

ZB# 03-05

Robert DePaolis

77-8-8

03-05

DEPAOLIS, ROBERT - AREA VARIANCE
CONSTITUTION WAY
77-8-8

Prelim. 2/10/03

ZBA

APPROVED

6/2/2003

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-05 TYPE: AREA USE _____

APPLICANT: Robert Depaolis
2505 Constitution Way
New Windsor, NY
 TELE: 567-0093

RESIDENTIAL: \$50.00 CHECK # 118
 COMMERCIAL: \$150.00 CHECK # _____
 INTERPRETATION: \$150.00 CHECK # _____
 ESCROW: \$300. / \$500.00 CHECK # 115

DISBURSEMENTS:

	<u>MINUTES</u> <u>\$4.50 PER PAGE</u>	<u>ATTORNEY FEES</u> <u>\$35.00 / MEETING</u>
PRELIM..... <u>2/10/03</u>	\$ <u>31.50</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING..... <u>4/14/03</u>	<u>18.00</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u>49.50</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ _____

• • • • •
 ESCROW POSTED: \$ 300.00
 AMOUNT DUE: \$ _____
 REFUND DUE: \$ 180.50

6/9/03
V.R.



Town of New Windsor

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

OFFICE OF THE ZONING BOARD OF APPEALS

June 24, 2003

Mr. Robert DePaolis
2505 Constitution Way
New Windsor, NY 12553

SUBJECT: VARIANCE #03-05

Dear Mr. DePaolis:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

Sent 6/24

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 1/21/03

APPLICANT: Robert & Elizabeth Depaolis
2505 Constitution Way
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/16/03

FOR : Above ground pool & rear deck

LOCATED AT: 2505 Constitution Way

ZONE: R-3 Sec/Blk/ Lot: 77-8-8

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Suburban Residential (R-3)

1. House deck attached to above ground pool. Pool and deck must be 15ft from the side and 40ft from the rear property line. A variance of 11ft side & 37ft rear is required.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: Single Family pool & deck

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

~~15ft~~
12

~~4ft~~
6

~~11ft~~
6'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40ft

3ft

37ft

REQ'D FRONTAGE:

MAX BLDG HT:

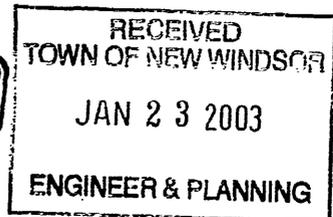
FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

APPROVED



03-05

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JAN 16 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2062-41

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Robert + Elizabeth DePaulis

Address

2505 Constitution Way

Phone #

(845) 567-0093

Mailing Address

2505 Constitution Way New Windsor, N.Y. 12553

Fax #

Name of Architect

Address

Phone

Name of Contractor

Self

Address _____ Phone _____

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

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

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

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

3. Tax Map Description: Section 77 Block 8 Lot 8

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____

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

6. Is this a corner lot? NO Ground

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories Pool

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

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

10. Estimated cost _____

Fee \$ 50.00 **PAID**
ch# 111 part of

ZONING BOARD

01 116 P3
date

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

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4695 FAX

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



INSTRUCTIONS

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

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



(Signature of Applicant)

2505 Constitution Way

(Address of Applicant)



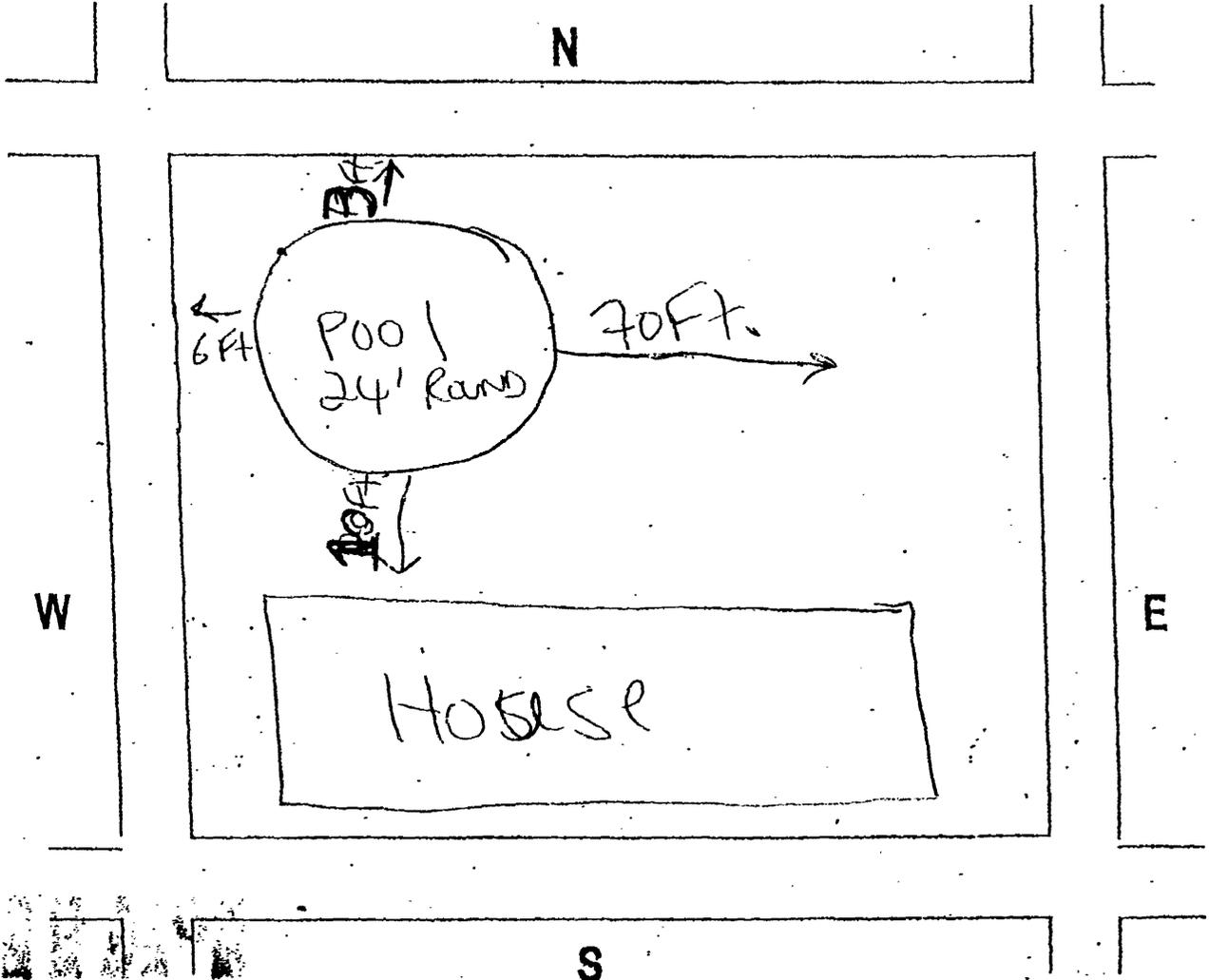
(Owner's Sign for A)

2505 Constitution Way

(Address of Applicant)

PLOT PLAN

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



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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

RECEIVED

JAN 16 2003

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
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12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2003-42

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Robert + Elizabeth DeFoolis

Address 2505 Constitution Way Phone # 845567-0093

Mailing Address 2505 Constitution Way Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor Self

Address _____ Phone _____

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

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

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

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

3. Tax Map Description: Section _____ Block _____ Lot _____

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

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other **Pool + Hot Deck**

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

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

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

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

10. Estimated cost _____ Fee **\$50 - PAID**

ZONING BOARD

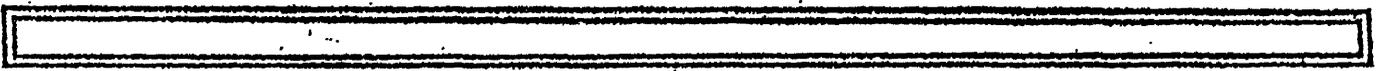
PAID
Clerk _____

01/16/03
date

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

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

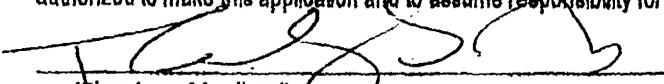
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

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(Signature of Applicant)


(Owner's Signature)

2505 Constitution Way

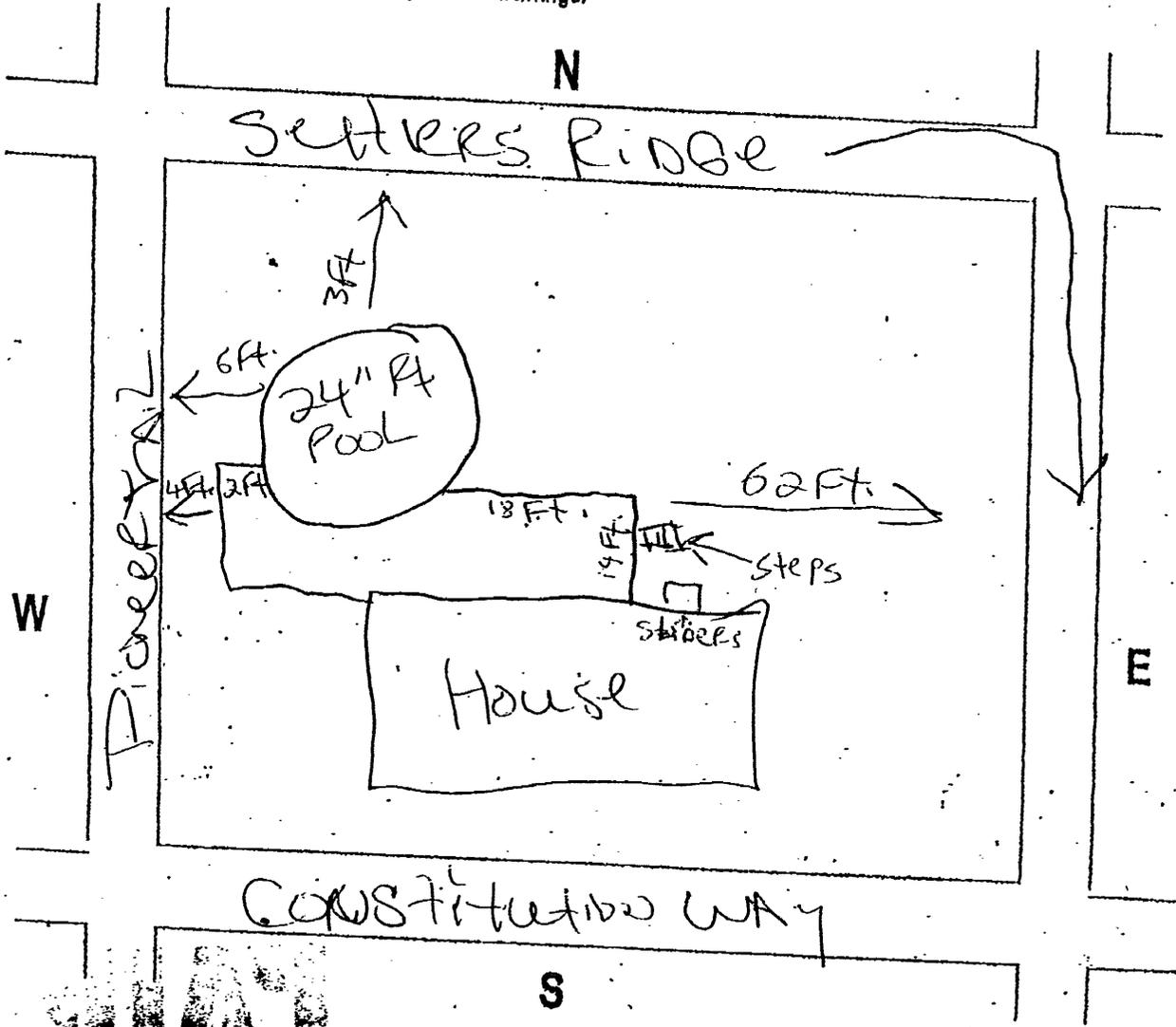
(Address of Applicant)
2505 Constitution Way

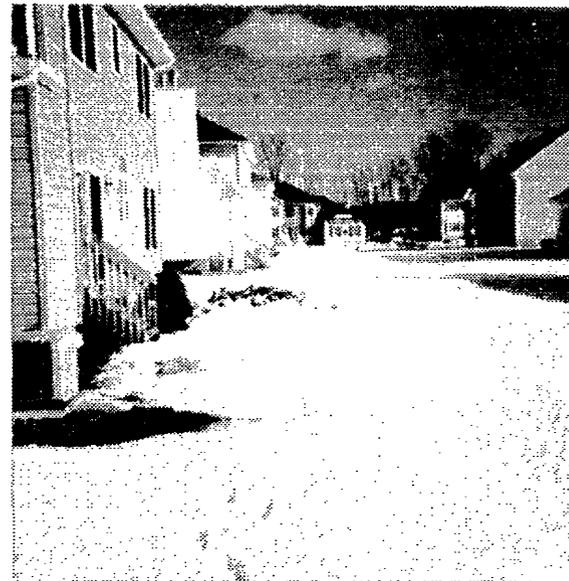
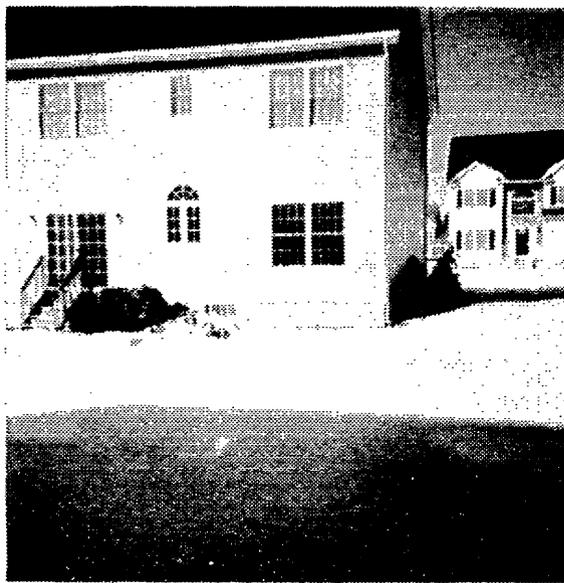
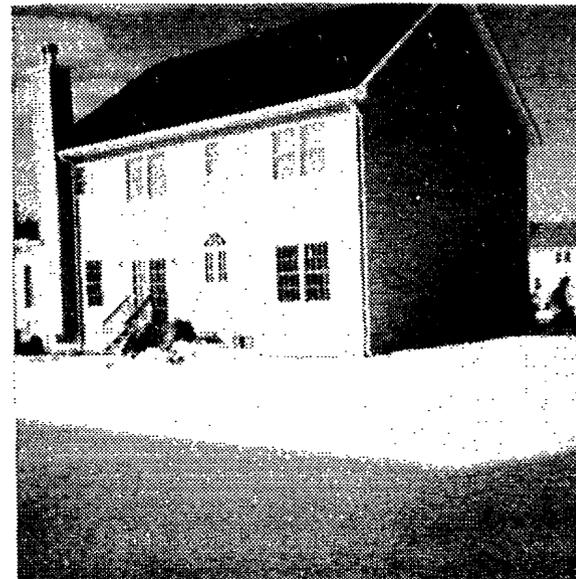
PLOT PLAN

(Ordinance 11/1/88)

NOTE:

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







In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ROBERT & ELIZABETH DEPAOLIS

AREA

CASE #03-05

WHEREAS, Robert & Elizabeth Depaolis, owners of 2505 Constitution Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 6 ft. side yard and 37 ft. rear yard setbacks to construct a pool and a deck in an R-3 Zone; and

WHEREAS, a public hearing was held on the April 14th, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

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

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The construction of the proposed pool and/or deck will not divert or alter water drainage from the property or cause the ponding or collection of water.
 - (c) The pool and deck will be similar in size and appearance to other pools and decks in the neighborhood.

- (d) There is an entrance to the house immediately adjacent to the proposed deck. A person exiting the house, absent the presence of the deck, would be likely to suffer serious injury.
- (e) The configuration and the topography of the property make it impractical or impossible to locate the deck and pool in compliance with the allowed zoning setbacks.

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 variances 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 variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances 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 variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 6 ft. side yard and 37 ft. rear yard setbacks to construct a pool and a deck in an R-3 Zone; as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: June 2, 2003


Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JUNE 9, 2003
SUBJECT: CLOSE OUT ESCROW - 03-05

PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 180.50 TO CLOSE OUT ESCROW FOR:

ZBA FILE #03-05
NAME: ROBERT DEPAOLIS
ADDRESS: 2505 CONSTITUTION WAY
NEW WINDSOR, NY 12553

THANK YOU,

MYRA

*6/9/03
L.R.*

ROBERT DEPAOLIS (#03-15)

MR. KANE: Request for 6 ft. side yard and 37 ft. rear yard setbacks to construct a pool and a deck on Constitution Way in an R-3 zone.

Mr. Robert Depaolis appeared before the board for this proposal.

MR. KANE: Let us know what you want to do.

MR. DEPAOLIS: I just put a pool in.

MR. KANE: Okay, your request for a 6 foot side yard variance and a 37 foot rear yard setback for the pool and deck?

MR. DEPAOLIS: Yes.

MR. KANE: Are you going to be cutting down any trees or creating any water hazards with the building of this pool?

MR. DEPAOLIS: No.

MR. KANE: The deck itself will be in similar size to other decks in the neighborhood?

MR. DEPAOLIS: Yes.

MR. REIS: Can you tell us why you cannot accommodate the zoning requirement as it is?

MR. DEPAOLIS: I don't have enough room in the back yard.

MR. REIS: Just that tight?

MR. DEPAOLIS: Yeah, I'm 37 feet from the house.

MR. KANE: You have an opening coming out of your home with sliding doors, so without the deck, it would be considered a safety hazard?

MR. DEPAOLIS: Well, yes.

MR. MC DONALD: Is this in The Reserve?

MR. BABCOCK: Yes, it is.

MR. MC DONALD: Is this the first of many?

MR. KANE: Probably.

MR. RIVERA: Notices sent out?

MR. KANE: You can state that.

MS. MASON: On March 17, 31 notices were mailed out.

MR. KANE: We'll open this up. Is there anybody in the public for this meeting? Would you have something to say? State your name and address.

MS. BRIGGS: Dolly Briggs, 2406 New Windsor, New York. I received a notice, I live behind him and I just show up because I just, you know, received it, I didn't know what it was about.

MR. KANE: What he's doing is he needs to put a deck and a pool up and because of the configuration of his yard, he needs certain variances just to get that pool and deck in there and there are certain requirements, offsets that he needs to meet and with the configuration of his yard, he doesn't meet that so he's looking for a variance on that.

MS. BRIGGS: Meaning that he needs like--

MR. KANE: He needs to be, well, for instance, I'm going to say 10 feet, Mike?

MR. BABCOCK: For the pool, yes.

MR. KANE: For the pool he'd need a 10 foot side yard setback.

MS. BRIGGS: We have to give him some of ours?

MR. KANE: No, he's not allowed to build anything

within ten feet of his property line. Since his yard is small, he needs to vary that by 6 foot so he can be within 4 feet of his property line. So to legally do that, he has to come in here and make a variance. He's not going to infringe on your property whatsoever.

MS. BRIGGS: So what's the meaning of sending me the notice, just letting me know?

MR. KANE: By New York State law, he has to notify anybody within 500 feet of his home.

MS. BRIGGS: Okay.

MR. KANE: Do you have any problem with him putting a pool or deck in?

MS. BRIGGS: No.

MR. KANE: Thank you. Anybody else in the public? Okay, on that, I'll close the public portion of this meeting and open it back up to us. The pool and the deck that you're building is going to be similar in size and nature to other pools and decks in your neighborhood?

MR. DEPAOLIS: Yes.

MR. MC DONALD: Not creating any kind of a water runoff?

MR. DEPAOLIS: No, no, it's flat there.

MR. BABCOCK: Mr. Chairman, just to go back to the preliminary, the gentleman had drew his deck 4 foot from the property line and the zoning board had asked him at the preliminary to cut it off even with the deck with the pool and be 6 foot from the property line so we're all clear.

MR. KANE: So we did that, correct. And the notice, Michael, he only needs a 4 foot side yard variance?

MR. BABCOCK: No, he needs a 6 foot.

April 14, 2003

11

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we grant Mr. Depaolis his requested variances for Constitution Way for his pool and deck.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

PUBLIC HEARING NOTICE
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. 03-05

Request of ROBERT & ELIZABETH DEPAOLIS

for a VARIANCE of the Zoning Local Law to Permit:

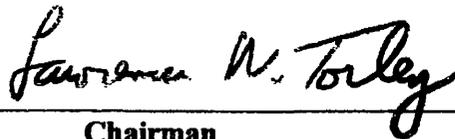
A variance of 6 feet Required Side Yard Setback and 37 feet Required Rear Yard Setback to construct an above-ground pool with deck;

being a VARIANCE of Section 48-12 (Bulk tables for R-3 Zone)

for property located at: 2505 Constitution Way

known and designated as tax map Section 77 Block 8 Lot 8

**PUBLIC HEARING will take place on APRIL 14TH, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**


Chairman



1763

Town of New Windsor

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

Assessors Office

March 5, 2003

Robert Depaolis
2505 Constitution Way
New Windsor, NY 12553

Re: 77-8-8

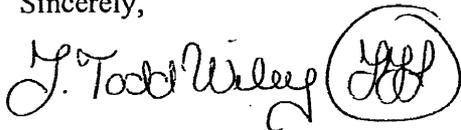
Dear Mr. Depaolis:

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 \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,



J. Todd Wiley
Sole Assessor

JTW/jjl
Attachments

CC: Myra Mason, ZBA



Mailed
3/17/03

77-6-6 - 24

Mt Airy Estates Inc.
C/o Sarna Enterprises
15 Engle Street - Suite 100
Englewood, NJ 07631 ✓

77-8-9

Daisy Melendez
2503 Constitution Way
New Windsor, NY 12553 ✓

77-9-3

Edward J. & Karri Bishop
2305 Pioneer Trail
New Windsor, NY 12553 ✓

77-7-2 - 9

Mt Airy Estates Inc.
C/o Sarna Enterprises
15 Engle Street - Suite 100
Englewood, NJ 07631 ✓

77-8-10

Ranjan Prabhas & Rina Das
2501 Constitution Way
New Windsor, NY 12553 ✓

77-9-4

Philip A. & Mary Billik
2307 Pioneer Trail
New Windsor, NY 12553 ✓

77-7-10

German Delgado & Olga L. Escobar
2502 Constitution Way
New Windsor, NY 12553 ✓

77-8-11

Thelma Holt Daniels
2402 Settlers Ridge
New Windsor, NY 12553 ✓

77-9-5

Arturo & Remedios Mercado
2309 Pioneer Trail
New Windsor, NY 12553 ✓

77-7-11

Sanilda & Patrice Wallace
2504 Constitution Way
New Windsor, NY 12553 ✓

77-8-12

Kaiwen Wu & Qun Dong
2404 Settlers Ridge
New Windsor, NY 12553 ✓

77-9-6

Enver & Mirsada Hakaj
2311 Pioneer Trail
New Windsor, NY 12553 ✓

77-7-12 & 77-7-14 & 77-7-16 & 77-8-3
& 77-8-15 & 77-8-16

Mt. Airy Estates Inc.
C/o Sarna Enterprises
15 Engle Street- Suite 100
Englewood, NJ 07631 ✓

77-8-13

Barney & Darlene Brice
2406 Settlers Ridge
New Windsor, NY 12553 ✓

77-10-1

Rafael Colon Jr. & Betty Gomez
P.O. Box 4528
New Windsor, NY 12553 ✓

77-7-13

Edward & Karen D'Esposito
2508 Constitution Way
New Windsor, NY 12553 ✓

77-8-14

Martin O. & Vivian Pastor
2408 Settlers Ridge
New Windsor, NY 12553 ✓

77-10-2

Norman H. & Laura M. Jenkeleit
2403 Settlers Ridge
New Windsor, NY 12553 ✓

77-7-15 & 77-7-17 & 77-8-4 & 77-8-6 &
77-8-17

New Windsor Dev. Co. LLC
16 Microlah Road Suite A
Livingston, NJ 07039 ✓

77-8-18

Ronald C. Yeadon
2416 Settlers Ridge
New Windsor, NY 12553 ✓

77-10-3 & 77-10-4 & 77-10-5 & 77-11-3

Mt Airy Estates Inc.
C/o Sarna Enterprises
15 Engle Street - Suite 100
Englewood, NJ 07631 ✓

77-8-2

Rangotham & Faustin Venkatesh
2517 Constitution Way
New Windsor, NY 12553 ✓

77-8-19

Robert J. & Kathleen D. Santarsiero
2418 Settlers Ridge
New Windsor, NY 12553 ✓

77-11-1

Ronald & Sabrina Pean
2411 Settlers Ridge
New Windsor, NY 12553 ✓

77-8-5

Adrian & Jeanne Lakowski
2511 Constitution Way
New Windsor, NY 12553 ✓

77-9-1

Anthony A. & Tracy A. Albanese
2301 Pioneer Trail
New Windsor, NY 12553 ✓

77-11-2

Ryan A. & Kerry A. Fitzgerald
2413 Settlers Ridge
New Windsor, NY 12553 ✓

77-8-7

Thomas & Gina Smith
2507 Constitution Way
New Windsor, NY 12553 ✓

77-9-2

Peter & Vivian A. Melenzez
2303 Pioneer Trail
New Windsor, NY 12553 ✓

65-1-61.1

Etruscan Enterprises Inc.
Rt. 94
New Windsor, NY 12553 ✓

65-1-62
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 02-11-03 PROJECT NUMBER: ZBA# 03-05 P.B. # _____

APPLICANT NAME: ROBERT DEPAOLIS

PERSON TO NOTIFY TO PICK UP LIST:

ROBERT DEPAOLIS
2505 CONSTITUTION WAY
NEW WINDSOR, NY 12553

TELEPHONE: 567-0093

TAX MAP NUMBER: SEC. 77 BLOCK 8 LOT 8
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: 2505 CONSTITUTION WAY
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: \$25.00 CHECK NUMBER: 119

TOTAL CHARGES: _____



Town of New Windsor

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

ZONING BOARD OF APPEALS

April 9, 2003

Mr. Robert Depaolis
2505 Constitution Way
New Windsor, NY 12553

SUBJECT: PUBLIC HEARING

Dear Mr. Depaolis:

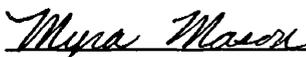
This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2505 Constitution Way
New Windsor, NY

is scheduled for the April 14th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,



Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

ROBERT DEPAOLIS #03-05

MR. TORLEY: Request for 11 ft. side yard and 37 ft. rear yard setbacks to construct a pool and a deck on Constitution Way in an R-3 zone.

Mr. Robert Depaolis appeared before the board for this proposal.

MR. KANE: Above-ground pool?

MR. DEPAOLIS: Yes.

MR. TORLEY: When you purchased the property, did the sellers inform you of the requirements for the codes?

MR. DEPAOLIS: No.

MR. TORLEY: My recollection is we had the builders in for one, or some of the builders for Mt. Airy Estates and subsequent renamings and cautioned them about the zoning code and constructing the houses so that they would fit, so the house and deck, a deck, a regular deck on the house would fit within the zoning code. This house is set so that a regular deck on the house would fit the code?

MR. BABCOCK: Well, the house is 37 foot off the property line and the requirements are 30, so he could get a 7 foot deck on the back of his house.

MR. KANE: How long have you owned the home, sir?

MR. DEPAOLIS: Three months.

MR. DEPAOLIS: I'm putting up a full 6 foot fence around the property.

MR. TORLEY: All the way around it?

MR. DEPAOLIS: Well, from the front of the building line to the back of the property line.

MR. KANE: Do you have any septic or leach fields in the back there?

MR. DEPAOLIS: No.

MR. KANE: Any reason you couldn't move the 24 foot pool a little bit towards my right looking out?

MR. DEPAOLIS: To the center of the property?

MR. KANE: No, towards the center of your house.

MR. DEPAOLIS: I could, I just wanted to leave myself some yard, that's the only reason I want to put it over there.

MR. REIS: Is your yard basically flat?

MR. DEPAOLIS: It's completely flat, yes.

MR. REIS: We'd like to try to cooperate and help you accomplish your goal here at the same time try to minimize the variance that you're seeking.

MR. DEPAOLIS: Okay.

MR. REIS: There are other pools in your neighborhood similar in size or shape?

MR. DEPAOLIS: Yes, from what I know, there's only like two or three houses that have bigger lots, most of the lots are exactly the same as mine.

MR. TORLEY: You're going to put it 3 feet from the back line?

MR. DEPAOLIS: It's only 37 feet, the pool is 24 feet.

MR. TORLEY: Also going to get into developmental coverage, just by the sketch here looks like it's getting close. There's another part of the code that says you have a lot that's one acre, to pick a number, you can't pave over the whole one acre in a residential zone, it has to be only a certain fraction of it can be developed, the rest has to be grass or trees.

MR. DEPAOLIS: When I bought it, it was sold as a

quarter acre, you know, when you see trees and grass, you see, you don't realize how small your lot's going to be, it's not really a quarter acre, they give you a hundred by a hundred, that's not even close to a quarter.

MR. MC DONALD: They're real close in the back there.

MR. DEPAOLIS: Like I've got 37 feet and another 37 feet is another house.

MR. TORLEY: You want to put the pool so it's 3 feet from your neighbor's back yard?

MR. DEPAOLIS: Right but and it would be ten feet from my house.

MR. KANE: Doesn't have much choice but over here, you could, is it possible just to take that portion of the deck out and leave it as 6 feet from there?

MR. DEPAOLIS: Sure.

MR. KANE: That's not something you want to do, that gets expensive, I only say that because I do it for a living so it's really not necessary, so you can cut that back to a total of 6 feet off the property line.

MR. DEPAOLIS: I'm just doing it.

MR. KANE: And it's a straight line.

MR. DEPAOLIS: The fence is going to come to here anyway so that's no problem.

MR. KANE: Instead of four foot right there from the deck, it would go from the pool wall and make it six feet.

MR. MC DONALD: Change it to six on that side.

MR. BABCOCK: Then he'd just need a side yard of--

MR. KANE: You'd just need the six on the side, cut off the little lip on the deck.

MR. TORLEY: Sir, whom did you buy the property from?

MR. DEPAOLIS: Millennium Homes.

MR. TORLEY: Do you have any other questions at this time?

MR. BABCOCK: The requirements are 12 foot, not 15 foot in this zone, this is an old subdivision.

MR. KANE: So he needs a 6 foot side yard variance.

MR. TORLEY: This is not a corner lot, is it?

MR. DEPAOLIS: No.

MR. KANE: Instead of 11 foot on your paperwork it will be 6 foot.

MR. REIS: You're with us on that?

MR. DEPAOLIS: That it would be 6 foot variance.

MR. REIS: Change your sketch, right.

MR. DEPAOLIS: Yes.

MR. KANE: Who's putting up your pool?

MR. DEPAOLIS: I'm going to put it up myself.

MR. KANE: Make sure of the measurements because when the bank checks if you're a couple inches off, you'll fail, so make sure you get the 6 foot.

MR. DEPAOLIS: What I intend to do is put the fence up first.

MR. TORLEY: The fence can't be, a 6 foot fence can't be closer to the road than your house.

MR. DEPAOLIS: It's not going to be any closer to the road.

MR. TORLEY: The code says you can only have four foot fence in your front yard.

MR. DEPAOLIS: No, I'm only going to the building, actually, the building line on one side and the other side I can only go halfway up.

MR. BABCOCK: He's already received the permit for the fence so he's in compliance.

MR. KANE: Not going to be creating any water hazards in the building of the deck and pool?

MR. DEPAOLIS: No.

MR. KANE: Not cutting down any trees?

MR. DEPAOLIS: No, they didn't leave a tree there.

MR. KANE: And the pool and deck will be similar to in size and look to other pools and decks in the neighborhood? You're not changing the look of the neighborhood?

MR. DEPAOLIS: No.

MR. TORLEY: And when you purchased the house, again, the house was constructed when you bought it?

MR. DEPAOLIS: No, just a lot.

MR. TORLEY: May I ask who the builder was?

MR. DEPAOLIS: Millennium Homes, they hired an outside contractor, I'm not sure who it was.

MR. TORLEY: Part of the reason I'm saying this is Millennium Homes we warned them about siting the houses on the lots so that regular decks could be attached.

MR. KANE: We also talked to them, that was that one specific development.

MR. TORLEY: That's this one, Mt. Airy Estates. Okay, gentlemen, do you have anything else?

MR. KANE: That's something you take up with them.

MR. TORLEY: Gentlemen, anything else?

MR. MC DONALD: No.

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: I make a motion that we set up Mr. Robert Depaolis for his requested variances at Constitution Way and we're changing the side yard to be 6 foot minimum side yard.

MR. KANE: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

MR. TORLEY: And it's rear yard.

MR. KANE: Six foot side yard, 37 foot rear yard.

February 10, 2003

6

ROBERT DEPAOLIS #03-05

MR. TORLEY: Is there anyone here for this? We'll save this one until the end in case he shows up.



RESULTS OF Z.B.A. MEETING OF: February 10, 2003

PROJECT: Robt. DePaolis - Preliminary ZBA # 03-05
P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

*** ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) B S) H VOTE: A 5 N 0
RIVERA A
MCDONALD A
REIS A CARRIED: Y N _____
KANE A
TORLEY A

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____ CARRIED: Y _____ N _____.
REIS _____
KANE _____
TORLEY _____

To lessen the deck: 6' side yard shortage



Town of New Windsor

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

ZONING BOARD OF APPEALS

February 6, 2003

Mr. & Mrs. Robert Dipaolis
2505 Constitution Way
New Windsor, NY 12553

SUBJECT: ZBA FILE #03-05 - REQUEST FOR VARIANCE

Dear Mr & Mrs. Dipaolis:

This letter is to inform you that you have been placed on the February 20th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2505 Constitution Way
New Windsor, NY
Tax Map # 77-8-8

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

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

RECEIPT
#66-2003

01/27/2003

DePaolis, Robert

Received \$ 50.00 for Zoning Board Fees, on 01/27/2003. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

#03-05
Application fee

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: JANUARY 23, 2003

FOR: 03-05

FROM: **ROBERT J. DEPAOLIS**

2505 CONSTITUTION WAY

NEW WINDSOR, NY 12553

CHECK NUMBER: 115

AMOUNT: **\$300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

1/27/03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

WINDSOR
DATE 01/23/03
PAY TO THE ORDER OF New Windsor \$50.00
Fifty and 00/100 DOLLARS
Free
0118 55891 94620 3000

WINDSOR
DATE 01/28/03
PAY TO THE ORDER OF New Windsor \$300.00
Three hundred and 00/100 DOLLARS
Free
0115 55891 94620 3000
BOARD VARIANCE



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

2/10/03
Prelim



APPLICATION FOR VARIANCE

01/23, 2003
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 567-0093
Robert DePaolis Fax Number: ()
(Name)
2505 Constitution Way New Windsor, N.Y. 12553
(Address)

II. **Purchaser or Lessee:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

III. **Attorney:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**
Zone: R-3 Property Address in Question: 2505 Constitution Way
Lot Size: 100' x 100' Tax Map Number: Section 77 Block 8 Lot 8
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? _____
c. When was property purchased by present owner? 10/22/02
d. Has property been subdivided previously? No If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:*****

~~THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.~~

RECEIVED
TOWN OF NEW WINDSOR
JAN 23 2003
ENGINEER & PLANNING

03-05

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE:

Area Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	15'	4	11'
Reqd. Rear Yd.	40'	3	37'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

**PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**

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03-05

123

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

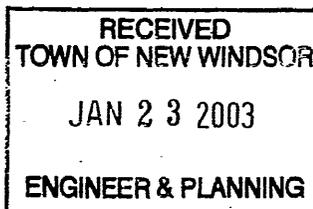
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change 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.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I AM Simply Applying for the VARIANCE, for the purposes of putting up a pool and Deck. I Have Already Applied for AND Received A permit for A fence and would keep my yard completely fenced in and locked at all times. My Deck will have a Spring Hinges Gate Door with a lock on it as well. No chips will ever be left unattended in my pool if the VARIANCE is Granted.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-05

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

I will Have A fences KeD around the pool that will be locked At all time.

XIII. ATTACHMENTS REQUIRED:

- Copy of referral from Building /Zoning Inspector or Planning Board.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - One in the amount of \$ \$ 300-00 (escrow)
 - One in the amount of \$ \$ 50-00 (application fee)
 - One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of existing premises from several angles.

01/23/03
Date:

XIV. AFFIDAVIT.

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 are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

[Signature]
(Applicant Signature)

Sworn to before me this 25th day of January

Robert J. DePaulis
(Please Print Name)

[Signature]
JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified in Orange County
Commission Expires 10/30/ 2006

PLEASE NOTE: THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

RECEIVED
TOWN OF NEW WINDSOR
JAN 23 2003
ENGINEER & PLANNING

03-05

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

NEW WINDSOR DEVELOPMENT COMPANY, LLC

TO

Robert J. DePaolis and
Elizabeth DePaolis

SECTION 77 BLOCK 8 LOT 8

RECORD AND RETURN TO:
(name and address)

Dienst & Serrins, LLP
233 Broadway
New York, New York 10279



THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

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

NO PAGES 4 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$ 277,295
TAX EXEMPT

Taxable MORTGAGE AMT. \$
DATE 9-19-02

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

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

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: H. n. d.

LIBER 6036 PAGE 300

03-05

LIBER 6036 PAGE 300
ORANGE COUNTY CLERK'S OFFICE 69009 PLV
RECORDED/FILED 10/24/2002 03:26:53 PM
FEES 47.00 EDUCATION FUND 20.00
SERIAL NUMBER: 002917
DEED CNTL NO 66165 RE TAX 1110.00

Bargain and Sale Deed
With Covenants Against Grantors Acts

HN 30644

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

THIS INDENTURE, made the *19* day of September, two thousand and two

BETWEEN NEW WINDSOR DEVELOPMENT COMPANY, L.L.C., a New Jersey limited liability company with offices at 16 Microlab Road, Suite A, Livingston, New Jersey 07039, party of the first part, and **ROBERT DePAOLIS and ELIZABETH DePAOLIS**, husband and wife, residing at 8 Columbus Circle, Highland Mills, New York 10930, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and No/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, 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 and being described as follows:

BEING Lot #M8 as shown on a map entitled "Mount Aire Estates" in the Town of New Windsor, Orange County, State of New York prepared by Earle W. Bailey, P.E & Associates, Civil Engineers and Land Surveyors, and filed in the Orange County Clerk's Office on June 20, 1975 as Map No.3485, being also designated as Section 77, Block 8, Lot 8, on the tax map of the Town of New Windsor.

BEING further described in Schedule A attached.

BEING a portion of the premises described in a deed from Ernest Wilcox and Ann Wilcox to Mt. Airy Estates, Inc., dated July 8, 1969 and recorded in the Orange County Clerk's Office on July 10, 1969 in Liber 1824 of Deeds at Page 786.

BEING the same premises described in a deed from Mt. Airy Estates, Inc. to New Windsor Development Company, LLC, dated, executed, acknowledged, delivered and to be recorded in the Orange County Clerk's Office immediately prior hereto.

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.

SCHEDULE A

HN 30644

ALL that certain tract of land lying and being in the Town of New Windsor, County of Orange, State of New York, being more particularly described as follows:

Being shown and designated as Lot 8 Block M on map, "Final Subdivision Plat Mount Aire Estates", dated 6/72, last revised 4/17/75 and filed in the Orange County Clerk's Office on 6/20/75 as Map #3485 (sheets 1-3).

Together with a right-of-way to and from a public road on the filed map sheet:

Being further described as follows:

Beginning at a point in the southerly line of Constitution Way, said point is at the northeasterly corner of Lot 7, Block M on Filed Map 3485 and the northwesterly corner of the herein described lot; thence along Constitution Way S 62° 51' 17" East 100.00 to a point in the northwesterly corner of Lot 9, Block M shown on the above Filed Map; thence S 07° 08' 43" West 100.00 to a point in the northerly line of Filed Map Lot 15; thence along Filed Map Lots 15 and 14 N 82° 51' 17" West 100.00 to a point the southeasterly corner of Lot 7; thence along Lot 7, Block M 07° 08' 43" East 100.00 to the point or place of beginning.

HILL-N-DALE ABSTRACTERS, INC.

20 SCOTCHTOWN AVENUE

P.O. BOX 547

GOSHEN, NEW YORK 10924

(845) 294-5110

FAX (845) 294-9581

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby and 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:

NEW WINDSOR DEVELOPMENT
COMPANY, LLC.

By: [Signature]
Alan Pines, Member

State of New Jersey)
) ss.:
County of Essex)

On September 19, 2002 before me, the undersigned, personally appeared Alan Pines, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City/Town of Livingston, County of Essex, State of New Jersey.

[Signature]
Notary Public, State of New Jersey

RHONDA J. TAYLOR-CALINDA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 5, 2003



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