

PB# 03-25

**Ella Mae Harris
(Sub.)**

67-4-1.2

PB #03-25 ELLA MAE HARRIS SUB.
DEAN HILL RD. (YANOWH) 2 LOTS

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE: 10-19-04

ELLA MAE HARRIS SUBDIVISION & LOT LINE CHANGE (03-25)

Mr. Michael Harris appeared before the board for this proposal.

MR. PETRO: Proposed two lot residential subdivision, divide two existing dwellings on a single lot. So let's say you have one single lot right now, you want to make it into two. Project involves subdivision of 0.814 parcel with two existing houses to create individual lots for each house. Application previously reviewed at the 27 August, 2003 planning board meeting. Was referred to the ZBA because of the improper size of the lot, is that why?

MR. BABCOCK: Yes.

MR. PETRO: The ZBA, all variances granted have been indicated on the plan. I'm aware of no outstanding items. Planning board should verify the status of SEQRA. Planning board should determine if public hearing will be necessary for this minor subdivision or be waived. We need to verify that this application is not subject to or would be referred to the Orange County Planning. We just did that earlier so no, you would not be, we looked at it prior, I think what we'll do, Mark, is just set a precedent that anything that comes in at this point, I don't think any of the members disagree.

MR. ARGENIO: I think you're right.

MR. PETRO: Okay, why don't you go over this.

MR. KRIEGER: I think Mr. Chairman when you do that with each applicant to whom it applies they should be advised.

MR. PETRO: We could be overruled.

MR. KRIEGER: Yes, in which case they would suffer more so than this board.

MR. PETRO: They're moving ahead at their own risk, we're not going to enforce it.

MR. KRIEGER: The board is not going to require it.

MR. PETRO: What I did with this first fella if he wants to forward it to them at his own courtesy, they have been here since 2002 and move along that way but that's a good point.

MR. KRIEGER: People should be advised, that's all.

MR. PETRO: Just briefly tell us what you're doing.

MR. HARRIS: Basically, the lot's been in existence since 1960, the first house that's been there since 1960, the other since 1984. We're basically just simply splitting it, not doing anything else, everything is already pre-existing.

MR. PETRO: Run your finger down the lot line.

MR. HARRIS: This is the first house, second house and basically the lot line kind of divides that probably in half, there's a road, used to be part of that old railroad track that ran along here, there's a court settlement awarding us access to the road, one half basically belongs to us pretty much a rectangular little offshoot to get us up to Riley.

MR. PETRO: The frontage, where was the frontage, Mike, the frontage was granted at zoning board and lot size obviously they don't have frontage on the road, is that one of your variances?

MR. BABCOCK: Yes.

MR. EDSALL: Variances are listed to the right side of the table.

MR. BABCOCK: Lot 1 got road frontage.

MR. PETRO: All right, Ron, I interrupted you.

MR. LANDER: Just wondering when were these houses built? You said something--

MR. HARRIS: This one was 1960, this one was 1984.

MR. LANDER: 1984, you've got two houses on one lot?

MR. BABCOCK: That's correct.

MR. PETRO: Where were you in 1984?

MR. BABCOCK: Not here, I didn't work here then.

MR. PETRO: So we can't do this, right?

MR. LANDER: You had zoning in what, '67?

MR. BABCOCK: Well, what I understood by reading this file is that one of these houses started out, the big house started out as a house, the two story brick house in the rear was a garage and was converted to a house. Is that not correct?

MR. HARRIS: Yes.

MR. LANDER: In '84?

MR. HARRIS: '84, I mean, that's about, my father was alive then, he had a stroke shortly after that so a lot of the history and the details on it I just don't have.

MR. PETRO: Was there a building permit issued?

MR. HARRIS: The last time we looked there was a building permit, I dug up some plans or something initially I think the initial building permit had to deal with I think the garage or something like that. I always knew it pretty much as a house, I was in college when the thing got built and it's pretty much been there.

MR. PETRO: Was there a C of C issued?

MR. BABCOCK: No, once he gets the process done, he's going to have to get that.

MR. PETRO: So you're going to take over once we get through this?

MR. BABCOCK: That's correct.

MR. MASON: Your family still owns both?

MR. HARRIS: Yes, my mother lives right here.

MR. PETRO: Okay, well, the lot is created by the zoning board, they have given you the variances, they're saying they're satisfied with the frontage and the size of the lot, that's quite a variance for size but it's already existing.

MR. BABCOCK: Well, Mr. Chairman, the law says you can only have one house per lot so it's the only way to solve this problem. These two houses can never be sold, they can never do nothing without this.

MR. PETRO: I don't disagree with you. Need a motion for lead agency.

MR. ARGENIO: I'll make that motion for lead agency.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Ella Mae Harris minor subdivision on Riley Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I think you just went through the zoning board, you know how we feel about that so I'll entertain a motion to waive the public hearing.

MR. ARGENIO: I'll make that motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for Ella Mae Harris minor subdivision on Riley Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. ARGENIO: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Ella Mae Harris subdivision on Riley Road. Any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We have a highway disapproval, says drainage problems on property must be addressed, private road agreement will be required. Mike, how about that? We don't get into that now, he can get together with Mr. Kroll and find out what he wants, why he wants a private road agreement. He may be misinformed, take care of that. The drainage take a look at it, you may have to comply with a 15 inch CMP out front but we're not going to solve it now by talking about it. So I make the highway as a subject-to and you have to understand you will not get a stamp for final approval, we're going to give you final approval but you can't take action until you get that resolved.

MR. HARRIS: So I need to see Mr. Kroll with the highway department?

MR. PETRO: Says highway disapproval on the form so I can't, we can grant the final but it will be subject to his signing it.

MR. ARGENIO: Just a little confusion over the private road business.

MR. BABCOCK: Actually, I don't know.

MR. EDSALL: I spoke with Henry about it briefly and explained to him some of the information Mr. Harris gave us that the rights to use this access were established from the Supreme Court in a legal action years ago. Henry's belief was that they should try to create a maintenance agreement so that the maintenance of the road, removal of snow and such doesn't become a nuisance to the Town.

MR. ARGENIO: I don't see a road, I see two driveways.

MR. HARRIS: The thing here says three inch wide ditch, there's a road basically to the side of that, the only thing that I know of regarding the highway department you see that concrete headwall, all the water that comes down from Dean Hill, my understanding is the highway department at some point dug a ditch right along this road all the way in the back, dumps water somewhere else. I met with them briefly which is why I'm a little surprised about the disapproval, I went there to inquire my mother, told me they dug it a while back. And it didn't make that much of a difference as they put more houses and moved water up there but it's not something we dug, I'm assuming what he's looking for is either access to the--I don't know.

MR. PETRO: I can tell you one thing, we're nothing going to solve it now, so we'll move along, get it sorted out with him, we're not going to hold you up so you don't have to come back here, get it straightened out with him. Once he signs it, I'll sign your plans and you can--

MR. HARRIS: Sign this plan or some other piece of paper I need to take to him?

MR. PETRO: Well, you need to meet with him, call, get

in touch with Mr. Kroll, find out his problems and I'm trying to think of the best way to do that, Mike, cause he's going to overwhelm him, you really need to be there.

MR. EDSALL: Maybe Myra can arrange for him to come to the work shop and Henry can join us, we can all go over it.

MR. PETRO: Why don't you do that, it's a good idea, come to one more workshop, we'll have the highway superintendent come in while Mark is there, I think you can clear things up a little bit more easily than you meeting with Mr. Kroll in the field, you'll be like, I got to do what?

MR. KARNAVEZOS: One other quick thing on the acreage it says 35,477 square feet but if you add the two lots together it's 39,000, almost 40,000 square feet and I don't know if there's, because of the easement or something but the two numbers don't match.

MR. PETRO: Have the roadway figured in, that's added in, Tom.

MR. KARNAVEZOS: Okay. Does this road, is it, all this road sits on this property then, right?

MR. HARRIS: Correct. Technically, no, one half of it belongs to us, the other half belongs to lands formerly owned by Fitzpatrick which I don't know.

MR. PETRO: I bet if you add in his half that will bring you up to that number. Ron, anything else?

MR. LANDER: No.

MR. SCHLESINGER: No.

MR. PETRO: Mark, I think we got it pretty well

covered, one month more, workshop with Mr. Kroll and you'll get it settled. Do you have anything else?

MR. HARRIS: No.

MR. PETRO: Fire was approved on 8/6/2003. Entertain a motion for final approval.

MR. ARGENIO: Make a motion for final approval for Ella Mae Harris minor subdivision subject to what the chairman's going to read in in about ten seconds.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Ella Mae Harris minor subdivision on Riley Road subject to the signing off on the plans by the highway superintendent and I believe that's it. Correct? I think we did everything else and back to the one workshop. Roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Map Number 761-04 City New Windsor
Section 67 Block 4 Lot 1.2 Town New Windsor
Village

Title: Harris, Ella Mae

Dated: 8-2-04 Filed: 10-20-04

Approved by: James P. Pesto Jr.

on: 10-19-04

Record Owner: Ella Mae Harris

DONNA L. BENSON
Orange County Clerk

(1 Sheet) Total \$ 10.00

NOV - 9 2004

RECORDED/FILED ORANGE COUNTY
BOOK 02004 PAGE 0761
10/20/2004 12:49:22
FILE NUMBER 20040122905
RECEIPT#333229 patti



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/01/2004

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd
A [Disap, Appr

FOR PROJECT NUMBER: 3-25

NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263
APPLICANT: ELLA MAE HARRIS

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/19/2004	PLANS STAMPED	APPROVED
09/08/2004	P.B. APPEARANCE . HIGHWAY ISSUES WERE APPROVED BY HENRY BY PHONE ON 9/9/04 - . HE VISITED SITE WITH MICHAEL HARRIS (APPLIC RET).	LA:ND WVE PH APP CON
08/27/2003	P.B. APPEARANCE	REFER TO ZBA
04/16/2003	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/01/2004

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LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 3-25

NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263

APPLICANT: ELLA MAE HARRIS

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	07/25/2003	EAF SUBMITTED	07/25/2003	WITH APPLIC
ORIG	07/25/2003	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	07/25/2003	LEAD AGENCY DECLARED	09/08/2004	TOOK LA
ORIG	07/25/2003	DECLARATION (POS/NEG)	09/08/2004	DECL NEG DEC
ORIG	07/25/2003	SCHEDULE PUBLIC HEARING	/ /	
ORIG	07/25/2003	PUBLIC HEARING HELD	/ /	
ORIG	07/25/2003	WAIVE PUBLIC HEARING	09/08/2004	WAIVED PH
ORIG	07/25/2003	PRELIMINARY APPROVAL	/ /	
ORIG	07/25/2003		/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/01/2004

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LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 3-25

NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263

APPLICANT: ELLA MAE HARRIS

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	08/31/2004 MUNICIPAL HIGHWAY . DRAINAGE PROBLEMS ON PROPERTY MUST BE ADDRESSED - A PRIVATE . ROAD AGREEMENT WILL BE REQUIRED.	09/07/2004	DISAPPROVED
REV1	08/31/2004 MUNICIPAL WATER	/ /	
REV1	08/31/2004 MUNICIPAL SEWER	/ /	
REV1	08/31/2004 MUNICIPAL FIRE	09/08/2004	APPROVED
REV1	08/31/2004 NYS DOT	/ /	
ORIG	07/25/2003 MUNICIPAL HIGHWAY . THIS AREA INCLUDING THE DRAINAGE DITCH IN THE PLAN HAS HAD . MANY PROBLEMS IN THE PAST. THIS WILL REQUIRE A FIELD REVIEW . - STILL UNDER REVIEW	08/26/2003	TABLED
ORIG	07/25/2003 MUNICIPAL WATER	08/31/2004	SUPERSEDED BY REV1
ORIG	07/25/2003 MUNICIPAL SEWER . NO UTILITY PLAN	07/30/2003	DISAPPROVED
ORIG	07/25/2003 MUNICIPAL FIRE	08/06/2003	APPROVED
ORIG	07/25/2003 NYS DOT	08/31/2004	SUPERSEDED BY REV1

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

RECEIPT
#1066-2004

10/20/2004

Harris, Etal Ella Mae *P.B. # 03-25*

Received \$ 355.00 for Planning Board Fees, on 10/20/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/19/2004

PAGE: 1

LISTING OF PLANNING BOARD FEES
RECREATION

FOR PROJECT NUMBER: 3-25
NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263
APPLICANT: ELLA MAE HARRIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/12/2004	1 LOT REC FEE	CHG	1500.00		
10/18/2004	REC. CK. #2579	PAID		1500.00	
		TOTAL:	1500.00	1500.00	0.00


10/20/04

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/19/2004

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LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 3-25
NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263
APPLICANT: ELLA MAE HARRIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/25/2003	REC. CK. #2272	PAID		300.00	
08/27/2003	P.B. ATTY FEE	CHG	35.00		
08/27/2003	P.B. MINUTES	CHG	22.00		
09/08/2004	P.B. ATTY FEE	CHG	35.00		
09/08/2004	P.B. MINUTES	CHG	49.50		
10/12/2004	P.B. ENGINEER	CHG	311.20		
10/18/2004	REC. CK. #2578	PAID		152.70	
		TOTAL:	452.70	452.70	0.00


10/20/04



Town of New Windsor

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

OFFICE OF THE PLANNING BOARD

October 13, 2004

Mr. Michael Harris
3709 South Gate Court
Temple Hill, MD 20748

SUBJECT: P.B. #03-25 (ELLA MAE HARRIS SUBDIVISION)

Dear Mr. Harris:

Please find attached printouts of fees due for subject project. .

Please submit payment in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Approval Fee.....	\$	355.00
Check #2 - Amount over escrow posted.....	\$	152.70
Check #3 - One lot recreation fee.....	\$	1,500.00

Upon receipt of these checks I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEE SCHEDULE

APPLICATION FEE:

\$ 75.00

ESCROW:

RESIDENTIAL:

_____ LOTS @ \$200.00 EACH LOT (FIRST FOUR LOTS)

\$ _____

_____ LOTS @ \$100.00 EACH LOT OVER FOUR LOTS

\$ _____

COMMERCIAL:

_____ LOTS @ \$500.00 EACH LOT (FIRST FOUR LOTS)

\$ _____

_____ LOTS @ \$200.00 EACH LOT OVER FOUR LOTS

\$ _____

TOTAL ESCROW DUE:

\$ _____

APPROVAL FEES:

PRE-PRELIMINARY PLAT APPROVAL

\$ 100.00

PRELIMINARY PLAT APPROVAL

\$ 150.00

FINAL PLAT APPROVAL FEE (\$100.00 + \$5.00/LOT)

\$ 105.00

FINAL PLAT SECTION FEE

\$ 100.00

TOTAL APPROVAL FEES:

\$ 355.00

RECREATION FEES:

1 LOTS @ \$1,500.00 / LOT

\$ 1500.00

TO BE DEDUCTED FROM ESCROW:

ESCROW POSTED: \$ _____

P.B. ENGINEER FEE

\$ _____

P.B. ATTY. FEE

\$ _____

MINUTES OF MEETING

\$ _____

OTHER

\$ _____

TOTAL DEDUCTION: \$ _____

REFUND: \$ _____

AMOUNT DUE: \$ _____

PERFORMANCE BOND AMOUNT

\$ _____

INSPECTION FEE:

2% PRIVATE IMPROVEMENTS

\$ _____

4% PUBLIC IMPROVEMENTS

\$ _____

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/13/2004

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 3-25
NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263
APPLICANT: ELLA MAE HARRIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/12/2004	SUB. APPROVAL FEE	CHG	355.00		
		TOTAL:	355.00	0.00	355.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/13/2004

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LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 3-25

NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263

APPLICANT: ELLA MAE HARRIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/25/2003	REC. CK. #2272	PAID		300.00	
08/27/2003	P.B. ATTY FEE	CHG	35.00		
08/27/2003	P.B. MINUTES	CHG	22.00		
09/08/2004	P.B. ATTY FEE	CHG	35.00		
09/08/2004	P.B. MINUTES	CHG	49.50		
10/12/2004	P.B. ENGINEER	CHG	311.20		
		TOTAL:	452.70	300.00	152.70

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/13/2004

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LISTING OF PLANNING BOARD FEES
RECREATION

FOR PROJECT NUMBER: 3-25

NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263
APPLICANT: ELLA MAE HARRIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/12/2004	1 LOT REC FEE	CHG	1500.00		
		TOTAL:	1500.00	0.00	1500.00

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 3- 25

FOR WORK DONE PRIOR TO: 10/06/2004

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
									EXP.	BILLED	BALANCE
3-25	220510	08/24/03	TIME	MJE	MM Harris Disapp>ZBA	95.00	0.10	9.50			
3-25	220868	08/26/03	TIME	MJE	MC ELA MAY HARRIS SUB	95.00	0.70	66.50			
								76.00			
3-25	223160	10/01/03			BILL 03-1187						-76.00
											-76.00
3-25	229887	12/03/03	TIME	MJE	MC ELLE MAE HARRIS ZBA	95.00	0.60	57.00			
								57.00			
3-25	231377	12/30/03			BILL 03-1595						-57.00
											-57.00
3-25	259342	07/21/04	TIME	MJE	WS HARRIS SUB N/S	99.00	0.40	39.60			
3-25	262866	08/18/04	TIME	MJE	WS HARRIS SUB	99.00	0.40	39.60			
3-25	265752	09/07/04	TIME	MJE	MC ELLA MAE HARRIS	99.00	0.50	49.50			
3-25	265355	09/08/04	TIME	MJE	MM Harris Sub Cond APPL	99.00	0.10	9.90			
					TASK TOTAL			271.60	0.00	-133.00	138.60
					GRAND TOTAL			271.60	0.00	-133.00	138.60

Closeout

39.60

\$ 311.20



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

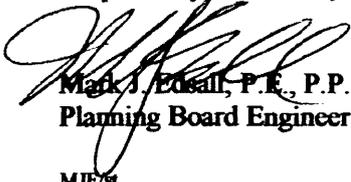
WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ELLA MAE HARRIS MINOR SUBDIVISION
PROJECT LOCATION: RILEY ROAD (OPPOSITE DEAN HILL RD.)
SECTION 67 – BLOCK 4 – LOT 1.2
PROJECT NUMBER: 03-25
DATE: 8 SEPTEMBER 2004
DESCRIPTION: THE PROJECT INVOLVES THE SUBDIVISION OF A 0.814 PARCEL (WITH TWO EXISTING HOUSES) TO CREATE INDIVIDUAL LOTS FOR EACH HOUSE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 27 AUGUST 2003 PLANNING BOARD MEETING AND WAS REFERRED TO THE Z.B.A.

1. The property is located in the R-3 zoning district of the Town. The bulk information on the plan has been corrected based on our previous comments and the determinations of the ZBA. All variances granted have been indicated on the plan.
2. I am aware of no outstanding items with regard to this application.
3. The Planning Board should verify the status of SEQRA (has the Board taken Lead Agency?).
4. The Planning Board should determine if a Public Hearing will be necessary for this minor subdivision, or if same can be waived per Section 257-13 (A) of the Town Code.
5. We need to verify that this application is not subject to GML 239 and would require a referral to the Orange County Planning Department.
6. The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW03-25-08Sept04.doc

REGIONAL OFFICES

- 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: James Petro, Planning Board Chairman

FROM: John McDonald, Fire Inspector

**SUBJECT: PB-03-25
Ella Mae Harris**



DATE: September 8, 2004

Fire Prevention Reference Number: FPS-04-035

The above referenced Subdivision Plan has been reviewed and found to be acceptable.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: **E 911 COORDINATOR**

P.B. FILE #03-25 DATE RECEIVED: 08-31-04

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 09-06-04 TO BE ON AGENDA FOR THE 09-08-04 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

ELLA MAE HARRIS

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XXX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

Notes: Assigned E-911 Numbers to
Be included on site plan

Signature: [Signature] 9/8/04
Reviewed by _____ date

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 03-25

DATE: 12/5/2003

APPLICANT:

ELLA MAE HARRIS
62 RILEY ROAD
NEW WINDSOR, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 07-25-03

FOR: SUBDIVISION

LOCATED AT: 62 RILEY ROAD

ZONE: R-3

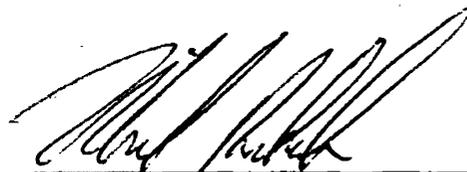
DESCRIPTION OF EXISTING SITE: SEC: 67 BLOCK: 4 LOT: 1.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**LOT #1: NEEDS LOT AREA, FRONT YARD, SIDE YARD AND DEVELOPMENTAL
COVERAGE.**

LOT #2: NEEDS LOT AREA, REAR YARD AND REQUIRED FRONTAGE.

TOWN OF NEW WINDSOR CODE: _____



MICHAEL BABCOCK,
BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # 03-25

ZONE: R-3

USE: LOT 1

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	80,000	17,223	62,777
MIN. LOT WIDTH			
REQUIRED FRONT YARD	45 FT	82.7/10	0/35
REQUIRED SIDE YARD	40 FT	1.4	38.6
REQUIRED TOTAL SIDE YARD			
REQUIRED REAR YARD			
REQUIRED FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEVELOPMENTAL COVERAGE	20%	26 ^e / _t	6%
O/S PARKING SPACES			

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

REQUIREMENTS

P.B. # 03-25

ZONE: R-3

USE: LOT 2

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	80,000	22,334	57,666
MIN. LOT WIDTH			
REQUIRED FRONT YARD			
REQUIRED SIDE YARD			
REQUIRED TOTAL SIDE YARD			
REQUIRED REAR YARD	50 FT	30.6	19.4
REQUIRED FRONTAGE	70 FT	12.96	57.04
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEVELOPMENTAL COVERAGE			
O/S PARKING SPACES			

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

P.B. FILE #03-25 DATE RECEIVED: 08-31-04

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 09-06-04 TO BE ON AGENDA FOR THE 09-08-04 PLANNING BOARD
MEETING.**

RECEIVED

THE MAPS AND/OR PLANS FOR:

AUG 31 2004

ELLA MAE HARRIS

Applicant or Project Name

N.W. HIGHWAY DEPT.

SITE PLAN _____, SUBDIVISION XXX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

Notes: 1. Drains Problems in property must be addressed
2. A private Rd agreement will be required

Signature: [Signature] 7/7/04
Reviewed by _____ date

SCALE 1" = 500 ± FT.

ZONING REGULATIONS

ZONE: R-3 SUBURBAN RESIDENTIAL
ONE FAMILY DETACHED DWELLING
WITH CENTRAL SEWER AND WATER

MINIMUM REQUIREMENTS:

LOT AREA.....80,000 sq. ft.
NET AREA =
LOT WIDTH.....175 FT.
FRONT YARD.....45 FT. *
ONE SIDE YARD.....40 FT.
BOTH SIDE YARDS.....80 FT.
REAR YARD.....50 FT.
STREET FRONTAGE.....70 FT
LIVABLE FLOOR AREA.....1,200 sq.ft

MAXIMUM BUILDING

HEIGHT.....35 FT
DEVELOPMENT COVERAGE.. 20%

PROPOSED LOT 1
* 17,738 SQ. FT.
* 17,223 SQ. FT.
* 100 FT. 177.34
82.7 FT. 10.9
* 1.4 FT ✓
* ~~12.0 FT.~~ N/A
62.6 FT. ✓
~~100 FT.~~ 277.34
2,400 sq.ft

PROPOSED LOT 2
* 22,334 SQ. FT.
* 113.79 FT. 177.46
~~82.8 FT.~~ 45.4
* ~~80.0 FT.~~ 43.4
* ~~70.0 FT.~~ 125.7
* ~~48.4 FT.~~ 30.6
~~12.96 FT.~~ 334.18
3,200 sq.ft

18 FT
* 26%

26 FT
19%

* VARIANCE REQUESTED

NOTE:

1. LOT SERVED BY BOTH TOWN OF NEW WINDSOR WATER AND SEWER
2. BOTH HOUSES ARE EXISTING. NO NEW IMPROVEMENTS ARE PROPOSED.

RECORD OWNER AND SUBDIVIDER

ELLA MAE HARRIS
62 RILEY ROAD
NEW WINDSOR, NEW YORK 12552

TAX MAP DESIGNATION

SECTION 67, BLOCK 4, LOT 1.2

DEED REFERENCE

Harris

Myra please type

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # _____ ZONE: _____ USE: _____

	REQUIRED	PROPOSED		VARIANCE REQUESTED	
MIN. LOT AREA	8000 SF	Lot 1 17223	Lot 2 22334	Lot 1 62777	Lot 2 57666
MIN. LOT WIDTH	175 FT	177.21	177.6	—	—
REQUIRED FRONT YARD	45	82.7/10	45.4	0/35	—
REQUIRED SIDE YARD	70	1.4	43.4	38.6	—
REQUIRED TOTAL SIDE YARD	80	N/A	125.7	—	—
REQUIRED REAR YARD	50	62.6	30.6	—	19.4
REQUIRED FRONTAGE	70	27.3	12.96	—	57.04
MAX. BLDG. HT.	35	18	26	—	—
FLOOR AREA RATIO	N/A	—	—	—	—
MIN. LIVABLE AREA	1200 SF	2400	3200	—	—
DEVELOPMENTAL COVERAGE	20%	26%	19	6%	—
O/S PARKING SPACES	2	2	2	—	—

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

PAGE 2 OF 2

Lot 1 needs Lot Area, Front Yard, Side Yard and Coverage
Lot 2 needs Lot Area, Rear Yard, Frontage



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

301-909-1001
Milla Harris

MAIN OFFICE
33 Airport Center Drive
Suite 202
New Windsor, New York 12553

(845) 567-3100
fax: (845) 567-3232
e-mail: mheny@mhepc.com

Writer's e-mail address:
mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ELLA MAE HARRIS MINOR SUBDIVISION
PROJECT LOCATION: RILEY ROAD (OPPOSITE DEAN HILL RD.)
SECTION 67 – BLOCK 4 – LOT 1.2
PROJECT NUMBER: 03-25
DATE: 27 AUGUST 2003
DESCRIPTION: THE PROJECT INVOLVES THE SUBDIVISION OF A 0.814 PARCEL
(WITH TWO EXISTING HOUSES) TO CREATE INDIVIDUAL LOTS
FOR EACH HOUSE.

1. The property is located in the R-3 zoning district of the Town. The bulk information on the plan is correct with the exception of minimum livable area, which should be 1200 s.f. Some "provided" values need correction.

In any case, the application will require several variances from the Zoning Board of Appeals, and should be forwarded for action.

A corrected plan should be submitted (with correct bulk information) to the Planning Board Secretary before the referral can be made.

2. Once the applicant returns from the ZBA, further reviews will be performed. In the interim, the applicant's surveyor should gather any information regarding the existing private road that serves the two residences.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW03-25-27Aug03.doc

REGIONAL OFFICES

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

ELLA MAY HARRIS SUBDIVISION (#03-25)

Mr. Daniel Yanosh and Mr. Michael Harris appeared before the board for this proposal.

MR. PETRO: Residential subdivision to divide two existing dwellings on a single lot. Making a situation better.

MR. YANOSH: We have two existing houses on a single lot, the house has been in existence for 40 years, we have a right-of-way that comes down, common drive that comes through here that services the house in the back.

MR. PETRO: Explain to me how you're going to do this without a variance? You're creating a non-conforming lot.

MR. EDSALL: You need a variance.

MR. PETRO: Okay, that explains it then. Simple, very simple.

MR. EDSALL: You're way ahead of us.

MR. PETRO: All right, the application requires several variances from the ZBA, how are you going to access the second lot?

MR. YANOSH: We have a driveway that goes down through here that comes into an existing driveway and one of Mark's comments I guess it's note number 2 about the existing private road we'll have to get some documentation as to the access and give that to the zoning board.

MR. PETRO: Once you create the line, if it's not done properly is what he's saying he may not have access, the drive is only 354 feet.

MR. YANOSH: Yes, that's the depth of the property, so you have a good 300, driveway itself is 325.

MR. ARGENIO: The gravel and dirt drive serves how many homes?

MR. PETRO: Two.

MR. ARGENIO: Only these 2 but it's shown to continue.

MR. EDSALL: It serves several properties, too, doesn't it?

MR. HARRIS: It really just services the one, lot 1 is actually on Riley Road, there's a driveway on Riley Road, that driveway is part of some Pennsylvania Railroad something and my father has a suit with the neighbors to determine who owned it and they decided they owned it, basically, they awarded him use of the road.

MR. ARGENIO: So that doesn't go anywhere?

MR. EDSALL: Which?

MR. HARRIS: The only thing back there is lot number 2, the road from, coming right off Dean Hill Road goes back and services lot number 2.

MR. EDSALL: What's Erie property?

MR. HARRIS: That's, basically, there used to be a railroad track and there's like nothing, I think they took up the track, there's nothing.

MR. PETRO: Can you give us some sort of documentation so Andy can review it and just so we know that you have access over that road, otherwise we're creating a lot with--

MR. HARRIS: In terms of documentation, there was a court decision, I had to, everybody died that was associated with the case, I had to basically dig it up out of the grave to find it but--

MR. PETRO: You had nothing to do with that, right?

MR. HARRIS: It was a really terrible experience, people knew there was a hearing but nobody could find it, but I do have that documentation.

MR. KARNAVEZOS: This gravel and dirt drive, is that on these two pieces of property?

MR. YANOSH: No, it's on this property here.

MR. KARNAVEZOS: It's on Fitzpatrick's property?

MR. YANOSH: Right.

MR. HARRIS: Half and half, according to the court decision, one half actually belongs to my father to what's now the two joint properties, one half of the road was awarded to him, the other to the other and the court indicated we both had a right to use it because it used to belong to the Erie Railroad and when they divided it up, there was some common law that says that when it's sort of receded back to whoever the previous owner used to be, so effectively, he got a legal title to one half of it but the right to use the whole road.

MR. LANDER: Is that recent their decision?

MR. HARRIS: No, that decision was probably maybe 15 years ago would be my guess.

MR. PETRO: Mark, we're creating a lot that has no frontage.

MR. EDSALL: Yeah, if it's a private road, if we can

deem it a private road, we can count the frontage on it but Mr. Schlesinger just brought up a good point, there's a utility pole on lot 1 that serves lot 2 so Dan, you should really create an easement through there and you need to get a variance anyway so just subtract the area out as an easement, so lot 1 is going to get a little smaller in number but you might as well get the right variance.

MR. ARGENIO: Make a motion for final approval for Ella May Harris minor subdivision on Riley Road.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Ella May Harris minor subdivision on Riley Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor ZBA for your necessary variances. If you're successful in receiving those variances, you can then again appear before this board. Make sure you get documentation for the road first.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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WILLIAM J. HAUSER, P.E. (NY & NJ)
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JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhapa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 03-25
WORK SESSION DATE: 21 July 2004 PROJECT: NEW OLD
REAPPEARANCE AT W/S REQUESTED: YES RESUB. REQ'D: YES
PROJECT NAME: Ella Mae Harris
REPRESENTATIVES PRESENT: Dan Yanosh

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. _____
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:
- DAN MS

STND CHECKLIST: PROJECT TYPE
DRAINAGE _____ SITE PLAN _____
DUMPSTER _____ SPEC PERMIT _____
SCREENING _____ L L CHG. _____
LIGHTING _____ SUBDIVISION _____
(Streetlights) LANDSCAPING _____ OTHER _____
BLACKTOP _____
ROADWAYS _____

APPROVAL BOX
PROJECT STATUS:
ZBA Referral: Y N
Ready For Meeting Y N
Recommended Mtg Date _____

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

BRYANT HARRIS
ELLA HARRIS

TO
RICHARD F FITZPATRICK
MARIE FITZPATRICK

SECTION 67 BLOCK 4 LOT 1.2

RECORD AND RETURN TO:
(name and address)



HARP & HARP LLP
PO BOX 400
NEW PALTZ, NY 12561

255-7200

THIS IS PAGE ONE OF THE RECORDING

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

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255-7200

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER COURT TRANSCRIPT

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 WALKILL (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) | |
| 4003 HARRIMAN (VLG) | |
| 4005 KIRYAS JOEL (VLG) | |

CITIES

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

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MAP# PGS.

PAYMENT TYPE: CHECK X
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$
TAX EXEMPT

Taxable
MORTGAGE AMT. \$
DATE

MORTGAGE TAX TYPE:

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

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

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LIBER 6011 PAGE 233

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CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

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MAP# PGS.

PAYMENT TYPE: CHECK X
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$
TAX EXEMPT

Taxable
MORTGAGE AMT. \$
DATE

MORTGAGE TAX TYPE:

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

Handwritten signature of Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

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LIBER 6011 PAGE 233

LIBER 6011 PAGE 233

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
BRYANT HARRIS and ELLA HARRIS,

Plaintiff,

-against-

RICHARD F. FITZPATRICK and
MARIE FITZPATRICK,

Defendant,
-----X

September 2, 1987
Orange County Government Center
Goshen, New York

B E F O R E:

HON. NORMAN B. FITZER,
Judicial Hearing Officer

APPEARANCES:

HARP & HARP, ESQS.
Attorneys for Plaintiff (Amicus)
83 Route 208
P.O. Box 400
New Paltz, New York 12561
BY: WENDELL D. HARP, ESQ.

KLEINMAN & SALTZMAN, P.C.
Attorneys for Defendant
2 New Hempstead Road
New City, New York 10956
BY: CAROL ANN GERONIMO, ESQ.

SUSAN P. FORELLA,
Senior Court Reporter

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Proceedings

THE COURT: This matter is before the Court upon an agreed presentation of briefs, pleadings and exhibits. The Court has studied this and studied very carefully the statutes involved and the law involved, and I find as follows.

The plaintiff's title derives from deeds which date back to a date in Liber 660 at page 217 in the Book of Deeds in December 1925 from Fred Santrock and Agnes Moos, and they continue down to the present date.

The defendant's deeds and claim of title to the property in question evolves from a deed from Veterans Memorial Grove Association, which in turn received its deed from the Town of New Windsor by virtue of a deed dated January 16, 1942. The defendant's title continues down to the present date from that deed.

The major question involved relates directly to Section 212 A of the Highway Law of the State of New York. The defendant claims that the Township of New Windsor obtained title to this strip of property under that

Proceedings

section, and as an abandonment of part of a town highway..

The plaintiff claims that the section was not pertinent to the case because the title to the property by the Township, if there was a title given, was actually obtained by prescription or user, since early 1900s and continued to the town until it was abandoned.

The road involved was known as Old Dean Hill Road and consisted of a roadway which was maintained by the Township of New Windsor for many years without having ever acquired by the Township a deed or other title to the property contained in that roadway.

Section 212 A provides as follows. Whenever, pursuant to this chapter or under the provisions of any statute, any town road shall have been widened, straightened, extended, drained, paved or otherwise improved and in the process thereof a town shall have acquired from an adjacent owner certain lands necessary for said right-of-way by purchase, condemnation or as a gift and where under such circumstances either the grantor of said new

Proceedings

1
2 right-of-way shall own the property on both
3 sides thereof for the full length of the new
4 taking or the consent in writing of any and
5 all other owners within such area be given,
6 and there shall be sections of the old road as
7 it existed before said improvement, which are
8 of no further use for highway purposes to said
9 town, the town board of said town in which
10 said land is situated, upon the recommendation
11 of the town superintendent of highways, may
12 adopt a resolution, with the consent of the
13 county superintendent of highways, to abandon
14 to the abutting owner or owners such sections
15 or parts of the old road as it existed before
16 said improvement which are of no further use
17 for highway purposes, providing the road after
18 such abandonment shall be not less than three
19 rods in width, and the supervisor of said town
20 is hereby authorized to execute and
21 acknowledge in the name of the town and affix
22 the seal of the town to a quit claim deed or
23 deeds of the land so abandoned and to deliver
24 the same to the abutting owner or owners for
25 such consideration and upon such terms and

LBC60117AE 237

1 Proceedings

2 conditions as the town board of the said town
3 shall deem proper. The adoption of the
4 hereinbefore mentioned resolution by the town
5 board shall be an immediate abandonment and
6 discontinuance of the use for highway and
7 street purposes of such sections or parts of
8 the old road described in said resolution
9 without any further or other proceedings.

10 Now, I find this section very elusive as
11 far as understanding it is concerned, but I do
12 find and I hold that the town never acquired
13 from any owner the right-of-way for such road
14 known as Old Dean Hill Road. And that is a
15 necessary requirement of this section. Since
16 that is not so, the section does not apply.
17 For the purposes of this case, when the town
18 abandoned the highway known as Old Dean Hill
19 Road, that transferred back after six years to
20 the persons who would have acquired it as
21 abutting owners at that time, and at that time
22 the abutting owner apparently was, on December
23 25, Fred Santrock and Agnes Moos. Therefore,
24 the title of the plaintiff's descended from
25 Santrock and Moos and continued down to the

Proceedings

plaintiff's time.

The plaintiff I find to be the fee owner and title of said property, of said right-of-way which is half of the total right-of-way, and judgment is granted for the plaintiff.

MR. HARP: Thank you, Judge.

MS. GERONIMO: Excuse me, Your Honor. You are holding that the plaintiff is the fee owner of what? The entire Dean Hill Road?

THE COURT: No, half of the Dean Hill Road. If you listened to my statement, I think you would have heard that.

CERTIFIED TO BE A TRUE AND CORRECT TRANSCRIPT OF THE WITHIN PROCEEDING.

Susan P. Forella

STATE OF FLORIDA, COUNTY OF ORANGE: SS:
I, DONNA L. COOPER, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON 9/30/02 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED MY OFFICIAL SEAL
9/30/02 *Donna L. Cooper*
COUNTY CLERK & CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY

SUSAN P. FORELLA
Senior Court Reporter



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

□ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York
(845) 567-3100
e-mail: mhveny@mhepc

□ Regional Office
507 Broad Street
Millford, Pennsylvania
(570) 296-2765
e-mail: mhpepa@mhepc

Writer's E-mail Address
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 03-25

WORK SESSION DATE: 18 Aug 2004 PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: NO RESUB. REQ'D: New Plans

PROJECT NAME: Harris

REPRESENTATIVES PRESENT: Mike Harris / Don Yarech

MUNICIPAL REPS PRESENT:
BLDG INSP. _____ FIRE INSP. _____
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:
got Variances

STND CHECKLIST:
DRAINAGE _____
DUMPSTER _____
SCREENING _____
LIGHTING _____
(Streetlights)
LANDSCAPING _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT TYPE
SITE PLAN _____
SPEC PERMITS _____
L.L. CHG. _____
SUBDIVISION _____
OTHER _____

add note for how
actually from spread
cars 1957

disc 2A decision MB - one
item left off (side yd lot 1)

PROJECT STATUS:
ZBA Referral: _____ Y _____ X N
Ready For Meeting X Y _____ N
Recommended Mitg Date 8/25/04

P.O. #03-25 *Applic. Fee*

ELLA MAE HARRIS 2-97
RENE HARRIS-BARRETT
P.O. BOX 525
VALE GATE, NY 12584-0525
PH. (845) 564-6069

Date *7/17/03*

2274

50-693/219
302

Pay to the Order of *Town of New Windsor* \$ *50.00*
Fifty *00/100* Dollars



KeyBank National Association
Vale Gate, New York 12584
1-800-KEY2YOU® Key.com®

Key Advantage

For *Application fee*

Ella Mae Harris

⑆021906934⑆ 323020017873⑈ 2274

©2003 American Express

P.O. #03-25 *Escrow*

ELLA MAE HARRIS 2-97
RENE HARRIS-BARRETT
P.O. BOX 525
VALE GATE, NY 12584-0525
PH. (845) 564-6069

Date *7/17/03*

2272

50-693/219
302

Pay to the Order of *Town of New Windsor* \$ *300.00*
Three Hundred *00/100* Dollars



KeyBank National Association
Vale Gate, New York 12584
1-800-KEY2YOU® Key.com®

Key Advantage

For *Escrow*

Ella Mae Harris

⑆021906934⑆ 323020017873⑈ 2272

©2003 American Express

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

**RECEIPT
#730-2003**

07/29/2003

**Harris, Ella Mae
P. O. Box 525
Vails Gate, NY 12584**

**Received \$ 50.00 for Planning Board Fees, on 07/29/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

PB #03-25 application fee

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/28/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 3-25
NAME: ELLA MAE HARRIS SUBDIVISION - PA2003-0263
APPLICANT: ELLA MAE HARRIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/25/2003	REC. CK. #2272	PAID		300.00	
		TOTAL:	0.00	300.00	-300.00


7/29/03



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

P.B. FILE #03-25 DATE RECEIVED: 07-25-03

PLEASE RETURN COMPLETED FORM TO MYRA BY: 08-22-03 RECEIVED

THE MAPS AND/OR PLANS FOR:

JUL 28 2003

ELLA MAE HARRIS

N.W. HIGHWAY DEPT.

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: This Area including the drainage ditch
in the plan have had many problems in
the past.
This will require a field review

DISAPPROVED: under review

Notes: _____

Signature: Henry J. Kroll
Reviewed by _____ date _____

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Frank Malloy, Asst. Fire Inspector
SUBJECT: Ella Mae Harris
DATE: August 6, 2003

Planning Board Reference Number: PB-03-25
Date Received: 7-25-03
Fire Prevention Reference Number: FPS-03-36

A review of the above referenced subdivision plan was conducted on August 6, 2003.

The plans were found to be acceptable.


Frank Malloy
Asst. Fire Inspector



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: WATER DEPARTMENT

P.B. FILE #03-25 DATE RECEIVED: 07-25-03

PLEASE RETURN COMPLETED FORM TO MYRA BY: 08-22-03

THE MAPS AND/OR PLANS FOR:

ELLA MAE HARRIS

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

Notes: No utility detail

Signature: _____

[Handwritten Signature]
Reviewed by

7/30/03
date

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4615
Fax: (914) 563-4693

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision Lot Line Change Site Plan Special Permit

Tax Map Designation: Sec. 67 Block 4 Lot 1.2

BUILDING DEPARTMENT REFERRAL NUMBER PA-2003-0263

1. Name of Project ZLOT SUBDIVISION - LANDS OF ELLA MARE HARMS

2. Owner of Record ELLA MARE HARMS Phone 301-505-1254

Address: 62 RILEY ROAD, NEW WINDSOR NY 12552
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant SAME Phone _____

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan DANIEL P. YAKOSHAK Phone 361-4700

Address: P.O. BOX 320, CIRCLEVILLE NY 10919
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address _____
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

DANIEL P. YAKOSHAK 361-4700
(Name) (Phone)

7. Project Location: On the SOUTHEAST side of RILEY ROAD 10 feet
(Direction) (Street) (No.)
SOUTH of DEAR HILL ROAD
(Direction) (Street)

8. Project Data: Acreage 0.814 Zone R-3 School Dist. NEWBETH
TOWN OF NEW WINDSOR
JUL 25 2003
ENGINEER & PLANNING

9. Is this property within Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

*This information can be verified in the Assessor's Office.

*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".

10. Description of Project: (Use, Size, Number of Lots, etc.) 2 EXISTING SINGLE FAMILY HOMES TO BE DIVIDED INTO 2 SEPARATE LOTS

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X

12. Has a Special Permit previously been granted for this property? yes _____ no X

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

17th DAY OF July 2003

Ella Mae Harris
APPLICANT'S SIGNATURE

Deborah Green
NOTARY PUBLIC DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

Ella Mae Harris
Please Print Applicant's Name as Signed

TOWN USE ONLY: RECEIVED
TOWN OF NEW WINDSOR

03-25

APPLICATION NUMBER

DATE APPLICATION RECEIVED
TOWN OF NEW WINDSOR
JUL 25 2003
ENGINEER & PLANNING
ENGINEER & PLANNING

**APPLICANT/OWNER PROXY STATEMENT
(for professional representation)**

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

ELLA MAE HARRIS, deposes and says that he resides
(OWNER)

at 62 RILEY ROAD, NEW WINDSOR in the County of ORANGE
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 67 Block 4 Lot 1,2) which is the premises described in

the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

DANIEL P. YANUSH, P.O. BOX 320, CARLEVILLE NY 10919
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

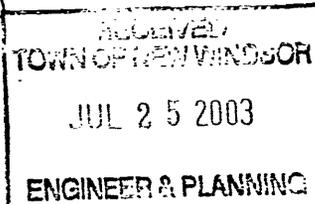
Date: July 17, 2003

Ella Mae Harris
Owner's Signature

Deborah Queen
Witness' Signature

Applicant's Signature if different than owner

Representative's Signature

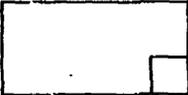


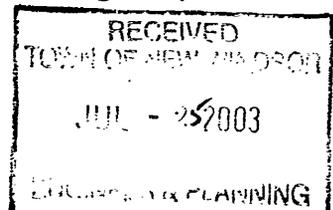
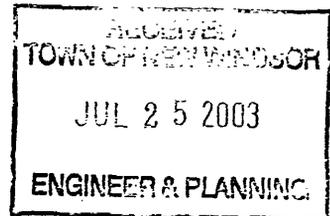
THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.

03-25

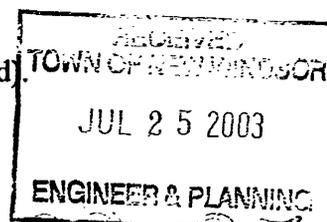
**TOWN OF NEW WINDSOR PLANNING BOARD
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

- 1. X Name and address of Applicant.
 - * 2. X Name and address of Owner.
 - 3. Y Subdivision name and location
 - 4. Y **Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)**
- SAMPLE:** 
- 5. Y Tax Map Data (Section, Block & Lot).
 - 6. Y Location Map at a scale of 1" = 2,000 ft.
 - 7. Y Zoning table showing what is required in the particular zone and what applicant is proposing.
 - 8. Y Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
 - 9. Y Date of plat preparation and/or date of any plat revisions.
 - 10. Y Scale the plat is drawn to and North arrow.
 - 11. Y Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
 - 12. Y Surveyor's certificate.
 - 13. Y Surveyor's seal and signature.
 - 14. X Name of adjoining owners.
 - 15. None Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
 - * 16. None Flood land boundaries.
 - 17. M/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
 - 18. X Final metes and bounds.



19. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. Y Include existing or proposed easements.
21. Y Right-of-way widths.
22. MIA Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. Y Lot area (in square feet for each lot less than 2 acres).
24. Y Number the lots including residual lot.
25. Y Show any existing waterways.
- *26. _____ A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. X Applicable note pertaining to owners review and concurrence with plat together with owners signature.
28. None Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. X Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. MIA Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. MIA Provide A septic system design notes as required by the Town of New Windsor.
32. _____ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. ** Indicate percentage and direction of grade.
34. Y Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. MIA Indicate location of street or area lighting (if required).



03-25

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT SPONSOR <u>ELLA MAE HARRIS</u></p>	<p>2. PROJECT NAME <u>2 LOT SUBDIVISION - CAMP OF ELLA MAE HARRIS</u></p>
<p>3. PROJECT LOCATION: Municipality <u>TOWN OF NEW WINDSOR</u> County <u>ORANGE</u></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>62 RILEY ROAD, OPPOSITE DEATH HILL ROAD</u></p>	
<p>5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY: <u>2 EXISTING HOUSES ON ONE LOT. PROPOSAL TO DIVIDE BOTH HOUSES INTO INDIVIDUAL LOTS</u></p>	
<p>7. AMOUNT OF LAND AFFECTED: Initially <u>0.814</u> acres Ultimately <u>0.814</u> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>VARIANCES REQUIRED</u></p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals</p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval</p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p>	
<p>Applicant/sponsor name: <u>DANNY P. YANORA LLC</u></p>	<p>Date: <u>6/30/03</u></p>
<p>Signature: <u>[Signature]</u></p>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

JUL 25 2003
 ENGINEER & PLANNING

OVER
1

03-25

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate review process and use the FULL EAF.

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Received
TOWN OF NEW VINDSOR
Date
JUL 25 2013
2
ENGINEER & PLANNING

03-25

This Indenture,

Made the 21st day of April Nineteen Hundred and Sixty-One,

Between BRYANT HARRIS, residing at 18 Montgomery Street, Newburgh, New York,

party of the first part, and
BRYANT HARRIS and ELLA MAE HARRIS, husband and wife, residing at 18 Montgomery Street, Newburgh, New York, as tenants by the entirety,

parties of the second part,
Witnesseth that the party of the first part, in consideration of ONE & 00/100 Dollar (\$ 1.00) lawful money of the United States, and other good and valuable considerations paid by the parties of the second part, do es hereby grant and release unto the parties of the second part, their distributees and assigns forever, all=

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows, to wit:

BEGINNING at an iron pipe set in a stone wall on the southeast side of Riley Road, formerly known as New Riley Road, the said point of beginning is on the southwest side of that part of Dean Hill Road which has been abandoned, the said point of beginning is south 19° 39' east 29.0 feet from a point in the middle of Riley Road near the north corner of land which was conveyed by George Pares to Michael Condon by deed recorded in Orange County Clerk's Office in Book 1252 at page 259: running thence (1) South 49° 07-1/2' east 354.67 feet along the middle of the stone wall on the southwest side of the abandoned Dean Hill Road to an iron pipe driven into the ground; thence (2) south 40° 41-1/2' west 100.00 feet along a line parallel to and 33 feet distant northwest from the center line of the track of Newburgh Branch of Erie Railroad, which parallel line is assumed to be the northwest line of the railroad right of way; thence (3) north 49° 07-1/2' west 354.92 feet to an iron pipe driven into the ground on the southeast side of Riley Road at a point which is 25 feet southeast of the middle of the pavement on Riley Road; thence (4) north 40° 50' east 100.00 feet along the southeast side of Riley Road to the point of beginning. CONTAINING 0.814 more or less acres.

TOGETHER with all the right, title and interest of Michael Condon to adjacent land lying northwest of the described 0.814 acre parcel, within the bounds of Riley Road, and bounded on the northwest by the center line of Riley Road.

TOGETHER with all the right, title and interest of Michael Condon to adjacent land lying northeast of the described 0.814 acres parcel, within the bounds of abandoned Dean Hill Road, and bounded on the northeast by the center line of abandoned Dean Hill Road.

SUBJECT to the right of the public to use the land within the bounds of Riley Road for highway purposes. SUBJECT to pole line rights of record.

BEING a portion of the premises described in a deed from George Pares to Michael Condon and Mary M. Condon, dated December 1, 1952 and recorded in the Orange County Clerk's Office on December 2, 1952 in Liber 1252 of Deeds at page 259.

BEING the same premises described in a deed dated September 10th, 1950 from Michael Condon and Mary M. Condon, his wife, to Bryant Harris and recorded in the Orange County Clerk's Office on September 13th, 1950 in Liber 1566/at page 145.

PCP
1.2

amps
194.⁰⁰

2250 588

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 10th day of August, nineteen hundred and eighty three
BETWEEN WILLIAM SHARP & PATRICIA SHARP, husband and wife
residing at Box 168 Riley Road, Town of New Windsor, County of Orange, State
of New York

^{P.}
party of the first part, and RICHARD FITZPATRICK & MARIE FITZPATRICK, husband and wife,
residing at 2112 Vails Gate Heights Road, Town of New Windsor, County of Orange,
State of New York.

49.14

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----
-----TEN and 00/100---- (\$10.00)----- dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

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

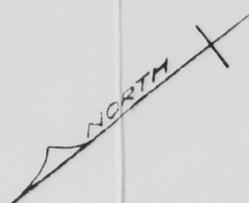
~~lyg and being in the Town of New Windsor, County of Orange and State of New York, and bounded and described as follows:~~

ALL that certain plot, piece or parcel of land, situate, lying and
being in the Town of New Windsor, County of Orange and State of New
York, and bounded and described as follows:
Beginning at a pipe on the easterly side of Riley Road which is the
northeast corner of lands of now or formerly Bryant Harris and
running thence along the easterly side of Riley Road N 39 degrees
58' 15" E 125.20' to a point, thence leaving said road S 50 degrees
01' 45" E 334.02' to a point on the westerly side of former Erie
Railroad, thence along said railroad S 39 degrees 52' 55" W 125.95'
to a point in line of lands of now or formelry Bryant Harris thence
along lands of Harris N 49 degrees 54' 10" W 334.22' to a place of
beginning. Containing 41,958 sq. ft.

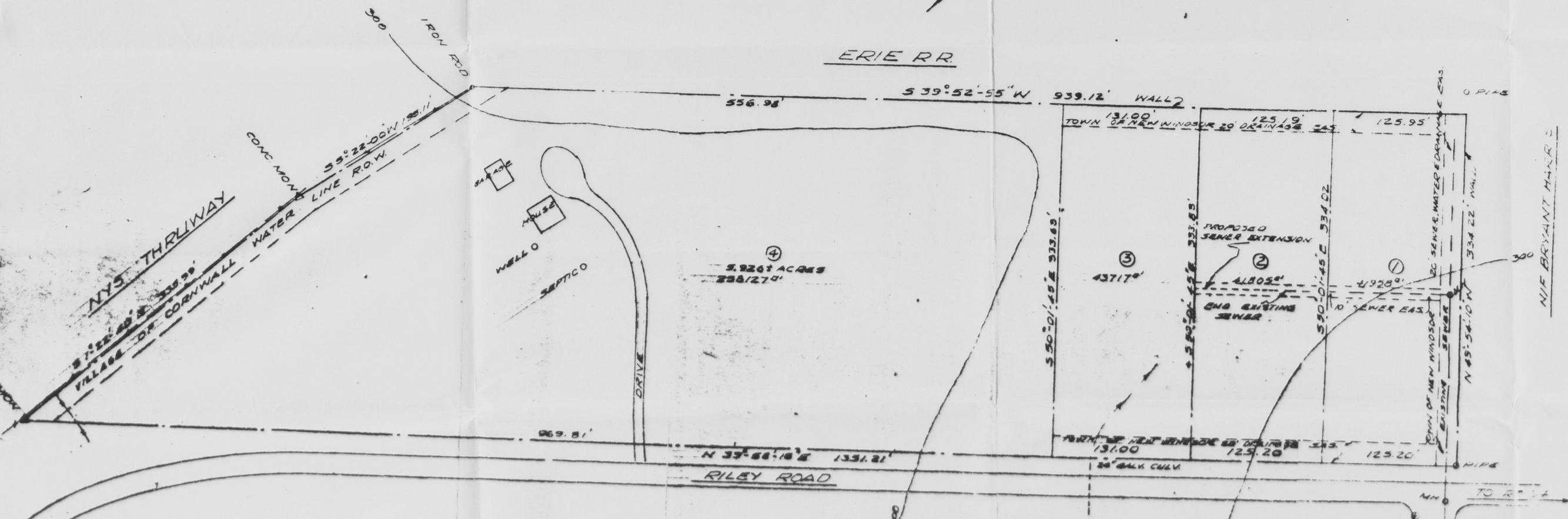
Also shown as Lot #1 on Map of Minor Subdivision of Frank Purdy Sr.,
Town of New Windsor, Orange County, New York, Dated February 24,
1975 by Willis E. Tuttle NYS Lic. 37226, filed in the Office of the Orange
County Clerk 5-27-77 and designated as filed map # 4123. u.b. 9/8
Being part of the same parcel as described in a deed from Harry S.
Monell to Frank W. Purdy, Sr. and filed in the Orange County Clerk's
Office in Liber 1722 at Page 304 on August 19, 1965.



APPROVED



VICINITY MAP
SCALE 1" = 400'



MAP OF
MINOR SUBDIVISION
OF
FRANK PURDY SR.

TOWN OF NEW WINDSOR ORANGE CO NY
SCALE 1" = 50'
FEB 29 1975
REVISED JUNE 11 1976

OWNER - FRANK PURDY SR
OWNER OF RECORD - FRANK PURDY SR
SUBDIVISION DESIGNER - HILLS & TUTTLE
TOTAL ACRES - 9.882

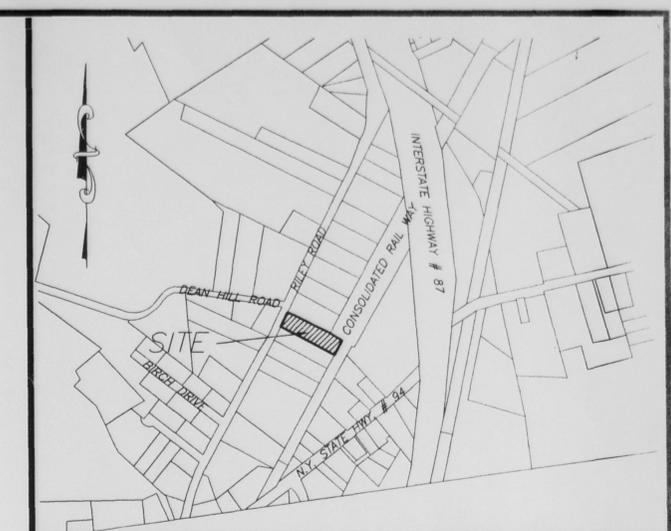
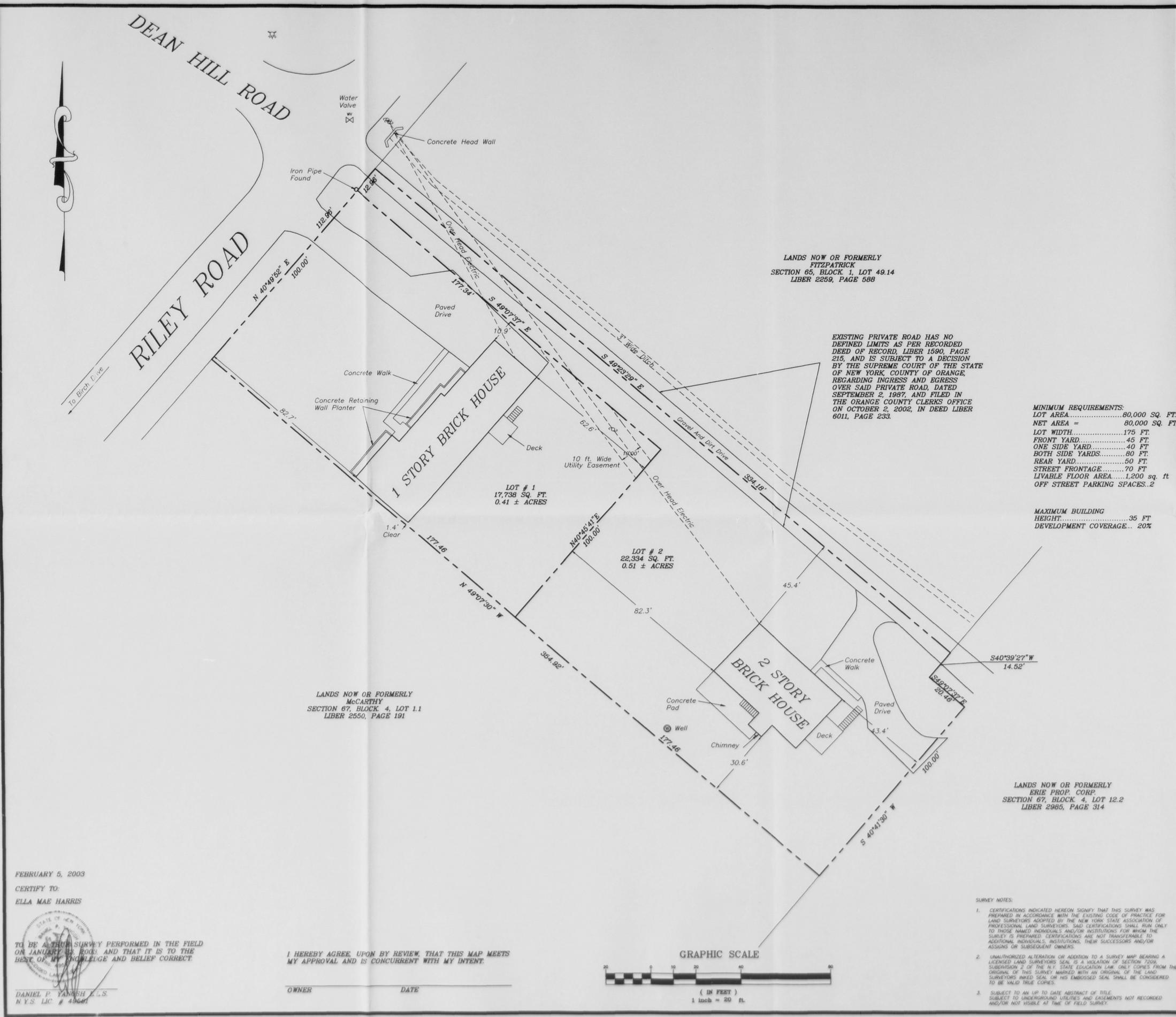


MAP # 4123
Pocket 15 FOLDER A
Map filed May 22 1975
C. N. Whittier
Clerk

Handwritten signature and date: Hills & Tuttle, June 11 1976

HILLS & TUTTLE LAND SURVEYOR
BOX 110 RD 4 NEWBURGH NY 12550

FILED
MAY 27 10 26 AM '75



ZONING REGULATIONS

ZONE: R-3 SUBURBAN RESIDENTIAL
ONE FAMILY DETACHED DWELLING
WITH CENTRAL SEWER AND WATER

	PROPOSED LOT 1 17,738 SQ. FT.	PROPOSED LOT 2 22,334 SQ. FT.	VARIANCE'S GRANTED MAY 10, 2004 PROPOSED LOT # 1 62,777 SQ. FT.	VARIANCE'S GRANTED MAY 10, 2004 PROPOSED LOT 2 57,666 SQ. FT.
177.34 FT.	177.46 FT.			
82.7 FT./10.0 FT.	45.4 FT.	0 FT./35 FT.		
1.4 FT.	43.4 FT.	38.6 FT.		
N/A	125.7 FT.			
62.6 FT.	30.6 FT.			19.4 FT.
277.34 FT.	12.96 FT.			57.04 FT.
2,400 sq. ft	3,200 sq. ft			
2	2			
18 FT	26 FT			
26%	19%	6%		

NOTE:
1. LOT SERVED BY BOTH TOWN OF NEW WINDSOR WATER AND SEWER
2. BOTH HOUSES ARE EXISTING. NO NEW IMPROVEMENTS ARE PROPOSED.

RECORD OWNER AND SUBDIVIDER
ELLA MAE HARRIS
62 RILEY ROAD
NEW WINDSOR, NEW YORK 12552

TAX MAP DESIGNATION
SECTION 67, BLOCK 4, LOT 1.2

DEED REFERENCE
LIBER 1590 PAGE 215 AND
COURT TRANSCRIPT FILED IN
DEED LIBER 6011, PAGE 233

ACREAGE
35,477 SQ. FT.
0.814 ± ACRES

PLANNING BOARD APPROVAL BLOCK

APPROVAL GRANTED BY TOWN OF NEW WINDSOR
OCT 19 2004
TOWN CLERK

REVISIONS: OCTOBER 20, 2003 - LOT LINES FROM COURT ORDER - BULK INFORMATION
OCTOBER 28, 2003 - BULK INFORMATION
AUGUST 2, 2004 - VARIANCES GRANTED
AUGUST 16, 2004 - PRIVATE ROAD NOTE

DANIEL P. YANOSH N.Y.S. L.S.
P.O. BOX 360 - 2194 N.Y.S. ROUTE 302
CIRCLEVILLE, NEW YORK 10919
PHONE #: (845) 361 - 4700 FAX #: (845) 361 - 4722

2 - LOT SUBDIVISION				
LANDS OF:	ELLA MAE HARRIS			SHEET #
	62 RILEY ROAD TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK			1 of 1
DRAWN BY:	CHECKED BY:	SCALE:	DATE:	JOB #:
SB	DPY	1" = 20'	2-5-03	2003-008

FEBRUARY 5, 2003
CERTIFY TO:
ELLA MAE HARRIS

DANIEL P. YANOSH L.L.S.
N.Y.S. LIC # 43661

I HEREBY AGREE, UPON BY REVIEW, THAT THIS MAP MEETS MY APPROVAL AND IS CONCURRENT WITH MY INTENT.

OWNER _____ DATE _____

SURVEY NOTES:

- CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED BY ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS OR SUBSEQUENT OWNERS.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7200, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYORS INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.