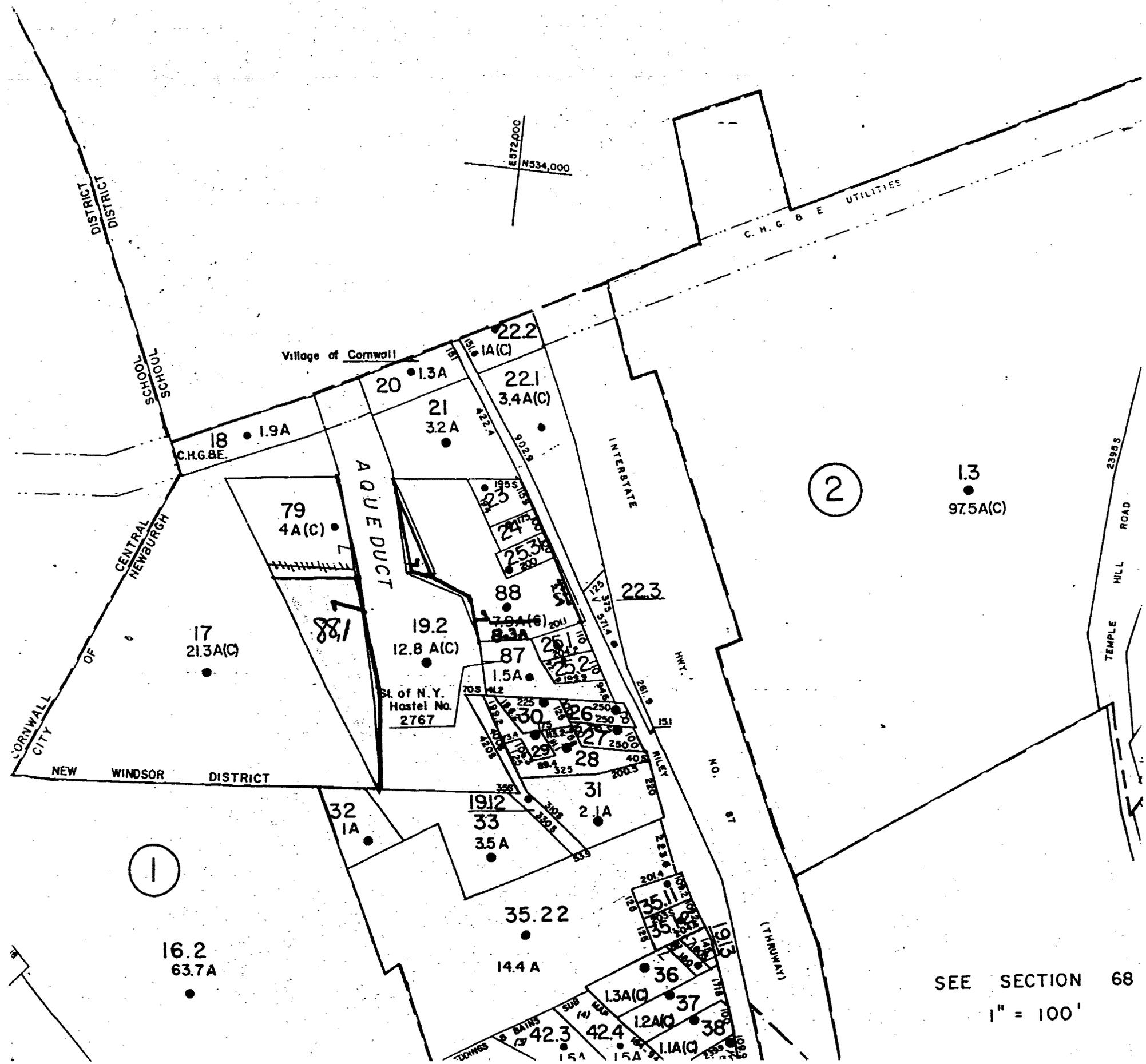
RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 21, 1998..


Chairman

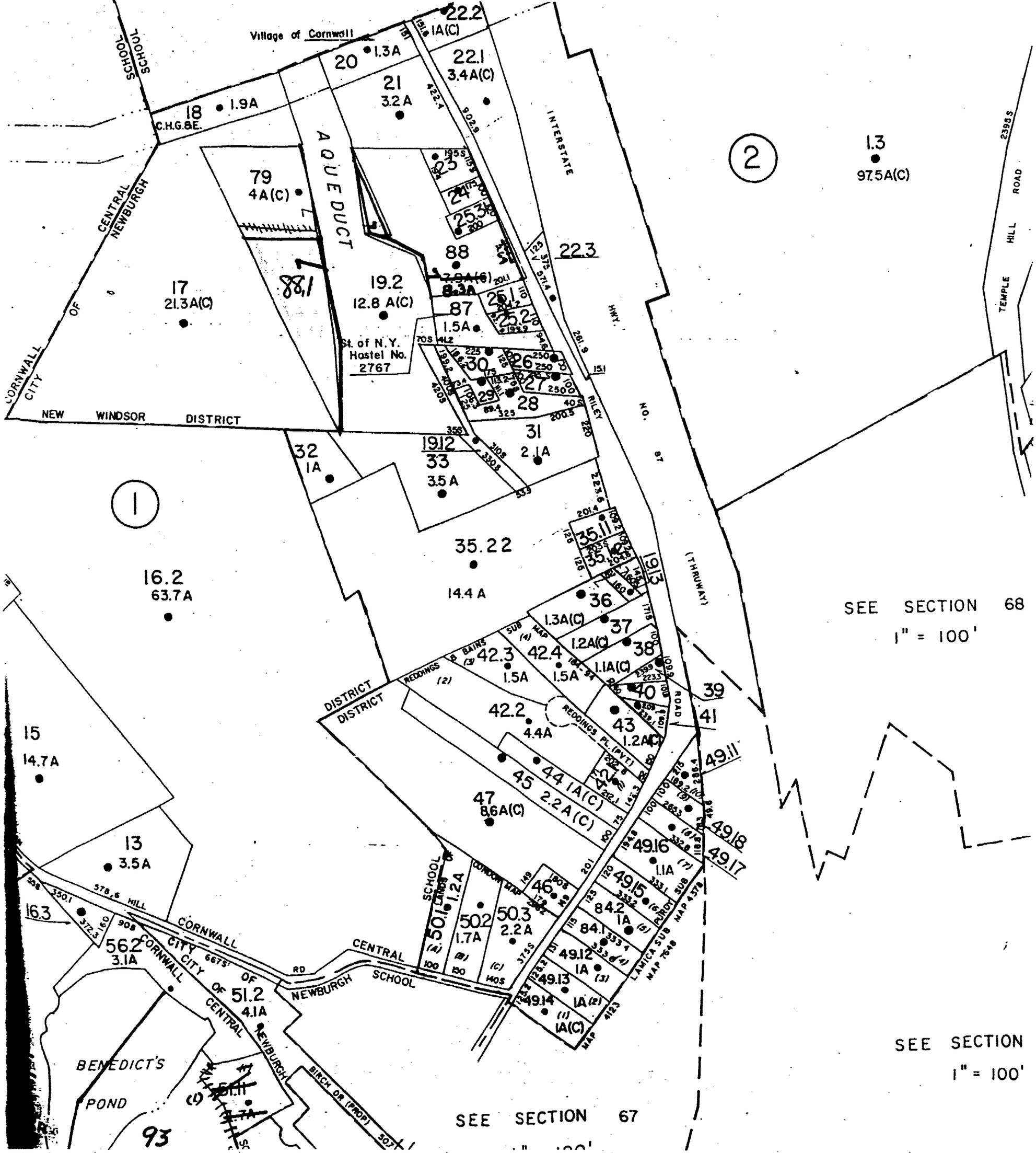
SECTION 35

R-2



SEE SECTION 68

1" = 100'



1

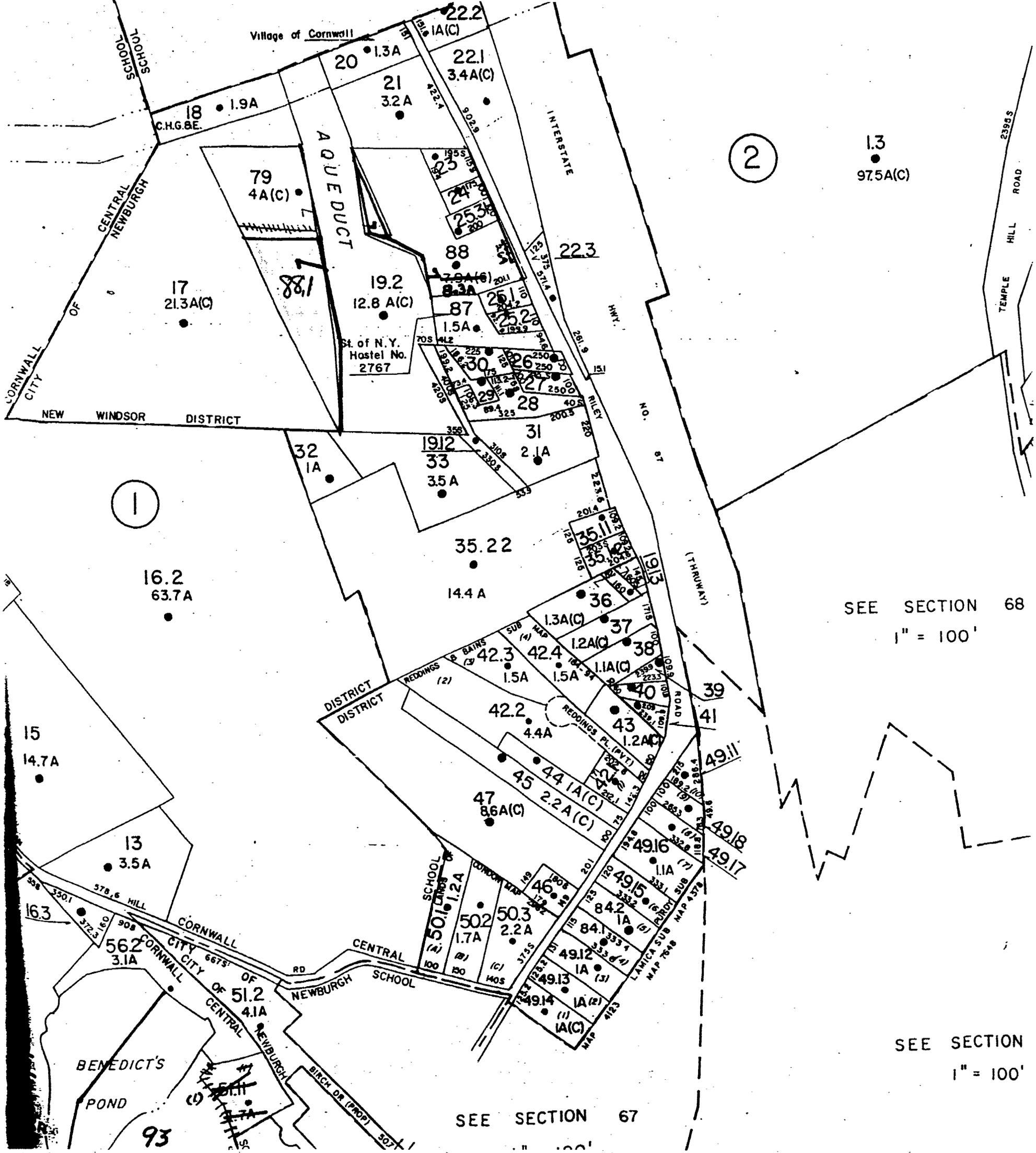
2

1.3
97.5A(C)

SEE SECTION 68
1" = 100'

SEE SECTION 67
1" = 100'

SEE SECTION 67
1" = 100'





THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL PROTECTION
JOEL A. MIELE, SR., P.E. Commissioner

PHONE (914) 742-2070
FAX (914) 742-2040

*file'd
ZBA office
12/10/97 (PAB)*

WILLIAM N. STASIUK, P.E., Ph.D.
Deputy Commissioner

Bureau of Water Supply,
Quality and Protection
Office of Water Supply Lands (OWSL)

December 8, 1997

FAXED: 12/8/97

James Nugent, Chairman
Town of New Windsor ZBA
555 Union Avenue
New Windsor, New York 12553

Re: Zoning Board of Appeals
Hearing, December 8, 1997
TM: 65.-1-88.1

Dear Mr. Nugent:

This is in response to an application by Joseph and Carol Passaro for a zoning variance to allow construction of a single family residence on a lot with insufficient road frontage.

Please be advised that said property is accessed via a 25 feet wide right of way across the City of New York's Catskill Aqueduct. Mr. Passaro has been informed that said right of way was granted for access only and that a Revocable Permit is necessary to install electric lines across City-owned property to provide electric service to his lot. To date, no permit has been issued nor application filed for this purpose. Be further advised that any such installation on City lands without benefit of a permit is illegal and considered an encroachment.

Please be guided accordingly.

Very truly yours,

Marilyn Shanahan
Marilyn Shanahan
Manager

Encl.

xc: Karl Reer
Central Hudson Gas & Electric
410 Little Britian Road
Newburgh, New York 12550

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. 40.

Request of Joseph & Carol Passaro

for a VARIANCE of the Zoning Local Law to permit:

Construction of single-family residence, w/ insufficient sheet footage;

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

for property situated as follows:

West side of Riley Road, New Windsor, N.Y. 12553

known as tax lot Section 65 Block 1 Lot 88.1

SAID HEARING will take place on the 8th day of December, 1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

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12553
12W0

PASSARO, JOSEPH

MR. NUGENT: Request for 125 ft. road frontage to construct a single-family home off Riley Road in an R-2 zone.

Mr. Joseph Passaro appeared before the board for this proposal.

MR. NUGENT: Let the record show there is no one in the audience.

MR. PASSARO: I have some pictures and other papers that you asked for last time.

MR. TORLEY: It's a landlocked lot.

MR. NUGENT: I want to read we have a response from the Department of Environmental Protection of Orange County says this in response to an application by Joseph and Carol Passaro for a zoning variance to allow construction of a single family residence on a lot with insufficient road frontage. Please be advised that said property is accessed via a 25 feet wide right of way across the City of New York's Catskill Aqueduct. Mr. Passaro has been informed that said right of way was granted for access only and that a Revocable Permit is necessary to install electric lines across city-owned property to provide electric service to his lot. To date, no permit has been issued nor application filed for this purpose. Be further advised that any such installation on city lands without benefit of a permit is illegal and considered an encroachment. Please be guided accordingly. Very truly yours, Marilyn Shanahan, Manager.

MS. BARNHART: You can deal with them, Joe.

MR. PASSARO: Yeah, actually I'm in the process of dealing with that right now and that is Central Hudson this drawing or sketches of where the poles are going to be located.

MR. KRIEGER: So that letter from the DEP is more in the nature of an advice, it's not in opposition.

MR. NUGENT: No, not in opposition; no.

MR. KRIEGER: This is a residential lot located in a neighborhood of residential lots?

MR. PASSARO: Yes.

MR. KRIEGER: And it is a peculiar shaped lot in that it is basically triangular?

MR. PASSARO: Yes.

MR. KRIEGER: How much road frontage do you have if the variance is granted?

MR. PASSARO: A hundred and twenty-five feet, I imagine.

MR. KRIEGER: Well--

MR. TORLEY: No, you have a right-of-way.

MR. NUGENT: He has none.

MR. TORLEY: It's a landlocked piece of property.

MR. KANE: He has none and needs 125?

MR. BABCOCK: Correct.

MR. KRIEGER: If the variance were granted, how would you, how would this property have access to the roadway having no road frontage?

MR. PASSARO: Just through the 25 foot right-of-way.

MR. KRIEGER: It will have a 25 foot right-of-way so it would have its own access to the road?

MR. PASSARO: Yes, the right-of-ways are on the deed, I guess an approved right-of-way.

MR. KANE: Without this variance, there is no other way to build on this land because of the way it's situated

right now?

MR. PASSARO: Yes, that is correct.

MR. TORLEY: Sir, I'm a little confused about you're showing this is what you intend to use as your drive?

MR. PASSARO: Yes.

MR. TORLEY: And this is the deeded right-of-way?

MR. PASSARO: Yes, that is just a rough service lane that the water department uses. Actually now they put a fence up, that is not on here, cuts through at an angle, so it's probably just going to grow in.

MR. TORLEY: This seems unusual that they'd grant a curved right-of-way like that.

MR. PASSARO: Yeah, we were trying to get the electric to come up, they wouldn't let me though.

MR. KRIEGER: If this variance were granted, you're permitted to develop the property, no part of this property is part of a state designated wetland?

MR. PASSARO: No.

MR. KRIEGER: And no part of it is part of a federally designated wetland?

MR. PASSARO: No.

MR. KRIEGER: That's correct.

MR. KANE: And the building on this property won't create any water hazards or any kind of problems?

MR. PASSARO: No.

MR. TORLEY: And this would be for a single family residence?

MR. PASSARO: Yes.

MR. TORLEY: And the lot will not be subdivided?

MR. PASSARO: No.

MR. BABCOCK: He'd have to go to a planning board for subdivision, he will never make that.

MR. KRIEGER: And this single family residence proposed to be constructed on this lot would be consistent with the other single family residences in the neighborhood, I don't mean identical but consistent?

MR. PASSARO: Yes.

MR. KRIEGER: Roughly of the same appearance, size?

MR. PASSARO: Yes, probably a little more if anything a little bigger.

MR. KRIEGER: But not a great deal bigger, a little bit?

MR. PASSARO: I'd say a little, it's roughly around 3,000 square feet what we're planning on.

MR. KANE: Would you consider this a self-created hardship even though it's landlocked?

MR. KRIEGER: Has the property changed in any way since you acquired it? Was it this way when you acquired it?

MR. PASSARO: Yes.

MR. KRIEGER: No, I would not.

MR. TORLEY: He didn't subdivide this.

MR. KANE: I just wanted to cover it.

MR. NUGENT: Is there any further questions by the board?

MR. KANE: No, sir.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: I would move we grant Mr. Passaro his requested variance for road frontage to construct a single family home on this lot.

MR. KANE: Second the motion.

ROLL CALL

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

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

Prelim.
Nov. 10, 1997
97-40

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: 10/06/97

APPLICANT: Joseph Passaro
9 Station Road
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/06/97

FOR :

LOCATED AT: Riley Road

ZONE:

DESCRIPTION OF EXISTING SITE: 65-1-88.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing lot does not meet existing minimum requirements road frontage.


BUILDING INSPECTOR

9-23

Need's VARRANCE

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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

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

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Joseph and Carol Passaro

Address 9 Station Rd Lot #16 Phone 534-2149

Mailing Address New Windsor, NY 12553

Name of Architect _____

Address _____ Phone _____

Name of Contractor Self Passaro Contracting

Address " " " Phone " "

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

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

(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # _____

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

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

3. Tax Map Description: Section 65 Block 1 Lot 88.1

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

a. Existing use and occupancy _____ b. Intended use and occupancy One Family Home

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 40' Rear 40' Depth 30' Height 24' No. of stories 2

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

Number of bedrooms 1 Baths 1 Toilets 1
Heating Plant Gas _____ Oil _____ Electric/Hot Air Hot Water _____
If Garage, number of cars 2

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

10. Estimated cost _____ Fee _____
(To be Paid on this Application)

11. School District: _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

10-3-97 owner will bring in survey

1 / 19

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

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

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

REFER TO: Planning Board Highway Dept Sewer Water Zoning Board of Appeals

INSTRUCTIONS

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

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Joseph Parrino
(Signature of Applicant)

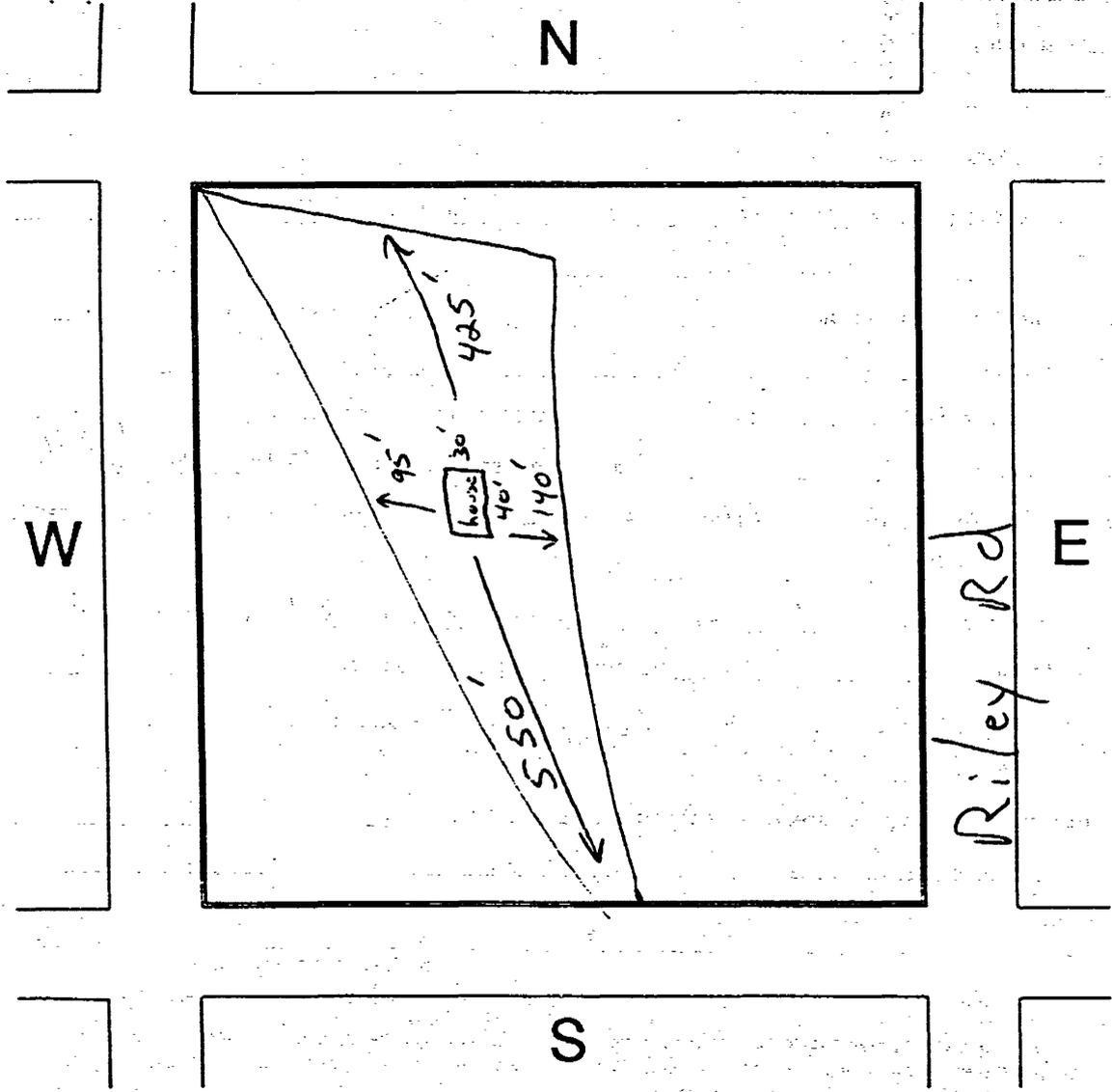
9 Station Rd Lot #16 New Windsor, NY 12553
(Address of Applicant)

PLOT PLAN

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

Needs Varmit

PLEASE ALLOW TIME TO BE HAD TO PROCESS



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

JOHN MC CLELLAN and GENEVIEVE MC CLELLAN,
 husband and wife

TO

JOSEPH PASSARO and CAROL PASSARO, husband
 and wife

SECTION 65 BLOCK 1 LOT 88 (A Portion
 of)

RECORD AND RETURN TO:

(Name and Address)

BLOOM & BLOOM, P.C.
 530 BLOOMING GROVE TPKE., P.O. BOX 4323
 NEW WINDSOR, NY 12553

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION

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

CITIES

- | |
|---|
| <input type="checkbox"/> 0900 MIDDLETOWN |
| <input type="checkbox"/> 1100 NEWBURGH |
| <input type="checkbox"/> 1300 PORT JERVIS |
| <input type="checkbox"/> 9999 HOLD |

NO. PAGES 1 CROSS REF _____
 CERT. COPY _____ AFFT. FILED _____

PAYMENT TYPE: CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 28000
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE 4.29.97

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

Joan A Macchi

JOAN A. MACCHI
 Orange County Clerk

RECEIVED FROM:

Goshen Searches

LIBR. 4598PG 248

LIBER 4598 PAGE 248

ORANGE COUNTY CLERKS OFFICE 34499 MRL
RECORDED/FILED 07/11/97 11:26:01 AM

FEES 38.00 EDUCATION FUND 5.00

SERIAL NUMBER: 008941

DEED CNTL NO 57214 RE TAX 112.00

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 22 day of April ⁶⁰¹⁰²³³ 19 97.

BETWEEN JOHN MC CLELLAN and GENEVIEVE MC CLELLAN, husband and wife, presently residing at 203 Riley Road, New Windsor, Orange County, New York, 12553

grantor

JOSEPH PASSARO and CAROL PASSARO, husband and wife, presently residing at 9 Station Road, Lot 16, New Windsor, Orange County, New York, 12553

grantee

WITNESSETH, that the grantor, in consideration of

~~ZERO AND 00/100~~

Dollars, paid by the grantee

hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being on Riley Road, in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a concrete fence post found at the southwesterly corner of the New York Board of Water Supply Parcel No. 383, said point being S 85 degrees 45' 30" W along a fence and the southerly line of aforesaid Parcel No. 383, 539.70' from a stone monument marked L.N. found at a corner of said Parcel No. 383 and New York City Board of Water Supply Parcel No. 382 (now or formerly lands of Irwin Bergknoff, from Deed in Liber 1736 of Deeds at page 316); and running thence, leaving said line and along the line of lands now or formerly of Frank Purdy, et al, S 85 degrees 45' 30" W 25.40' to a point; thence along the line of lands now or formerly of Herbert L. and Marjorie N. Kartiganer and also along a stonewall the following three courses and distances:

- 1.) N 32 degrees 08' 10" W 385.05' to a point;
- 2.) S 32 degrees 25' 10" W 256.90' to a stone monument marked L.N found;
- 3.) N 32 degrees 15' 10" W 235.20' to a point; thence leaving said line and along tax Lot No. 79, N 83 degrees 58' 15" E 329.32' to a point on the westerly line of aforesaid Parcel No. 383 and a fence; thence along said line and fence the following two courses and distances:
 - 1.) S 17 degrees 28' E 414.0' to a concrete fence post;
 - 2.) S 06 degrees 15' 30" E 381.90' to the point or place of beginning

Containing 3.55 acres of land more or less.

Together with others the right of ingress and egress over a 25' wide right of way through the aforementioned Hostel No. 2767 and through aforementioned Parcel No's. 383 and 382.

Subject to grants, easements, right of ways, restrictions and covenants of record, if any. ALSO BEING AND INTENDED TO BE the same premises as described in that certain Deed dated May 15, 1996, running from Victor M. Vitek to John McClellan and Genevieve McClellan, which Deed was thereafter recorded in the Orange County Clerk's Office on May 17, 1996 in Liber 4385 of Deeds at Page 232.
*a portion of

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises. **TO HAVE AND TO HOLD** the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. **AND** the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires. **IN WITNESS WHEREOF**, the grantor has executed this deed the day and year first above written.

In presence of:

John P. McClellan L. S.
John McClellan
Genevieve m c Clellan L. S.
Genevieve McClellan

GOSHEN SEARCHERS INC.
20 SCOTCHTOWN AVENUE
GOSHEN, NEW YORK 10924
OFFICE: 914-294-5110
COUNTY BUILDING: 914-294-6913
NEWBURGH TIE LINE: 914-564-6150
FAX 914-294-8581

m.:
19 , before
to me known,
deponent resides

hed in and which
the seal of said
is such corporate
Directors of said
to by like order.

STATE OF NEW YORK, COUNTY OF Orange m.:
On the 28th day of April 1997, before
me personally came John McClellan and
Genevieve McClellan

to me known to be the individualS described in, and who executed
the foregoing instrument, and acknowledged that t hey executed
the same.

Allen Asta
Notary Public

UCLR 4598PG 249

NOTARY PUBLIC, State of New York
Resident in and for the County
Commission Expires March 8, 1997



1763

TOWN OF NEW WINDSOR
ASSESSOR'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553-6196
Telephone: (914) 563-4633
Fax: (914) 563-4693

(12)

November 14, 1997

Mr. Joseph Passaro
9 Station Rd.
New Windsor, NY 12553

Re: Tax Map Parcel #65-1-88.1

Dear Mr. Passaro:

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

The charge for this service is \$35.00, minus your deposit of \$25.00.

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

Sincerely,

Leslie Cook *(emo)*

LESLIE COOK
Sole Assessor

/po
Attachments



Newburgh Water Supply
City Comptroller
City Hall
Broadway
Newburgh, NY 12550

Hudson Valley Development Group
of New Windsor LP
7 Becker Farm Rd.
Roseland, NJ 07068

Kartiganer Family Limited Partnership
c/o Herbert L. Kartiganer
3928 Live Oak Blvd.
DelRay Beach, FL 33445

Central Hudson Gas & Electric Corp.
c/o Tax Agent
South Road
Poughkeepsie, NY 12601

Bergknoff, Irwin
Route 32
Highland Mills, NY 10930

NY City Dept. of EP
c/o City of New York
Dept. Bureau of Water Supply-DWSL
465 Columbus Ave., Suite 350
Valhalla, NY 10595

Nemeth, Ruby
PO Box 81
Vails Gate, NY 12584

Nemeth, Attila & Ruby
PO Box 81
Vails Gate, NY 12584

County of Orange
255-275 Main St.
Goshen, NY 10924

Tornetta, Paul & Phyllis
15 Laurel Hill Rd.
Crugers, NY 10521

State of NY
Office of Mental Retardation &
Developmental Disabilities
c/o Maureen Lennon
Land Claims 9th Floor
Alfred E. Smith Bldg.
Albany, NY 12236

McClellan, John & Genevieve
203 Riley Rd.
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

97-40.

Date: 4/12/97.

I. Applicant Information:

- (a) Joseph & Carol Passaro 9 Station Rd Lot #16 New Windsor, NY 12553
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-2 Riley Rd New Windsor 65-1-88.1 3.55 Acres ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE.
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 4/22/97.
- (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.

(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. H.

<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* <u>125'</u>	<u>0'</u>	<u>125'</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:

(1) - NO (2) - NO (3) Yes (4) - NO (5) - NO

~~I believe~~ I believe my home will be a good addition to the town of New Windsor

(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. _____.

	Requirements	Proposed or Available	Variance Request
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) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

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

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

VIII. Additional comments:

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

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

(c) Restrictions or conditions: _____

_____.

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

(ZBA DISK#7-080991.AP)

PRELIMINARY MEETINGS:

PASSARO, JOSEPH

MR. TORLEY: First preliminary meeting Mr. Joseph Passaro. Request for 125 ft. road frontage for existing lot located on Riley road in an R-2 zone.

Mr. Joseph Passaro appeared before the board for this proposal.

MR. TORLEY: This is a preliminary meeting. We need to know what you're trying to do and we can tell you the kind of information we need for the public hearing. That comes later, so if you just make sure she can hear you when you speak, what did you want to do?

MR. PASSARO: I want to build a house on this property.

MR. TORLEY: Any road frontage at all?

MR. PASSARO: I have a right-of-way, 25 foot right-of-way on Riley Road Riley Road is here.

MR. TORLEY: Where is your right-of-way?

MR. PASSARO: It comes up to this piece here, I have a better copy.

MR. TORLEY: So your right-of-way crosses these three lots?

MR. PASSARO: Yeah, it comes up to here.

MR. TORLEY: You have a right-of-way across the aqueduct?

MR. PASSARO: Yes, it doesn't actually go over the line, it kind of ends, the line ends here somewhere goes way down deep, I don't actually cross over the line, you know how it's raised up.

MR. REIS: Do you have a copy of that?

MS. BARNHART: Carol has it.

MR. TORLEY: So aside from the road frontage, this lot meets all other requirements?

MR. PASSARO: Yes.

MR. TORLEY: It's quite wide or quite long, depending how you want to face it. It's a good thing we don't have any problem with the front yard.

MR. KANE: Can you show us where you're cutting across?

MR. PASSARO: It actually comes in this piece here.

MR. TORLEY: You have deeded right-of-ways across all those individual pieces of property?

MR. PASSARO: Yes, I do.

MR. KANE: I assume you'll need that?

MS. BARNHART: We need copies of those.

MR. PASSARO: You don't need them now?

MS. BARNHART: No, for the public hearing we need them.

MR. TORLEY: It's a good thing we don't have to worry about front yard setbacks, we'd never figure out which is the front yard, which is the side yard.

MS. OWEN: Where is this located on Riley Road?

MR. PASSARO: It's--

MS. OWEN: Do you have an address?

MR. PASSARO: It's behind 203.

MS. BARNHART: Is it near the filter plant?

MR. PASSARO: Yes, it is.

MR. TORLEY: Looks like it's right across and south of that.

MR. KANE: Joe, can you show us something else? You say this starts here, your right-of-way?

MR. PASSARO: Yes.

MR. REIS: Crosses over this?

MR. TORLEY: When we get to the public hearing.

MR. KANE: Bring us a little more detail how that is going to cut across and come through here.

MR. PASSARO: I have it now but--

MR. REIS: Whose property is this?

MR. PASSARO: This is the State of New York aqueduct property and this here is just a state property, I guess they have a home there, there is handicapped people back here, it sits back deep here.

MR. KANE: It would be helpful if you can give us a little more detailed plan and have three copies so we can have one for the chair and one for each side.

MR. REIS: Tell me one more thing. The aqueduct is raised over here?

MR. PASSARO: Yes, it's raised till about here and then it drops down I guess very deep.

MR. REIS: Cause it's level where you want to access.

MR. PASSARO: This is level here, yes, I don't have to cross over the pipeline.

MR. TORLEY: Cause you couldn't.

MR. PASSARO: No, I have already had like a hundred phone calls with the aqueduct but they were pretty good.

MS. BARNHART: They just want to know what's going on.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: Move we set up Mr. Passaro for public hearing on the requested variance.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: When you come back for the public hearing, photographs of the site would be a big help, particularly if you can photograph where you are going across on the right-of-way.

MR. KRIEGER: And if you would address yourself to the criteria put on that sheet, the Zoning Board of Appeals must decide by state law according to those criteria so it would be helpful, okay, and I would like to see your deed and title policy. I don't need to keep it, I just want to see it, give it right back to you.

MR. PASSARO: Want to see it now or when I come back?

MR. KRIEGER: When you come back.

MR. PASSARO: So that is it?

MR. TORLEY: The form is actually pretty, she's done a nice job of explaining what you have to do, and if you have any problems, you can call Pat.

MR. PASSARO: Okay, thank you.

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

JOHN MC CLELLAN and GENEVIEVE MC CLELLAN,
 husband and wife

TO

JOSEPH PASSARO and CAROL PASSARO, husband
 and wife

SECTION 65 BLOCK 1 LOT 88 (A Portion of)

RECORD AND RETURN TO:
 (Name and Address)

BLOOM & BLOOM, P.C.
 530 BLOOMING GROVE TPKE., P.O. BOX 4323
 NEW WINDSOR, NY 12553

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

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

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION

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

CITIES

- 0900 MIDDLETOWN
 1100 NEWBURGH
 1300 PORT JERVIS
 9999 HOLD

NO. PAGES 1 CROSS REF _____
 CERT. COPY _____ AFFT. FILED _____
 PAYMENT TYPE: CHECK 0
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 28000
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE 4.28.97

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

Joan A Macchi

JOAN A. MACCHI
 Orange County Clerk

RECEIVED FROM: Goshen Searches

LIBR 4598PG 248

LIBER 4598 PAGE 248

ORANGE COUNTY CLERKS OFFICE 34499 MRL
RECORDED/FILED 07/11/97 11:26:01 AM

FEES 38.00 EDUCATION FUND 5.00

SERIAL NUMBER: 008941
DEED CNTL NO 57214 RE TAX 112.00

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 22 day of April ⁶⁰¹⁰²³³ 19 97.

BETWEEN JOHN MC CLELLAN and GENEVIEVE MC CLELLAN, husband and wife, presently residing at 203 Riley Road, New Windsor, Orange County, New York, 12553

grantor

JOSEPH PASSARO and CAROL PASSARO, husband and wife, presently residing at 9 Station Road, Lot 16, New Windsor, Orange County, New York, 12553

grantee

WITNESSETH, that the grantor, in consideration of

~~ZERO AND 00/100~~

Dollars, paid by the grantee

hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being on Riley Road, in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a concrete fence post found at the southwesterly corner of the New York Board of Water Supply Parcel No. 383, said point being S 85 degrees 45' 30" W along a fence and the southerly line of aforesaid Parcel No. 383, 539.70' from a stone monument marked L.N. found at a corner of said Parcel No. 383 and New York City Board of Water Supply Parcel No. 382 (now or formerly lands of Irwin Bergknoff, from Deed in Liber 1736 of Deeds at page 316); and running thence, leaving said line and along the line of lands now or formerly of Frank Purdy, et al, S 85 degrees 45' 30" W 25.40' to a point; thence along the line of lands now or formerly of Herbert L. and Marjorie N. Kartiganer and also along a stonewall the following three courses and distances:

- 1.) N 32 degrees 08' 10" W 385.05' to a point;
- 2.) S 32 degrees 25' 10" W 256.90' to a stone monument marked L.N found;
- 3.) N 32 degrees 15' 10" W 235.20' to a point; thence leaving said line and along tax Lot No. 79, N 83 degrees 58' 15" E 329.32' to a point on the westerly line of aforesaid Parcel No. 383 and a fence; thence along said line and fence the following two courses and distances:

- 1.) S 17 degrees 28' E 414.0' to a concrete fence post;
- 2.) S 06 degrees 15' 30" E 381.90' to the point or place of beginning.

Containing 3.55 acres of land more or less.

Together with others the right of ingress and egress over a 25' wide right of way through the aforementioned Hostel No. 2767 and through aforementioned Parcel No's. 383 and 382.

Subject to grants, easements, right of ways, restrictions and covenants of record, if any.

ALSO BEING AND INTENDED TO BE the same premises as described in that certain Deed dated May 15, 1996, running from Victor M. Vitek to John McClellan and Genevieve McClellan, which Deed was thereafter recorded in the Orange County Clerk's Office on May 17, 1996 in Liber 4385 of Deeds at Page 232.
 a portion of

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. **AND** the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:

John P. McClellan L. S.
 John McClellan
Genevieve McClellan L. S.
 Genevieve McClellan

GOSHEN SEARCHERS INC.
 20 SCOTCHTOWN AVENUE
 GOSHEN, NEW YORK 10924
 OFFICE: 914-294-5110
 COUNTY BUILDING: 914-294-0913
 NEWBURGH TIE LINE: 914-564-6150
 FAX 914-294-9661

ss.:
 19 , before
 to me known,
 deponent resides

bed in and which
 the seal of said
 is such corporate
 Directors of said
 to by like order.

STATE OF NEW YORK, COUNTY OF Orange ss.:
 On the 28th day of April 19 97, before
 me personally came John McClellan and
 Genevieve McClellan

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

Alan Costa
 Notary Public

LIBR 4598PG 249

NOTARY PUBLIC
 State of New York
 Commission Expires March 8, 1997



THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL PROTECTION
JOEL A. MIELE, SR., P.E. Commissioner

WILLIAM N. STASIUK, P.E., Ph.D.
Deputy Commissioner

PHONE (914) 742-2070
FAX (914) 742-2040

Bureau of Water Supply,
Quality and Protection
Office of Water Supply Lands (OWSL)

June 11, 1997

Joseph Passaro
9 Station Road - Lot 16
New Windsor, New York 12553

Re: Catskill Aqueduct Parcel 383
Town of New Windsor

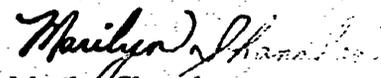
Dear Mr. Passaro:

This is to inform you that this Office is in receipt of documentation submitted substantiating your claim that valid access exists across parcel 383 of the City's Catskill Aqueduct located in the Town of New Windsor, Orange County. It is our understanding that you propose to utilize this access to facilitate development of a triangular portion of property located on the western side of the Aqueduct located off of Riley Road. Upon review of documents on file with this Department, it has been determined that a valid 25 feet wide right of way exists crossing the southern portion of City parcel 383 as indicated on the April 1996 survey prepared by Anthony D. Valdina, P.L.S..

A recent field inspection determined that City property is being utilized beyond the bounds of said right of way. Be advised that Department policy does not allow expansion nor relocation of rights of way located on City property and any such use of City land is illegal and considered encroachment. You are hereby directed to cease entry onto City property, outside the boundaries of said right of way.

If you have any questions please contact me at 914-742-2071.

Very truly yours,


Marilyn Shanahan
Manager