

ZB# 91-37

Joseph Connotillo

75-5-5

Fullim

Jan. 13, 1992 ~~16~~ ~~17~~

Applicant has paperwork.

Jan. 27, 1991.

~~Being Surveyed~~
~~of dimensions~~

Motion to schedule P.H.

Need Copy of:

- ① Deed
- ② Title Report
- ③ Copy of survey.
- ④ \$ 50.00 - \$ 250.00 Dep. Fund
- ⑤ Fee: TNW, paid it postage -
- ⑥ CCPD ~~to be~~ notified 1/29/92.
- ⑦ Notice FAXED to Sentinel on 1/28/92. + (P.H.)

P.H. - Feb. 10, 1992

MADE IN U.S.A.

NO. 753 1/3

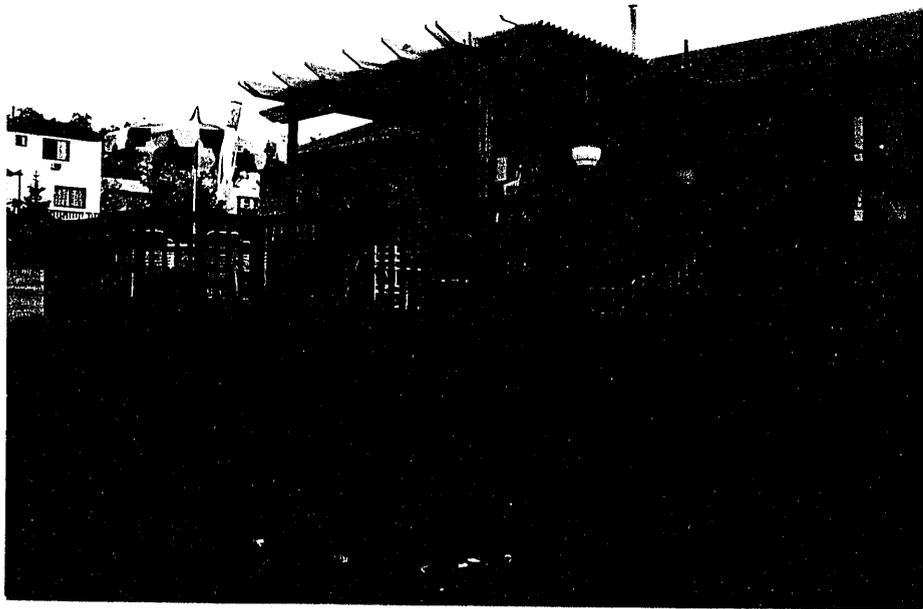
ESSELTE

Oxford

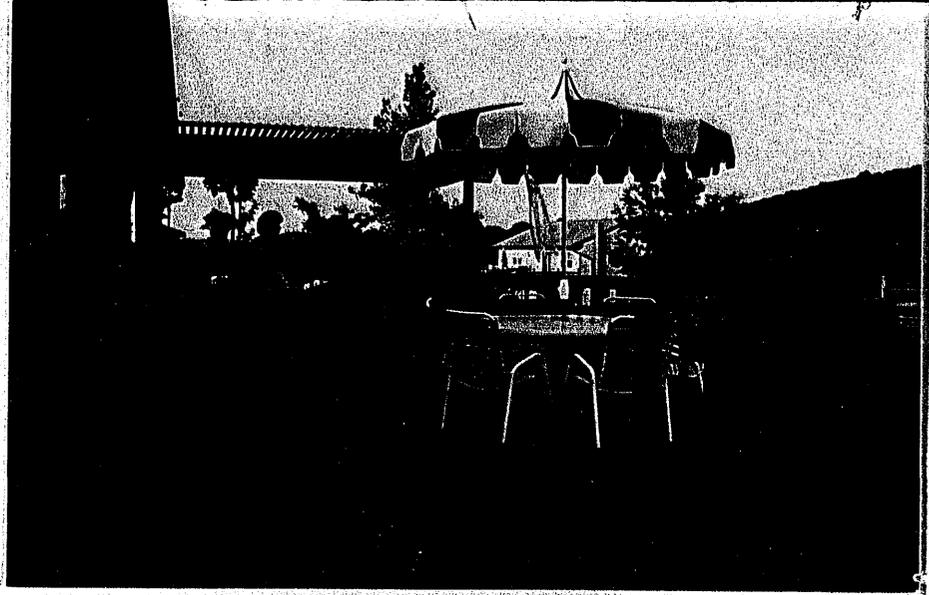
Variance Granted.
(area)

Addd. Fees
\$ 19.25
3/9/92 paid
ck # 3126

91³¹ - Connotillo, Vos.
Rear yard variance



*Market
Ducksters
O*



CO'S 68th Ave 79 - EXETER
Bldg. "O" BUILDERS

TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, NY 12550		GENERAL RECEIPT	12522
Received of <u>Joseph Corrotella</u>		<u>March 10, 1992</u>	
<u>Fifty and 00/100</u>		\$ <u>50⁰⁰/₁₀₀</u>	
For <u>Variance Application Fee (#91-37)</u>		_____	DOLLARS
DISTRIBUTION:			
FUND	CODE	AMOUNT	
<u>Check # 3048</u>		<u>\$50⁰⁰</u>	
By <u>Pauline S. Townsend</u>			
<u>Town Clerk</u>			
			Title

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Connatello, Vas.

FILE # 91-37.

RESIDENTIAL: \$50.00 *Paid* COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 *due paid*
* * * * * *ck # 3048*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 *due paid*
(250.00) *CK # 3049*

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE *1/27/92 - 1 page* \$ _____
2ND PRELIM. MEETING - PER PAGE *2/10/92 - 1 page* \$ _____
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE *2/10/92 - 5 pages* \$ 22.50
TOTAL \$ 22.50

ATTORNEY'S FEES:

PRELIM. MEETING - .2 HRS. \$ _____
2ND PRELIM. HRS. \$ _____
3RD PRELIM. PH .4 HRS. \$ _____
FORMAL DECISION .9 HRS. \$ _____
TOTAL HRS. 1.5 @ \$ 150.- PER HR. \$ 225.00
TOTAL \$ 225.00

MISC. CHARGES:

Postage 75 letters @ 29¢ ea. \$ 21.75
TOTAL \$ 269.25

LESS ESCROW DEPOSIT \$ 250.00
(ADDL. CHARGES DUE) \$ 19.25 *due paid*
REFUND TO APPLICANT DUE \$ _____

3126
cks, 3049 - 250.00 to
3126 - 19.25 to
31

file

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of
JOSEPH CONNOTILLO,

DECISION GRANTING
AREA VARIANCE

#91-37.

-----x

WHEREAS, JOSEPH CONNOTILLO, 314 Burroughs Lane, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for a 20 ft. rear yard variance in order to obtain a certificate of compliance for an existing deck on his property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 10th day of February, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, JOSEPH CONNOTILLO, appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there was one spectator present at the public hearing, Kathleen Braun, 316 Burroughs Lane, New Windsor, N. Y. 12553, who is an adjacent neighbor, and she spoke in favor of the application; and

WHEREAS, the application was unopposed; 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 obtain a certificate of compliance for an existing deck at his residence in an R-4 zone.
3. The evidence presented by applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order to allow the existing structure which otherwise would conform to the bulk regulations in the R-4 zone.
4. The evidence presented by the applicant indicated that when the house was originally constructed in 1984, there was only 37 ft. rear yard although the requirement was for 40 ft. However, due to an oversight, a certificate of occupancy was obtained from the Building Inspector even though there was a 3 ft. deficiency in the rear yard.

5. The evidence presented by applicant indicated that when it came time to construct the deck, he did not know that a building permit was necessary and the deck was constructed without official notification to the Building Inspector. The deck was then added in the only practical location for a deck because of the location of the patio doors which were constructed as a rear outlet to the deck.

6. The evidence presented by the applicant indicated that the residence is centered on the parcel and the existing deck falls within the line of other decks which have been constructed on adjacent properties in the area.

7. It appears from the evidence presented by the applicant that he would not be able to construct any deck in his rear yard without a variance since the house itself was located too close to the rear line, as apparently are all the neighboring houses which have existing decks in their rear yards.

8. The evidence presented by applicant indicated that if the deck were constructed within the side yard a variance still would have to be obtained since there is only 34 ft. of side yard available.

9. The evidence presented on behalf of the applicant also indicated that he would suffer significant economic injury from the strict application of the bulk regulations to his lot because an addition which complies with the bulk regulations could not be constructed in the rear yard at all, or would have to be an undersized deck located in a side yard, in which location it would be expensive to build and would not provide an adequate return on the investment because it would lack utility and be only partly functional, and would have an adverse effect upon the main structure of the house.

10. The evidence presented by the applicant indicated that he has attempted to minimize the width of the existing deck by extending only the full 16 ft. width to gain clearance for a table and chairs, and constructing the balance of the deck at a narrow 12 ft. width. Thus, it is the finding of this board that the applicant has attempted to minimize his variance request.

11. 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.

12. The requested variance is not substantial in relation to the bulk regulations, given the fact that the house itself was located in the rear yard, as are the neighboring houses which also have decks in their rear yards.

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

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

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

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

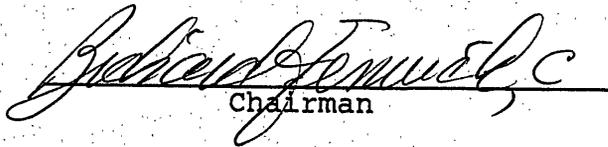
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 20 ft. rear yard to allow an existing deck 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: March 9, 1992.


Chairman

(ZBA DISK#1-053085.FD)

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PRELIMINARY MEETING: CONNOTILLO, JOSEPH

MR. FENWICK: This is a request for 20 foot rear yard variance for existing 11 by 26 foot deck located at 314 Burroughs Lane in an R-4 zone.

Mr. Joseph Connotillo came before the Board representing this proposal.

MR. FENWICK: Explain to us what you want to do.

MR. CONNOTILLO: When I moved into the house seven years I put a deck up not knowing that I needed to be 40 feet to the property line. And the end of the deck is only 20 feet to the property line; so, I need to get, I'm trying to get a permit and C.O. for the deck.

MR. FENWICK: You're refinancing or selling?

MR. CONNOTILLO: Yes, refinancing. That is how I found out about it.

MR. FENWICK: That's how most people find out about it.

MR. KONKOL: Where is Burroughs Lane?

MR. CONNOTILLO: Burroughs Lane it's right off of Keats in Countryside.

MR. FENWICK: Will you explain to us why you built this deck this way or why this deck is where it is?

MR. CONNOTILLO: Well, it's off the back of the house. I have pictures of it to show you. It's off the back of the house, as I said, and I didn't know how far out I could go. In fact, I thought I only had to be 10 feet from the property line; so, that's just the way I built it. My neighbor and I built it. He was in construction so it's a sturdy strong deck.

MR. FENWICK: He was in construction but he didn't tell you you needed a building permit.

MR. CONNOTILLO: No.

MR. TORLEY: Why does that not surprise me.

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MR. CONNOTILLO: Yeah, right, I think he was under the impression we only needed to be 10 feet from the property line.

MR. FENWICK: Still would have needed a building permit.

MR. CONNOTILLO: I know.

MR. TORLEY: Well built deck.

MR. CONNOTILLO: Thank you.

MR. FENWICK: Why couldn't you have made this deck smaller than what it is?

MR. CONNOTILLO: I suppose I could have had, I had known, you know, but it's only, you know, it only goes out any distance at that one point where the table and chairs are and then it comes back in close to the house.

MR. FENWICK: How far is the rear of your house from the property line?

MR. CONNOTILLO: It's less than 40 feet, the house itself, yeah.

MR. FENWICK: One of the things we have to look into is how you could have at least been closer to the law than you are.

MR. BABCOCK: His house is 37 feet. The lot size seems to be okay by the placement of the houses, I know that in the past, they didn't have to ask for surveys and I think that's one of the problems they just put the houses pretty much on the lot where they wanted to.

MR. CONNOTILLO: All the houses up and down that street all have the same back yards and all the decks are, you know, on the same line.

MR. BABCOCK: How far is it off the road, would you say?

MR. CONNOTILLO: Well, the property is 100 deep, I would say it's probably about 20 something, no probably

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be more, it would have to be more, like 30 somewhere in that area.

MR. FENWICK: This is the dimension of the deck, 17 by 26.

MR. CONNOTILLO: I didn't, no, it's 16 at the furthest point and then it comes back to 12 feet.

MR. TORLEY: Sir, how old is your house?

MR. CONNOTILLO: I believe it's going on eight years. The deck has been there about seven years.

MR. TORLEY: So, the house is eight years.

MR. CONNOTILLO: About eight years, yeah.

MR. BABCOCK: 1984.

MR. TORLEY: I just wonder how he got the C.O. with the 37 foot back yard?

MR. BABCOCK: I said before, they didn't require surveys at that time so there was no house location.

MR. FENWICK: We don't actually have a survey of what this is?

MR. BABCOCK: No.

MR. FENWICK: This is similar to another situation we had not to long ago.

MR. NUGENT: Same area.

MR. FENWICK: We don't have exact numbers, you're telling me, and then we have numbers on this building permit or application for a building permit that says 11 by 26 and you're saying 20.

MR. TORLEY: Sir, you have no survey of your property when the bank got the original mortgage you didn't have to get the survey?

MR. CONNOTILLO: I couldn't tell you.

MR. LUCIA: Do you need a survey in connection with

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your current refinancing?

MR. CONNOTILLO: That's what they were doing.

MR. LUCIA: Which would suggest for your benefit as well as the Board's you have that survey or do the computations of your offsets from the house to the property lines and the deck to your property lines. It really is for your protection as well as for the Board's information because what happens is if you don't have it exact and they grant you a variance, if they choose to give you one on dimensions that are inaccurate, you haven't advanced your situation any when you go to sell it and your buyer gets a survey, if it doesn't match then --

MR. CONNOTILLO: We had a survey done. There was a survey done. I do know the property line cause there's a fence right now on the property line.

MR. LUCIA: If you have a survey then I suggest you call the surveyor, have him do the offsets.

MR. CONNOTILLO: I have to get everything surveyed again?

MR. LUCIA: No, if he's already done the survey, he has to do the offsets of the deck to the rear of the property line, rear of the house to the rear property line if that's the only dimension that comes into play.

MR. FENWICK: If you can give us the exact dimensions of the rear of you -- I'm going to say right now we don't trust fences because usually fences and property lines have nothing to do with each other.

MR. CONNOTILLO: I know that.

MR. FENWICK: That's more the case than not. We have an application for a building permit here that says 11 by 26 foot wood deck. You're telling us it's 16 foot. The variance you're asking for is 20 feet, you're saying you're 37 feet away from the property line. None of these numbers have anything to do with each other.

MR. CONNOTILLO: If you take the numbers that I gave you, they'll all add up, it's the house was 37.

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MR. FENWICK: The house is 37, you're saying you have a deck that 11 by 26.

MR. CONNOTILLO: No, 16 feet out on the deck, you take 16 from 37, I'm 21 feet from the property line.

MR. LUCIA: The variance request looks like it's for 20 feet. Trouble is none of the numbers match and that's dangerous for the Board members as well as for you. So, I, you know, we can't force you to hire a surveyor but the Board can require you to come in with sufficient documentation of what it is you're applying for so they know what it is they are voting on.

MR. FENWICK: When did they survey the property?

MR. CONNOTILLO: When was the last survey done? Did we have one for the refinancing or is that the first one? Just the first, when we first moved in.

MR. BABCOCK: Most financial companies, Mr. Chairman, if he gets a certificate on the deck, they won't ask for a new survey. They feel we have taken care of that by making sure that it is correct, most of the time they don't ask, that's what I'm familiar with.

MR. TANNER: For your own safety, you should have one really a map of the property.

MR. CONNOTILLO: I have to have another survey done because the bank didn't request that.

MR. LUCIA: You paid the surveyor seven years ago for whatever when you bought the property, call him again and say can you just run a print and give me offsets from the deck to the house to the rear yard.

MR. TANNER: He can take it off the information he has.

CONNOTILLO: In other words, if we know where the property line is as opposed to the house, then we measure the deck.

MR. FENWICK: That is correct.

MR. TORLEY: You had a second survey?

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MR. CONNOTILLO: No, just the one because now we are refinancing because, but I don't think they requested a survey. The deck comes from the back of the house, it comes out 16 feet.

MR. BABCOCK: How long would it be?

MR. CONNOTILLO: And the length I think the measurement that you had there was correct, 26 or something like that.

MR. TORLEY: 16 by 26 deck.

MR. CONNOTILLO: Actually, it's not only half of that 16 and then it comes back into 12 feet.

MR. BABCOCK: We should have the largest number so we are going to change that to 16.

MR. FENWICK: So, the sketch that we have and the application for the building permit is not correct where it says 20 foot back.

MR. BABCOCK: Well, Mr. Chairman, maybe if you can see the zero, I don't know whether it's a copy or not but it was a one and I think they put an extra foot in there to make sure because this one here I have says 21, so you know, his numbers do come out to 21 but I guess Frank felt that it would be better to get a variance for 20 feet, apparently just in case.

MR. CONNOTILLO: I measured it myself and the numbers work out.

MR. FENWICK: This is what I'm saying is throwing us off, we have an application here that says 11 by 26. We have another one here that says 11 by 26. You have a map that says 21 and I have one here that says 20, okay, and we don't have the measurements. Probably there should be another measurement here showing to the back of the property line which should be the 37 feet.

MR. CONNOTILLO: Can't we just, if it's the only thing in question is somebody changing 20 to 21 to 20, you know, it's and then the measurement of the deck, the deck was measured.

MR. LUCIA: Well, it's the measurement between the edge

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of the deck and the rear property line, that's the reference point that we are not positive about. It could the fence is accurately located but a surveyor is the only one that can tell you that.

MR. CONNOTILLO: Because, I know for a fact it's my neighbor had his property surveyed to put that fence on and we had discussed it previously. And cause, even because there was still markings for the property line there. But, he had it done again anyway just to be certain and that is where they put it right on the line.

MR. LUCIA: That is up to you and the Board. If the Board is willing to proceed on that basis, you know, I suppose the only risk you face is if there's an error there and shows up when you go to sell the house and your purchaser gets a new survey and finds out you need a 23 foot variance and you've got a 20 foot, you're back here again.

MR. CONNOTILLO: I understand that. I'm completely confident that that's 21 feet.

MR. TANNER: It doesn't have to be a foot, it could be inches you can be out 3 inches and that's the problem.

MR. CONNOTILLO: You mean to tell me all these surveys are within an inch when someone is building a house?

MR. TANNER: Supposed to be.

MR. BABCOCK: Yeah, that's well, apparently Frank, what the gentleman here is saying is that his deck is 21 feet from the property line so that proposed available would be 21 and he needed a 19 foot variance. What they did they threw, he's looking for relief from the 40, Rich, okay, so; if he had 21 he needed a 19 foot variance. So, to make sure he wasn't off a little bit on his measurements, apparently Frank threw in an extra foot to make sure.

MR. CONNOTILLO: Right now, I'm battling time with my commitment with the bank.

MR. FENWICK: It happens to everyone that comes in here.

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MR. CONNOTILLO: I know that that deck is exactly 21 feet from the property line.

MRS. BARNHART: Are we going to change these figures?

MR. CONNOTILLO: Somebody changed them, I understand why but I measured it and I got 21 feet.

MR. BABCOCK: It's probably a safe -- I don't know whether the Board feels that way but it's probably safer to say 20 than 21 feet. I don't know if you want to change the numbers, I can do that without a problem and I can --

MR. FENWICK: Leave it up to the pleasure of the Board.

MR. TORLEY: I have no trouble leaving it 20 feet assuming round off for safety for the owner, we don't want to be in a position of being off 3 inches.

MR. BABCOCK: If they measure to the edge of the deck and a 4 by 4 is out here another 3 and a half inches and the survey does come up then it's 6 inches shorter; so, apparently that's what Frank felt when he wrote this up.

MR. FENWICK: I, myself, have no problem with it. I mean but --

MR. TORLEY: I don't see a difficulty if you're asking for a 20 or 21.

MR. NUGENT: As long as the applicant is happy with the numbers, I see nothing wrong with doing it.

MR. TANNER: Agree.

MR. KONKOL: I have no problem, if it's wrong he's the one that is going to suffer.

MR. CONNOTILLO: Yeah.

MR. FENWICK: You were notified of this situation and had to get in here. You should have got in here as soon as possible. This is the second meeting.

MR. CONNOTILLO: That was a misunderstanding. I don't know, I was supposed to be at the other meeting, I was

told but it just --

MRS. BARNHART: You were to busy with the paper work, you put the cart before the horse.

MR. FENWICK: Do we have other questions from the Members of the Board?

MR. NUGENT: I make a motion to set him up for a public hearing.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: I'll ask our attorney to explain to you the proof that you have to bring to us and also the financial requirements.

MR. LUCIA: Okay, when you come back for the public hearing, what you have to establish to be entitled to an area variance under the law is proof of something called practical difficulty. You have to show that by significant economic injury which you suffer from the strict application of the ordinance to your lot; so, the mere fact that the deck is there now is not a factor. What you have to establish is that you would suffer severe economic injury by not being able to put this deck in this location. Why it is you can't get by with a smaller deck. Why it is you couldn't locate the deck someplace else that might not need a variance or might require only a lesser variance.

Now, if the house itself is only 37 feet off the property line, obviously you wouldn't be able to put anything there. So, I guess, the alternative is could you economically put a reasonable sized deck in one of your side yards, what would that entail in terms of additional costs, in terms of additional impact on the house and total property values, if you had to have the deck on the side rather than the front, assuming

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there's room on the sides.

There's, when you come back, I'd like to see a copy of your deed, your title policy and some photographs of the house and the deck.

MR. FENWICK: Can we keep those?

MR. LUCIA: Anybody want any additional photographs, is that sufficient? Okay, just deed and title policy that your attorney presumably got when you bought the property.

MR. TORLEY: You might want to do your neighbors a favor and tell them to check all their boundaries now so when they go to refinance or sell they can have it taken care of because if you're out of bounds, they probably are too.

MR. LUCIA: If you come across a copy of the survey, bring that in also. For application fees, you'll have \$50 application fee for the variance and also \$250 deposit against publication costs, town consultant fees and any other expenses the town has. So, that's two separate checks, one for \$50 and one for \$250 when you come back with your application.

MR. CONNOTILLO: Okay and I didn't bring any checks with me tonight.

MR. LUCIA: When you come back --

MRS. BARNHART: When you file your paper work with me.

MR. CONNOTILLO: Okay, fine. When is the next meeting?

MR. FENWICK: We usually have the minutes available about the Thursday before the next meeting, stop in and Pat might be, if she has them just take a look at what we have requested.

MR. CONNOTILLO: Right, thank you.

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 389 Moores Hill Rd DR.

New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
2/10/92	Zoning Board Meeting	75 00	
	Misc. pgs - 1 pg	4 50	
	Aufiero/Babcock - 11 pgs	49 50	
	Barbieri - 4 pgs	18 00	
	Mans/Toyota - 3 pgs	13 50	
	Connolly - 5 pgs P.H.	22 50	
		184 00	

PUBLIC HEARING: CONNOTILLO, JOSEPH

MR. FENWICK: This is a request for 20 foot rear yard variance for existing deck located at 314 Burroughs Lane in an R-4 zone.

Joseph Connotillo came before the Board representing this proposal.

MR. FENWICK: Tell us all about it.

MR. CONNOTILLO: Well, at this point I just had to, I believe just had to write up, I don't know if you have copies of the reason why the deck is where it is.

MR. LUCIA: We need to have it verbally on the record because this is your public hearing, even if you said it before at the preliminary, say it again why you need to put the deck where it is.

MR. CONNOTILLO: The back of the house where I had 37 feet was deeper than what I have on the side of the house. On the side I only had 34 feet and as I said, due to ignorance when I first put the deck up, I didn't know how far I could go with it and I wound up being 20, 21 feet or 20 feet from the property line. So, that's why I was here to get the variance for that. Being that I am refinancing the house, I need a C.O. for the deck which I didn't have. And the question of why I couldn't move it, I guess you know it would be, you know to move it to the side of the house would be the only other place to put it and that's even less room there. I couldn't see any feasible way of moving it regardless.

MR. LUCIA: You still need a variance if you put it in the side yard?

MR. CONNOTILLO: Yes.

MR. TORLEY: And your house sits roughly in the same position of the lot as the other houses on that street?

MR. CONNOTILLO: Yes, it looks like it is about center of the lot.

MR. TORLEY: And you're not the only house on that

street with a deck on the house?

MR. CONNOTILLO: No, in fact, they are all right in line.

MR. TORLEY: As I mentioned the last time, you might want to spread the word.

MR. CONNOTILLO: Yes.

MR. BABCOCK: Just for the record, his house the requirements are 40 and his house right now by itself is only 37 without the deck.

MR. LUCIA: Is it pre-existing nonconforming or just missed at some point?

MR. BABCOCK: Missed at some point.

MR. LUCIA: But it does have a C.O.?

MR. BABCOCK: Yes. He has one in '84.

MR. CONNOTILLO: I believe you still have the two pictures that I brought in.

MR. TORLEY: This is another instance why I'm most irritated at the developers who come in and put up the houses like this and walk away leaving people holding the bag.

MR. CONNOTILLO: This is my first house, so I didn't really know.

MR. LUCIA: I thank you for providing your deed and title policy. I notice that there are some minimum setbacks referred to on the filed map for this subdivision and it's some easements and utility easements affecting your property. They weren't spelled out and that is fine. But, to your knowledge, if this Board grants you the variance which you're requesting, will that result in a violation in any of those setbacks on the filed map or any of the easements that affects your property?

MR. CONNOTILLO: Not to my knowledge.

MR. LUCIA: Thank you.

MR. FENWICK: Any questions from the Members of the Board? I'll open it up to the public at this time. Any comments from the public?

MR. LUCIA: You're welcome to say if you oppose it or in favor of it.

KATHLEEN BRAUN: I'm completely in favor of it. He's got a beautiful back yard right next door to us and they are excellent neighbors and, you know, no reason to deny that I know of.

MR. FENWICK: Thank you. I'll close the hearing to the public and open it back up to the Members of the Board. Any comments, questions? Mr. Attorney, anything?

MR. LUCIA: Yes. You cannot vote on it tonight. There was a County referral on this matter on January 28th of '92 and I find no response from the County as yet and you're obligated to allow them at least 30 days in which to respond before you're able to vote on that. So, I would suggest, you're within 500 feet of Union Avenue, is that correct?

MR. CONNOTILLO: I don't think so, I'm pretty far from there.

MR. LUCIA: Copy of the tax map?

MR. CONNOTILLO: I have to be more than 500 feet.

MR. BABCOCK: There is no way this house is within Union Avenue the 500 feet.

MR. LUCIA: I don't know the section is missing but --

MR. FENWICK: Why would that be brought up, Dan, I'm just kind of curious was that on the list by the assessor?

MR. LUCIA: No, it's the call we have to make when we see the tax map, it does not appear from the assessor's list. Depending on which way Union Avenue curves, it may be.

MR. FENWICK: Here is Browning Road and this is going away the whole time because this is Cimmorelli Drive up

in here.

MR. TORLEY: Which is two lots deep at least.

MR. FENWICK: I'll leave it up to the Members of the Board?

MR. CONNOTILLO: If you want me to measure it, I will. You said the County needs 30 days to respond?

MR. LUCIA: Under General Municipal Law under Section 239M anything within 500 feet of a County road requires that the County be notified. Typically, they are going to send back a card and say local determination.

MR. NUGENT: I make a motion to --

MR. BABCOCK: I have the other section.

MR. LUCIA: Now that we have section 7 of the tax map, it appears that you're apparently over 500 feet and that will be the closest County facility or State facility?

MR. KONKOL: I make a motion we grant the variance.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Nugent	Aye
Mr. Tanner	Aye
Mr. Konkol	Aye
Mr. Fenwick	Aye

MR. FENWICK: At the next meeting there will be formal decision and a formal bill and you'll know formally where you stand. It actually has to have a law written what they call a formal decision for your piece of property. And at that time, it becomes official, let's say with any luck we'll have it by the next meeting.

MR. CONNOTILLO: When is the next meeting?

MR. FENWICK: Two weeks.

February 10, 1991

24

MR. CONNOTILLO: Just report back in two weeks?

MR. LUCIA: You don't have to show up, it depends whether the minutes are in time to give me a chance to write a formal decision.

MR. BABCOCK: Call myself or Pat on the 25th and see if the formal decision was approved, if it was and come in and see me and get your building permit and C.O. I think Frank has been out there and inspected it.

MR. CONNOTILLO: Yes, well, I did what work was required and now I just want to get it inspected.

MR. BABCOCK: You can still do that. Get that done so everything is done on the 25th, hopefully the formal decision is done.

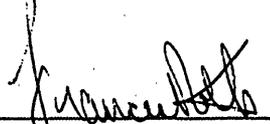
MR. CONNOTILLO: I'll just call you like after the 25th, is that it?

MR. BABCOCK: The meeting is on the 24th, so it wouldn't be until the next morning we'll know.

MR. CONNOTILLO: Thank you.

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. Torley seconded by Mr. Konkol and approved by the Board.

Respectfully submitted:



FRANCES ROTH
Stenographer



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

File

(914)563-4630

February 25, 1992
FAX: 914-563-4693

Mr. and Mrs. Joseph Connotillo
314 Burroughs Lane
New Windsor, N. Y. 12553

RE: APPLICATION FOR AREA VARIANCE (REAR YARD)
#91-37

Dear Mr. and Mrs. Connotillo:

This is to confirm that the Zoning Board of Appeals at its February 10, 1992 meeting voted to GRANT the above application for an area variance. This variance is valid for a one (1) year period from the date of approval.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

Patricia A. Barnhart

PATRICIA A. BARNHART
Secretary

/pab
Enclosure

cc: Michael Babcock, B. I.



MARY MCPHILLIPS
County Executive

Rec'd.
ZBA 2/21/92
(PAG)

Department of Planning
& Development
124 Main Street
Goshen, New York 10924
(914) 294-5151

PETER GARRISON Commissioner
VINCENT HAMMOND 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. NWI 2 92 M

County I.D. No. 75 / 5 / 5

Applicant Joseph Connoti116

Proposed Action: Area Variance - 20' rear yard

State, County, Inter-Municipal Basis for 239 Review Within 500' of —

Comments: Site appears not to be within 500' of a Federal, State or County road. However, there are no significant Inter-community or Countywide concerns to bring to your attention.

Related Reviews and Permits _____

County Action: Local Determination XXXX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

2/19/92
Date

PAG Commissioner

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. 91-37

1. Municipality Town of New Windsor Public Hearing Date 2/10/92
 City, Town or Village Board Planning Board Zoning Board

2. Owner: Name Connotillo, Joseph
 Address 314 Burroughs Lane, New Windsor

3. Applicant*: Name (same)
 Address

* If Applicant is owner, leave blank

4. Location of Site: Burroughs Lane - 115 ft. from Intersec. - Keats Dr.
(street or highway, plus nearest intersection)

Tax Map Identification: Section 75 Block 5 Lot 5

Present Zoning District R-4 Size of Parcel 100 x 120 ±

5. Type of Review:
Special Permit: _____

Variance: Use _____
Area - 20 ft. rear yard for existing deck at residence.

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use _____

1/28/92
Date

Patricia A. Bamhart, Secy.
Signature and Title
NWZBA

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

91-37
Date: 12/31/91

I. Applicant Information:

- (a) JOS. CONNOTILLO 314 BURROUGHS LN. NW, NY. 914 5624466 (YES)
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) RA 314 BURROUGHS LANE NW, NY 75-5-5 120W x 100D
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 5/84
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance. N/A

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

(b) ^{N/A} 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.

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

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd. <u>40'</u>	<u>20'</u>	<u>20'</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____		
Parking Area _____		

* Residential Districts only
 ** No-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 may have made to alleviate the difficulty other than this application.
HOUSE IS LESS THAN 40' FROM PROPERTY LINE
+ AREA FOR DECK IS RESTRICTED. AT THIS TIME
TO MOVE THIS DECK WOULD CAUSE A FINANCIAL BURDEN
ON ME THAT I COULD NOT BEAR AND THERE IS NO OTHER
LOCATION THAT I COULD MOVE IT TO ON MY PROPERTY AS WE ARE
VERY RESTRICTED

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			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs.

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

VII. Interpretation. ^{N/A}

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe, in detail the proposal before the Board:

VIII. [✓] Additional comments:

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

ENTIRE PROPERTY IS VERY WELL MAINTAINED, INCLUDING REAR YARD AND IS BEAUTIFULLY LANDSCAPED. THE DECK IS VERY WELL BUILT & MAINTAINED ALSO, ALL NEIGHBORS HAVE COMMENTED SU.

IX. Attachments required:

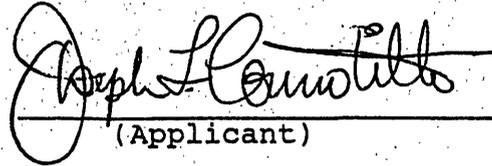
- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ^{N/A} Copy(ies) of sign(s) with dimensions and location.
- Check in the amount of \$~~50.00~~ ^{\$250.00} payable to TOWN OF NEW WINDSOR.
- Photographs of existing premises which show all present

X. Affidavit.

Date: 1/28/92.

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

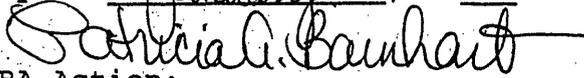
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.



(Applicant)

Sworn to before me this

28th day of January, 1992.



PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted Denied

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

2/10/92

Public Hearing - # 91-37

Connotillo, Vos.

Name:

Address:

Kathleen L. Ki Brown

316 Burroughs Ln.

DATE: 12-31-91

APPLICANT: JOSEPH CONNOTILLO
314 Burroughs LA
New Windsor NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 12-30-91
FOR (BUILDING PERMIT) 1 OF EXISTING 11X26 WOOD DECK
LOCATED AT 314 Burroughs LA
ZONE: R-4

DESCRIPTION OF EXISTING SITE: SEC: 75 BLOCK: 5 LOT: 5

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INADEQUATE
REAR YARD SET BACK

Frank Jim
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>G</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>20'</u>	<u>20'</u>
REQ'D FRONTAGE		

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 12-30-91
 FOR (BUILDING PERMIT) 1 of EXISTING 11X26 WOOD DECK
 LOCATED AT 314 Burroughs LA
 ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 75 BLOCK: 5 LOT: 5

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Frank J. Jiri
 BUILDING INSPECTOR

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ZONE <u>R-4</u> USE <u>G</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>20'</u>	<u>20'</u>
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE _____ %	_____ %	_____ %

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: [REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

914) 363-4630
 CC: Z.B.A., APPLICANT, B.P. FILE

75-5-5

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.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS 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 AND FINAL CERTIFIED PLOT PLAN.BUILDING IS TO BE COMPLETED 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 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 OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises..... JOSEPH L. CONNOTILLO

Address..... 314 BURROUGHS LANE Phone..... 562-4466

Name of Architect

Address..... Phone.....

Name of Contractor

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? Yes.....No.....
3. Tax Map description of property: Section.....75.....Block.....5.....Lot.....5.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupanc.....
b. Intended use and occupancy.....

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

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3. Tax Map description of property: Section.....75..... Block.....5..... Lot.....5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupanc..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition.......... Alteration..... Repair.....
Removal..... Demolition..... Other..... EXISTING 12' x 26' wood deck
6. Size of lot: Front Rear.....20x..... Depth.....100..... 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..... 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.....
(to be paid on this application)
11. School District

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.

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.....10/27.....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.

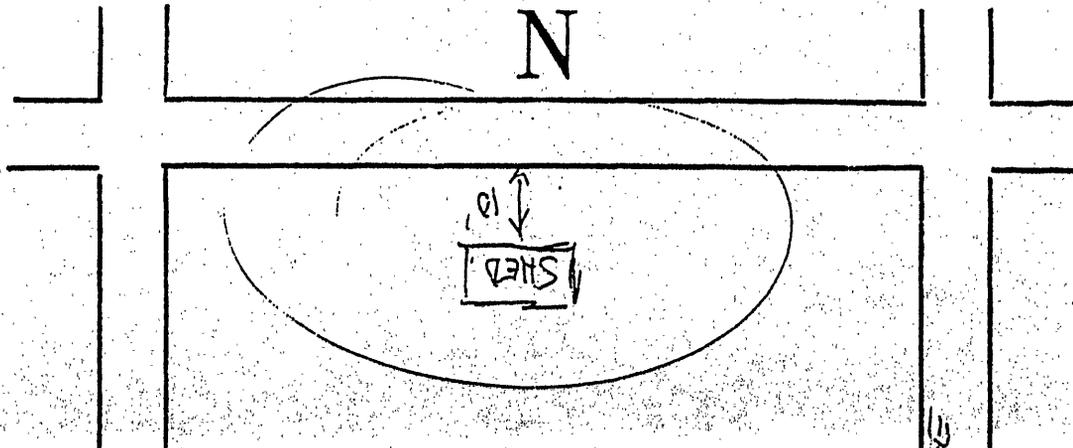
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein 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.

.....
(Signature of Applicant)

314 Burroughs Lane
.....
(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.



Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

Date... 12/27 ... 19... 9... 1...

INSTRUCTIONS

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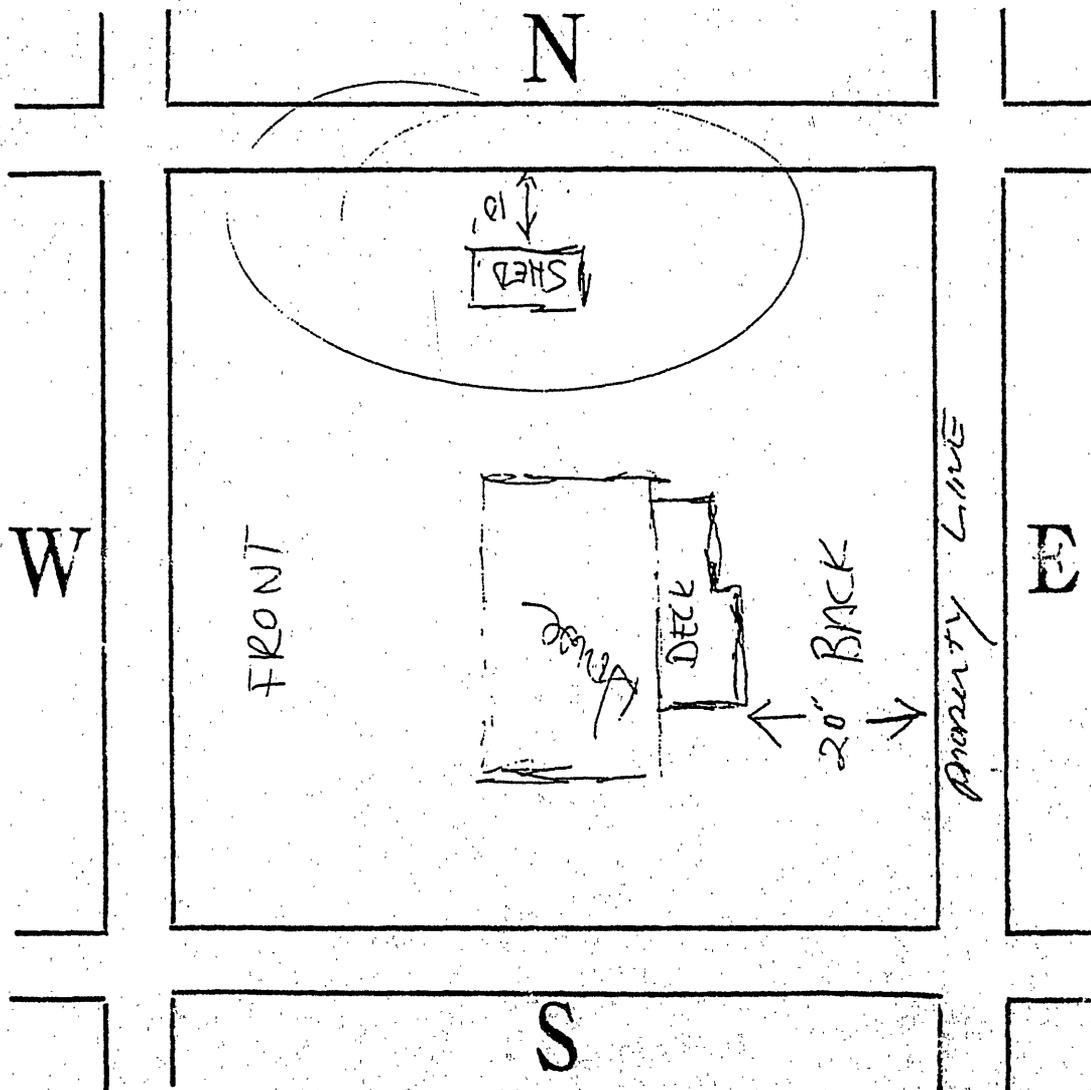
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[Handwritten Signature]
.....
(Signature of Applicant)

314 Burroughs Lane
.....
(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.





1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

75

January 13, 1992

Joseph L. & Doris A. Connotillo
314 Burroughs Lane
New Windsor, NY 12553

Re: 500 ft. Variance List/ 75-5-5

Dear Mr. & Mrs. Connotillo:

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 \$95.00, minus your deposit of \$25.00. Please remit balance of \$70.00 to the Town Clerk's office.

Sincerely,

LESLIE COOK
Sole Assessor

LC/cp

Attachment

cc: Pat Barnhart

Velez, Marcelliano, & Noella
52 Poe Court
New Windsor, NY 12553

Crapanzano, Anthony & Anne
202 Melville Drive
New Windsor, NY 12553

Buconjic, Marijan & Alojzija
204 Melville Drive
New Windsor, NY 12553

Irene, Martin & Lucia
206 Melville Drive
New Windsor, NY 12553

Arteaga, Victor & Joann
208 Melville Drive
New Windsor, NY 12553

Mongelli, Paul & Joni
210 Melville Drive
New Windsor, NY 12553

Ohtako, Rydhei & Keiko
212 Melville Drive
New Windsor, NY 12553

DeSousa, Adriano & Beatriz
51 Keats Drive
New Windsor, NY 12553

Zielinski, Stanley & Halina
53 Keats Drive
New Windsor, NY 12553

Sacco, Madelyn M.
55 Keats Drive
New Windsor, NY 12553

Zielinski, Lech & Jolanta
57 Keats Drive
New Windsor, NY 12553

Stamp, Gary D. & Karen A.
59 Keats Drive
New Windsor, NY 12553

Toromanides Sava & Anna
61 Keats Drive
New Windsor, NY 12553 X

Tammes, Bradley S. & Robin X
63 Keats Drive
New Windsor, NY 12553

Bennett, Christopher K. & Frances
65 Keats Drive
New Windsor, NY 12553 X

Trinka, James E. & Rose M.
67 Keats Drive
New Windsor, NY 12553 X

Mann, Steven & Ann Dee
69 Keats Drive
New Windsor, NY 12553 X

Hertel, Timothy & Joyce
71 Keats Drive
New Windsor, NY 12553 X

Avallone, Ronald J. & Maureen L.
73 Keats Drive
New Windsor, NY 12553 X

Kasprak, Robert J. & Catherine
75 Keats Drive
New Windsor, NY 12553 X

Mounier, Robert & Diane R.
77 Keats Drive
New Windsor, NY 12553 X

Faig, Robert A. Jr. & Antoinette
79 Keats Drive
New Windsor, NY 12553 X

Jordan, John B. & Lois A.
207 Melville Drive
New Windsor, NY 12553 X

Dietz, Eileen
205 Melville Drive X
New Windsor, NY 12553

Levine, Steven & Donna
203 Melville Drive X
New Windsor, NY 12553

Sandroff, Ronald H. & Carol M.
& Ambrosio, Alfronsio J.
201 Melville Drive X
New Windsor, NY 12553

Luisi, Joseph F. & Louise J. X
300 Stephenson Lane
New Windsor, NY 12553

Altschuler, Abraham X
302 Stephenson Lane
New Windsor, NY 12553

Guelberg, John Herman & Erna X
304 Stephenson Lane
New Windsor, NY 12553

Mylonas, Dimitrios & Pope X
306 Stephenson Lane
New Windsor, NY 12553

Epstein, Jerry H. & Judith L. X
305 Stephenson Lane
New Windsor, NY 12553

Baroud, Khaled & Pamela X
307 Stephenson Lane
New Windsor, NY 12553

Shiels, Bernadette & Frederick L. X
58 Keats Drive
New Windsor, NY 12553

Twomey, Daniel J. & Susan F. X
60 Keats Drive
New Windsor, NY 12553

Braun, Leo & Kathleen X
316 Burroughs Lane
New Windsor, NY 12553

Montone, Richard & Diane M. X
211 Melville Drive
New Windsor, NY 12553

Quinn, Patrick & Linda X
332 Hemmingway Drive
New Windsor, NY 12553

Delgado, Robert A. & Diana X
334 Hemmingway Drive
New Windsor, NY 12553

Stumpf, Warren E. & Jean H. X
336 Hemmingway Road
New Windsor, NY 12553

Stewart, James L. & Louise A. X
318 Burroughs Lane
New Windsor, NY 12553

Toromanides, Michael & Eleni
350 Motor Parkway
Haupaug, NY 11788

Oates, Bernard J. & Peggy A.
347 Shelley Road
New Windsor, NY 12553

Jackson, Leroy A. & Jennifer P.
345 Shelley Road
New Windsor, NY 12553

Schoffelmeer, Ronald & Leslie R.
343 Shelley Road
New Windsor, NY 12553

Herr, Gregory D. & Sandra
213 Melville Drive
New Windsor, NY 12553

Castro, Roland D. & Sheila S.
346 Shelley Road
New Windsor, NY 12553

Spencer, Richard & Lisa C.
348 Shelley Road
New Windsor, NY 12553

McManus, Barbara
350 Shelley Road
New Windsor, NY 12553

Ritosa, Joseph & Maria
323 Burroughs Lane
New Windsor, NY 12553

Scalia, Joseph M. & Teresa C.
321 Burroughs Lane
New Windsor, NY 12553

Iovino, Robert J. & Judith B.
319 Burroughs Lane
New Windsor, NY 12553

Klein, James S. & Donna M.
317 Burroughs Lane
New Windsor, NY 12553

Ruffino, Joan
315 Burroughs Lane
New Windsor, NY 12553

Resler, Sharon J.
313 Burroughs Lane
New Windsor, NY 12553 X

Freud, Richard K. &
Mahon, Eileen P.
311 Burroughs Lane
New Windsor, NY 12553 X

Stiliho, Frank J. & Lenore
66 Keats Drive
New Windsor, NY 12553 X

Swanson, Maurice & Theresa
76 Keats Drive
New Windsor, NY 12553 X

Bishop, Stacy
213 Summit Drive
New Windsor, NY 12553 X

Barden, Denis J. & Carol A.
80 Keats Drive
New Windsor, NY 12553 X

Bell, Joseph F. & Angela T.
82 Keats Drive
New Windsor, NY 12553 X

Brody, Michael & Kathleen M.
84 Keats Drive
New Windsor, NY 12553 X

Lauria, Michael R. & Jane
86 Keats Drive
New Windsor, NY 12553 X

Peppers, Ralph C. & Mary E.
88 Keats Drive
New Windsor, NY 12553 X

Wolfe, Gerald & Eva-Maria
c/o Serpa Lenna
Sycamore Gardens, Apt. 39
Route 94
New Windsor, NY 12553 X

Ramos, David & Migdalia
85 Keats Drive
New Windsor, NY 12553 X

Talbot, Leo C. & Sandra I.
83 Keats Drive
New Windsor, NY 12553 X

Goldenberg, Joseph & Hannah X
380 Frost Lane
New Windsor, NY 12553

Davis, Clifford E. & Elizabeth H. X
14 Cimorelli Drive
New Windsor, NY 12553

Bouley, Deborah A. & X
Bousche, Max R.
16 Cimorelli Drive
New Windsor, NY 12553

Dulude, Daniel D. & Joyce F. X
18 Cimorelli Drive
New Windsor, NY 12553

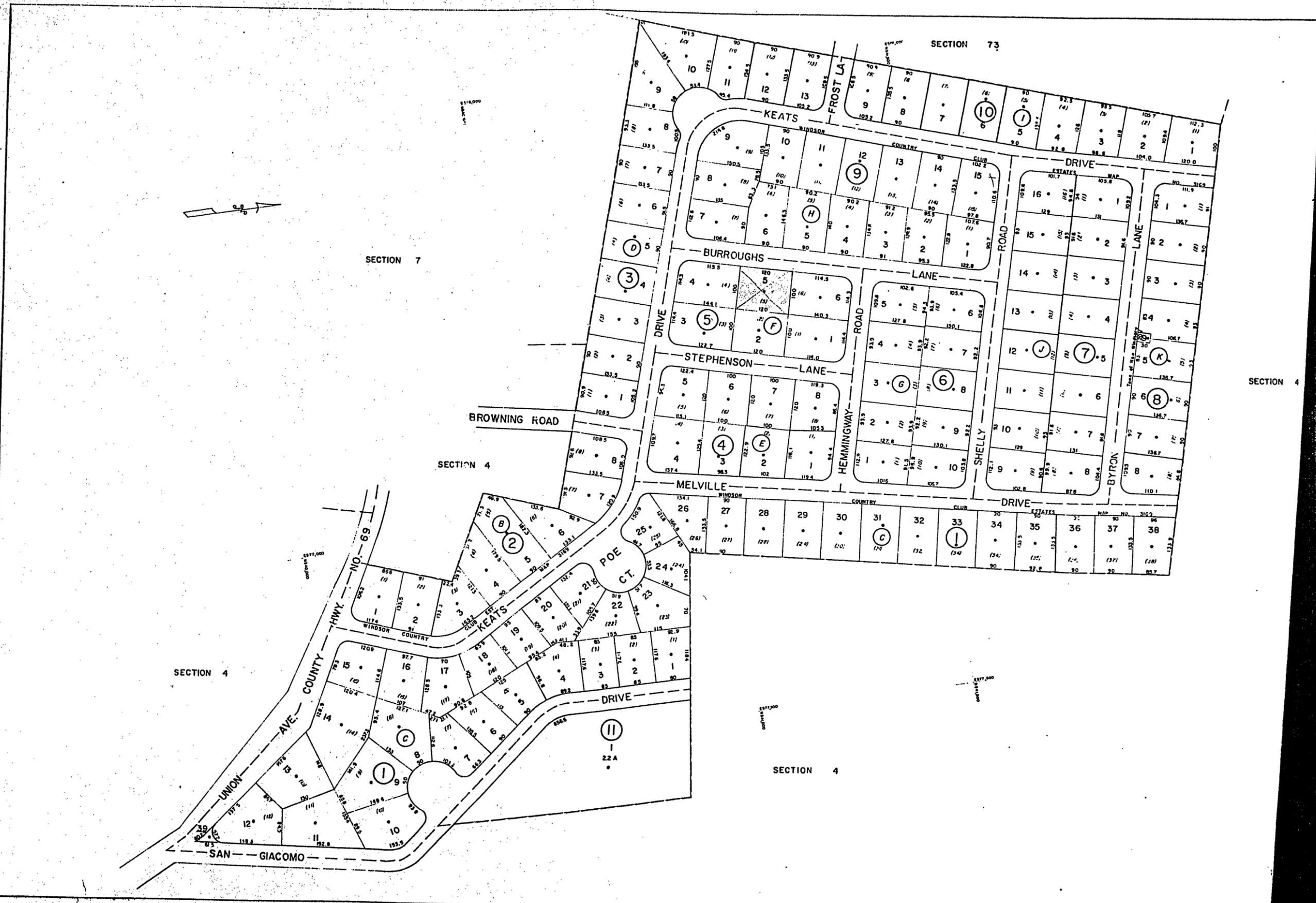
Zamzow, Carl H. III & Regina L. X
20 Cimorelli Drive
New Windsor, NY 12553

Nasser, Roland G. & Betty M. X
22 Cimorelli Drive
New Windsor, NY 12553

Grehl, James A. & Judy Lynn X
24 Cimorelli Drive
New Windsor, NY 12553

Warmers, Frederick J., Trustee X
PO Box 148
Newburgh, NY 12550

Clinton, Frank & Sally X
452 Union Avenue
New Windsor, NY 12553



Prepared by
 ORANGE CO. TAX MAP DEPT.
 MAIN ST., GOSHEN, N. Y. 10924
 FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK OR SECTION LIMIT	MATCH LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS

ORANGE COUNTY-NEW YORK
 Photo No. 4-51-47, 476
 Date of Photo
 Date of Map 5-22-74

TOWN OF NEW

ALL WALLS

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

065209

THIS INDENTURE, made the 22nd day of October, nineteen hundred and eighty six.

BETWEEN JOSEPH L. CONNOTILLO, residing at 314 Burroughs Lane,
New Windsor, Orange County, New York 12550

party of the first part, and JOSEPH L. CONNOTILLO and DORIS A. CONNOTILLO,
husband and wife, residing at 314 Burroughs Lane, New Windsor,
County of Orange, New York 12550, as Tenants by the Entirety.

party of the second part,

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

-----TEN AND 00/100----- 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, State of New
York, known and designated as Block F Lot 5, on a certain map
entitled "Windsor Country Club Estates", first dated December 23rd,
1971, last dated January 16th, 1974, made by Atzl, Scatassa and
Bush Engineers, Nanuet, New York, filed in the Orange County Clerk's
Office on April 1st, 1974, as Pocket 15, Folder A, Map No. 3169
(Sheets 1 and 2).

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5
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BEING the same premises as described in that certain deed dated
May 30, 1984, made by Inbro Homes, Inc. to Joseph L. Connotillo,
and recorded in the Orange County Clerk's Office on June 27, 1984,
in Liber 2287 of Deeds at Page 638.

This conveyance is made for no monetary consideration.

party of the first part, and JOSEPH L. CONNOTILLO and DORIS A. CONNOTILLO, husband and wife, residing at 314 Burroughs Lane, New Windsor, County of Orange, New York 12550, as Tenants by the Entirety.

party of the second part,

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

-----TEN AND 00/100----- 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, State of New York, known and designated as Block F Lot 5, on a certain map entitled "Windsor Country Club Estates", first dated December 23rd, 1971, last dated January 16th, 1974, made by Atzl, Scatassa and Bush Engineers, Nanuet, New York, filed in the Orange County Clerk's Office on April 1st, 1974, as Pocket 15, Folder A, Map No. 3169 (Sheets 1 and 2).

BEING the same premises as described in that certain deed dated May 30, 1984, made by Inbro Homes, Inc. to Joseph L. Connotillo, and recorded in the Orange County Clerk's Office on June 27, 1984, in Liber 2287 of Deeds at Page 638.

This conveyance is made for no monetary consideration.

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5
5

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been 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.

COIN PRESENCE OF:
NEW YORK



successors and assigns of the party of the second part forever.

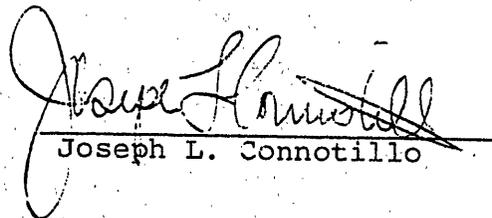
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

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:
NOTARY PUBLIC


Joseph L. Connotillo

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the 27th day of October 19 86, before me personally came

Joseph L. Connotillo

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

[Signature]
Notary Public

PETER E. BLOOM
NOTARY PUBLIC, State of New York
Residing in Orange County
Comm. Expires March 30, 1988
June

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the of

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

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

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

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.

JOSEPH L. CONNOTILLO

TO

JOSEPH L. CONNOTILLO and DORIS A. CONNOTILLO, husband and wife.

SECTION 75
BLOCK 5
LOT 5

W 1/5

COUNTY OF TOWN of New Windsor, NY

RECORD & RETURN BY MAIL TO:

Bloom & Bloom, P.C.
P.O. Box 4323
New Windsor, New York 12550
Zip No.

phy

[Signature]
Notary Public

PETER E. BLOOM
NOTARY PUBLIC, State of New York
Residing in Orange County
Comm. Expires March 30, 1928

June

STATE OF NEW YORK, COUNTY OF _____ ss:

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

that he is the _____ of _____;

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

STATE OF NEW YORK, COUNTY OF _____ 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 75
BLOCK 5
LOT 5

W/H/5

JOSEPH L. CONNOTILLO

COUNTY OF _____ TOWN of New Windsor, NY

TO

JOSEPH L. CONNOTILLO and DORIS A. CONNOTILLO, husband and wife.

RECORD & RETURN BY MAIL TO:

Bloom & Bloom, P.C.
P.O. Box 4323
New Windsor, New York 12550
Zip No. _____

Reserve this space for use of Recording Office.

LIBER 2599 PG 54

RECEIVED
EXEMPT
REAL ESTATE
OCT 29 1986
TRANSFER TAX
ORANGE COUNTY *TR*

Orange County Clerk's Office, \$5
Recorded on the *27th* day
of *Oct* 19 *86* at *11:15*
p. clock M. in Liber *2599*
Deeds at page *52*
Paid Examined.
Miriam S. Murphy

ENDORSEMENT

Policy No. 33 048 07 000926

Attached to and forming a part of

Office File No. 83-11-048254
CONNOTILLO, JOSEPH

Issued by

CHICAGO TITLE INSURANCE COMPANY

The hereinabove captioned title insurance policy is hereby amended so that Exception No. 15 on Schedule B shall now be omitted from said policy.

This endorsement is made a part of the policy or commitment and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy or commitment and prior endorsements, if any, nor does it extend the effective date of the policy or commitment and prior endorsements or increase the face amount thereof.

DATED: August 20, 1984

CHICAGO TITLE INSURANCE COMPANY



Alvin W. Long
President.

ATTEST:

Chester C. McCullough

Secretary.

Rafeldman
Authorized Signatory

Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.

33 0048 07 000926

CHICAGO TITLE INSURANCE COMPANY

in consideration of the payment of its charges for the examination of title and its premium for insurance, insures the within named insured against all loss or damage not exceeding the amount of insurance stated herein and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises, or by reason of liens or encumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby, or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the date of policy shown in Schedule A, the policy to become **valid** when countersigned by an authorized signatory.

Issued by:
FELDMAN-JACOBSON ABSTRACT
CORP.
295 Broadway
Newburgh, NY 12550
(914) 562-4600
(914) 496-3613

CHICAGO TITLE INSURANCE COMPANY



Richard P. [Signature]

ATTEST

Robert [Signature]

	1 OFFICE FILE NUMBER	2 POLICY NUMBER	3 DATE OF POLICY	4 AMOUNT OF INSURANCE
Fee	83-11-048254	33 048 07 000926	May 30, 1984	\$58,000.00
Loan				

Name of Insured: Joseph L. Connotillo

The estate or interest insured by this policy is **FEE SIMPLE** vested in the insured by means of Deed made by Inbrc Homes, Inc. by deed dated May 30, 1984 to the insured and recorded in the Orange County Clerk's Office.

SCHEDULE A

The premises in which the insured has the estate or interest covered by this policy is described on the description sheet annexed.

SCHEDULE B

The following estates, interests, defects, objections to title, liens, and incumbrances and other matters are excepted from the coverage of this policy.

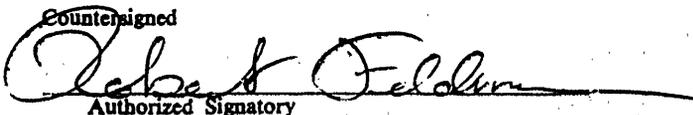
1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.

4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to by or with the privity of the insured.

5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.

6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.

7. Subject to mortgage made by the insured to Ulster Savings Bank dated May 30, 1984 and recorded in the Orange County Clerk's Office in the amount of \$47,000.00 with interest.
8. Subject to mortgage made by the insured to Ulster Savings Bank dated May 30, 1984 and recorded in the Orange County Clerk's Office in the amount of \$5,400.00 with interest.
9. Survey reading-see sheet annexed hereto.

Countersigned

 Authorized Signatory

NOTE: ATTACHED HERETO 3 ADDED PAGES.

(Schedule B)

Policy Number 83-11-048254
Owners

Policy Number _____
Loan

10. Force Main easement running along rear of property line of subject premises. Policy affirmatively insures to the mortgagee that said easements does not extend more than 10 feet on any record line.
11. Minimum setback requirements as shown on filed Map #3169. Policy affirmatively insures to the mortgagee that said setbacks have not been violated and any future violation will not result in forfeiture or reversion of title.
12. Restrictions contained in Liber 1941 page 287 and Liber 1546 page 140.
13. Subject to utility grants in Liber 725 page 416, Liber 1314 page 579, Liber 1341 page 252 and Liber 1980 page 67. Policy affirmatively insures to the mortgagee that said grants do not extend more than 12 feet on any record line.
14. The report does not include searches for water, sewer, special assessments and other charges not included in State, County and Town, City or Village Tax bills, and policy excepts same.
15. Subject to mortgage made by Inbro Homes, Inc. to Provident Savings dated June 20, 1983 and recorded in the Orange County Clerk's Office July 12, 1983 in Liber 1873 page 451, in the amount of \$45,000.00 with interest.

SCHEDULE A Description

TITLE NO

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, known and designated as Block F Lot 5, on a certain map entitled "Windsor Country Club Estates, first dated December 23rd, 1971, last dated January 16th, 1974, made by Atzl, Scatassa and Bush Engineers Nanuet, New York, filed in the Orange County Clerk's Office April 1st, 1974, as Pocket 15, Folder A, Map No. 3169 (Sheets 1 and 2)

DESCRIPTION BY
DESCRIPTION

Survey print of Peter R. Hustis dated June 8, 1984 shows a 1 story frame house and macadam drive within bounds running to Burrough's Lane; shows 7.5 foot wide easement running across the easterly portion of premises; shows stockade fence located on premises adjoining on the north encroaching over the northerly line of subject premises 1.0 feet \pm at one point and 1.2 feet \pm at another.

6

SURVEY READING

Pls. publish on Wed - 1/29/92. Send bill to Ap. at below address.

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. 37

Request of Joseph L. Connotillo & Doris A. Connotillo
for a VARIANCE of

the regulations of the Zoning Local Law to permit existing deck w/ less than the allowable rear yard;

being a VARIANCE of
Section 48-12 - Table of Use/Bulk Regs. - Col. G.
for property situated as follows:

314 Burroughs Lane, New Windsor,
N.Y. known & designated as tax
map Sec. 75 - Blk. 5 - Lot 5.

SAID HEARING will take place on the 10th day of
February, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Richard Fenwick
Chairman

By: Patricia A. Barnhart, Secy.