

ZB# 01-24

Odis Morris

15-7-5

#01-24- Morris, Odis

15-2-5. area

Prelim.

June 11, 2001.

Amount granted
for P.H.

Public Hearing:

June 25, 2001.

Refund:

\$ 185.00







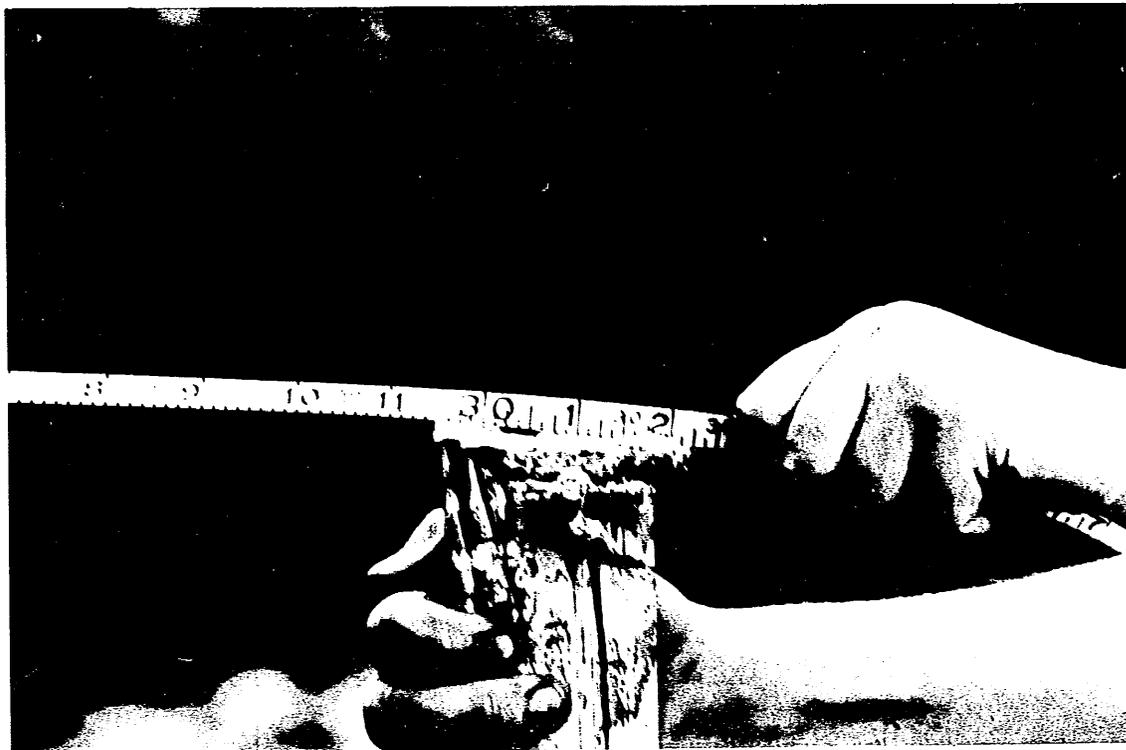
#01-24 - Morris, Ohio
15-2-5.

area



15-7-5.

area



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Morris, Odis

FILE# 01-24.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

*Paid ck # 1363
6/18/01
Paid ck # 1364*

APPLICATION FOR VARIANCE FEE \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE <u>6/11/01-7</u>	\$ <u>31.50</u>
2ND PRELIMINARY- PER PAGE <u>6/25/01-2</u>	\$ <u>12.50</u>
3RD PRELIMINARY- PER PAGE	\$ _____
PUBLIC HEARING - PER PAGE	\$ _____
PUBLIC HEARING (CONT'D) PER PAGE	\$ _____
TOTAL	\$ _____

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: <u>6/14/01</u>	\$ <u>35.00</u>
2ND PRELIM. <u>6/25/01</u>	\$ <u>35.00</u>
3RD PRELIM.	\$ _____
PUBLIC HEARING	\$ _____
PUBLIC HEARING (CONT'D)	\$ _____
TOTAL	\$ <u>70.00</u>

MISC. CHARGES:

.....	\$ _____
TOTAL	\$ <u>115.00</u>

LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$ _____
 REFUND DUE TO APPLICANT .. \$ 185.00.

ODIS MORRIS OR
MARION MORRIS
76 MELROSE AVE
NEW WINDSOR, NY 12553

1363

Date

6-18-01

50-693/219

Pay to the
order of

Town of New Windsor

\$ 50.00

FIFTY

dollars

Security features
included
Details on back.

KEYBANK NATIONAL
NEWBURGH, NEW YORK
1-800-KEY2YOU 333

for Pool Maintenance

Odin Morris

⑆021906934⑆ 3233007 1363

© DESIGNER CHECKS - COUNTRY CHARM

ODIS MORRIS OR
MARION MORRIS
76 MELROSE AVE
NEW WINDSOR, NY 12553-0518

1364

Date 6-18-01 50-693/219

Pay to the order of Town of West \$ 300.00

THREE HUNDRED DOLLARS Security features included. Details on back.

KEYBANK NATIONAL ASSOC
NEWBURGH, NEW YORK 12550
1-800-KEY2YOU 332

for Pool Variance 2BA# 01-25 Marion Morris MF

⑆021906934⑆ 300204431 1364

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

**RECEIPT
#566-2201**

06/18/2001

Morris, Odie *Zoning - Pool Variance #01-24*

**Received \$ 50.00 for Zoning Board Fees on 06/18/2001. Thank you for stopping by
the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

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

ODIS MORRIS

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#01-24.
-----X

WHEREAS, ODIS MORRIS, 76 Melrose Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 25 ft. front yard variance for replacement of an above-ground pool on a corner lot at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 25th day of June, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared on behalf of this Application; and

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

WHEREAS, none of the spectators spoke in favor of or in opposition to this 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 property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) Applicant seeks a variance to replace an above-ground pool on the premises

(c) The previous pool was in existence for 20 years during which time there have been no complaints, either formal or informal.

(d) The proposed above-ground pool cannot be located on any other area of the parcel except where Applicant purposes since he is replacing the existing pool with a new one.

(e) The proposed pool will not be constructed on top of or interfere with any water or sewer easements or cause any ponding or water runoff.

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 are warranted for the reasons listed above.

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.

6. The benefit to the Applicant, if the requested variance is granted, outweigh 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.

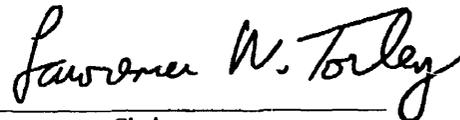
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 25 ft. front yard variance to replace an above-ground pool with a new structure, on a corner lot, at above location in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: August 13, 2001.



Chairman

Date 7/7/01

TOWN OF NEW WINDSOR

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

TO Frances Roth DR.
 168 N. Drury Lane
 Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
6/11/01	Zoning Board mtg	75 00	
	Misc. - 2		
	Bibles - 3		
	DeFazio - 3		
	Merecki - 6		
	Lawrence Lorenzen - 3		
	Logan - 3		
	Bittles - 4		
	Thomas - 3		
	Morris - 7 31.50.		
	Zupitza - 4		
	38	171 00	
		246 00	

MORRIS, ODIS

MR. TORLEY: Request for 25 foot front yard variance for proposed above-ground pool on corner lot in variation of Sec. 48-14 & 21 at 76 Melrose Avenue in an R-4 zone.

Mr. Odis Morris appeared before the board for this proposal.

MR. TORLEY: Mr. Morris?

MR. MORRIS: Yes. First of all, I've had a pool there for 25 years. This they sent me here said that the replacement should not be located in any required front or side yard. Here's a picture. I only have a side yard. I don't have a back yard.

MR. KANE: So the only reason he's here, Michael, is the old two front yards scenario?

MR. MORRIS: Maryanne Hotaling and Ronny Smother (ph.) lives right by my pool if there's any question on how many years it's been there. Now, they said 30 feet from the intersections. Here's a stake with a wide view. Here's a picture. This is actually an intersection, here's the corner of my fence, and there's the 30 feet. The kid is standing holding the tape and there's a picture of 30 feet.

MR. TORLEY: What happens, sir, is by the way our law is written, you have two front yards because you have of a corner lot. A front yard is considered wherever there is a road.

MR. MORRIS: I understand that.

MR. TORLEY: So even though you have your pool in what you're considering a side or back yard, by law it's a front yard and it has to be set back.

MR. MORRIS: What she said is I can't put it in on account of vision. If you want to look at any of these pictures, there's no way in the world that you can't see over that and there's cars there.

MR. BABCOCK. But the law says anything within 30 feet can't be more than 30 inches high. You've got a 52-inch pool, so you need relief of that law from this board.

MR. MORRIS: Actually, what we're getting to is I got pay the money; right?

MR. TORLEY: If he's 35 feet from the intersection, how tall can it be?

MR. MORRIS: There's no way that you can't see.

MR. TORLEY: Sir, but if you could move the pool so that you're 35 feet --

MR. MORRIS: Here's the stop sign. It's not a four-way stop for one thing. That's taken at the front of my car. You can see Mrs. Hotaling's house way down the road here. There's no way that a pool would be in any visible thing there.

MR. KANE: We understand, but that's what the law is, and we have to just get you relief of that.

MR. MORRIS: First, I started not even doing it, I just started to put it in because I had an old. Now, what you're causing me now is a hardship. My wife is down in Helen Hayes with a stroke and I going to need this pool for her rehabilitation when she comes back. And you know yourself in a month this thing is going to be over; I can't use this pool, it's going to be too cold. I've already paid for the pool. It was supposed to be put in May the 1st. And now the people are sitting up there holding that pool, and my wife's going to need this pool. Warm weather is going to be over if I have to wait to come to more of these meetings. They also told me when I applied for this if it was within that 30 feet or so, that I won't have to come to another meeting, that they could tell me tonight go ahead and put the pool in.

MR. KANE: Who told you that?

MR. MORRIS: One of the secretaries in your office over there.

MR. TORLEY: That was an error. The key is not so much --

MR. MORRIS: I've been through these variances over here before.

MR. BABCOCK: If he meets the code is what she's saying to him.

MR. MORRIS: I meet the code. There's my 30 feet. --

MR. BABCOCK: He's not listening.

MR. TORLEY: Sir, here's the problem. There are two items. One is the 30 feet from the road intersection. You can probably set your up pool so you're further than 30 feet. The second thing that you can't do anything about is because you have a corner lot, what you think of as a side is actually by law a front yard and you can't have a pool in the front yard.

MR. MORRIS: I only have that yard.

MR. TORLEY: I know.

MR. MORRIS: If I only have a side yard, I can't a pool?

MR. BABCOCK: No, you can.

MR. MORRIS: This is discriminating against me, isn't it?

MR. KANE: Sir, you need to listen to what we're telling you. We're not arguing with you. We're trying to lead you down the --

MR. MORRIS: First of all, that lot that I have a deed on and I pay taxes on --

MR. KANE: I guess you're not going to listen.

MR. TORLEY: Sir, this is costing you money right now.

MR. MORRIS: It's going to cost me money anyway. That's the only reason I'm here is for money, otherwise, I wouldn't be here.

MR. McDONALD: I take exception to that.

MR. KANE: I really do too.

MR. MORRIS: I've been through this before and I've had to pay.

MR. McDONALD: You're not listening to us, for one thing.

MR. MORRIS: No, you're not listening to me. You know

this is not right.

MR. McDONALD: I'm looking at it. It looks very good.

MR. MORRIS: I'm sorry, I lost my head. I apologize to you.

MR. KANE: Sir, we're not arguing with you. We're trying to bring you down the right road and get you relief.

MR. TORLEY: You have two things giving a problem. One thing is the 30. If you move the pool 32 feet, you know, another couple feet back from the intersection, that's gone. The second item is the fact that by law, and it's a strange law I agree with you, you have two front yards and you have to have the variance for that. But it's the same money for one or two variances, so that's not a problem for you. But because you're unique situation of the two front yards is the grounds for asking for the variance. So I would be asking at this point, I would accept a motion to set the gentleman up for a public hearing on this matter.

MR. McDONALD: So moved.

MR. TORLEY: Second?

MR. KANE: Second.

ROLL CALL

MR. RIVERA	AYE
MR. McDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: State law does not allow us to give it to you tonight. It has to be by public hearing.

(An off-the-record discussion was held.)

MR. TORLEY: Sir, you're saying that when you bought the property there was a pool there?

MR. MORRIS: The pool was there.

MR. TORLEY: Are you saying that the pool had a variance for it?

MR. MORRIS: Yes.

MR. JAMES: Could he buy the property without a C.O.?

MR. TORLEY: It happens.

MR. MORRIS: Mr. Lease pulled out the papers and all they showed was north, south, east and the arrows, and they didn't show in the yard where the pool was setting. But he had applied for the pool and they let him have the pool, but they didn't put an X where the pool was setting, because he showed me that. He said if they had put this here, then I would know it would be okay.

MR. TORLEY: Was there a C.O. issued for the pool?

MR. MORRIS: Dave Smith was the one I bought the property from. The pool had been there three months when I bought the property.

MR. BABCOCK: If he had a legal above-ground pool where he wants to replace this one, he wouldn't be here tonight.

MR. MORRIS: It's legal there. He showed me where it was at. Mr. Lease showed me.

MR. TORLEY: It doesn't necessarily mean that he had it put in legally.

MR. MORRIS: How would they know that the pool was there? Because he was reading it to me off the papers. I didn't have him about the papers; he showed me. Right there in that where the south and stuff was at. Like, right here, he said if they'd showed it right there, the only thing they didn't do was mark it in that corner where it's setting. Because he knew about, Mr. Smith.

MR. TORLEY: Sir, if you had a C.O. issued, then you're probably right. If no C.O. was issued for the pool, then it legally doesn't exist.

MR. MORRIS: I know he did it legal because he had a trucking business and the neighbors were fighting over that trucking business. He couldn't have done it illegal because he would have had 500 people in here fighting him.

MR. BABCOCK: He got a permit for the pool in 1979 but he doesn't --

MR. MORRIS: Right.

MR. KANE: There's no C.O. He didn't finalize it.

MR. BABCOCK: -- and he didn't put down where he was putting it.

MR. KANE: He got a building permit and he never finalized it.

MR. MORRIS: They told him verbally the only place he could put it was there on account of the property lines, where they were.

MR. KANE: And under those circumstances they issued him a building permit. He never came back to the town to finalize the building permit to make a C.O.

MR. JAMES: And then the property changed hands and nobody checked?

MR. KANE: Exactly. The permit application for the swimming pool is right.

MR. JAMES: Here's why we're so excited. My sister needs that pool and we're a little on edge about this.

MR. KANE: I understand, but it's not the town that checked these things. It's the banks that give you the loans to buy the houses that check for C.O. For instance, the young lady or young man that was here before with it, the bank didn't the first refinance --

MR. JAMES: But this office did issue --

MR. KANE: A building permit, and the owner never came back --

MR. JAMES: And he put in the pool.

MR. KANE: No, excuse me. If he didn't come back and have the building department inspect the final building of that pool and get a C.O. on it, he never completed it. Do you understand? He didn't finalize it.

MR. JAMES: I'm getting the point. But what I don't understand is why no one checked.

MR. KANE: I don't know. You have to ask the man who applied for the building permit.

(An off-the-record discussion was held.)

MR. TORLEY: You're all set for tonight. The faster you get it back, the faster you get on. And you may be able to make the next meeting if you do it real quick.

MR. KANE: Because it's got to be in the paper ten days before the meeting.

MR. MORRIS: It's an impossibility to get this in this summer.

MR. TORLEY: Never say never.

MR. MORRIS: I couldn't get on their list. It's got to be over a six week list.

MR. TORLEY: Sir, we'll move on. You're all set. You're finished for tonight.

Date 7/7/01

TOWN OF NEW WINDSOR

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

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
7/2/01	Zoning Board Mtg	75.00	
	Misc - 4		
	Steiner - 1		
	Misecki - 6		
	Maldonado - 2		
	Lorgan - 2		
	Mucci - 2		
	Bila - 3		
	Pierone - 2		
	Marshall - 7		
	Hofving - 3		
	Lawrence/Lorenzen - 11		
	DeFazio - 2		
	Thomas - 2	200.50	
	Morris - 2	295.50	
	13.50 49		

MORRIS, ODIS

MR. TORLEY: Request for 25 ft. front yard variance for proposed above-ground pool on corner lot in variation of Section 48-14 and 21 at 76 Melrose Avenue in an R-4 zone.

Mr. Odis Morris appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? There being none--

MS. CORSETTI: We sent out 88 notices on June 15.

MR. MORRIS: The pictures Pat has.

MR. KANE: For the record, you want to tell us again what you want to do?

MR. MORRIS: I want to replace, well, I'm replacing the pool that had been there for about 20, 25 years and I didn't think I would have any problems, so I bought the pool, the newer one, had arrangements to have it put in like the second week of May, then I called up for the building permit and I'm here now.

MR. KANE: Found out there wasn't a building permit on the new one and the only reason that you're here is because you live on a corner lot and it's considered to be two front yards, otherwise, you wouldn't be in front of this board?

MR. MORRIS: Right.

MR. KANE: Thank you. Any complaints about the old pool, formally or informally in the spot that it was in?

MR. MORRIS: No, my neighbor across the street says it don't look right without the pool there so no to your question, no.

MR. TORLEY: It would be infeasible to locate the pool somewhere on the property that would not be in

violation?

MR. MORRIS: My property depth is only 80 feet and the pool is 27 so I'm either and the way my house is all the way to the one end of the property and the garage if I put it anyplace else, I'm going to have to run around it to do anything.

MR. KANE: There's been no creation of water problems or runoff?

MR. MORRIS: No, we extended the hole, actually, so if it even flooded, it would stay in my yard because Melrose, the street goes up and also Goodman goes up, in fact, in these pictures it shows that.

MR. TORLEY: Resolved the issue about the height too close to the intersection?

MR. BABCOCK: Yes.

MR. KANE: I move that we approve Odis Morris' request for a variance at 76 Melrose Avenue.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

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

6-11-

7:30pm

Town Court Room

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 5/15/01

APPLICANT: Morris Odis
76 Melrose Avenue
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed 4ft above ground pool – replacement permit

LOCATED AT: 76 Melrose Avenue

ZONE: R-4 Sec/ Blk/ Lot: 15-7-5

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed pool replacement shall not be located in any required front or side yard.
2. Obstruction of vision at street intersection shall be a 30ft distance from their point of intersection.
This is a corner lot.


BUILDING INSPECTOR

PERMITTED 35ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4

USE: 48-21-G-1
48-14-B-1

MIN LOT AREA:

MIN LOT WIDTH:

2-REQ'D FRONT YD:

10ft

25ft

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**PUBLIC NOTICE OF HEARING
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. 24.

Request of Odis Marris

for a VARIANCE of the Zoning Local Law to Permit:

replacement of existing pool w/ insufficient front yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Col. E, 48-21 of
the Supplemental Yard Regs. + 48-14
for property situated as follows:

76 Melrose Avenue, New Windsor, NY

known and designated as tax map Section 15, Blk. 7 Lot 5.

PUBLIC HEARING will take place on the 25th day of June, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

June 14, 2001

Odis Morris
76 Melrose Ave
New Windsor, NY 12553

88

Re: 15-7-5

Dear Mr. Morris,

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 \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive that reads "L. Cook" with a circled "LC" to the right.

Leslie Cook
Sole Assessor

LC/bw

CC: Pat Corsetti, ZBA

pg 1

ok

13-9-16
Linda Cox- Tobin & Peter Gandolfini
P.O. Box 83
Valley Forge, Pa 19481 X

13-11-13; 13-11-7
Percy Reyes
44 Melrose Ave
New Windsor, NY 12553 X

15-4-5
David Yonnone
74 Merline Ave
New Windsor, NY 12553 X

13-9-17
Johanna & Lawrence Mowery
6 Bradford Ave
New Windsor, NY 12553 X

13-11-9
Helen & Edward Simanoski
56 Melrose Ave
New Windsor, NY 12553 X

15-4-6
Sharon & Michael Alexander
80 Merline Ave
New Windsor, NY 12553 X

13-9-18
Anthony Tallarico
63 Blanche Ave
New Windsor, NY 12553 X

13-11-10; 13-11-11
Rhoda Ciancio
6 Old Indian Rd
Milton, NY 12547 X

15-4-7
Anna , Cosmo, David & Vincent Yonnone
82 Merline Ave
New Windsor, NY 12553 X

13-9-20;13-10-11;13-10-12
Stella & Zygmunt Orzechowski
61 Blanche Ave
New Windsor, NY 12553 X

13-12-8
Harvey Dorrel
44 Lawrence Ave
New Windsor, NY 12553 X

15-4-8; 15-4-30
Lari-Sue & Ronald McDermott
88 Merline Ave
New Windsor, NY 12553 X

13-10-13; 15-4-31
Stephanie & Cosmo Yonnone
67 Myrtle Ave
New Windsor, NY 12553 X

13-12-10
Malinda Nieves
60 Lawrence Ave
New Windsor, NY 12553 X

15-4-10
Rose & Robert Gilfeather
90 Merline Ave
New Windsor, NY 12553 X

13-10-14
Rose Marie & Leroy Stanford
53 Melrose Ave
New Windsor, NY 12553 X

13-12-11
Maria & Abie Colon
57 Merline Ave
New Windsor, NY 12553 X

15-4-11
Margaret, Caroline & Frank Komar
96 Merline Ave
New Windsor, NY 12553 X

13-10-15
Barbara Booth, Dolores Ann Mannix &
John Konrad
51 Melrose Ave
New Windsor, NY 12553 X

13-12-12
Rose Etal Piperato
51 Merline Ave
New Windsor, NY 12553 X

15-4-17
Marlene Mazzola & Charles Carlstrom
323 Frozen Ridge Rd
Newburgh, NY 12550 X

13-10-18
Donna & George Kirk
45 Melrose Ave
New Windsor, NY 12553 X

13-13-14
Kristina & Michael Paz
60 Merline Ave
New Windsor, NY 12553 X

15-4-29
Clara & Arthur Mott
91 Myrtle Ave
New Windsor, NY 12553 X

13-10-20
Angela Monteleone
37 Melrose Ave
New Windsor, NY 12553 X

15-4-3
Victoria & John Delucia
64 Merline Ave
New Windsor, NY 12553 X

15-4-32
Vincent Yonnone
63 Myrtle Ave
New Windsor, NY 12553 X

13-11-8
Frances & Jeffrey Kirk
46 Melrose Ave
New Windsor, NY 12553 X

15-4-4
David Crawford
10 Hilltop Ave
Newburgh, NY 12553 X

15-4-33
Mary Collins & Thomas Monaghan
C/o Frances Linton
59 Myrtle Ave
New Windsor, NY 12553 X

15-4-28.1
Mary Ann & Richard Hotaling
95 Myrtle Ave
New Windsor, NY 12553 X

15-4-28.2
John Veneziali
99 Myrtle Ave
New Windsor, NY 12553 X

15-5-1
Frances & John Homin
91 Merline Ave
New Windsor, NY 12553 X

15-5-4
Kathleen & Thomas Coffey
14 Goodman Ave
New Windsor, NY 12553 X

15-5-5
John Mullarkey
16 Goodman Ave
New Windsor, NY 12553 X

15-5-7.1
Edith & Donald Smith
24 Goodman Ave
New Windsor, NY 12553 X

15-6-1
Joann, Rios, Elizabeth Celentano &
Claudio Esposito
64 Delaware Rd
Newburgh, NY 12550 X

15-6-2
Gregory Greiner
70 Lawrence Ave
New Windsor, NY 12553 X

15-6-3
Percy Reyes
74 Lawrence Ave
New Windsor, NY 12553 X

15-6-4
William Oliver
954 State Route 32
Wallkill, NY 12589 X

15-6-6; 15-6-10
Connie Salamotoff
84 Lawrence Ave
New Windsor, NY 12553 X

15-6-11.1
Alcides Blanco & Alexandra AKA
Alejandrina
87 Merline Ave
New Windsor, NY 12553 X

15-6-12.1
Jennifer & Dante Diciaro
81 Merline Ave
New Windsor, NY 12553 X

15-6-13
Arlene & Walter Ryan
110 Chestnut Dr.
Lacey Field
New Windsor, NY 12553 X

15-6-14
Dorina & Paul Ponessi
141 Goodale Dr.
Longs, SC 29568 X

15-7-1; 15-7-11; 15-7-12
Rhoda Ciancio
6 Old Indian Rd
Milton, NY 12547 X

15-7-2
Susan & Douglas Olympia
58 Melrose Ave
New Windsor, NY 12553 X

15-7-3; 15-7-10
Marie & William D'Amico
73 Lawrence Ave
New Windsor, NY 12553 X

15-7-4
Alfred Crudele
68 Melrose Ave
New Windsor, NY 12553 X

15-7-6
TAZ Industries, Inc.
19 Chadeayne Ave
Cornwall, NY 12520 X

15-7-8
Stanley Fornal
C/o Martha Fornal
205 Quassaick Ave
New Windsor, NY 12553 X

15-7-9
Ada Rivera & Dennis Lebron
77 Lawrence Ave
New Windsor, NY 12553 X

15-8-1
Barbara & Dennis Russell
55 Melrose Ave
New Windsor, NY 12553 X

15-8-2
Monica Kissam
9 Bradford Ave
New Windsor, NY 12553 X

15-8-3
Estelle Warren
100 Blanche Ave
New Windsor, NY 12553 X

15-8-4; 15-8-5; 15-8-6; 15-8-7
Jane & Charles Baranski
106 Blanche Ave
New Windsor, NY 12553 X

15-8-9; 15-8-10
Nancy & Charles Simanoski
15622 Kezer Rd
Tavares, FL 32778 X

15-8-11
Anna & Charles Simanoski
4385 N. Hgwy 19-A
Mt. Dora, FL 32757 X

15-8-12
Isabelle Burgoa
63 Leslie Rd
Middle Hope, NY 12550 X

15-8-13.1
Arlene & Anthony Yonnone
56 Cedar Ave
New Windsor, NY 12553 X

15-8-13.211
Sharion & Alfred Barrett
85 Blanche Ave
New Windsor, NY 12553 X

15-8-20.2
Geraldine & Andrew Masten
30 Goodman Ave
New Windsor, NY 12553 X

15-8-30
Kimberly Lenz & John Ulrich
120 Blanche Ave
New Windsor, NY 12553 X

15-8-13.212
Arlene & Anthony Yonnone
56 Cedar Ave
New Windsor, NY 12553 X

15-8-21.1
Kathleen & Joseph O'Brien
111 Blanche Ave
New Windsor, NY 12553 X

15-8-31
Georgia & John Ulrich
105 Merline Ave
New Windsor, NY 12553 X

15-8-13.22
Roberta & David Short
87 Blanche Ave
New Windsor, NY 12553 X

15-8-22.1
Gina & Wayne Dunkerley
113 Blanche Ave
New Windsor, NY 12553 X

15-8-32
Deborah & Robert Quattrociocchi
118 Blanche Ave
New Windsor, NY 12553 X

15-8-13.231
Joseph Antonelli
77 Melrose Ave
New Windsor, NY 12553 X

15-8-23
Kimberly & Anthony Ricci
115 Blanche Ave
New Windsor, NY 12553 X

15-8-33
Jo Ann & Robert Hilfiger
116 Blanche Ave
New Windsor, NY 12553 X

15-8-14
Estelle & Alfred Ortenzo
75 Melrose Ave
New Windsor, NY 12553 X

15-8-24
Geraldine & William O'Connell
117 Blanche Ave
New Windsor, NY 12553 X

15-8-34
Dorothy & Richard Urbaniak
114 Blanche Ave
New Windsor, NY 12553 X

15-8-15
Carol & William Hoyer
71 Melrose Ave
New Windsor, NY 12553 X

15-8-25
Karen & Joseph Micheletti
119 Blanche Ave
New Windsor, NY 12553 X

15-8-35
Debra & Allen Bushey
112 Blanche Ave
New Windsor, NY 12553 X

15-8-16
John & Richard Gerbes
69 Melrose Ave
New Windsor, NY 12553 X

15-8-26
Linda & Humberto Alvarez
121 Blanche Ave
New Windsor, NY 12553 X

18-1-20
Linda Ann & Frederick Zamenick
108 Merline Ave
New Windsor, NY 12553 X

15-8-18
Wendy & Richard Gerbes
59 Melrose Ave
New Windsor, NY 12553 X

15-8-27
Barbara & Edmund Mc Daniel
123 Blanche Ave
New Windsor, NY 12553 X

18-1-22
New Windsor Little League Inc.
P.O. Box 4024
New Windsor, NY 12553 X

15-8-19
Cathy & Thomas Freeman III
79 Melrose Ave
New Windsor, NY 12553 X

15-8-28
Judith & Robert Molter
125 Blanche Ave
New Windsor, NY 12553 X

15-8-20.11
Joanne Phillips & Robert DeFini
110 Blanche Ave
New Windsor, NY 12553 X

15-8-29
John O'Brien
127 Blanche Ave
New Windsor, NY 12553 X

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

-----X

In the Matter of the Application for Variance of

Odus Morris

AFFIDAVIT OF
SERVICE
BY MAIL

#01-24.

-----X

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

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

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

That on the 15th day of June, 2001, I compared the 88- addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. JULY AND AUGUST: ONE MEETING PER MONTH ONLY.

PROCEDURE FOR A PUBLIC HEARING

Preparations for a public hearing are relatively simple **IF YOU READ AND FOLLOW THIS PROCEDURE:**

Step 1 - Order a variance list from the Assessor's Office. A deposit of \$25.00 payable to TNW must be paid in advance for this list. This list is necessary for the mailing of notices to all property owners within 500 feet of your property. The total fee for this list which is prepared on labels, is based on the number of names and addresses on your list.

Step 2-While awaiting the preparation of the list on labels, fill out the Application and Public Notice of Hearing (leave date blank) which you received at the preliminary meeting before ZBA.

Step 3 - When the list is completed, the Assessor's office will call you. Using the labels provided by the Assessor's Office, attach each to an envelope, add your return address and a first-class stamp and hold. These will be used to forward the hearing notices to all of the adjacent property owners.

Step 4 - Call Pat at 563-4630 and MAKE AN APPOINTMENT to come in with your completed paperwork. At this time also bring with you a copy of your deed or contract of sale, title report (if you have one), photos, completed applications, public hearing notice, addressed/stamped envelopes, and fees payable to the Town of New Windsor. A HEARING DATE WILL NOT BE SCHEDULED UNLESS ALL OF THE PAPERWORK IS COMPLETED AND RETURNED WITH THE FEES TO THE SECRETARY.

Step 5 - The Public Notice of Hearing must be published in the local paper one time, ten days prior to the hearing date. Secretary will make arrangements for the publication of the notice. Applicant is responsible for the payment of publication. Secretary will fill in the date of public hearing on notice when all paperwork is received.

Step 6 - Once the Secretary has had an opportunity to review the hearing notice, she will add the hearing date and you may then insert the completed public hearing notice in each of the prepared envelopes, seal each envelope and bring back to Pat in the order in which they appear on the list. She will then compare the envelopes with the list, if it checks out, she will prepare an Affidavit of Mailing and mail the envelopes out. Notices must be postmarked at least 10 days before the hearing date.

Step 6 - Prepare two separate checks both payable to the Town of New Windsor, one in the amount of \$50.00 (residential) or \$150.00 (commercial) which is the variance application fee, and a second check in the sum of \$300.00 (residential) or \$500.00 (commercial). The second sum will be held in escrow pending the deduction of fee for stenographic services and attorney's fee for the handling of your file.

APPLICANT'S CHECK LIST:

- 1. Applications (3 copies);**
- 2. Public notice of hearing;**
- 3. Envelopes with names/addresses of adjacent property owners, stamped and ready for notice to be inserted;**
- 4. Fees;**
- 5. Copy of deed or contract of sale, title report, photographs of site.**

IMPORTANT NOTE: If your application is approved by the ZBA, you have one (1) year from the date of approval within which to pursue your building plans. A variance becomes null and void after this period. If you are not planning to build within this time frame, you must apply to the ZBA before this date expires to seek an extension of this variance.

**PATRICIA A. CORSETTI, SECRETARY
ZONING BOARD OF APPEALS
Town Hall - 555 Union Avenue
New Windsor, N. Y. 12553
(845)563-4630 - FAX (845)563-4692**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-24.

Date: 6/13/01.

I. ✓ Applicant Information:

- (a) Odin Morris, 76 Melrose Avenue, New Windsor, NY X
(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-4 76 Melrose Avenue 15-7-5 80x160' ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1982
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
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: N/A

IV. Use Variance. N/A

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

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

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

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No 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. E.
** Corner lot.*

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>35 ft.</u>	<u>10 ft.</u>	<u>25 ft.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
** No-residential districts only

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

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

Applicant is replacing existing pool which previous owner had for 20 years; proposal will not be a detriment to the neighborhood.

(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 _____, _____ Regs.

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

(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.

(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

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

ARTHUR DAVID SMITH and
 EILEEN M. HEIN, formerly known as
 EILEEN M. SMITH
 TO
 ODIS A. MORRIS and MARION E. MORRIS

SECTION 15 BLOCK 7 LOT 5

RECORD AND RETURN TO:
 (Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

MICHELLE WILKINSON, ESQ.
 419 ROUTE 9W
 NEWBURGH NY 12550

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION

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

NO. PAGES 4 CROSS REF _____
 CERT. COPY _____ AFFT. FILED _____

PAYMENT TYPE: CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 16,000
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE _____

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

Joan A Macchi

JOAN A. MACCHI
 Orange County Clerk

___ 9999 HOLD

RECEIVED FROM: Werner

ORANGE COUNTY CLERKS OFFICE 34594 MCD
RECORDED/FILED 08/01/95 08:29:43 AM

FEE\$ 47.00 EDUCATION FUND 5.00

SERIAL NUMBER: 000004

DEED CNTL NO 57543 RE TAX 64.00

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

THIS INDENTURE, made the 1st day of June, nineteen hundred and ninety-five
BETWEEN

ARTHUR DAVID SMITH, residing at I-1 Rolling Way, Peekskill, N.Y. 10566 and
EILEEN M. HEIN, formerly known as EILEEN M. SMITH, residing at 225 Jade Lane,
Lake Havasu City, Arizona 86403

party of the first part, and

ODIS A. MORRIS and MARION E. MORRIS, husband and wife, residing at 76 Melrose
Avenue, New Windsor, N.Y. 12553

party of the second part,

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

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York.
See Schedule "A" attached hereto and made a part hereof.

SEC 15
BLK 7
LOT 5

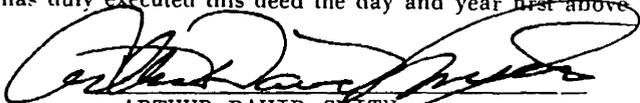
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;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

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

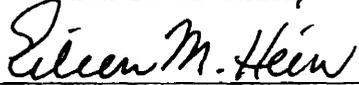
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:


ARTHUR DAVID SMITH

LIBER 4250 PAGE 257

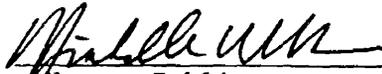

EILEEN M. HEIN, formerly known as
EILEEN M. SMITH

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the day of June 1995, before me personally came ARTHUR DAVID SMITH

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


Notary Public

MICHELLE WILKINSON
Notary Public, State of New York
No. 4972943
Qualified in Orange County 96
Commission Expires October 9, 1996

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 1st day of June 1995, before me personally came EILEEN M. HEIN, formerly known as EILEEN M. SMITH

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


Notary Public

MICHELLE WILKINSON
Notary Public, State of New York
No. 4972943
Qualified in Orange County 96
Commission Expires October 9, 1996

STATE OF NEW YORK, COUNTY OF

ss:

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

that he knows

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

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

SECTION

BLOCK

LOT

COUNTY OR TOWNSHIP

TO

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

LIBER 4250 PAGE 258

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, and State of New York, being lots numbered one hundred ninety nine (199), two hundred (200), two hundred one (201) and two hundred two (202) on a Map or plan of City Park dated August 16, 1909 made by A.L. Eliot, Civil Engineer, and filed in the office of the Clerk of Orange County, August 30, 1909 and more particularly described as follows, to wit: Bounded:

Southeasterly by Melrose Avenue one hundred twenty (120) feet; southwesterly by lot 198 on said plan eighty (80) feet; northwesterly by lots 284, 283, 282, and 281 on said plan one hundred twenty (120) feet; northeasterly by lot 203 on said plan eighty (80) feet. Containing, according to said plan, nine thousand six hundred (9600) square feet, more or less.

Together with the fee, in so far as we have the right so to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said street and ways.

BEING the same premises conveyed by Jacob W. Wilbur and Addie V. Wilbur, his wife, to Toni Hacsunda and Helen Hacsunda, his wife, by deed dated January 15th, 1914, and recorded in the office of the Clerk of Orange County on the 31st day of January, 1916 in Book No. 562 of Deeds, at page 422; and

ALL that tract or parcel of land situate in the Town of New Windsor, County of Orange, and State of New York, being lot numbered one hundred ninety-eight (198), on a Map or plan of City Park dated August 16, 1909, made by A.L. Eliot, Civil Engineer, and filed in the office of the Clerk of Orange County August 30, 1909, and more particularly described as follows, to wit:

Bounded southeasterly by Melrose Avenue forty (40) feet; southwesterly by Goodman Avenue eighty (80) feet; northwesterly by lot 285 on said plan forty (40) feet; northeasterly by lot 199 on said plan eighty (80) feet. Containing, according to said plan, three thousand two hundred (3200) square feet, more or less.

BEING the same premises conveyed by Jacob W. Wilbur and Addie V. Wilbur, his wife, to Fiodor Awlazej of Newburgh, by deed dated November 12th, 1910, and recorded in the office of the Clerk of Orange County on January 27, 1911, in Book No. 521 of Deeds at page 250.

BEING the same premises conveyed by Fiodor Awlazej to Toni Hacsunda and Helen Hacsunda, his wife, by deed dated April 23, 1913 and recorded September 11, 1916 in Liber 567 of Deeds at Page 387 in the Orange County Clerk's Office.

BEING the same premises conveyed by Clement Hacunda, Joseph Hacunda, Frank Hacunda, and Helen Fonack, a/k/a Helen Fonake by deed dated April 19, 1965 and recorded in Liber 1709 of Deeds at Page 10, to Edward Hacunda and recorded in the Orange County Clerk's Office.

BEING the same premises conveyed by Edward Hacunda to Arthur David Smith and Eileen M. Smith by deed dated November 14, 1977 and recorded in the Orange County Clerk's Office on November 15, 1977 in Liber 2084 at page 449.