

ZB# 92-24

**John Ledwith /
Meredith Baker**

71-1-20

Problem.

August 10, 1992.

~~Call to be~~

notified.

Need:

- ① Copy of deed & here
 - ② Title Report & here.
 - ③ Photos of here.
 - ④ Application signed & by Meredith Baker ^{per her}
 - ⑤ Fees. (1) 50.00 (2) 250.00. ^{here. Paid 12/14/92.}
- Applicant Hedwith
do contact me w/ date of hearing: 4.
Public Hearing:
December 14, 1992

Notice to Sentinal "1/25/92"

Approved
Area Variance

12/14/92.

\$ 27.50 due.

(Hed) Paid

2/17/93.

ck

#197.

92-24-Baker/Hedwith
area

Platozon
copy to
Call Paul Brown

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Baker, Meredith / John Ledwith*
9 Red Oak Terrace
Newburgh, N.Y. 12550 *

FILE # 92-24

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 paid
* * * * * ck # 295

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00
Paid
ck. # 296

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 8/10/92 - 10 pages \$ 45.00
2ND PRELIM. MEETING - PER PAGE 12/24/92 - 5 pages \$ 22.50
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
TOTAL \$ 67.50

ATTORNEY'S FEES:

PRELIM. MEETING - .2 HRS. 8/10/92 \$ _____
2ND PRELIM. HRS. \$ _____
3RD PRELIM. P.H. .2 HRS. \$ _____
FORMAL DECISION 1.0 HRS. \$ _____
TOTAL HRS. 1.4 @ \$ 150.00 PER HR. \$ 210.00
TOTAL \$ 210.00

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 277.50

LESS ESCROW DEPOSIT \$ 250.00
(ADDL. CHARGES DUE) \$ 27.50
REFUND TO APPLICANT DUE \$ 27.50

due

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCE

JOHN LEDWITH/MEREDITH BAKER

#92-24.

-----X

WHEREAS, JOHN LEDWITH, 9 Red Oak Terrace, Newburgh, N.Y., 12550, previous owner of property located at 43 Vails Gate Heights Drive, and MEREDITH BAKER, purchaser of the property in question, have made application before the Zoning Board of Appeals for a 79 ft. rear yard variance for an existing deck attached to the rear of the residential dwelling at 43 Vails Gate Heights Drive in an R-5 zone; and

WHEREAS, a public hearing was held on the 14th day of December, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicants appeared in behalf of themselves and spoke in support of the application; and

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

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact 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 applicants are seeking permission to vary the provisions of the bulk regulations relating to rear yard setback in order to maintain an existing deck located at the rear of the residential dwelling in an R-5 zone.

3. 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 them to maintain the existing deck at the rear of the residential dwelling which otherwise would conform to the bulk regulations in the R-5 zone.

4. The evidence presented by the applicants indicated that at the time of construction of the original deck in 1969, applicant LEDWITH did not know that a building permit was required before he could construct the deck. Applicant LEDWITH purchased the subject property from the developer in 1969. He originally contracted to purchase the townhouse with a deck but subsequently dropped the deck to save money. Shortly after

purchasing the townhouse, he constructed the deck himself. He never applied for a building permit for the deck or for either of the two replacement decks because he thought that approval for the deck had originally been obtained by the builder. He never obtained a certificate of occupancy for the completed deck.

5. The applicants are now applying for a rear yard variance of 79 ft. in order to obtain a building permit and certificate of occupancy for the deck attached to the rear of the residential dwelling, to permit the existing deck to remain as constructed.

6. The evidence presented at the public hearing by Michael Babcock, the Town of New Windsor Building Inspector, indicated that the property is located in an R-5, multiple-family residential zoning district. Consequently the current rear yard requirement for the zoning district is 100 ft. The subject lot has dimensions of only 25 ft. wide by 100 ft, deep so theoretically the entire lot, including the townhouse itself, is located within the required rear yard. Although a building permit was issued for the townhouse construction, it was during the early days after the adoption of the first Zoning Local Law of the Town of New Windsor. Consequently it is possible that the project was approved by the Planning Board, with the now-insufficient rear yard depth, prior to the adoption of the Zoning by the Town of New Windsor.

7. The subject property is improved by attached townhouses. Consequently there are no side yards and the rear yard is 25 ft. wide by 40 ft. deep. The rear yard slopes away from the house and thus requires a deck to be useable.

8. The evidence presented by the applicant indicated that the adjacent townhouses have a second floor deck, and a patio, respectively. In addition, many of the neighborhood townhouses in the area also are improved with decks.

9. The evidence presented by applicants substantiated the fact that the deck could not have been constructed in another location on the parcel because the entire rear lot is only 25 by 40 of which 19 by 19 is decking.

10. It appeared that since the entire lot is located within the required rear yard, nothing at all could be constructed on the lot without a rear yard variance.

11. The evidence presented by applicant substantiated the fact that this variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since it will fit in well with the other residential dwellings adjacent thereto because many of the adjacent residential dwellings also have rear decks.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undersirable change in the character of the neighborhood or create a detriment

to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the bulk regulations for rear yard. However, the structure is a townhouse on a small lot (size 25 ft. wide by 100 ft. deep), located in an R-5 zoning district which has a 100 ft. required rear yard depth. Thus a rear yard variance is required in order to construct any structure to the rear of the residential dwelling. Therefore, it is the conclusion of this Board that the granting of the requested substantial variance is warranted here because the 100 ft. required rear yard depth in the R-5 zoning district is overly burdensome as applied to an individual townhouse owner therein, and because rear of the property is the only suitable location for a deck with the least adverse impacts on the neighborhood and the applicant.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant LEDWITH faces in conforming to the bulk regulations is a self-created one due to his failure to apply for a building permit but he is now in the process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations listed in the R-5 zone and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

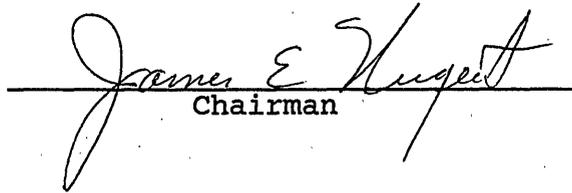
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 79 ft. rear yard variance in order to allow an existing deck at the above location in an R-5 zone as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to

the Town Clerk, Town Planning Board and applicant.

Dated: February 8, 1993.


Chairman

(ZBA DISK#8a-012693.JL)

(914)563-4630

Date: 2/5/93
FAX: 914-563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 92-24

Dear ZBA Applicant:

paid 2/17/93

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 27.50. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

Patricia A. Barnhart

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

Date 11/18/93 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth 389 Moores Hill DR.
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
12/4/92	Zoning Board Meeting	75.00	
	Misc - 2		
	Quality Homes - 7 - 31.50.		
	Slifstein - 11 - 49.50		
	Bittles - 4 - 18.00.		
	Carbough - 3 - 13.50		
	Ledwith - 5 - 22.50.		
	Walsh - 4 - 18.00		
	Moin - 31 - 139.50.	301.50	
	<u>67</u>	<u>376.50</u>	

PUBLIC HEARING: LEDWITH/BAKER

MR. FENWICK: This is a request for 79 foot rear yard variance for existing deck located at 43 Vails Gate Heights Drive in an R-5 zone.

Mr. Ledwith appeared before the Board representing this proposal.

MR. LUCIA: We already have a file authorizing Mr. Ledwith to present this on your behalf. Explain to us why you're here for the record.

MR. LEDWITH: WE have a deck in the rear yard and we need 79 feet from the rear setback, I guess, to comply with the zoning. The deck is 19 by 19, the yard is 40 foot.

MR. LUCIA: Explain to the Board once again the layout of the houses and why this is such a dramatic sounding--

MR. LEDWITH: These are townhomes, the lot is 25 by 100, the entire lot, the rear yard is 25 by 40. We have a 19 by 19 deck and the zoning as I understand it is 100 feet needed at the rear yard.

MR. FENWICK: That is because of the zone.

MR. BABCOCK: Yes, it's an R-5 zone, multi-family.

MR. TORLEY: So, you couldn't put any houses on these lots.

MR. BABCOCK: Well, they are all built. Certainly couldn't put decks or additions onto them.

MR. NUGENT: 79 feet the house is --

MR. BABCOCK: This is probably a new regulation since these houses were built.

MR. NUGENT: That should have been a cluster development, even worse.

MR. FENWICK: You have purchased the property or you are in contract to buy?

MR. LEDWITH: No, I have sold the property to Ms. Baker.

MR. FENWICK: You are the previous owner?

MR. LEDWITH: That is correct.

MR. FENWICK: This picture looks like you may have upgraded the existing deck.

MS. BAKER: Bank required me to put the railings on.

MR. FENWICK: Have you extended the deck any farther than it was before?

MS. BAKER: No, we provided the staircase and the trellis and the railings.

MR. BABCOCK: Can I ask a question, has this deck been cut back from the firewall?

MR. LEDWITH: No.

MR. BABCOCK: It's a separate issue, I'm just asking that question.

MR. LEDWITH: No, it has not.

MR. TANNER: Do we have a problem with developmental coverage on this one?

MR. LUCIA: I think it's probably pre-existing.

MR. BABCOCK: I don't think it's going to meet anything as far as today's regulations.

MR. NUGENT: Not for R-5.

MR. BABCOCK: Fifty percent.

MR. LUCIA: What is the Board's pleasure, it's tough given the layout and the way the ordinance is designed to make all this fit into the specific columns and items of the table.

MR. TANNER: I just want him to get stuck down the line.

MR. BABCOCK: Right now, the house has and I think they can explain changed hands and there's been an agreement made between the present owner and the existing owner to straighten this situation out which one issue is the zoning variance. The other issue is to either apply for a state variance or cut the deck back from the firewall. What we had suggested was we start with this variance first, if they obtain this variance then we'll go onto the state. We'll take the easiest one.

MR. FENWICK: This is the only thing in question.

MR. BABCOCK: This is the only thing quite honestly if you look at any of the requirements in the R-5 zone they meet none so --

MR. LUCIA: If you went through the townhouse table, you're looking for 5 acres and none of it gets any better so it really doesn't become a relevant standard to an individual townhouse lot.

MR. TANNER: I just don't want anyone giving them a hard time down the line.

MR. FENWICK: How long has the deck been there?

MR. LEDWITH: Twenty (20) years.

MR. FENWICK: Did you put the deck on?

MR. LEDWITH: Yes, I did.

MR. TORLEY: Deck still standing after 20 years, you did a good job.

MR. LEDWITH: I built the original deck and it's been improved, this is actually the third deck.

MR. FENWICK: So, has the deck increased in size or just been --

MR. LEDWITH: Yes, the original deck was 12 by 12 and the next deck was 19.

MR. FENWICK: There hasn't been any building permits on any of the decks?

MR. LEDWITH: No.

MR. FENWICK: Just because you weren't aware that you needed one.

MR. LEDWITH: Well, frankly, at the time when we purchased the home, we had contracted to have a deck built and at the time we couldn't afford it so we stopped that and we built it ourselves so we just made an assumption back in 1969 that there was, you know, approval for it.

MR. FENWICK: Any other questions of the Members of the Board?

MR. NUGENT: No.

MR. FENWICK: At this time, I'll open it up to the public. This is reference to the Ledwith/Baker application, anyone here like to speak on this matter? I'll close it to the public and bring it back to the Members of the Board. Before we proceed, I'm going to ask the attorney to ask you to pertinent questions.

MR. LUCIA: Thank you for providing copy of deed and title policy. I notice reference to certain covenants, restrictions, easements, agreements of record which are not completely spelled out. Is there anything to your knowledge affecting the title to this property which would prohibit you from maintaining the deck from which you are now seeking a variance?

MR. LEDWITH: No, sir.

MR. LUCIA: Do you feel undesirable change will be produced in the character of the neighborhood or detriment of nearby properties created if this Board should grant you a variance?

MR. LEDWITH: No, sir.

MR. LUCIA: Can the benefit be achieved by some other method other than a variance?

MR. LEDWITH: No.

MR. LUCIA: Is the requested substantial?

MR. LEDWITH: I would incline to say yes, I guess.

MR. LUCIA: Given the size of the back yard and the layout itself, it's less substantial than it seems in the numbers.

MR. LEDWITH: Yes.

MR. LUCIA: Will the proposed variance have an adverse effect or impact on physical or environmental conditions of the neighborhood or district?

MR. LEDWITH: No, sir.

MR. LUCIA: Did you create the problem yourself?

MR. LEDWITH: Yes, yes.

MR. LUCIA: But you are doing what you can to rectify it?

MR. LEDWITH: Yes.

MR. FENWICK: Motion to grant the variance.

MR. NUGENT: I'll second the motion.

ROLL CALL:

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

Meredith E. Baker
43 Vails Gate Heights Drive
New Windsor, NY 12553

Mr. John C. Ledwith
9 Red Oak Terrace
Newburgh, NY 12550

12 November 1992

Dear Mr. Ledwith,

As per the agreement discussed at our closing in January of 1992, I hereby authorize you to apply for a variance in my name.

I enclose copies of the deed, title report, and photos of the deck.

Please send me a copy of the application you submit.

Most cordially,

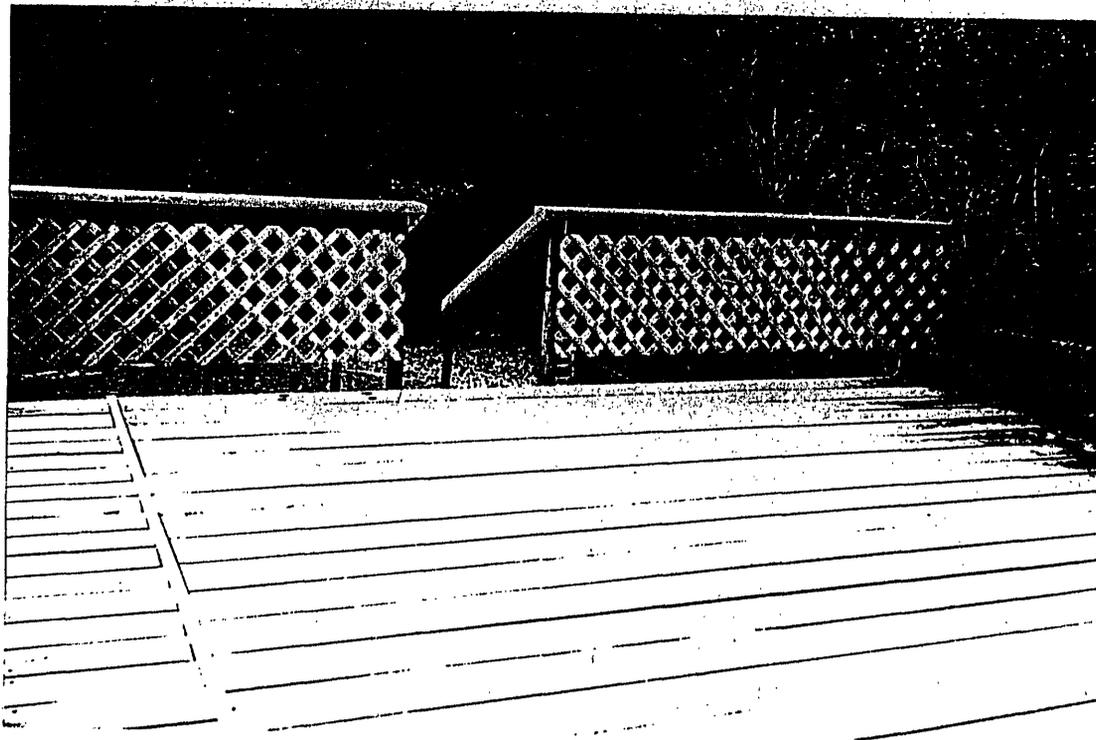

Meredith Elaine Baker

Meredith Elaine Baker

Deck as it existed before sale.



Deck at time of closing. Jan '92



10033-21951

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

SECTION 7 BLOCK 1 LOT 20

PRINT OR TYPE: BLACK INK ONLY

JOHN C. LEDWITH, III &
 JACQUELINE C. LEDWITH
 TO
 MEREDITH ELAINE BAKER

RECORD AND RETURN TO:
(Name and Address)

KOPALD & KOPALD, ESQS.
 298 Main Street
 Highland Falls, NY 10928

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 50695 DATE 1/21/92 AFFIDAVIT FILED _____ 19 _____

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

- BG20 Blooming Grove _____
- CH22 Chester _____
- CO24 Cornwall _____
- CR26 Crawford _____
- DP28 Deerpark _____
- GO30 Goshen _____
- GR32 Greenville _____
- HA34 Hamplonburgh _____
- HI36 Highland _____
- MK38 Minisink _____
- ME40 Monroe _____
- MY42 Montgomery _____
- MH44 Mount Hope _____
- NT46 Newburgh (T) _____
- NW48 New Windsor
- TU50 Tuxedo _____
- WL52 Wallkill _____
- WK54 Warwick _____
- WA56 Wawayanda _____
- WO58 Woodbury _____
- MN09 Middletown _____
- NC11 Newburgh _____
- PJ13 Port Jervis _____
- 9999 Hold _____

SERIAL NO. _____
 Mortgage Amount \$ _____
 Exempt Yes _____ No _____
 3-6 Cooking Units Yes _____ No _____
 Received Tax on above Mortgage
 Basic \$ _____
 MTA \$ _____
 Spec. Add. \$ _____
 TOTAL \$ _____

CHECK CASH _____ CHARGE _____
 MORTGAGE TAX \$ _____
 TRANSFER TAX \$ 356⁰⁰
 Ed Ford 5-
 RECORD. FEE \$ 14-
 REPORT FORMS \$ 30-
 CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

Hardenburgh

ORANGE COUNTY CLERK'S OFFICE S.S.
 Recorded on the 27th day of Jan 19 92 at 12:09
 O'Clock P. M. in Liber/Film 3550
Deeds at page 237 and examined.

Marion S. Murphy
County Clerk

RECEIVED
 \$ 356⁰⁰
 REAL ESTATE
 JAN 27 1992
 TRANSFER TAX
 ORANGE COUNTY
MLJ

LIBER 3550 PAGE 237

ORG 01/27/92 12:09:21 3501 44.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 50695 356.00 *

***** SERIAL NUMBER: 004074 *****

Bargain and Sale Deed with Covenant against Grantor's Acts
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 21st day of January, 1992.

BETWEEN JOHN C. LEDWITH, III & JACQUELINE C. LEDWITH, residing
at 9 Red Oak Terrace, Newburgh, Orange County, New York 12550

party of the first part, and MEREDITH ELAINE BAKER, residing at
43 Vails Gate Heights Drive, New Windsor, Orange County, New York
12553 party of the second part,

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

SCHEDULE A ANNEXED

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

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

AND the party of the first part, in compliance with Section 13 of
the Lien Law, covenants that the party of the first part will
receive the consideration for this conveyance and will hold the
right to receive such consideration as a trust fund to be applied
first for the purpose of paying the cost of the improvement and
will apply the same first to the payment of the cost of the
improvement before using any part of the total of the same for
any other purpose.

The word "party" shall be construed as if it read "parties"
whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

John C. Ledwith, III
witness

John C. Ledwith, III

JOHN C. LEDWITH, III
Jacqueline C. Ledwith

JACQUELINE C. LEDWITH

SCHEDULE "A"

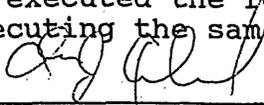
All that certain tract of land lying and being in the Town of New Windsor, County of Orange, State of New York, being more particularly described as follows:

Beginning at a point in the easterly line of Vails Gate Heights Drive, also known as Old Windsor Drive, said point being 441.00 feet from the intersection of the said line of Vails Gate Heights Drive, and Old North Road, said point of beginning also being in the division line between lot no. 43, and the herein described lot no. 42, as shown on a certain map entitled "Old Windsor Estates" as filed in the Orange County Clerk's Office on December 3, 1965, as filed map no. 2172, and running thence;

- (1) N74°27'30"E 100.00 feet, along lot no. 43, to a stake, thence;
- (2) S15°32'30"E 20.00 feet, to a stake, thence;
- (3) S74°27'30"E 100.00 feet, along lot no. 41, to a point, thence;
- (4) N15°32'30"W 20.00 feet, along the aforesaid line of Vails Gate Heights Drive, to the point or place of beginning.

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the 21st day of January, 1992, before me personally came JOHN C. LEDWITH, III & JACQUELINE C. LEDWITH to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged to executing the same.



Notary Public

ALAN J. AXELROD

Notary Public, State of New York

Qualified in Orange County

Commission Expires 1/30/92

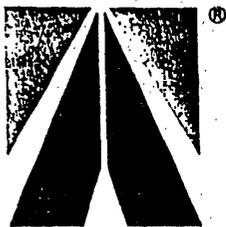
BARGAIN & SALE DEED

JOHN C. LEDWITH, III &
JACQUELINE C. LEDWITH

-TO-

MEREDITH ELAINE BAKER

Section 71
Block 1
Lot 20



Hardenburgh Abstract Company of Orange County, Inc.

12 SCOTCHTOWN AVENUE, GOSHEN, N.Y. 10924
(914) 294-6909 (914) 343-6678 FAX: (914) 294-3530

Policy Writing Agent for

American Title Insurance Company

NWD-1025

PRELIMINARY CERTIFICATE

TITLE NO RD-33-21951

Application of	<u>Jonathan Kopald, Esq.</u>	owners	\$ <u>88,600.00</u>
	(Name of attorney or firm applying for insurance)	for lessee's	\$ _____
		mortgagee's	\$ <u>75,000.00</u>
policy insuring	<u>Meredith Elaine Baker and Marine Midland Mortgage</u>		
	(Name of party to be insured) Corporation, its successors and/or assigns		

AMERICAN TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by John C. Ledwith, III and Jacqueline C. Ledwith who acquired title by deed from Vailsgate Construction Corp. dated 4/2/69 and recorded _____ in Liber 1817 at page 518

SCHEDULE A

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

See Schedule "A" Attached.

SCHEDULE B

1. Taxes, Water Rents, Assessments and other Municipal Charges

See Tax Search Attached.

Policy Writing Agent for

American Title Insurance Company

NWD-1025

PRELIMINARY CERTIFICATE

TITLE NO RD-33-21951

Application of	<u>Jonathan Kopald, Esq.</u>	owners	\$ <u>88,600.00</u>
	(Name of attorney or firm applying for insurance)	for lessee's	\$ _____
		mortgagee's	\$ <u>75,000.00</u>

policy insuring Meredith Elaine Baker and Marine Midland Mortgage Corporation, its successors and/or assigns
 (Name of party to be insured)

AMERICAN TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by _____

John C. Ledwith, III and Jacqueline C. Ledwith

who acquired title by deed from Vailsgate Construction Corp.

dated 4/2/69 and recorded _____ in Liber 1817 at page 518

SCHEDULE A

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

See Schedule "A" Attached.

SCHEDULE B

1. Taxes, Water Rents, Assessments and other Municipal Charges

See Tax Search Attached.

Proof must be furnished that premises do not lie in an incorporated village or that all village taxes have been paid. Otherwise the policy will except "any and all village taxes, assessments and water rates and sales thereof."

2. Mortgages and Assignments thereof - see attached.

Mortgagor:

Mortgagee:

Amount: \$

Dated:

Recorded:

Liber

Page

SCHEDULE B (continued)

3. Zoning Restrictions or Ordinances Imposed by any Governmental Body.
4. Restrictive Covenants, Easements, Agreements, and Consents, Including Set-Back Established by Filed or Recorded Map. Grant in Liber 1863 Cp. 261 and Liber 1875 Cp. 767. Covenants and Restrictions in Liber 1802 Cp. 1090.
5. Survey made by Ronald A. Washburn, L.S., dated 12/11/91, shows premises with location of dwelling, paved drive and wood deck. All within bounds. Survey also shows drainage easement along easterly within easterly bounds and location of party walls.
6. Judgments, Bankruptcies, Corporate Franchise Taxes and other State or Federal Liens. (set forth under section 7, if any.)
7. Other Encumbrances or Defects:

How Disposed of

- A. The Company does not insure that the buildings or other erections upon the premises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.
 - B. No title to personal property will be insured nor has any search for chattel mortgages been made.
 - C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.
 - D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
 - E. The identity of parties at the closing of this title should be established to the satisfaction of the closing attorney acting for this Company.
 - F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.
 - G. Rights of present tenants, lessees or parties in possession.
 - H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
 - I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.
 - J. The exact acreage of the premises herein will not be insured.
 - K. Riparian rights, if any, in favor of the premises herein are not insured.
 - L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
 - M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."
 - N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."
 - O. Mortgage shown herein to be considered or disposed of.
 - P. Certificate of Occupancy, if any, to come.
 - Q. Violation Search, to come.
 - R. Street Report, to come.
- Continued...

NOTE: New York State Real Property Transfer Report for the State Board of Equalization and Assessment must accompany each deed for recording.

The undersigned certifies to AMERICAN TITLE INSURANCE COMPANY that in his (its) opinion this Preliminary Certificate correctly reflects the status of the title to the property described in Schedule A, such opinion being based upon an examination of an abstract prepared by HARDENBURGH ABSTRACT COMPANY covering a period of at least sixty years (or from the date of certificate of prior Insurance No. _____) of all public records affecting title to said real estate; that so far as is known to him (it) there is no dispute among attorneys of the local bar as to the validity of said title nor has any question been

Survey also shows drainage easement along easterly within easterly bounds and location of party walls.

6. Judgments, Bankruptcies, Corporate Franchise Taxes and other State or Federal Liens. (set forth under section 7, if any.)

7. Other Encumbrances or Defects:

How Disposed of

- A. The Company does not insure that the buildings or other erections upon the premises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.
 - B. No title to personal property will be insured nor has any search for chattel mortgages been made.
 - C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.
 - D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
 - E. The identity of parties at the closing of this title should be established to the satisfaction of the closing attorney acting for this Company.
 - F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.
 - G. Rights of present tenants, lessees or parties in possession.
 - H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
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 - J. The exact acreage of the premises herein will not be insured.
 - K. Riparian rights, if any, in favor of the premises herein are not insured.
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 - M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."
 - N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."
 - O. Mortgage shown herein to be considered or disposed of.
 - P. Certificate of Occupancy, if any, to come.
 - Q. Violation Search, to come.
 - R. Street Report, to come.
- Continued...

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The undersigned certifies to AMERICAN TITLE INSURANCE COMPANY that in his (its) opinion this Preliminary Certificate correctly reflects the status of the title to the property described in Schedule A, such opinion being based upon an examination of an abstract prepared by HARDENBURGH ABSTRACT COMPANY covering a period of at least sixty years (or from the date of certificate of prior Insurance No. _____) of all public records affecting title to said real estate; that so far as is known to him (it) there is no dispute among attorneys of the local bar as to the validity of said title, nor has any question been raised or adverse claim asserted with respect thereto; and that the title is not dependent upon a sale for delinquent taxes or assessments.

This title is certified down to the 12th day of December, 1991, at _____ o'clock _____ M

Hardenburgh Abstract Company /vh
by James V. Rinaldi

NAME OF PARTY TO BE INSURED: Meredith Elaine Baker and Marine Midland Mortgage Corporation, its successors and/or assigns

AMERICAN TITLE INSURANCE COMPANY insures, subject to the matters shown in Schedule B, against loss or damage in the amounts set forth which its insured may sustain by the failure of this Preliminary Certificate to reflect correctly the record title to the property described as of the above date and hour: such insurance to be null and void unless its title policy is issued within nine (9) months from date and the premium thereon paid. Upon the issuance of said policy, this Certificate shall be of no further force and effect and no liability for loss or damage will be assumed by the Company other than that arising under said policy.

Executed this _____ day of _____ 19_____

AMERICAN TITLE INSURANCE COMPANY

By: _____

MORTGAGES:

(1)

Mortgagor: Vailsgate Construction Corp.
Mortgagee: The County Trust Company
Amount: \$20,500.00 Dated: 10/16/68 Rec.: 10/31/68 Liber 1523 page 355
as assigned to United Institutional Servicing Corporation recorded 6/23/69
in Liber 1521 Cp. 691;
as assigned to New Paltz Savings Bank recorded 6/23/69 in Liber 1521 Cp.
693.

(2)

Mortgagor: John C. Ledwith, III and Jacqueline C. Ledwith
Mortgagee: United Jersey Bank
Amount: \$15,000.00 Dated: 3/28/84 Rec.: 8/1/84 Liber 1926 page 133

(3)

Mortgagor: John C. Ledwith, III and Jacqueline C. Ledwith
Mortgagee: United Jersey Bank
Amount: \$12,296.96 Dated: 4/20/87 Rec.: 3/15/88 Liber 2999 page 246

(4)

Mortgagor: John C. Ledwith, III and Jacqueline C. Ledwith
Mortgagee: United Jersey Bank
Amount: \$10,029.11 Dated: 7/18/90 Rec.: 8/21/90 Liber 3800 page 166

TAX SEARCH

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
SCHOOL DISTRICT 331100
PROPERTY CODE 210

1991 TAX ROLL

Assessed To: John C. and Jacqueline Ledwith

Bill No.: 3522

Bounded: Map 71 Block 1 Lot 20

Assessed Value: Land: \$ 3,600.00
Full: \$25,800.00

1991 State, County and Town Tax \$1,096.62 - paid January 30, 1991.

Subject to 1991/92 School Tax.

Subject to 1992 State, County and Town Tax.

Subject to Sewer and Water owing, if any.

Policy will except all unpaid water rates and/or sewer
rents or assessments in the absence of paid bills and
receipts to be presented at closing.
If the said premises are in an incorporated village,
village tax receipt must be produced.
Does not include assessments for any special district
not a part of the state and county tax roll.

Company excepts any liability or damage
due to the removal of premises from aged/
agricultural/veterans/exemptions.

SCHEDULE "A"

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

Beginning at a point in the easterly line of Vails Gate Heights Drive, also known as Old Windsor Drive, said point being 441.00 feet from the intersection of the said line of Vails Gate Heights Drive, and Old North Road, said point of beginning also being in the division line between lot no. 43, and the herein described lot no. 42, as shown on a certain map entitled "Old Windsor Estates" as filed in the Orange County Clerk's Office on December 3, 1965, as filed map no. 2172, and running thence;

- (1) N74°27'30"E 100.00 feet, along lot no. 43, to a stake, thence;
- (2) S15°32'30"E 20.00 feet, to a stake, thence;
- (3) S74°27'30"E 100.00 feet, along lot no. 41, to a point, thence;
- (4) N15°32'30"W 20.00 feet, along the aforesaid line of Vails Gate Heights Drive, to the point or place of beginning.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Prelim:

DATE: 7-29-92

92-24

Aug. 10th.

APPLICANT:

MEVEJITH E. BAKER AND JOHN

LEDWITH

VAILS GATE HTS DRIVE

562-2297 (H)

NEW WINDSOR N.Y. 12553

452-4679 (O)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 7-29-92

FOR (BUILDING PERMIT) TO allow. Existing DECK 19' X 19'

LOCATED AT VAILS GATE HTS DRIVE

ZONE R5

DESCRIPTION OF EXISTING SITE: SEC: 71 BLOCK: 1 LOT: 20

IS DISAPPROVED ON THE FOLLOWING GROUNDS: R5 ZONE

REQUIREMENT FOR REAR YARD ARE 100' FT

Michael DeFina
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R5</u> USE <u>A-13 AND G-13</u>		

MTN LOT 2000

Copy of Agreement attached

Copy of Agreement attached

AILS GATE HTS DRIVE
NEW WINDSOR NY. 12553

562-2297(H)
452-4679(O)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 7-29-92
FOR (BUILDING PERMIT) | TO ~~allow~~ ^{allow} ~~existing~~ DECK 19' X 19'
LOCATED AT AILS GATE HTS DRIVE

ZONE R5
DESCRIPTION OF EXISTING SITE: SEC: 71 BLOCK: 1 LOT: 20

IS DISAPPROVED ON THE FOLLOWING GROUNDS: R5 ZONE
REQUIREMENT FOR REAR YARD ARE 100' FT

Michael DeFina
BUILDING INSPECTOR

REQUIREMENTS	A-13 AND G-13	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R5</u> USE	<u>G-13</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>100 FT</u>	<u>21 7 FT</u>	<u>79 FT</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

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. \$30.00 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 John & Jacqueline Ledwith
Address 9 Red Oak Terr, Newburgh NY Phone 914-562-2297
Name of Architect NONE
Address Phone.....
Name of Contractor NONE
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 E side of Van Dyke Hills Dr.
500 (N.S.E. or W.)
Old Fort Hill Rd

AFTER CORRECTION.

ALL THE WORK AND DISAPPROVED WORK MUST BE REINSPECTED

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
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8. \$ 0.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
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 Name of Architect None
 Address _____ Phone _____
 Name of Contractor None
 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 E side of Van Dyke Hills Dr.
 (N.S.E. or W.)
 and 500 feet from the intersection of Old Forge Hill Road
2. Zone or use district in which premises are situated RESIDENTIAL Is property a flood zone? Yes No
3. Tax Map description of property: Section 71 Block 01 Lot 20
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy RESIDENTIAL b. Intended use and occupancy SAME
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
 Removal _____ Demolition _____ Other EXISTING
6. Size of lot: Front Rear 20' Depth 100' Front Yard 20' Rear Yard 40' Side Yard ATTACHED
 Is this a corner lot? NO
7. Dimensions of entire new construction: Front 19x19 Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units N/A Number of dwelling units on each floor N/A
 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 N/A
10. Estimated cost _____ Fee _____ (to be paid on this application)
11. School District Newburgh

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.....1/13....., 1992.....

INSTRUCTIONS

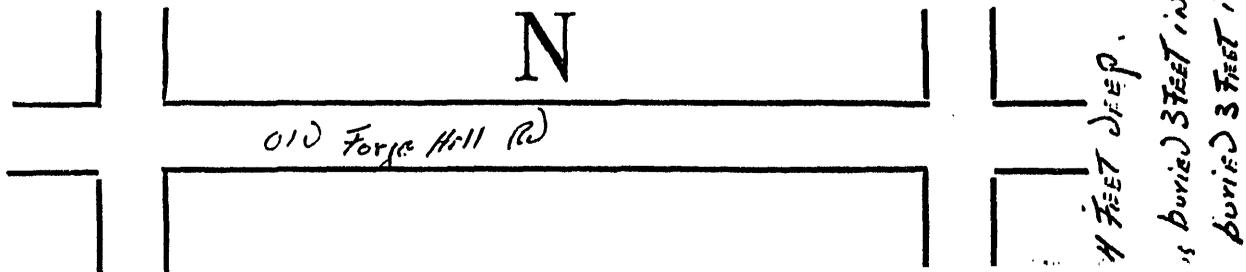
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout 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.

John G. 9 PRD ORK TERR Newburgh, NY 12550
 (Signature of Applicant) (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.



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 1/13, 1992

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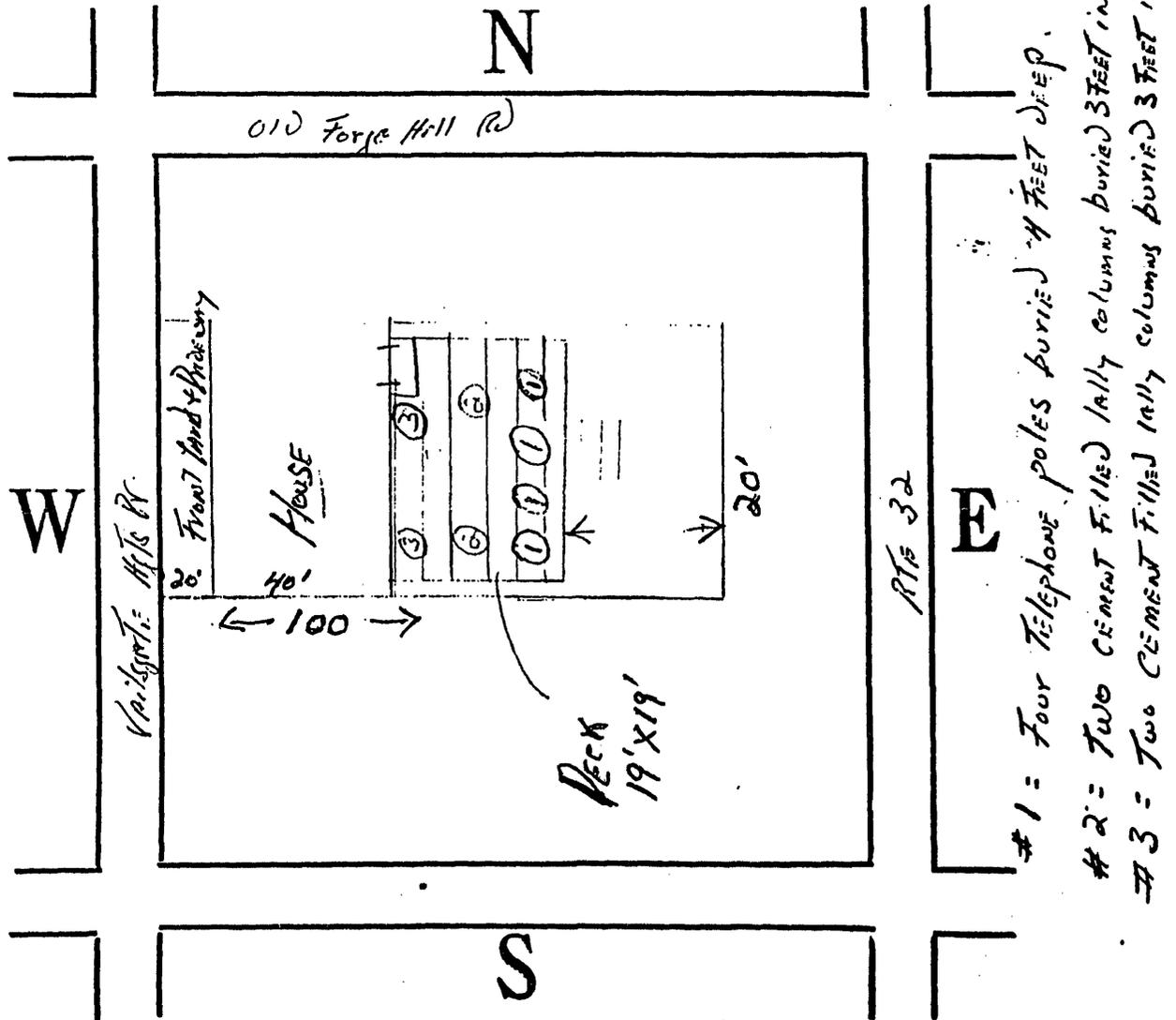
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[Signature] 9 Red Oak Terr Newburgh, NY 12550
 (Signature of Applicant) (Address of Applicant)

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 Applicant must indicate the building line or lines clearly and distinctly on the drawings.



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- 7 DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8 \$200 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.
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Name of Owner of Premises John & Jacqueline Ledwith
Address 9 Red Oak Terr. Newburgh NY Phone 914-562-2297
Name of Architect None
Address Phone
Name of Contractor None
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 E side of Krillsgate Hgts. Dr.
(N.S.E. or W.)
and 500 feet from the intersection of Old Forge Hill Road

IF 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).
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4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. REGULATION.
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. \$3000 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
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Name of Owner of Premises John & Jacqueline Ledwith
Address 9 Red Oak Terr, Newburgh, NY Phone 914-562-2297
Name of Architect None
Address Phone
Name of Contractor None
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 E side of Van Dyke Hgts. Dr.
(N.S.E. or W.)
and 500 feet from the intersection of Old Forge Hill Road
2. Zone or use district in which premises are situated RESIDENTIAL Is property a flood zone? Yes..... No ✓
3. Tax Map description of property: Section 71 Block 01 Lot 20
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy RESIDENTIAL b. Intended use and occupancy SAME
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other EXISTING
6. Size of lot: Front Rear 20' Depth 100' Front Yard 20' Rear Yard 40' Side Yard ATTACHED
Is this a corner lot? NO
7. Dimensions of entire new construction: Front 19x19 Rear Depth Height Number of stories.....
8. If dwelling, number of dwelling units N/A Number of dwelling units on each floor N/A
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 N/A
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District Newburgh

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.

UNRECORDED

P. 02

THIS AGREEMENT made as of this 21st day of January 1992, by and between JOHN C. LEDWITH, III and JACQUELINE C. LEDWITH, referred to as Sellers, and MEREDITH ELAINE BAKER, referred to as Purchaser.

WHEREAS, the parties entered into a contract of sale dated November 12, 1991 which embodied certain obligations upon the Seller in paragraph 10 and otherwise, and

WHEREAS, the parties hereto wish to modify their rights and obligations, the parties agree as follows:

The Seller shall at their own expense:

a. Apply to the Town of New Windsor Zoning Board of Appeals for variances to permit the existing deck to be maintained in its present location and dimensions.

b. Seller shall apply to the New York State Board of Review or such other similar agency to appeal the State Fire Code requirement that all combustible material (the deck) shall be at least three (3) feet set back from side yards.

The Seller shall pay all fees in connection with both processes complete the application and attend the hearings. The Purchaser shall co-operate with the Seller and execute all applications and attend hearings. In the event that both appeals are granted, the Seller shall provide a Certificate of Occupancy for the deck.

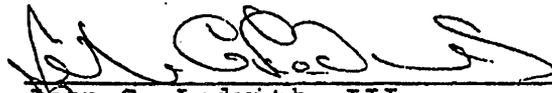
In the event that either appeal is denied, the Seller agrees as follows:

a. If the State appeal is denied, the width of the deck shall be reduced by 3 feet and 5 feet and a railing shall be installed similar in design to the railing now located on the rear of the deck and a Certificate of Occupancy shall be provided. The gravel shall be

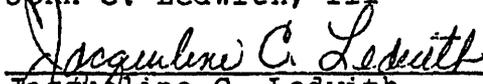
moved from the 5 foot wide strip between the property line and the end of the deck and leveled under the deck.

b. If the rear variance is denied by the Town of New Windsor, the deck shall be reduced in depth the minimum necessary to meet the Building Code and a railing shall be reinstalled and a Certificate of Occupancy obtained.

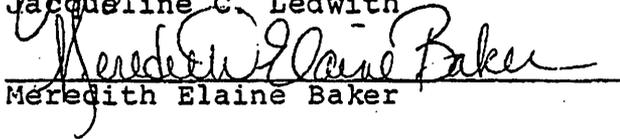
c. If either of the variances are denied the Purchaser shall have the option of receiving \$1,000.00 and accepting the deck "as is".



 John C. Ledwith, III

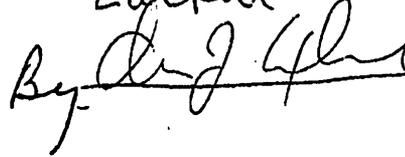


 Jacqueline C. Ledwith



 Meredith Elaine Baker

Larkin & Axelrod shall hold \$1500.00 in escrow until the seller's obligations are completed with. If not completed with by 8/15/92 the Purchaser may fulfill the seller's obligations and the escrow agent shall pay the expenses incurred by Purchaser.

Larkin & Axelrod
 By 

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

-----X
In the Matter of Application for Variance of

Meredith Baker/John Ledwith,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-24.

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

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

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

On Dec. 2, 1992., I compared the 59. addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
2nd day of December, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984066
Commission Expires July 15, 1993

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. 24.

Request of Meredith E. Baker/John C. Ledwith

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:

43 Vails Gate Heights Drive, New Windsor

7.4 known & designated as tax map

Sec. 71 - Blk. 1 - Lot 20.

SAID HEARING will take place on the 14th day of December, 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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-24

Date: 11/9/92

- I. ✓ Applicant Information: 9 RED OAK TERRACE NEWBURGH 12550 NY.
- (a) John C. Ledwith 914-562-2297 MEREDITH E. BAKER
(Name, address and phone of Applicant) (Owner)
43 VAILSGATE HTS. DR.
NEW WINDSOR 12513 NY
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. ✓ Application type:

Use Variance

Sign Variance

Area Variance

Interpretation

III. ✓ Property Information:

- (a) R-5 43 VAILSGATE HTS DR. NEW WINDSOR NY 12513 71-01-20 25 x 100
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? SOME
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1/21/92
- (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: NONE
- _____

IV. Use Variance. N/A

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

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

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

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
- Reqd. Side Yd. _____	_____	_____
- Reqd. Rear Yd. <u>100 ft.</u>	<u>21 ft.</u>	<u>79 ft.</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.

Owing to steep grade use of yard is not practical. Deck was erected to alleviate problems. The present 18' x 19' treated wood structure is also esthetically pleasing and improves the appearance of the property.

VI. Sign Variance: N/A
 (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
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. *N/A*

_____.

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

_____.

VII. Interpretation. *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.)

Deck is well constructed of quality treated lumber with railings & lattice work and not only enhances property value but certainly improves property appearance.

_____.

✓ IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- N/A.* Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- N/A.* 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 payable to TOWN OF NEW WINDSOR. *250.00*
- Photographs of existing premises which show all present

X. ✓ Affidavit.

Date: 11/9/92.

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
17 day of November, 1992.


ARLENE SCHWERMEN
Notary Public, State of New York
No. 4532000
Qualified in Dutchess County
Commission Expires September 3, 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)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

59

August 4, 1992

John Ledwith
9 Red Oak Terrace
Newburgh, NY 12550

Re: Variance List 500 ft./ 71-1-20
Owner: Baker, Meredith Elaine

Dear Mr. Ledwith:

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

The charge for this service is \$75.00, minus your deposit of \$25.00. Please remit balance of \$50.00 to the Town Clerk's Office.

Sincerely,

L. Cook

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

Encke, George & Catherine
353 Old Forge Hill Rd.
New Windsor, NY 12553

Oreban, Katherine E. & Christopher D. Gallagher
351 Old Forge Hill Rd.
New Windsor, NY 12553

Stingo, Frank R. & Esther
349 Old Forge Hill Rd.
New Windsor, NY 12553

Johnson, Mark A. & Yutta W.
347 Old Forge Hill Rd.
New Windsor, NY 12553

Brock, Michael & Sheila
345 Old Forge Hill Rd.
New Windsor, NY 12553

Maisonet, Luis Rosado & Jeanine Rosado Maisonet
343 Old Forge Hill Rd.
New Windsor, NY 12553

Martini, Paul M. & Irma A.
341 Old Forge Hill Rd.
New Windsor, NY 12553

Selby, Edmond M.
335 Old Forge Hill Rd.
New Windsor, NY 12553

Estremera, Rose
21 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Warsaw, Sonnie & Diane
23 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Perry, Ronald & Marie A.
25 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Levy, Barbara
27 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Palumbo, Phyllis & Kahaley, Grace D. & Palumbo, Grace Ziegler
29 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Tong, Michael & Ong, See Tien
235 Parkville Ave.
Brooklyn, NY 11230

Warshaw, Steven & Ronni
33 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Skopin, Raymond P. & Grace E.
35 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Schmidt, Vincent J. & Gertrude E.
37 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Zelkind, Frederick S. & Thelma
39 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Coyle, Stephen & Annelie
41 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Shapiro, Martin & Frances
45 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Hunger, Leonard & Lucy
47 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Navedo, Juvencio
49 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Maidman, Bertrand & Myra
51 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Schmidt, Carina A.
323 Old Forge Hill Rd.
New Windsor, NY 12553

Diaz, Rafael & Dolores
53 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Asmann, Ulrich & Linda
99 Montgomery St.
Newburgh, NY 12550

Schreiner, Isaac & Sally
17 Marion Dr.
Newburgh, NY 12550

Isaacs, Christopher A. & Sandra Jackson
59 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Herring, David & Edith
61 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Martini, Peter & Lucy
P.O. Box 331
Vails Gate, NY 12584

Blooming Grove Operating Co. Inc.
P.O. Box 188
Washingtonville, NY 10992

Reed, Barbara
65 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Yelin, Bella
50 Parker Ave.
New City, NY 10956

Dugan, Dennis P. & Annette F.
69 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Petrolese, Salvatore & Concetta
71 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Luongo, Carmine A. & Norma
73 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Zarneri, Alberto P. & Mary A.
75 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Gojka, Josika & Adrian Bitz
125 Lakeside Rd.
Newburgh, NY 12550

Thomas, Lewis & Rudin, Claudia
81 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Mitchell, Glen & Regina
P.O. Box 16
Cornwall, NY 12518

Mitchell, Glen T.
P.O. Box 16
Cornwall, NY 12518

Garcon, Lionel & Marie C. & Charles
103 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Christianson, Alton D. & Theresa
327 Old Forge Hill Rd.
New Windsor, NY 12553

Ware, Jerline & Zelda
329 Forge Hill Rd.
New Windsor, NY 12553

Graziano, Jr. Jack V. & Phyllis T.
1318 Union Ave.
Newburgh, NY 12550

Windsor Properties
c/o Peck & Heller, Mortgage Acct.
2301 Lincoln Bldg.
60 E. 42nd St.
New York, NY 10165

Wolff, Edwin J. Jr. & Lorayne
80 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Klein, Robert & Harriet
82 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Kercado, Hector & Carol
84 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Maresca, John R.
86 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Nottingham, Mary L.
P.O. Box 501
Vails Gate, NY 12584

Warner, Jr. John F. & Carol S.
90 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Dolan, Bernard & Beatrice
92 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Mendelson, Richard & Donna
96 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Velez, Jose M.
100 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Obey, Paulette & Mirta
102 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Panella, Emilio
P.O. Box 573
Vails Gate, NY 12584

Vails Gate Elementary School
98 Grand St.
Newburgh, NY 12550

Bila Partners
158 North Main St.
Florida, NY 10921