

PB# 88-39

**DeStefano
(LLC)**

71-2-25

Approved 11/9/11
- DeStefano Lot Line Change 88-39 -

Applicant: Michael DeStefano 212-939-3100

Rep: ~~Ronald Washburn 561-4171~~

Jeffrey Otto 562-1076

General Receipt

10218

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

December 1, 1988

Received of Reskoeki + OSSO \$ 28.50

Twenty-eight and 50/100 DOLLARS

For Planning Board Engineering Fee (#88-39)

DISTRIBUTION

FUND	CODE	AMOUNT
<u>Cash #4043</u>		<u>\$28.50</u>

By Pauline B. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

6-16-88

Engineer
Building Inspector
Fire Inspector

General Receipt

DOLLARS

11 w... - right and

For Planning Board Engineering Fee (#88-39)

DISTRIBUTION		
FUND	CODE	AMOUNT
Check #4049		\$2850

By Pauline S. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

6-16-88
 Engineer
 Building Inspector
 Fire Inspector

General Receipt

9870

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, N. Y. 12550

Received of Helen + Michael DeStefano May 31 19 88

\$ 25⁰⁰/₁₀₀

Twenty Five and 00/100 DOLLARS

For Lot Line Change Application Fee #8-39

DISTRIBUTION		
FUND	CODE	AMOUNT
Check #25.00		
#338		

By Pauline S. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

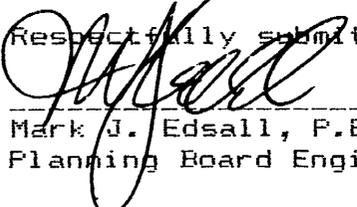
Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: DeStefano Lot Line Change
PROJECT LOCATION: Old Windsor Drive
PROJECT NUMBER: 88-39
DATE: 9 November 1988

1. The Applicants have submitted a plan for a lot line change between Lots 25 and 26 of Block 2, Section 71. These lots are located within the "Vails Gate Heights" development.
2. The lot line change appears to be intended for correction of a pool and shed encroachment, as well as making the party wall and fence coincide with the lot line.
3. The plan should clearly identify both the subdivision lot number and tax map lot number for each lot.
4. The plan should clearly indicate that same is a lot line change, not just a "survey map".
5. The Board should insure that the application form and other forms bear the signature of the Owners of both lots.
6. Inasmuch as this application will correct the encroachment problems, it is my opinion that the plan would be acceptable for approval, from an engineering standpoint.

Respectfully submitted,



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

MJEnje

stefano

DE STEFANO - OLD WINDSOR DRIVE - LOT LINE CHANGE (88-39)

Mr. Jeff Otto came before the Board representing this proposal.

Mr. Otto: I am the attorney for the applicant, Mr. and Mrs. DeStefano who purchased this townhouse at 134 Vails Gate Heights Drive from the original developer in 1972. In January of this year, they entered into a contract to sell the townhouse and the purchaser's arranged for a survey to Mr. Washburn and at that time, it was discovered through the survey that the party wall line between the townhouses did not follow the map lines so a portion of the neighbor's premises being lot #21 encroaches upon our client's property. What is proposed to correct the site is merely to convey this small triangular piece to the adjoining owners, lot 21 in order to solve the problem.

Mr. VanLeeuwen: That can't be anymore than 10, 12 feet.

Mr. Otto: I think it is 3 feet at the rear and narrows down to the triangular portion at the street. At it's widest point, it is about 3 1/2 feet.

Mr. VanLeeuwen: I make a motion that the Town of New Windsor Planning Board approve the DeStefano, Old Windsor Drive lot line change 88-39.

Mr. Jones: I will second that.

Mr. Jones: Are we reasonably sure we are not making any substandard condition here.

Mr. Scheible: The only substandard condition, I think where it was substandard before and now it is even more substandard, the way that shed is right on the line.

Mr. Lander: What type of a shed is that, a utility shed?

Mr. Otto: I think it is just a storage shed for the pool equipment and lawn mowers and things like that.

Mr. Scheible: What is the next lot over here.

Mr. Otto: That is lot 21 owned by Mr. and Mrs. Francis Sullivan.

Mr. Scheible: Mike, are you familiar with this.

Mr. Babcock: Yes.

Mr. Scheible: Do you see any problems with what is being attempted here?

Mr. Babcock: I think it is a correction. I think it is a good thing they're doing. Maybe Joe can answer the question that seems to be bothering me as far as the pool or shed. They don't meet any requirements with the new lot line by doing the lot line change. Are we being involved in that, Joe, at this present time.

Mr. Roncs: We're certainly not increasing the nonconformity. It was over the line to start with so we are only improving this situation. We are not increasing any nonconformity.

Mr. VanLeeuwen: I make a motion that we approve the DeStefano, Old Windsor Drive lot line change 88-39.

Mr. Lander: I second that motion.

ROLL CALL:

MR. JONES	AYE
MR. VAN LEEUWEN	AYE
MR. LANDER	AYE
MR. SCHEIBLE	AYE

Mr. Otto: What should I actually submit, a blueprint of this Washburn map.

Mr. VanLeeuwen: It has to go to Goshen, a map that is acceptable in Goshen is what you will need.

Mr. Otto: Thank you.

Mr. Roncs: Bring that here so it can be stamped for filing.

Mr. Otto: Thank you.

AS OF: 11/14/88

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 88- 39

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----			
								TIME	EXP.	BILLED	BALANCE
* 88-39	24835	11/07/88	TIME	MJE	MC DESTEFANO	40.00	0.50	20.00			
88-39	24851	11/07/88	TIME	NJE	CL DESTEFANO	17.00	0.50	8.50			
TASK TOTAL								28.50	0.00	0.00	28.50
GRAND TOTAL								28.50	0.00	0.00	28.50

Final Bill

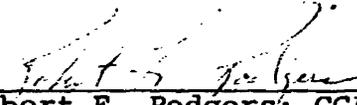
88-39

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 1 July 1988
SUBJECT: DeStefano Lot Line Change

Planning Board Reference Number: 88-39
Fire Prevention Reference Number: 88-53

A review of the lot line change for the above referenced subject prepared by Washburn Associates and dated 7 March 1988 is found acceptable.



Robert F. Rodgers; CCA
Fire Inspector



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

TOWN OF NEW WINDSOR PLANNING BOARD

CHECKLIST FOR COMPLETE SUBMITTALS AND ROUTING CHECKLIST

PROJECT NAME: De Stearns Lot Line Change
PROJECT NUMBER: 88-39

Completed Application Form	<input checked="" type="checkbox"/>
Notarized Endorsement on Application	<input checked="" type="checkbox"/>
Application Fee	<input checked="" type="checkbox"/>
Proxy Statement	<input checked="" type="checkbox"/>
Environmental Assessment Form	<input checked="" type="checkbox"/>
Completed Checklist	<input checked="" type="checkbox"/>
Fourteen (14) Sets of Submittal Plans	<u>not submitted</u>

ROUTING PROCEDURE

Copies of the submitted plan should be sent to the following Departments.

Department	_____	Building Inspector	_____
Planning Board Engineer	_____	Water Department	_____
Orange County Planning*	_____	Highway Department	_____
Bureau of Fire Prevention	_____	NYS DOT*	_____

In addition copies of the following should be sent to the Planning Board Engineer:

Application	_____	EAF	_____
Submittal Checklist	_____	Dept. Review	_____

* O/C Planning and DOT as required.

PROXY STATEMENT

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

MICHAEL DeSTEFANO & HELEN DeSTEFANO, deposes and says that they
resides at 760 Vincent Avenue, Yonkers
(Owner's Address)

in the County of Westchester

and State of New York

and that they ^{are} the owners in fee of 134 Vails Gate Heights Drive,
New Windsor, NY

which is the premises described in the foregoing application and

that they ^{have} ~~has~~ authorized JEFFREY R. OTTO, Attorney

to make the foregoing application as described therein.

Date: June 7, 1988

Michael DeStefano - Michael Otto
(Owner's Signature)

Victory Luccio
(Witness' Signature)

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE
OR SUBDIVISION PLAN APPROVAL

1. Name of Project Old Windsor Estates- Lot 22-Block B
2. Name of Applicant Michael DeStefano and Helen DeStefano Phone (212) 839-3100
Address 760 Vincent Avenue, Bronx, New York, 10465
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Applicants Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Ronald A. Washburn Phone (914) 561-4171
Address 44-52 Route 9W New Windsor, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney JEFFREY R. OTTO Phone (914) 562-1076
Address 710 Broadway Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: ~~XXXXXXXX~~ ~~XXXXXXXX~~
~~XXXXXXXX~~ (Street)
~~XXXXXXXX~~ (Direction)
of 134 Vails Gate Heights Drive, New Windsor, New York
(Street)
7. Acreage of Parcel 52 x 111 8. Zoning District R-1
9. Tax Map Designation: Section 71 Block 2 Lot 25
10. This application is for Lot line change. To convey to adjoining owner portion of adjoining premises encroaching on subject premises.
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? No

If so, list Case No. and Name _____

12. List all contiguous holdings in the same ownership
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE
STATE OF NEW YORK
SS.:

_____ being duly sworn, deposes and says
that he resides at _____
in the County of _____ and State of _____
and that he is (the owner in fee) of _____
_____ (Official Title)
of the Corporation which is the Owner in fee of the premises
described in the foregoing application and that he has authorized
_____ to make the foregoing
application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this _____

_____ (Owner's Signature)
11th day of May 1988 _____
_____ (Applicant's Signature)
Catherine Christie
Notary Public _____ (Title)

CATHERINE CHRISTIE
Notary Public, State of New York
No. 03-5691100
Qualified in Bronx County
Commission Expires March 30, 1989
Feb. 28 1989

REV. 3-87

SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: Old Windsor Estates

Location: 134 Vails Gate Heights Drive

ID Number: Sec. 71, Bl. 2, Lot 25

INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

ENVIRONMENTAL ASSESSMENT

	YES	NO
1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will there be a major change to any unique or unusual land form found on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will project alter or have a large effect on an existing body of water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will project have an adverse impact on groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Will project significantly effect drainage flow on adjacent sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will project affect any threatened or endangered plant or animal species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Will project result in a major adverse effect on air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will project have a major adverse effect on existing or future recreational opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will project result in major traffic problems or cause a major effect to existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Is project non-farm related and located within a certified agricultural district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Will project have any adverse impact on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is there public controversy concerning any potential impact of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Preparer's Signature: _____ Date: _____

Preparer's Title: _____

Agency: _____

Portion to be added to Lot 21

Beginning at an iron rod marking the easterly line of Old Windsor Drive, said rod also marking the division line between lot no. 21, and lot no. 22, all as shown on a certain map entitled "Old Windsor Estates" as filed in the Orange County Clerk's Office on December 3, 1965, as filed map no. 2172, and running thence;

- (1) N89°32'00"E 111.19 feet, along the aforesaid division line between lot 21, and lot 22, to a point, thence;
- (2) S2°21'48"W 3.52 feet, to a point, thence;
- (3) N88°38'25"W 109.85 feet, passing through a party wall, to the point or place of beginning.

Description of property to be conveyed to Thomas E. and Kathryn D. Flaker

Beginning at an iron rod marking the easterly line of Old Windsor Drive, said rod also marking the division between lot no. 21, and lot no. 22, of a certain map entitled "Old Windsor Estates" as filed in the Orange County Clerk's Office on December 3, 1965, as filed map no. 2172, and running thence;

- (1) S88°38'25"E 109.85 feet, passing through a party wall, to a point, thence;
- (2) S2°21'48"W 14.80 feet, to a point, thence;
- (3) S65°25'50"W 100.00 feet, along lot no. 23, of the aforesaid filed map no. 2172, to a point, thence;
- (4) N24°34'10"W 10.00 feet, along the aforesaid line of Old Windsor Drive, to a point of curvature, thence;
- (5) Northerly on a curve to the right, having a radius of 200.00 feet, for an arc distance of 52.36 feet, to the point or place of beginning.

Subject to a drainage easement, described as follows, Beginning at the terminus of the abovedescribed third course, and running thence;

- (a) N24°34'10"W 10.00 feet, along the above fourth course, to a point, thence;
- (b) N65°25'50"E 88.78 feet, to a point, thence;
- (c) N2°21'48"E 8.48 feet, to a point, in the above first course, thence;
- (d) S88°38'25"E 10.00 feet, to a point, thence;
- (e) S2°21'48"W 14.80 feet, along the abovesaid second course, to a point, thence;
- (f) S65°25'50"W 100.00 feet, along the abovesaid third course, to the point or place of beginning.

Washburn Associates
 44-52 Route 9W
 New Windsor, N.Y. 12550

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

"Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies."

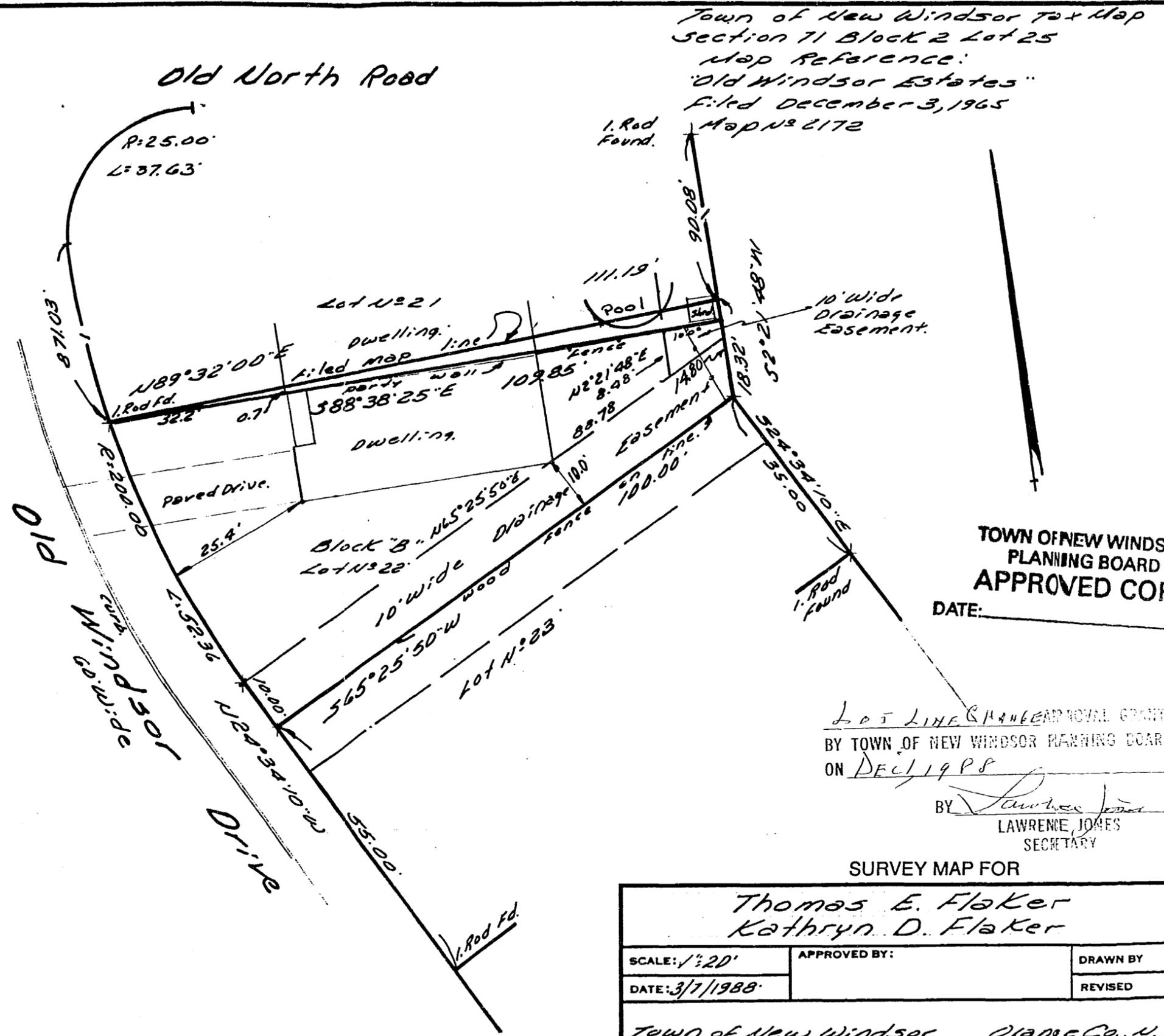
"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."



Francis E. Sullivan
 Carolyn M. Sullivan
 Thomas E. Flaker
 Kathryn D. Flaker
 Michael DeStefano
 Helen DeStefano
 Ulster Savings Bank,
 its successors and/or assigns.
 Horizon Abstract Corp.
 First American Title
 Insurance Company

Certified true and correct as shown hereon.

Ronald A. Washburn
 Lic. No. 48368



TOWN OF NEW WINDSOR
 PLANNING BOARD
 APPROVED COPY
 DATE: _____

LOT LINE CHANGE APPROVAL GRANTED
 BY TOWN OF NEW WINDSOR PLANNING BOARD
 ON DEC 19 1988
 BY *Lawrence Jones*
 LAWRENCE JONES
 SECRETARY

SURVEY MAP FOR		
Thomas E. Flaker Kathryn D. Flaker		
SCALE: 1"=20'	APPROVED BY:	DRAWN BY
DATE: 3/7/1988		REVISED
Town of New Windsor Orange Co., N.Y.		
Rev. 4/4/1988	DRAWING NUMBER 4183	