

**ZB# 91-12**

**Frank Kopko**

**19-2-7**

#91-12 - Kopko, Frank - rear yard (existing deck)

Prelim:

April 8, 1991.  
Motion to schedule  
Public Hearing.

Public Hearing:

~~June 24, 1991.~~  
May 13, 1991 -  
Notice to Sentinel  
on 4/29/91 (P)

Copy Deed/Tile Report  
② Photos  
③ Clect 25.00

562-7233

CCPD notified W/A  
4/30/91 (P)

Collect fee: \$25.00,  
Pat.

Area Varance  
Approved  
5/13/91

# General Receipt

12014

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, N. Y. 12550

May 14 19 91

Received of

Alexandra M. Kopko

\$ 25.00

Twenty-five and 00/100

DOLLARS

For

ZBA App. Fee #91-12

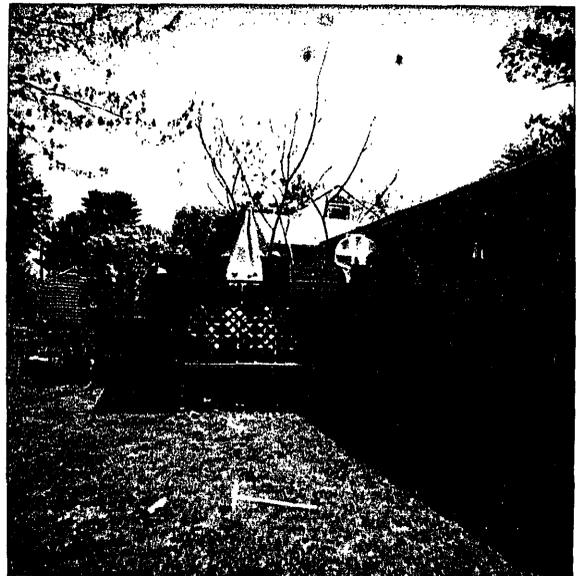
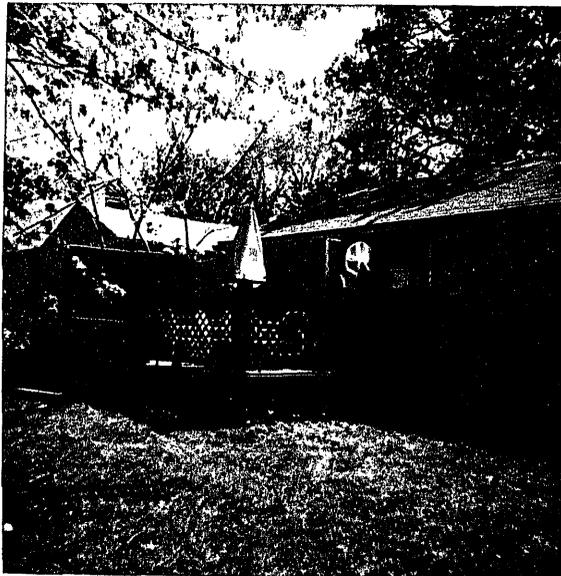
100

DISTRIBUTION

FUND	CODE	AMOUNT
CK 700		25.00

By Pauline M. Townsend  
Town Clerk  
Title

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



file

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

FRANK KOPKO

DECISION GRANTING  
AREA VARIANCE

#91-12.

-----x

WHEREAS, FRANK KOPKO, residing at 8 Sunset Drive, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an 18 ft. rear yard variance in order to allow an existing deck on property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, FRANK KOPKO, appeared in behalf of himself and spoke in support of the application; and

WHEREAS, present at the public hearing were adjacent neighbors, William and Mary McGovern of 18 Windsor Drive, New Windsor, who stated that they did not object to the application before the Board; and

WHEREAS, there were spectators present at the hearing, one of whom spoke in support of the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings 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 shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to allow an existing deck attached to his residence in an R-4 zone.

3. The evidence presented by applicant substantiated the fact that a variance would be required in order to allow the existing deck located in the rear yard of his residential dwelling, and denial of same would cause significant economic injury if applicant were forced to remove this deck to some other location. Also, there is an existing concrete pad which the deck is resting on at the present time. The concrete pad covers the septic tank area (no longer in use) and applicant would suffer significant economic injury if he were made to remove the concrete pad, then pull out or fill in the existing

septic tank.

4. The evidence presented by the applicant and a spectator, Sandra McGovern, indicated that the house was built in 1952. Thus, the house pre-existed zoning and any insufficient rear yard depth due to the house location was a pre-existing nonconformity.

5. The applicant further stated that the concrete pad had railings and a canopy and was assumed to be approved when he put the existing deck on top of it, of approximately the same size.

6. The applicant further indicated that there was a safety problem with the old concrete pad due to the slope of the ramp which had previously caused injury to the children.

7. The evidence presented by the applicant shows that he would suffer significant economic injury from the strict application of the bulk regulations to his land since he would have to incur substantial expense to remove the unsafe concrete pad and relocate the septic tank and relocate the deck to a different yard.

8. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order to allow the existing deck to remain to the rear of the residential dwelling, which otherwise would conform to the bulk regulations in the R-4 zone.

9. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

10. The requested variance is not substantial in relation to the bulk regulations for rear yard given the fact that it is approximately the same size as the pre-existing concrete pad.

11. The requested variance will not result in substantial detriment to adjoining properties nor change the character of the neighborhood.

12. The requested variance will produce no effect on the population density or governmental facilities.

13. There is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

14. The interest of justice would be served by allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of

New Windsor GRANT an 18 ft. rear yard variance to allow an existing deck located to the rear of the residential dwelling 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 10, 1991.

  
Chairman

(ZBA DISK#5-053085.FD)



Louis Holmbeck  
County Executive

Rec'd. 6/5/91 (PAS)  
ZBA

*file*

**Department of Planning  
& Development**

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT  
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 12 91 M

County I.D. No. 19 / 2 / 2

Applicant Frank Kopko

Proposed Action: Area Variance - Rear yard

State, County, Inter-Municipal Basis for 239 Review Not within 500' of US. NYS. Ctv. Rte.

Comments: However, there are no significant inter-community or countywide concerns to bring to your attention.

Related Reviews and Permits \_\_\_\_\_

County Action: Local Determination  Disapproved \_\_\_\_\_ Approved \_\_\_\_\_

Approved subject to the following modifications and/or conditions: \_\_\_\_\_

5/21/91  
Date

*P. Garrison*  
Commissioner

PUBLIC HEARING: KOPKO, FRANK

MR. FENWICK: This is a request for 18 foot rear yard variance for existing deck located at 8 Sunset Drive in an R-4 zone.

Mr. Frank Kopko came before the Board representing this proposal.

MR. FENWICK: Please tell us what you'd like to do.

MR. KOPKO: Here's the pictures that you requested. And I took the measurement over here from here up to there, it's 12 inches. What I did was put a deck up on the concrete that was existing. I had a ramp on it that was dangerous with the kids. The kids fell on it twice. I found out under the concrete itself is where the septic tank of the place is. It's not in use anymore, when the sewers came in. So, when I tried to say if I take down the deck and everything, the guy says I wouldn't even bother trying to pick up the concrete because of the septic tank underneath. That's why at that point, I stopped it, I stopped at that. And none of the neighbors really mind. They said that the value of the house went up because of it and the house has already been sold waiting for this and we are going in contract tomorrow so that's why--

MR. FENWICK: Not a minute to soon.

MR. PETRO: This deck is already built?

MR. KOPKO: Yes.

MR. PETRO: And it was built without a building permit?

MR. KOPKO: Correct.

MR. TORLEY: It was built really to cover up the septic tank?

MR. KOPKO: Well, here, over here is the existing deck or concrete patio. Under that is where the septic tank is.

MR. PETRO: Just poor planning.

MR. KOPKO: Ours is here and the neighbor's is over here.

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MR. LUCIA: Thank you for the copy of your deed. I noticed covenants, restrictions #2 in the deed says that there should be closer than 5 feet to the side line. Is this deck closer than 5 feet to your side line?

MR. KOPKO: I really don't know.

MR. TORLEY: By the plans, no.

MR. LUCIA: The concrete stoop in front looks like it's 5.9 feet. Is the deck any closer?

MR. KOPKO: Right on the deck.

MR. LUCIA: Is the deck any closer than the concrete stoop?

MR. KOPKO: No.

MR. LUCIA: Did you get a copy of your title policy?

MR. KOPKO: I think I got a copy of the deed.

MR. LUCIA: I saw the deed. Thank you.

MR. KOPKO: I got the mortgage. I don't know if that helps.

MR. LUCIA: Anything that says title policy or title report? To your knowledge, the property is subject to covenants and restrictions and easements. This may be something on a filed map. To your knowledge, does the variance you're asking for building this deck in anyway violate any of those covenants, restrictions, with respect to the property if the Board should grant you a variance?

MR. KOPKO: No, I don't know.

MR. LUCIA: Thank you. Also, when you were here, I think you mentioned you thought the house was 30 years old. Were you able to check with the assessors, what it says.

MRS. MC GOVERN: 1952.

MR. LUCIA: Can I have your name for the record?

MRS. MC GOVERN: Sandra McGovern.

MR. LUCIA: You're a neighbor?

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MRS. MC GOVERN: Neighbor.

MR. LUCIA: You're personally familiar with the house for that length of time?

MRS. MC GOVERN: Yes, I am.

MR. LUCIA: If you don't mind, sign this sign-in sheet. This way the record has your name and address.

MRS. BARNHART: For the record, there's 56 names and addresses on the list, 53 return receipts received, 1 unclaimed one.

MRS. MC GOVERN: I'm the unclaimed one. That's why I'm here. It was claimed today here.

MR. LUCIA: If I could ask just to the issue of practical difficulty for the moment how would you suffer significant economic injury from the strict applications of the zoning ordinance if you were not to get this variance for the deck? How would that cause significant economic injury?

MR. KOPKO: Well, the value of the house went up because of the deck there and just to dig up the concrete was with the things that's under the house, I wouldn't have been able to.

MR. LUCIA: And that would be expensive for you?

MR. KOPKO: Very expensive.

MR. LUCIA: You'd have to remove the concrete pad, dig down, pull up the existing septic tank, fill it in?

MR. KOPKO: Yes.

MR. LUCIA: Thank you.

MR. FENWICK: Any other questions from the Members of the Board? Now I'll open it up to the public. Is there anyone out there that has any comments? I'll now close it to the public.

MR. LUCIA: Since we have some people out there, does anyone have any objection to this?

MRS. MC GOVERN: No, I don't. It adds to the house.

MR. LUCIA: Thank you. This is another one we cannot

close the public hearing on. You're in a similiar situation to the applicant we had before. This was referred to the Orange County Planning Department on April 30th. We do not have a response from them at this point so under General Municipal Law Section 239, this Board cannot vote on the matter until either we have a response from the Planning Department which we don't have or 30 days has elapsed. So, it's to early for this Board to take a vote on it. Once again, a motion to adjourn the public hearing to June 10th is in order.

MR. FENWICK: Since when is Cedar a town road?

MR. LUCIA: Five hundred (500) feet from--

MR. KOPKO: You said that Cedar was a county road. That's the only one.

MRS. BARNHART: I don't see the county on that.

MR. LUCIA: Cedar is not a county--

MRS. BARNHART: I asked one of the guys and they said yes.

MR. KOPKO: The village plows it.

MR. LUCIA: Not a county road definitely?

MR. BABCOCK: I'm not saying that. I have a book, you know we plow all the county roads.

MRS. BARNHART: Normally, they would be on the list if they are within 500 feet, they'd be included on the list.

MR. FENWICK: And they are not on the list?

MRS. BARNHART: No.

MR. BABCOCK: I don't know where the book is.

MR. TORLEY: It's not on the official list, right?

MRS. BARNHART: No.

MR. LUCIA: That's the list of the property owners that doesn't give who owns the road.

MR. TANNER: They don't have any county road signs.

MR. BABCOCK: The girl has the book. I'll look for it. I have no idea where it is. Yes, it's in our book for a town road.

MRS. BARNHART: Okay, then you don't have to wait.

MR. LUCIA: Based on Mike's input, it appears that Cedar Avenue is a town road so no referral to the County of Orange was needed. Therefore, you're welcome to close the public hearing and vote on it.

MR. FENWICK: At this time, I'm closing the public hearing and opening it back up to the Members of the Board. Any questions, comments? Motion to grant the variance please?

MR. TORLEY: I'll move we grant the variance.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Tanner	Aye
Mr. Petro	Aye
Mr. Fenwick	Aye

MR. KOPKO: What was the height before this was landscaping you said that under so many--

MR. LUCIA: Eighteen (18) inches.

MR. BABCOCK: Yes, well that's what we are trying-- there's really no rule for it. The landscaping is something like a brick patio that's on the ground. Once you attach the deck to the house, whether it's 18 inches or 16 inches, it's typically part of the house.

MR. PETRO: You can leave a 1 inch space.

MR. BABCOCK: There's a lot of discussion, you can do a lot. But, if a guy leaves a 1 inch space, he can go right to the property line. I wouldn't let him do that because I don't want decks from property line to property line.

MR. FENWICK: Does it then become an accessory structure?

MR. BABCOCK: Then that would be only 10 feet off the property line but if it's a landscaping, it's not

considered accessory structure.

MR. PETRO: You can get him on to much coverage.

MR. BABCOCK: What if a guy owns 12 acres? What if a guy owns an acre, developmental coverage you can put a deck all the way to the property line.

MR. FENWICK: We are all set here. Now, what's going on is the formal decision will not come up before this Board before June 10th. We'll hopefully have it then. We'll act on it then. I'll try to get you on this one. I'll try to make sure. If we can put a priority on this, we'll put a priority on this. It's up to the attorney who has to draw up the formal decision and what I'm asking for is that he in fact does this maybe ahead of the other ones so we can get going on that. The other people they are all not waiting to sell their house.

MR. KOPKO: Thank you.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 91-12

Date: 4-8-91

I. Applicant Information:

- (a) Frank Kapko 8 sunset Dr. New Windsor NY 12553 SIV  
562-7233  
(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 broker)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. Property Information:

- (a) R-4 8 sunset Drive New Windsor 19-2-7 75x92  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? N/A
- (d) When was property purchased by present owner? 1986
- (e) Has property been subdivided previously? NO When? -
- (f) Has property been subject of variance or special permit previously? - When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance: N/A

- (a) ~~Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) for a deck in back yard~~

(b) <sup>N/A</sup> 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.

Under the deck there is a concrete ramp that I felt was unsafe because I have 2 small kids.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. 6.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	<u>1</u>	<u>1</u>
Reqd. Rear Yd.	<u>40'</u>	<u>22'</u>
Reqd. Street Frontage*		<u>18'</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	<u>%</u>	<u>%</u>
Floor Area Ratio**		

\* Residential Districts only

\*\* Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

under the concert there is a specit tank and drainage pipes I didn't want to be so near them.

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) <sup>N/A.</sup> Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) <sup>N/A.</sup> What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation: <sup>N/A.</sup>

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

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

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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 upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*All wood is of top quality. I will not dig up concrete.*

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IX. Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
- ✓ Copy of tax map showing adjacent properties.
- <sup>N/A.</sup> Copy of contract of sale, lease or franchise agreement.
- ✓ Copy(ies) 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.
- <sup>N/A.</sup> Copy(ies) of sign(s) with dimensions.
- ✓ Check in the amount of \$ 25.00. payable to TOWN OF NEW WINDSOR.
- ✓ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 4-10-91

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

*Paul Kyslo*  
(Applicant)

Sworn to before me this

10th day of April, 1991.

*Patricia A. Barnhart*

**PATRICIA A. BARNHART**  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1991.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_  
Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

5/13/91 - Public Hearing - Kopko, Frank

Name:

Address:

William Ray Moxen 18 Windward Drive



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(56)

53 rec'd.  
1 unclaimed

April 21, 1991

Mr. Frank Kopko  
8 Sunset Dr.  
New Windsor, NY 12553

Re: Tax Map Parcel #19-2-7 500 ft. Variance List  
Frank A. & Anne Marie Kopko

Dear Mr. Kopko:

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

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

*Leslie Cook*

LESLIE COOK  
Sole Assessor

LC/po  
Attachments

~~\_\_\_\_\_~~

Jannotti, Alphonse & Mary C.  
102 Cedar Ave.  
New Windsor, NY 12553

Raszcewski, Jean  
1 Hilltop Dr.  
New Windsor, NY 12553

Impellittiere, Gerard T.R. & Marion M.  
3 Hilltop Dr.  
New Windsor, NY 12553

Tiso, Joseph & Margaret  
5 Hilltop Dr.  
New Windsor, NY 12553

Johnson, Edward A. & Barbara A.  
7 Hilltop Dr.  
New Windsor, NY 12553

McMillen, Miner F. & Ann Marie  
9 Hilltop Dr.  
New Windsor, NY 12553

Wright, Gerald S. & Patricia A.  
11 Hilltop Dr.  
New Windsor, NY 12553

Caronia, Alfred J. & Catherine M.  
17 Windsor Dr.  
New Windsor, NY 12553

Carbone, Armond R. & Lucille  
16 Windsor Dr.  
New Windsor, NY 12553

Babcock, George E. & Jennie A.  
15 Windsor Dr.  
New Windsor, NY 12553

Haase, Bruce A. & Dianne S.  
14 Windsor Dr.  
New Windsor, NY 12553

Sundberg, Steven & Maura  
13 Windsor Dr.  
New Windsor, NY 12553

Spano, Anthony J. & Grace D.  
12 Windsor Dr.  
New Windsor, NY 12553

Quaglietta, Vincent A. & Santa  
10 Windsor Dr.  
New Windsor, NY 12553

Lawler, Francis Leo & Ruth  
21 Windsor Dr.  
New Windsor, NY 12553

Collins, Thomas J. & Bonnie  
20 Windsor Dr.  
New Windsor, NY 12553

Grossholz, Charles R. & Rose M.  
19 Windsor Dr.  
New Windsor, NY 12553

McGovern, William B. & Mary S.  
18 Windsor Dr.  
New Windsor, NY 12553

Nucifore, Salvatore & Mary  
6 Sunset Dr.  
New Windsor, NY 12553

Kaliniak, Arthur R. & Viola A.  
7 Sunset Dr.  
Newburgh, NY 12550

Babcock, Robert & Joanne  
9 Sunset Dr.  
New Windsor, NY 12553

Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

Decker, Raymond C. & Ruth  
15 Hilltop Dr.  
New Windsor, NY 12553

Monkowski, Michael & Carole A.  
17 Hilltop Dr.  
New Windsor, NY 12553

Cotton, Dewey B. & Carol Ann  
19 Hilltop Dr.  
New Windsor, NY 12553

Perna, Richard T.  
2980 Summit Dr., So.  
Mobile, AL 36618

Stefanchik, Richard E. & Kathleen  
16 Hilltop Dr.  
New Windsor, NY 12553

Fasanaro, Jr. Richard C.  
& Susan J. Fixler  
14 Hilltop Dr.  
New Windsor, NY 12553

Donnery, Francis X. & Colleen M.  
12 Hilltop Dr.  
New Windsor, NY 12553

Lydecker, III Leigh K. & Linda H.  
10 Hilltop Dr.  
New Windsor, NY 12553

Hatfield, Robert E. & Rita  
8 Hilltop Dr.  
New Windsor, NY 12553

Strong, Steven M. & Maureen A.  
6 Hilltop Dr.  
New Windsor, NY 12553

Dellon, Alexander  
4 Hilltop Dr.  
New Windsor, NY 12553

Munoz, Armando & Cynthia  
2 Hilltop Dr.  
New Windsor, NY 12553

New Windsor Little League, Inc.  
PO Box 4024  
New Windsor, NY 12553

Schebesta, Charles J. & Edward J.  
96 Cedar Ave.  
New Windsor, NY 12553

Guadagno, Leonard J. & Louise P.  
6 Walnut St.  
New Windsor, NY 12553

Rotundo, Louis & Rose  
26 Stonecrest Dr.  
New Windsor, NY 12553

Webster, Howard E. & Frances C.  
32 Stonecrest Dr.  
New Windsor, NY 12553

Mullarkey, John B. & Patricia A.  
35 Stonecrest Dr.  
New Windsor, NY 12553

Nucifore, Joseph & Mary R.  
31 Stonecrest Dr.  
New Windsor, NY 12553

Halford, Robert W. & Julia H.  
3 Sunset Dr.  
New Windsor, NY 12553

Hudson, William A. & Mary C.  
2 Sunset Dr.  
New Windsor, NY 12553

Johnston, Donald & Maria P.  
1 Sunset Dr.  
New Windsor, NY 12553

Sherman, John & Jeanne M.  
5 Sunset Dr.  
New Windsor, NY 12553

Staples, Fred Howard  
& Marian Smith  
4 Sunset Dr.  
New Windsor, NY 12553

Fox, James F. & Mary J.  
29 Stonecrest Dr.  
New Windsor, NY 12553

Roth, Stephen L. & Carol L.  
23 Stonecrest Dr.  
New Windsor, NY 12553

Ponesse, Thomas L. & Rose Ann  
25 Clintonwood Dr.  
New Windsor, NY 12553

Olympia, Joseph & Dorothy  
27 Clintonwood Dr.  
New Windsor, NY 12553

Howard, Arthur R. & Catherine E.  
29 Clintonwood Dr.  
New Windsor, NY 12553

Atkins, Jr. Talmadge W. & Georgia M.  
31 Clintonwood Dr.  
New Windsor, NY 12553

St. Francis Church  
145 Benkard Ave.  
Newburgh, NY 12550

Forte, Gioavanne  
31 Willow Parkway  
New Windsor, NY 12553

Lucas, Michael D. & Arlene J.  
55 Melrose Ave.  
New Windsor, NY 12553

Miele, Agostino & Frank & Olga  
Hi-View Dr., RD 6  
Carmel, NY 10512

#91-9

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

Permit

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 3-18-91

4/8/91-

APPLICANT: Kapko, FRANK

91-12

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3-15-91

FOR (BUILDING PERMIT) Existing 12' 4" x 16' Wood Deck  
LOCATED AT 8 Sunset Drive

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 19 BLOCK: 2 LOT: 7

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

INSUFFICIENT Rear Yard Setback

Michael Robert  
BUILDING INSPECTOR

\*\*\*\*\*

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE <u>A-1</u>		
MIN. LOT AREA _____		

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3-15-91  
 FOR (BUILDING PERMIT) Existing 12' 4" x 16' Wood Deck  
 LOCATED AT S Sunset Drive

ZONE R-4  
 DESCRIPTION OF EXISTING SITE: SEC: 19 BLOCK: 2 LOT: 7

IS DISAPPROVED ON THE FOLLOWING GROUNDS: Insufficient Rear Yard Set Back

*Michael B. ...*  
 BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>A-1</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD. <u>40'</u>	<u>22'</u>	<u>18'</u>
REQ'D FRONTAGE		
MAY. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE %	%	%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: (914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

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

**IMPORTANT**  
**REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE**

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.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises Franks Kupko  
Address 8 sunset Dr. New Windsor, NY Phone (914) 562-7233  
Name of Architect .....  
Address ..... Phone .....  
Name of Contractor .....  
Address ..... Phone .....  
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER  
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 North side of Sunset Drive  
(N.S.E. or W.)  
and 200 feet from the intersection of SEEDAR AVE
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes ..... No
3. Tax Map description of property: Section 19 Block 2 Lot 7
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 .....

R-4  
40K →

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
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- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises..... Frawls Kupko  
 Address..... 8 S.W. Sunset Dr. New Windsor NY Phone: (914) 562-7233  
 Name of Architect.....  
 Address..... Phone.....  
 Name of Contractor.....  
 Address..... Phone.....  
 State whether applicant is owner, lessee, agent, architect, engineer or builder..... OWNER  
 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 North side of Sunset Drive  
 (N.S.E. or W.)  
 and 200 feet from the intersection of SEDAR AVE
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes.....No
3. Tax Map description of property: Section..... 19 Block..... 2 Lot..... 7
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 which applicable): New Building..... Addition.....  Alteration..... Repair.....  
 Removal..... Demolition..... Other..... 12.4" x 16' WOOD DECK - EXISTING
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....  
 Is this a corner lot?..... no
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... 1 Number of dwelling units on each floor.....  
 Number of bedrooms..... 3 Baths..... 1 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..... NOT
10. Estimated cost..... \$ 900 00 Fee.....

(to be paid on filing this application)

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

R-4  
XOK ->

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....  
Approved.....19.....  
Disapproved a/c.....  
Permit No. ....

Office Of Building Inspector  
Michael L. Babcock  
Town Hall, 555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807

Refer —  
Planning Board.....  
Highway.....  
Sewer.....  
Water.....  
Zoning Board of Appeals .....

APPLICATION FOR BUILDING PERMIT  
Pursuant to New York State Building Code and Town Ordinances

Date... 3-15 .....19 91...

INSTRUCTIONS

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

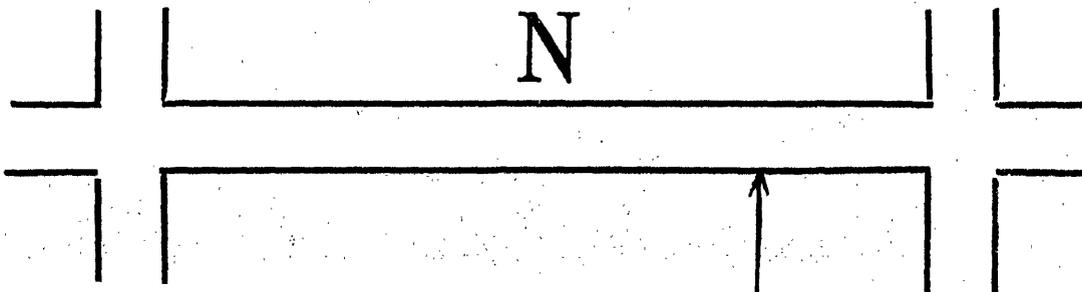
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein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

*Fred Kypko*  
.....  
(Signature of Applicant)

8 SUNDSET DR. NEW WINDSOR NY 12553  
.....  
(Address of Applicant)

PLOT PLAN

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



APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

- Refer -
- Planning Board.....
- Highway.....
- Sewer.....
- Water.....
- Zoning Board of Appeals.....

Date... 3-15-1991...

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
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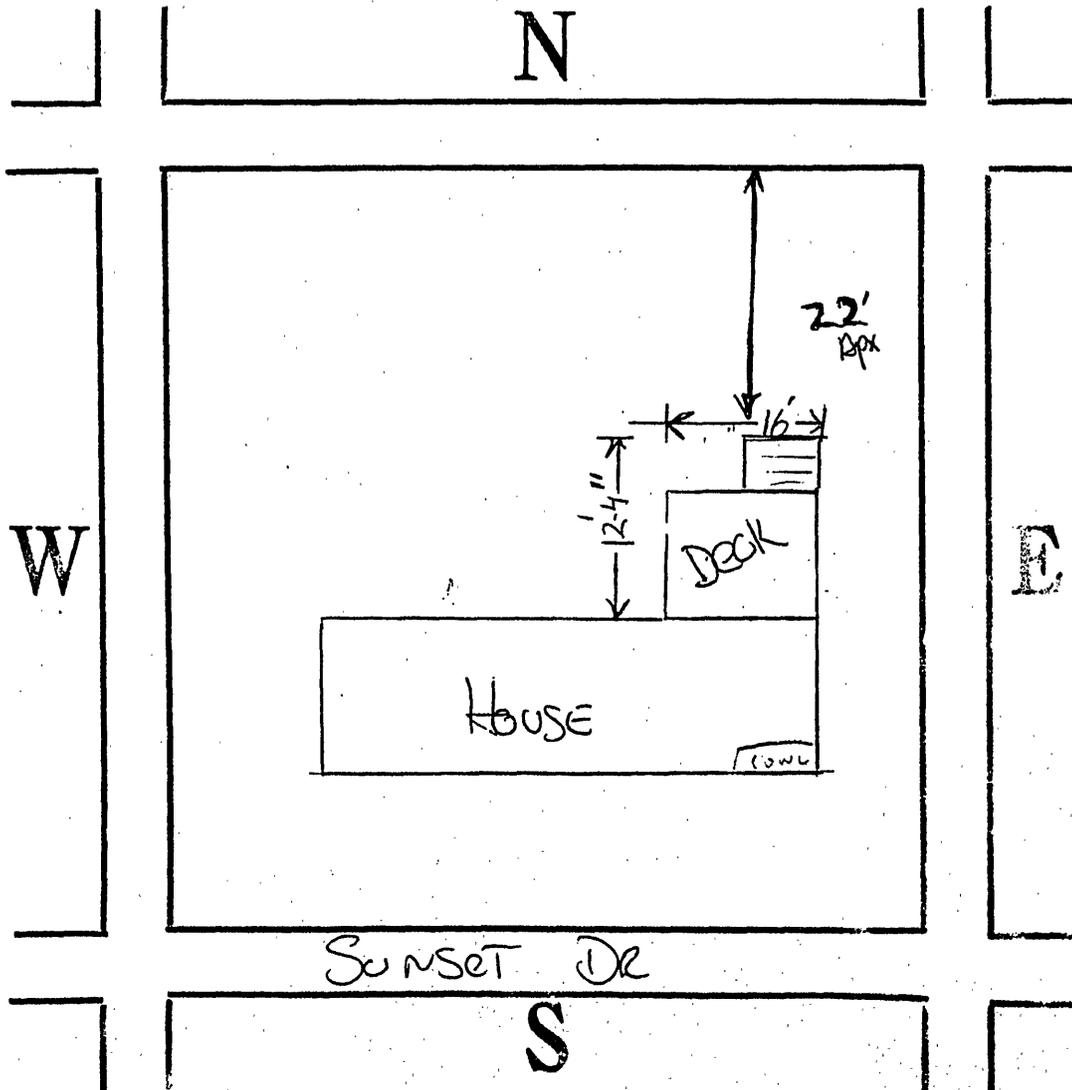
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein 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.

Frank Kypko (Signature of Applicant)

8 Sunset Dr. New Windsor NY 12553 (Address of Applicant)

PLOT PLAN

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



Washington Associates  
 44-52 Route 96  
 New Windsor, N.Y.

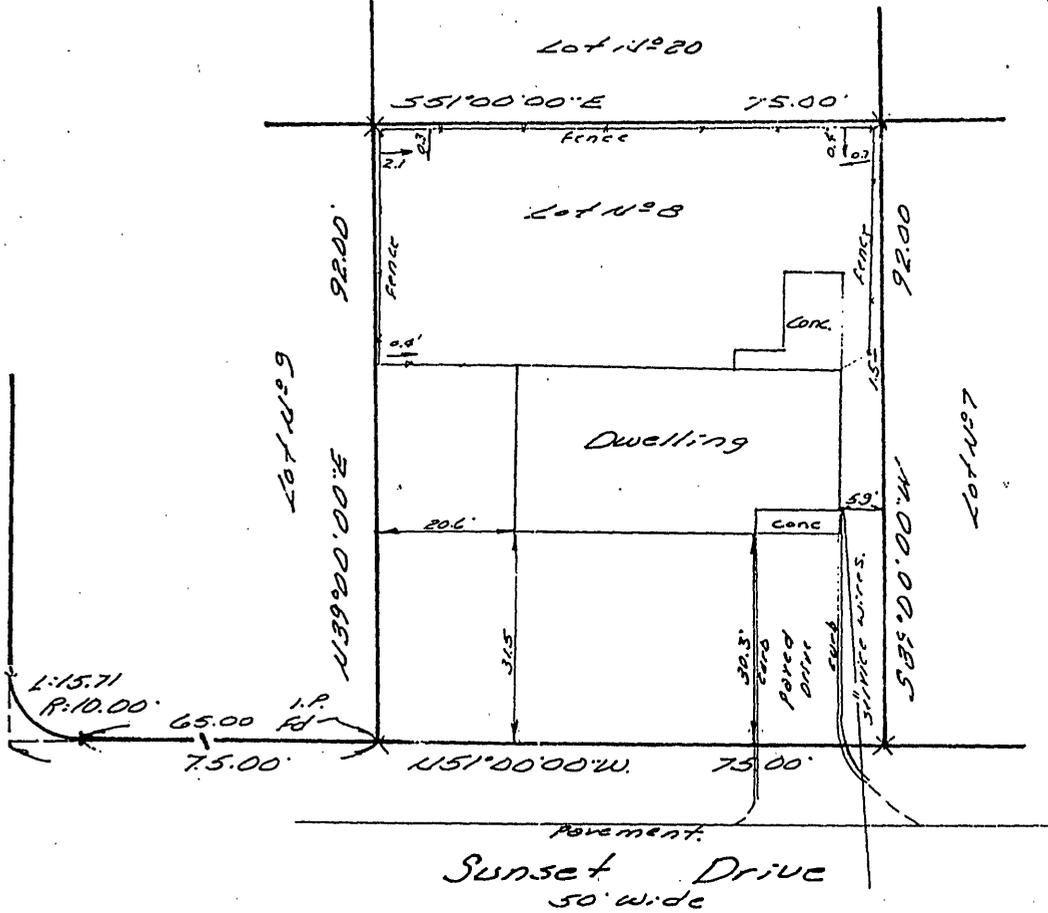
Town of New Windsor Tax Map  
 Section 19 Block 2 Lot 7  
 Map Reference  
 "Windsor Heights"  
 Filed Oct. 31, 1952.  
 Map No. 1516

"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."

Windsor Drive  
 50' wide



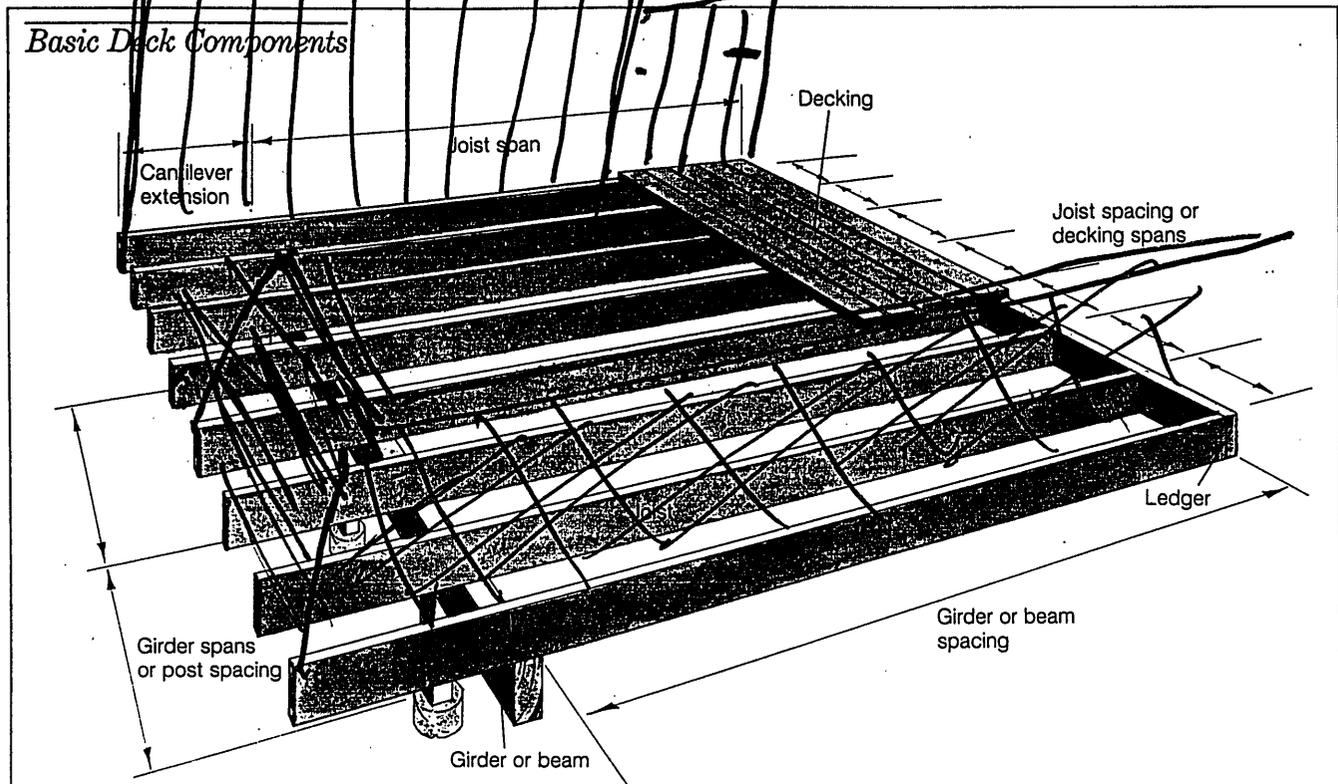
Frank A. Kopko  
 Annemarie Kopko  
 David Schloss  
 Martha Schloss  
 Midland Home Mortgage Corp.  
 its successors and/or assigns.  
 Title USA Insurance Corp.  
 Certified true and correct  
 as shown hereon.

Robert A. Woolh  
 Lic. No. 48368

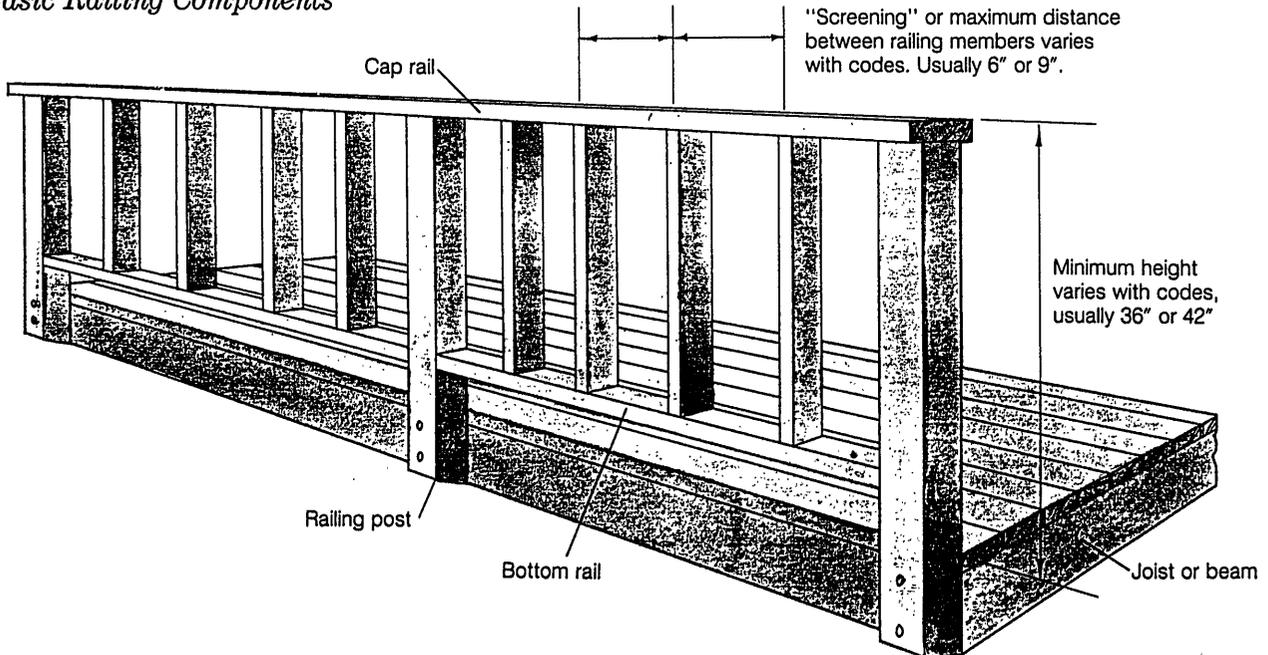
Survey Map For <b>Frank A. Kopko</b> <b>Annemarie Kopko</b>		
SCALE: 1/320'	APPROVED BY:	DRAWN BY:
DATE: Oct. 7, 1986		REVISED:
Town of New Windsor		Orange Co., N.Y.
		DRAWING NUMBER
		3789

# APPENDIX

## How to Adapt a Plan From This Book



*Basic Railing Components*



One option is to prolong the look by applying a clear sealer. This protects the wood and slows down the weathering process by as much as a year, giving you more time to enjoy the wood's original color before having to do something else. Use a water-repellant sealer that penetrates the wood.

The second option is to apply no finishes or sealers at all and let the wood weather naturally. Then restore its surface periodically by scrubbing it with trisodium phosphate (TSP) and applying oxalic acid or a special deck-renewing product available for this purpose. (Be sure to follow the manufacturer's safety precautions, including the use of rubber gloves.) After rinsing off the acid, you will have a deck instantly transformed from gray to original-looking wood. It will not have that smooth, clean surface of brand new wood, but it will have a rich, warm tone instead of weathered gray. Do not use this method unless the wood is resistant to decay, or it will not last long. To maintain the look, you need to repeat this treatment whenever the deck weathers to an objectionable color.

The third possible treatment is to stain the deck a color that matches the new wood as closely as possible. The stain will cover the wood with a colored coating, but the wood's grain and texture will still show clearly as long as you use a semitransparent stain. Wait for the deck to dry out, usually 60 days. If you have applied a sealer to the deck, also wait at least 60 days before staining, or until the deck loses its natural new-wood look. Use a semitransparent, light-bodied stain specified as nonchalking or sealer type. It is best to do small samples first, until you are sure the stain is the color you desire. Some stains include a water-repellant additive, or even an approved preservative. Use this type of stain for wood that has had no other treatment, unless it is a durable species. You can make your own by mixing equal parts of a stain and a sealer or approved preservative.

### **Finish Options: A Custom Color**

If the color of natural wood, either weathered or new, is not suitable for your deck, you can change it to almost any color imaginable by staining or painting it.

**Staining.** Exterior stains penetrate the wood rather than coat it like paint, leaving the surface texture the same as natural wood, but a different color. Two types of stains are available: semitransparent (light-bodied) and solid (full-bodied). The semitransparent stains have less pigment than solid stains. They reveal the grain of the wood better, but they are not as durable, do not hide wood defects as well, and need to be renewed more often. Both have the advantage of retaining the soft texture and warmth of wood. Stains work particularly well with unsurfaced or resawn lumber.

Most brands offer a fairly wide selection of colors, although the range is limited to earth tones (certain browns, reds, greens, and grays).

It is difficult to predict the exact color of your deck because the same stain will produce a different color on different types of wood, and will even vary between sapwood and heartwood of the same species.

Oil-based stains work better for decks than water-based stains, because they are easier to renew. They work best in combination with a water repellent or approved preservative, either mixed in with the stain or applied 60 days prior to staining. In all cases the deck lumber must be thoroughly seasoned and dry before applying stain. A new deck should stand for two months before staining. If you are staining the deck surface itself, use a light-bodied stain instead of a full-bodied one. The inevitable wear will not be as noticeable, and periodic re-staining will produce a more even color. Just be sure it is a nonchalking or sealer type of stain, so a powdery film does not get tracked into the house.

**Painting.** Painted decks, or components of a deck, are very effective in achieving an elegant, refined look. Unlike stain, paint completely masks the wood, making it an ideal finish for lower grades of lumber. Paint offers an unlimited choice of colors, and they will not vary with the type of lumber used. Paint takes more time to apply, is more expensive, and is harder to maintain than other finishes, but the extra effort may be worth it. However, once you have painted a deck, it will be impossible to change to any of the other finish options.

For best results, the wood should be thoroughly seasoned before painting, usually 60 days. However, you can prime it beforehand, especially the ends and edges of structural members that get covered up as the deck is built. It is also recommended to apply a water-repellant sealer to the wood before priming, giving it at least two days to dry. The primer itself should be zinc-free, preferably oil-based instead of water-based, and chemically compatible with the final top coat. Use acrylic latex or a high-gloss alkyd paint for the top coats, applying two coats for best results.

If you are painting the deck surface itself, choose a paint specified for outdoor decks or porches so it will withstand heavy wear. Like painted porches and steps, a painted deck surface can be slippery when wet. As an extra safety precaution, especially around doorways and stairs, you can mix a handful or so of clean sand with paint used for the final coat.

### **Maintaining Your Deck**

In addition to applying a finish to your deck, you can prolong its life even more by cleaning and scrubbing it periodically. Use a bleach or other strong cleaner if the boards have any moss or fungus, and remove sand, gravel, and other debris as soon as possible.

ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 91-12

1. Municipality Town of New Windsor Public Hearing Date 5/13/91  
 City, Town or Village Board     Planning Board     Zoning Board

2. Owner: Name Kopko, Frank  
Address 8 Sunset Drive, New Windsor Ny

3. Applicant\*: Name Same  
Address "

\* If Applicant is owner, leave blank

4. Location of Site: near Cedar Avenue  
(street or highway, plus nearest intersection)

Tax Map Identification: Section 19 Block 2 Lot 7

Present Zoning District R-4 Size of Parcel 75x92

5. Type of Review:  
Special Permit: \_\_\_\_\_  
Variance: Use \_\_\_\_\_  
Area - 18 ft. rear yard for existing deck  
Zone Change: From \_\_\_\_\_ To \_\_\_\_\_  
Zoning Amendment: To Section \_\_\_\_\_  
Subdivision: Number of Lots/Units \_\_\_\_\_  
Site Plan: Use \_\_\_\_\_

4/30/91  
Date

Pls. use    Attn: Patricia A. Banhart, Secy.  
FAX - 914-565-1147    Signature and Title  
TRA

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals  
of the TOWN OF NEW WINDSOR, New York will hold a  
Public Hearing pursuant to Section 48-34A of the  
Zoning Local Law on the following proposition:

Appeal No. 12

Request of Frank Kopko

for a VARIANCE of

the regulations of the Zoning Local Law to

permit existing Deck w/ insufficient  
rear yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Col. G.

for property situated as follows:

8 Sunset Drive, New Windsor, N.Y.

known & designated as tax map.

Section 19 - Blk. 2 - Lot 7.

SAID HEARING will take place on the 13<sup>th</sup> day of  
May, 1991, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

Richard Fenwick  
Chairman

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

THIS INDENTURE, made the 16<sup>th</sup> day of September, nineteen hundred and 86

603803

BETWEEN DAVID J. SCHLOSS and MARTHA SCHLOSS, husband and wife, residing at 8 Sunset Drive, Town of New Windsor, County of Orange, State of New York,

party of the first part, and FRANK A. KOPKO and ANNEMARIE KOPKO, husband and wife, residing at 255 Rich Avenue, Mt. Vernon, New York;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND 00/100 (\$10.00)----- dollars,

lawful money of the United States, and other good and valuable considerations 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, Orange County, New York, known and designated as Lot #8 on Map of lands of Windsor Heights, located in the Town of New Windsor, Orange County, New York, made by Kenneth B. Abt, C.E. filed in the Orange County Clerk's Office October 31, 1952 and more particularly bounded and described as follows:

BEGINNING at a point in the northeasterly line of Sunset Drive which point is 150 feet northwesterly from the intersection of the north-easterly line of Sunset Drive with the northwesterly line of Sunset Drive and running thence from said point of beginning northeasterly along the northwesterly line of Lot #7 on said Map 92.0 feet to a point, which point is in the most westerly corner of Lot #19, and running thence northwesterly along the southwesterly line of Lot #20 75.0 feet to a point, which point is the most southerly corner of Lot #21 and running thence southwesterly along the southeasterly line of Lot #9, 92.0 feet to a point in the northeasterly line of Sunset Drive, which point is the most southerly corner of Lot #9 and running thence southeasterly along the northeasterly line of Sunset Drive 75.0 feet to the point or place of beginning.

SUBJECT to the following covenants and restrictions which shall run with the title to the land to be conveyed hereunder:

1. That said premises shall be used for residential purposes only and that no trade or business shall be carried on said premises.

TT  
380-

055045

SECT. 19  
BLK. 2  
LOT 7

065075

residing at 8 Sunset Drive, Town of New Windsor, County of Orange,  
State of New York,

party of the first part, and FRANK A. KOPKO and ANNEMARIE KOPKO, husband and  
wife, residing at 255 Rich Avenue, Mt. Vernon, New York;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND 00/100 (\$10.00)----- dollars,

lawful money of the United States, and other good and valuable considerations 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, Orange County, New York, known  
and designated as Lot #8 on Map of lands of Windsor Heights, located  
in the Town of New Windsor, Orange County, New York, made by Kenneth  
B. Abt, C.E. filed in the Orange County Clerk's Office October 31, 1950  
and more particularly bounded and described as follows:

BEGINNING at a point in the northeasterly line of Sunset Drive which  
point is 150 feet northwesterly from the intersection of the north-  
easterly line of Sunset Drive with the northwesterly line of Sunset  
Drive and running thence from said point of beginning northeasterly  
along the northwesterly line of Lot #7 on said Map 92.0 feet to a  
point, which point is in the most westerly corner of Lot #19, and  
running thence northwesterly along the southwesterly line of Lot #20  
75.0 feet to a point, which point is the most southerly corner of  
Lot #21 and running thence southwesterly along the southeasterly line  
of Lot #9, 92.0 feet to a point in the northeasterly line of Sunset  
Drive, which point is the most southerly corner of Lot #9 and  
running thence southeasterly along the northeasterly line of Sunset  
Drive 75.0 feet to the point or place of beginning.

SUBJECT to the following covenants and restrictions which shall run  
with the title to the land to be conveyed hereunder:

1. That said premises shall be used for residential purposes only  
and that no trade or business shall be carried on said premises.
2. That no building shall be erected on said land within 20 feet  
of the front line thereof nor within five feet to the side lines  
thereof.
3. That no more than one one-family residence and private garage  
costing at least \$5,000.00 to erect shall be erected or maintained  
upon any parcel of land 50 feet in front or less.
4. That no cattle, livestock or chickens shall ever be kept or  
maintained on said premises.

SUBJECT to grants of record on public utilities.

SUBJECT to zoning ordinances and building regulations of the Town  
of New Windsor.

SECT. 19  
BLK. 2  
LOT 7

to Martha Schloss by deed dated September 5, 1961, and recorded in the Orange County Clerk's Office on September 20, 1961, in Liber 1111 of Deeds at Page 767.

ALSO BEING the same premises conveyed by a certain deed from Martha Schloss dated September 27, 1978 to Martha Schloss and David J. Schloss and recorded in the Orange County Clerk's Office on October 2, 1978 in Liber 2111 of Deeds at page 738.

AND ALSO BEING FURTHER DESCRIBED AS FOLLOWS: Beginning at an iron pipe marking the northeasterly line of Sunset Drive, said pipe being  $S51^{\circ} 00' 00'' E$  75.00 feet, from the intersection of the southeasterly line of Windsor Drive, (produced) and the said line of Sunset Drive. (produced) said pipe also being in the division line between lot No. 9, and the herein described lot No. 8, all as shown on a certain map entitled "Windsor Heights" as filed in the Orange County Clerk's Office on October 31, 1952, as filed map No. 1516, and running thence;

1.  $N39^{\circ} 00' 00'' E$  92.00 feet, along the line of lot No. 9, to a point, thence;
2.  $S51^{\circ} 00' 00'' E$  75.00 feet, along the line of lot No. 20, to a point, thence;
3.  $S39^{\circ} 00' 00'' W$  92.00 feet, along the line of lot No. 7, to a point, thence;
4.  $N51^{\circ} 00' 00'' W$  75.00 feet, along the aforesaid line of Sunset Drive, to the point or place of beginning.

LIBER 2600 PG 251

**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 incumbered 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:**

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 incumbered 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:

David Schloss (L.S.)  
DAVID SCHLOSS

Martha Schloss (L.S.)  
MARTHA SCHLOSS

STATE OF NEW YORK, COUNTY OF

STATE OF NEW YORK, COUNTY OF

SS:

On the 16<sup>th</sup> day of September 1986, before me personally came

On the 16<sup>th</sup> day of September 1986, before me personally came

DAVID J. SCHLOSS

MARTHA SCHLOSS

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

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

NOTARY PUBLIC

NOTARY PUBLIC

JERALD FIEDELHOLZ  
Notary Public, State of New York  
Residing in Orange County  
Commission Expires March 30, 1987

JERALD FIEDELHOLZ  
Notary Public, State of New York  
Residing in Orange County  
Commission Expires March 30, 1987

STATE OF NEW YORK, COUNTY OF

SS:

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. \_\_\_\_\_;

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 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.

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

SECTION 19

BLOCK 2

LOT 7

COUNTY OR-TOWN Orange

380-17-5  
Horseshoe Search

TITLE No. \_\_\_\_\_

DAVID J. SCHLOSS and

MARTHA SCHLOSS  
TO

FRANK A. KOPKO and

ANNEMARIE KOPKO

RETURN BY MAIL TO:

BLOOM & BLOOM  
ATTENTION DANIEL J BLOOM ESQ  
PO BOX 4323  
NEW WINDSOR NY  
Zip No. 12550

*Handwritten mark*

NOTARY PUBLIC

GERALD FIEDELHOLZ  
Notary Public, State of New York  
Residing in Orange County  
Commission Expires March 30, 1986

STATE OF NEW YORK, COUNTY OF

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.

NOTARY PUBLIC

GERALD FIEDELHOLZ  
Notary Public, State of New York  
Residing in Orange County  
Commission Expires March 30, 1986

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 19

BLOCK 2

LOT 7

COUNTY OR-TOWN Orange

380-117-15  
Hasten Search

DAVID J. SCHLOSS and

MARTHA SCHLOSS

FRANK A. KOPKO and

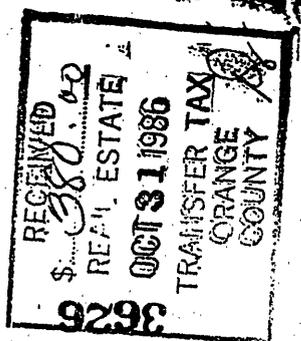
ANNEMARIE KOPKO

RETURN BY MAIL TO:

BLOOM & BLOOM  
ATTENTION DANIEL J BLOOM ESQ  
PO BOX 4323  
NEW WINDSOR NY

Zip No. 12550

Reserve this space for use of Recording Office.



Orange County Clerk's Office, s.s.  
Recorded on the \_\_\_\_\_ day  
of \_\_\_\_\_ 1986 at \_\_\_\_\_  
o'clock \_\_\_\_\_ M. in Liber \_\_\_\_\_  
of \_\_\_\_\_ at page \_\_\_\_\_  
and Examined.

*Auntie S. Murphy*