

ZB# 93-55

Jacqueline Rumsey

4-1-53

Pulm.

Dec. 13, 1993

- Also:
- 48-14A(1)(b)
 - 48-216 (1).
 - ① Copy Deed w/
 - ② Title Report
 - ③ Fee: { 50.00
292.00 }
 - ④ Photos.

~~Secret~~
Notice to Seize on 16/94.
Letter out 15/94.

Public hearing:
January 24, 1994.
Area variance
Granted.

#93-55 - Rumsey, Jacqueline - Sidel - Pool/Cabana

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13815

Jan. 5 1994

Received of Jacqueline Rumsey \$ 50.00

fifty 00/100 DOLLARS

For ZBA # 93-55

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Ck # 6959</u>		<u>50.00</u>

By Dorothy H. Hansen
sh

Town Clerk
Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

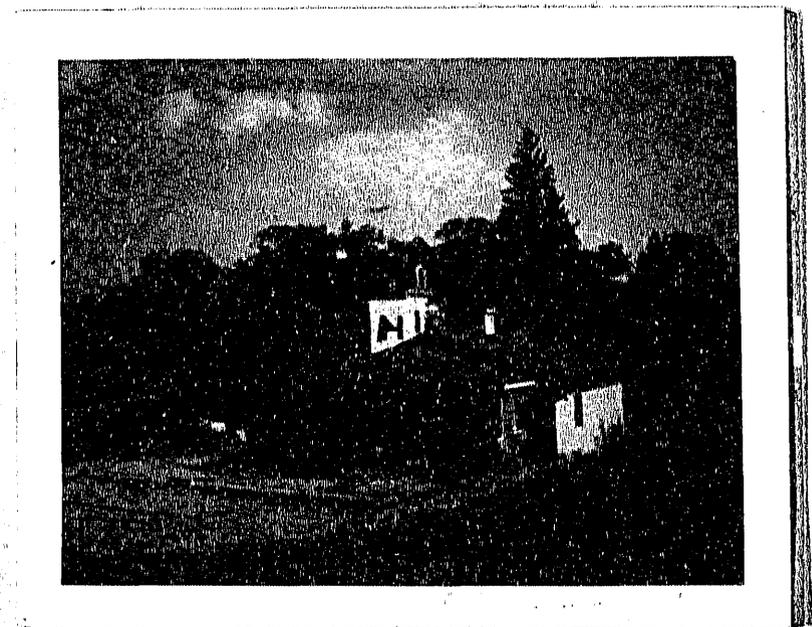
CO # 134 - Dep Des. R. W.

CO# 134 - Det De 5, R.

CR # 6157		50.00

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13
sh
Town Clerk
Title



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Rimsey, Jacqueline

FILE # 93-551

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 *paid 6/9/59*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 292.00 *paid 6/15/59 6960*

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE \$ _____
 2ND PRELIM. MEETING - PER PAGE \$ _____
 3RD PRELIM. MEETING - PER PAGE \$ _____
 PUBLIC HEARING - PER PAGE \$ _____
 PUBLIC HEARING (CONT'D) PER PAGE \$ _____
 TOTAL \$ _____

ATTORNEY'S FEES:

PRELIM. MEETING- _____ HRS. \$ _____
 2ND PRELIM. _____ HRS. \$ _____
 3RD PRELIM. _____ HRS. \$ _____
 PUBLIC HEARING _____ HRS. \$ _____
 PUBLIC HEARING _____ HRS. (CONT'D) \$ _____
 FORMAL DECISION _____ HRS. \$ _____
 TOTAL HRS. _____ @ \$ _____ PER HR. \$ _____
 TOTAL \$ _____

MISC. CHARGES:

_____ \$ _____
 TOTAL \$ _____
 LESS ESCROW DEPOSIT \$ _____
 (ADDL. CHARGES DUE) \$ _____
 REFUND TO APPLICANT DUE \$ _____

-----X
In the Matter of the Application of

JACQUELINE RUMSEY,

DECISION GRANTING
AREA VARIANCES

#93-55.
-----X

WHEREAS, JACQUELINE RUMSEY, 392 Union Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a 5.3 ft. side yard variance for an existing cabana and a 5.3 ft. side yard variance for an existing inground pool, together with a variance from Section 48-14A(1)(b) of the Supplementary Yard Regulations and and a variance from Section 48-21G(1) of the Supplemental Use Regulations, for the said existing cabana and pool which is located in a side yard closer to the property line than 10 ft. on a residential parcel on premises at the above address located in an R-4 zone; and

WHEREAS, a public hearing was held on the 24th day of January, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of herself 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 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 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 side yard in order to allow an existing cabana and inground pool to remain in their present location at her residential parcel in an R-4 zone. In addition, the applicant is seeking permission to vary the provisions of the Zoning Local Law of the Town of New Windsor at Section 48-14(A)(1)(b) of the Supplementary Yard Regulations which provides that an accessory building (which includes the cabana and pool in question) shall be set back ten (10) feet from any lot line, and Section 48-21G(1) of the Supplementary Use Regulations which provides that such pool shall not be located in any required side yard, and in no case closer than ten (10) feet to any property line.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the required side yard; a variance for an accessory building (which includes the cabana and

pool) set back less than 10 ft. from any lot line; and a variance for a pool located in a required side yard and closer than 10 ft. to any property line would be required in order for applicant to obtain a certificate of occupancy for the existing cabana and pool and to allow said cabana and pool to remain in their present location the applicant's residential dwelling, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that a garage was constructed on the property, only 2.4 ft. from the side property line, in 1961. This was prior to the adoption of the Zoning Local Law of the Town of New Windsor. The location of said garage only 2.4 ft. from the side property line did not conform with the 10 ft. set back from any lot line which was later required by Section 48-14(A)(1)(b). Consequently the existing garage has insufficient side yard set back but such condition is pre-existing and non-conforming.

5. The evidence presented by the applicant indicated that applicant's husband, now deceased, constructed the pool in 1967 and the cabana in 1968. Applicant did not handle the paperwork which was required to construct these structures and recently found out that the pool and cabana were in violation. The pool and cabana were placed in back of the garage for purposes of privacy.

6. Although the pool and cabana were located behind the existing garage, and although they were set back slightly further from the side lot line than the garage, the adoption of the Zoning Local Law of the Town of New Windsor, New York during the intervening years between the construction of the garage and the construction of the pool and cabana, caused such placement of the pool and cabana to be violative of the aforesaid provisions of the Supplementary Yard Regulations and the Supplementary Use Regulations.

7. The evidence presented by the applicant indicated that as soon as she found out that the pool and cabana were in violation of the side yard and set back regulations, she immediately proceeded to apply for the necessary variances in order to allow the cabana and pool to remain in their present location.

8. The applicant now submits the instant application for a 5.3 ft. side yard variance for the existing cabana, and a 5.4 ft. side yard variance for the existing inground pool, and variances from Section 48-14(A)(1)(b) of the Supplementary Yard Regulations and Section 48-21(G)(1) of the Supplementary Use Regulations in order to obtain a Certificate of Occupancy for said cabana and pool to remain in their present location.

9. The evidence presented by the applicant indicated that her property is located on a well-travelled highway (Union Avenue) within the Town of New Windsor. To ensure privacy from passing vehicles, the cabana and pool were constructed in back of the garage, to the rear of the property.

10. The evidence presented by the applicant, and the Board's

familiarity with the area, indicated that many of the neighboring properties are improved with structures such as pools, decks, and cabanas, as well as sheds and garages which are not always constructed in compliance with the applicable set back regulations.

11. The evidence presented by the applicant also indicated that the neighborhood surrounding the subject site is devoted predominately to residential uses.

12. The pool and cabana have been located in their present position, too close to the side lot line, since 1967-68. In all that time, the location thereof has not generated any complaints from the neighbors. In addition, no one appeared at the public hearing to oppose the instant application.

13. The evidence presented by the applicant further indicated that the applicant's property consists of a large lot which afforded considerable space for alternative locations for the pool and cabana, and which would hve been in conformity with the side yard and set back requirements of the bulk regulations. However, none of these alternative locations would have afforded the privacy obtained by siting the pool and cabana behind the existing garage and thus protecting it from the view, noise and pollution generated by traffic passing on Union Avenue.

14. The applicant further indicated that, although the pool and cabana could be relocated on the lot to a position which conformed with the bulk regulations, such a relocation would be so expensive as to be cost prohibitive.

15. It is the finding of this Board that the requested variances, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have pools and other structures such as sheds and cabanas of comparable dimensions which are close to the property lines.

16. Given these factors, it is the finding of this Board that the applicant's existing pool and cabana have not had, and will not have, an adverse effect on property values in the neighborhood.

17. The evidence presented by the applicant further substantiated the fact that the requested variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the pool and cabana enhance the applicant's dwelling, are quite well concealed from view of the neighbors, and Union Avenue, and do not detract from the neighborhood, and have been in their present location, without objection, since 1967-68.

18. It is the finding of this Board that the proposed variances will not adversely impact the public health, safety and welfare.

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

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

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

3. The requested variances are substantial in relation to the bulk regulations for side yard and side yard set backs. However, it is the conclusion of this Board that the granting of the requested substantial area variances are warranted here because of the location of the pool and cabana to the rear of the garage, makes any other location less functional and less private. The visual concealment provided by the garage minimizes the adverse impacts on the neighborhood. In addition, the location of the garage itself is pre-existing and non-conforming. The applicant utilized the said garage to shield the pool and cabana from view and allowed slightly more side yard set back than had been established by the said garage.

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

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created since apparently she did not apply for a building permit for construction of the pool and placement of the cabana. She now is seeking to rectify the 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 variances are 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 variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5.3 ft. side yard variance for an existing cabana, a 5.4 ft. side yard variance for an existing inground pool, a variance from Section 48-14(A)(1)(b) of the Supplementary Yard Regulations and a variance from Section 48-21G(1) from the Supplemental Use Regulations in order to allow the existing cabana and pool to remain in their present location at the applicant's property described above, in an R-4 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: April 25, 1994.

Chairman

(ZBA DISK#10-011194.SS)

Prelim.
 Dec. 13, 1993.
 # 93-55
 Page 1
 of 2 pages

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: NOVEMBER 8, 1993

APPLICANT: JAQUELINE RUMSEY
 392 UNION AVENUE
 NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: NOVEMBER 8, 1993
 FOR (BUILDING PERMIT): EXISTING CABANA
 LOCATED AT: 392 UNION AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 4, BLOCK: 1, LOT: 53
 ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT SIDE YARD SET-BACK.

Frank J. ...
 BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14-A-1-B	
MIN. LOT AREA		
MIN. LOT WIDTH		REVISED 12-13-93 (MB)
REQ'D FRONT YD	4.7'	5.3'
REQ'D SIDE YD 10FT.	10FT. MIN.	7FT. 8IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

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

Page 2 -
of 2 pages.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: NOVEMBER 8, 1993

APPLICANT: JACQUELINE RUMSEY
392 UNION AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: NOVEMBER 8, 1993
FOR (BUILDING PERMIT): EXISTING INGROUND POOL
LOCATED AT: 392 UNION AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 4, BLOCK: 1, LOT: 53
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. INSUFFICIENT SIDE YAROSSET-BACK.

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-21 6-1	(1) 48-14 - A-1-B
MIN. LOT AREA		(2) 48-21 G-1
MIN. LOT WIDTH		REVISED 12-13-93 (MB)
REQ'D FRONT YD	4.6'	5.4'
REQ'D SIDE YD	10FT.	5FT. 6IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

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

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

PLEASE PRINT INFORMATION

Name of Owner of Premises..... Jacqueline L. Rumsey
Address..... 392 Union Avenue, New Windsor Phone..... 561-1441
Name of Architect.....
Address..... Phone.....
Name of Contractor.....
Address..... Phone.....
State whether applicant is owner, lessee, agent, architect, engineer or builder..... owner
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the..... North..... side of..... Union Avenue.....

(N.S.E. or W.)

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.
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PLEASE PRINT INFORMATION

Name of Owner of Premises Jacqueline L. Rumsey
 Address 392 Union Avenue, New Windsor Phone 561-1441
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor _____
 Address _____ Phone _____
 State whether applicant is owner, lessee, agent, architect, engineer or builder owner
 If applicant is a corporation, signature of duly authorized officer: _____

(Name and title of corporate officer)

1. On what street is property located? On the North side of Union Avenue
 and 1800 feet from the intersection of West of Route 32
 (N.S.E.or W.)
2. Zone or use district in which premises are situated R-2 Is property a flood zone? Yes _____ No X
3. Tax Map description of property: Section 4 Block 1 Lot 53
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy private residence with pool, cabana b. Intended use and occupancy same
5. Nature of work (check which applicable): with pool, cabana, stone wall & fence
 New Building _____ Addition _____ Alteration _____ Repair _____
 Removal _____ Demolition _____ Other X existing pool and cabana
6. Size of lot: Front Rear 448 Depth 337 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 n/a existing structures Fee _____
 (to be paid on this application)
11. School District Enlarged Newburgh 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.

UNAPPROVED

PERMIT FOR BUILDING CONSTRUCTION, TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

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.....19.....

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.

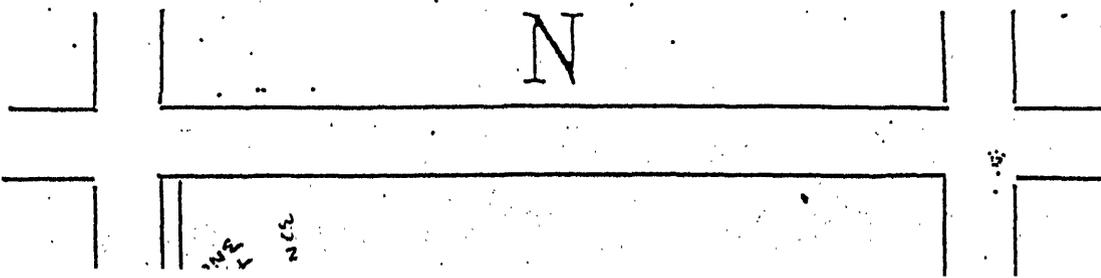
Jacqueline L. Kurney
(Signature of Applicant)

392 Union Ave. New Windsor
(Address of Applicant)

PLOT PLAN

Ny 12553

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



APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

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

Date.....19.....

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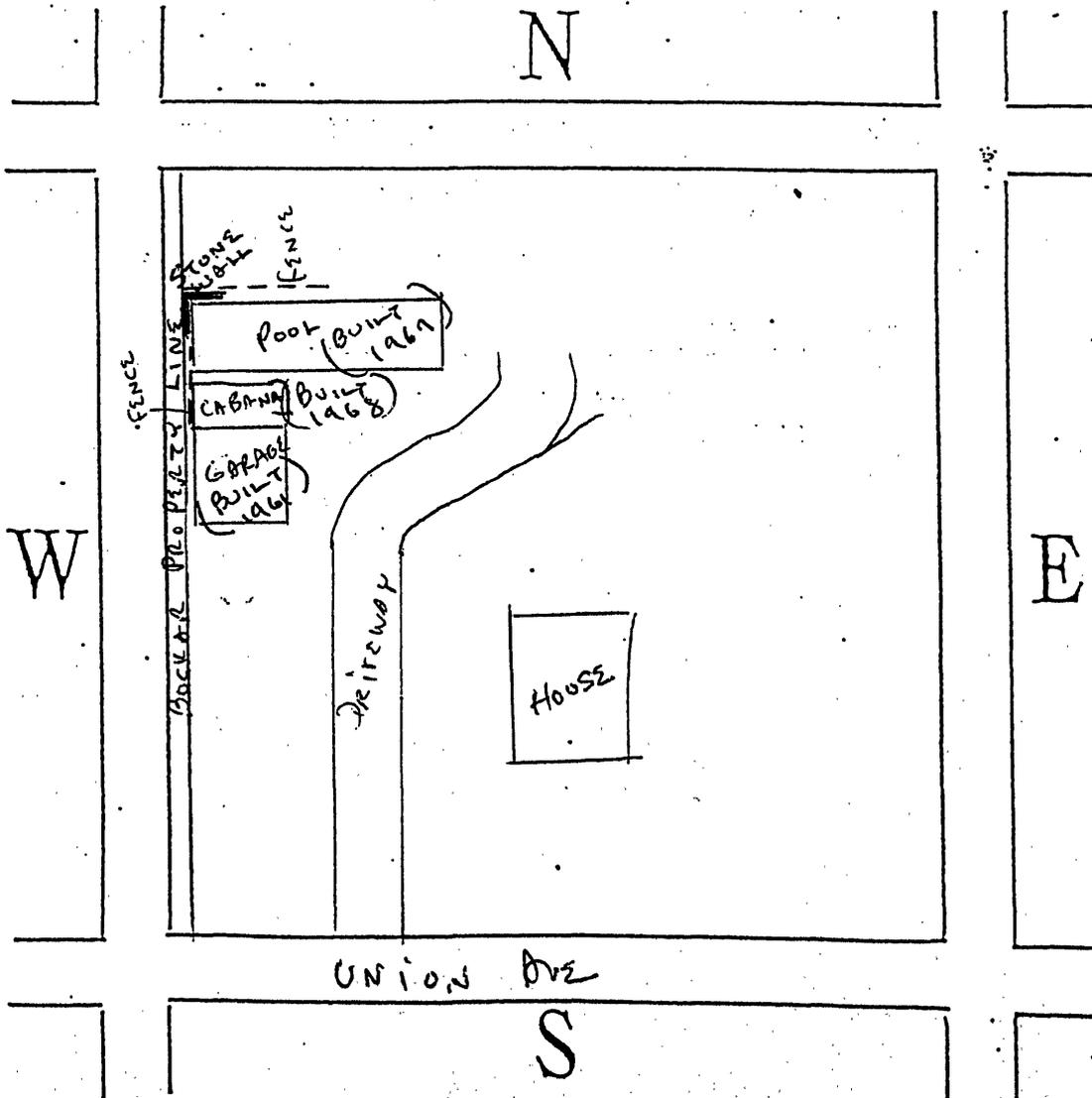
Jacqueline L. Runway
 (Signature of Applicant)

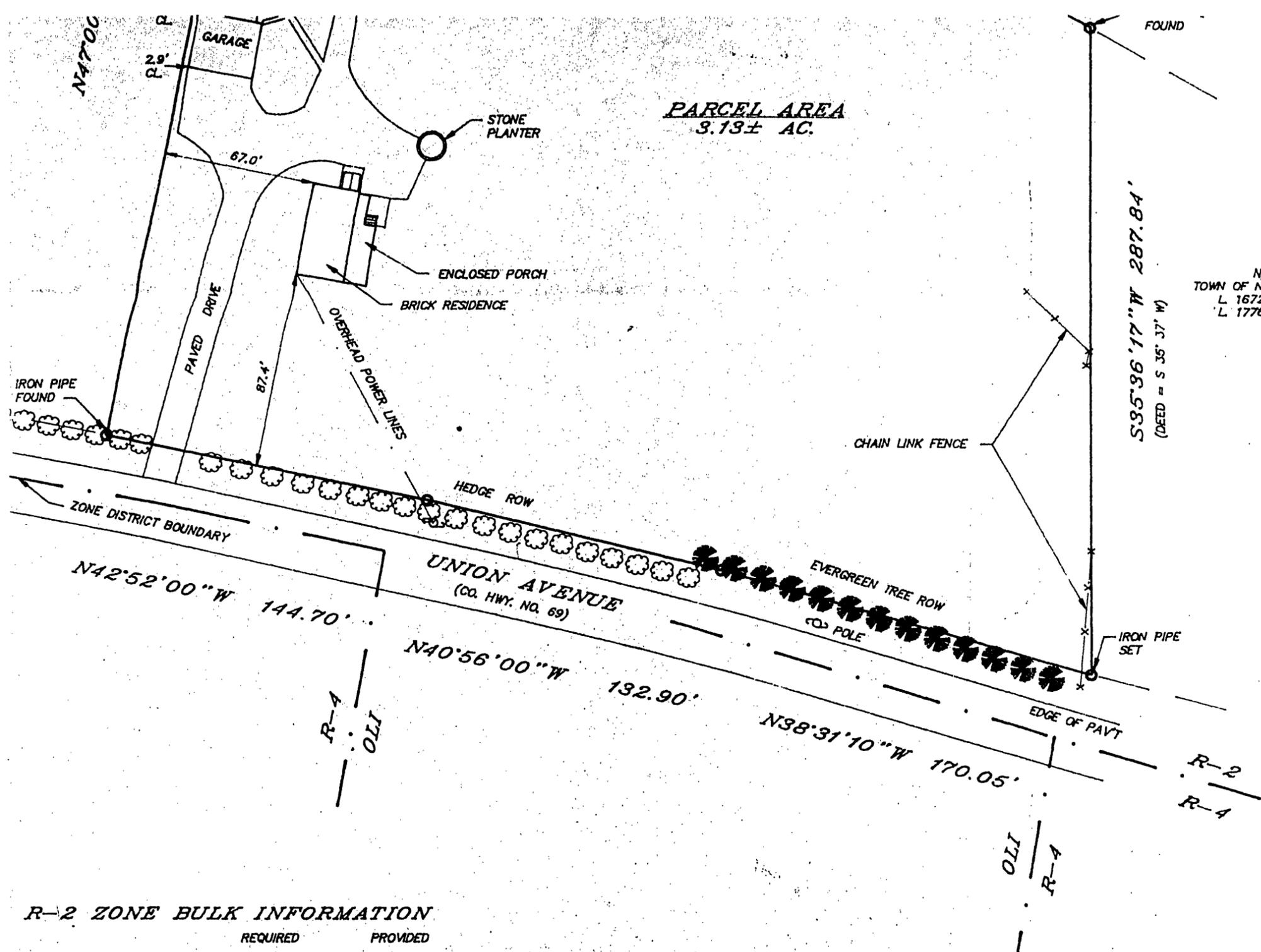
392 Union Ave. New Windsor
 (Address of Applicant)

PLOT PLAN

Ny 12553

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





N/F
TOWN OF NEW WINDSOR
L 1672 P. 353
L 1776 P. 599

GENERAL NOTES

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SEC (2) OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED VALID TRUE COPIES.
3. CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THIS SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SPECIAL NOTES

1. BEING TAX MAP SECTION 4 BLOCK 1 LOT 53 IN ZONE R-2.
2. SURVEYED IN ACCORDANCE WITH DEEDS AND MAPS OF RECORD MONUMENTATION FOUND AT THE TIME OF SURVEY.
3. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY, OTHERWISE NOTED.
4. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND AT TIME OF THE SURVEY.
5. THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.

CERTIFICATION

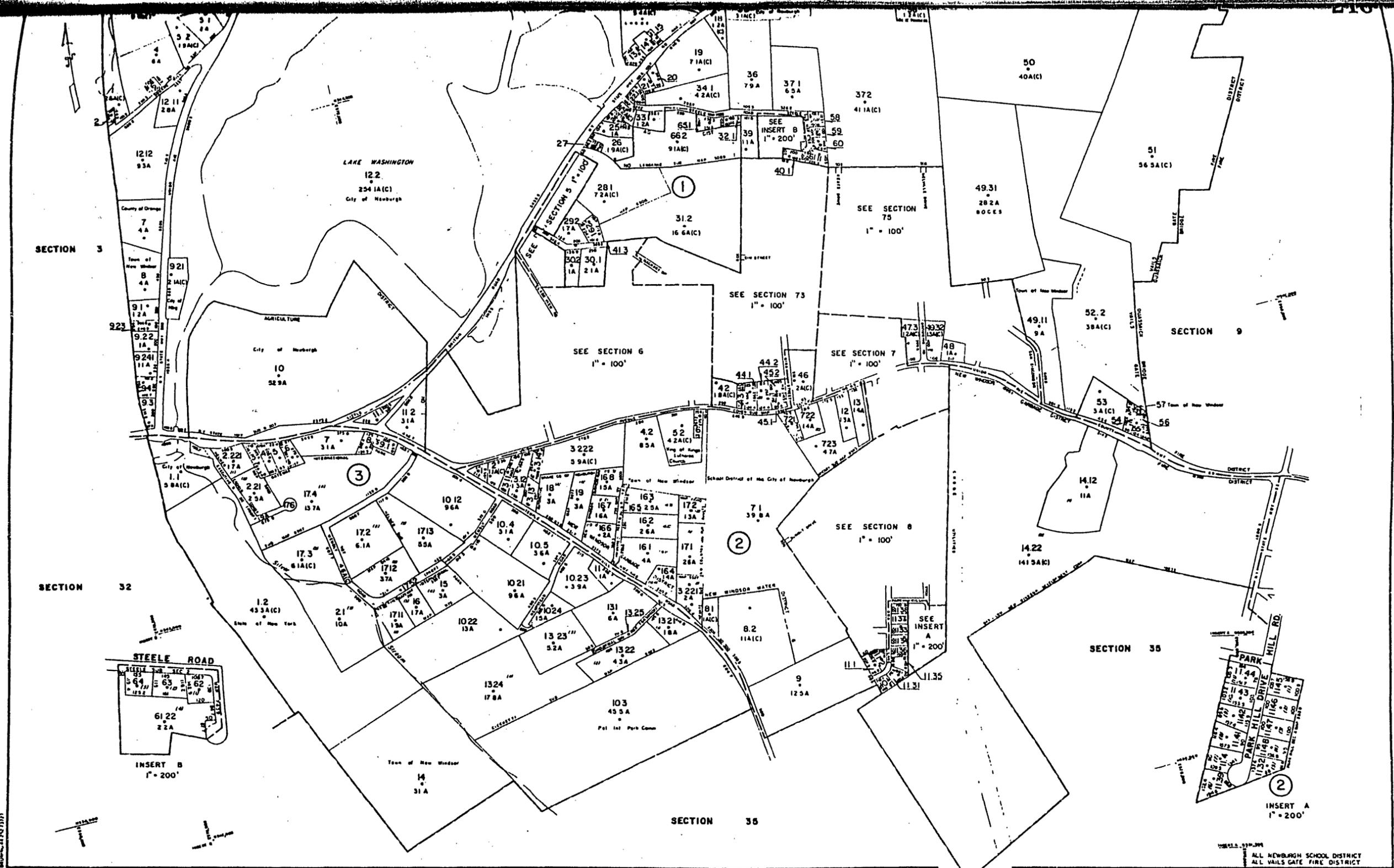
I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 28 October 1993, performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

R-2 ZONE BULK INFORMATION

	REQUIRED	PROVIDED
ACCESSORY BUILDING	10'	2.4'
POOL	10'	4.6'

Grevas & Hildreth, P.C. LAND SURVEYORS 33 QUASSAICK AVENUE, NEW WINDSOR, NEW YORK 12553 TEL: (914) 582-8667		SURVEY FOR: JACQUELINE	
REVISIONS : ACAD:RUMSEY		TOWN OF NEW WINDSOR	
DATE	DESCRIPTION	ORANGE	
		Drawn: WBH	
		Checked:	
		Scale: 1"=50'	
		Date: 1 Nov. 1993	
		Job No: 93-047	

BOUND.



Prepared by
 ORANGE CO. TAX MAP DEPT.
 MAIN ST., GOSHEN, N. Y. 10824
 1989
 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 LINE	TOWNMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREA	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAM	DIMENSIONS (feet) or (feet) x (feet)	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTROID	TOWN ROADS	

ORANGE COUNTY-NEW YORK

Photo No. 8-496,497,498 Date of Map: 9-24-87
 Date of Photo: 3-1-85 Date of Revision: 3-1-91
 Scale: 1" = 400'

TOWN OF NEW WINDSOR

Section No. 4

ALL NEWBURGH SCHOOL DISTRICT
 ALL WILLS GATE FIRE DISTRICT

~~RUMSEY, JACQUELINE~~

MR. NUGENT: Request for 7 ft. 8 in. side yard variance for existing cabana and 5 ft. 6 in. side yard variance for existing inground pool at 392 Union Avenue in an R-4 zone.

Mrs. Jacqueline Rumsey appeared before the board for this proposal.

MRS. RUMSEY: The first dimension was wrong.

MR. LUCIA: We corrected that. See if I am correct now I think the cabana generates the need for 5.3 foot side yard variance because required is ten feet and provided is 4.7 leaving a variance request of 5.3 and the pool generates the need for 5.4 foot side yard variance required ten, this one provided is 4.6 feet and that generates 5.4 foot varaince request.

MR. BABCOCK: That is correct.

MR. LUCIA: We reviewed that at the last meeting but it didn't get into the agenda but that is what you're Notice of Denial now reads.

MR. BABCOCK: Yes.

MR. LUCIA: I guess we're set to go with those numbers then.

MR. NUGENT: You're on.

MRS. RUMSEY: What would you like me to do?

MR. NUGENT: Nobody cares what you're doing, there's nobody here.

MR. LUCIA: Even though you have done it before, if you don't mind explaining once again on the record why it is these two structures are located where they were and for how long.

MRS. RUMSEY: Well, the pool was built in 1967 and the cabana 1968. My husband did it all so I don't know how

he got passed the zoning and I only found out in November that I was in violation that if I ever decided to sell that I might have a problem with the title company so that is when I set about to clear it. I have some pictures. Do you want to see it? They are old but--

MR. LUCIA: I think we should have some photographs for the file.

MR. NUGENT: Bring up a couple.

MRS. RUMSEY: This is the house and this is the garage. The garage was built in '61 so I had no problem with that but then I found out that the cabana and the pool were in violation and that is when I set about to get it straightened out.

MR. LUCIA: I just see in terms of the way it was located, the garage I gather is closer to the property line, that looks like it's only about 2 1/2, 2.4 feet clear so I gather the location of the cabana and the pool behind that were to provide shelter from Union Avenue or some measure of privacy?

MRS. RUMSEY: That is right.

MR. LUCIA: And they are actually further than the property line than the garage was.

MR. BABCOCK: Garage would be pre-existing, Dan.

MR. LUCIA: Right. Since the pool and cabana have been located here since the middle '60's, you haven't had any objection from the neighbors as far as where they are located?

MRS. RUMSEY: No.

MR. LUCIA: Just a couple more questions before you go away. Do you feel an undesirable change will be produced in the character of the neighborhood or detriment to the nearby property owners created if this variance is granted?

MRS. RUMSEY: No.

MR. LUCIA: Is the benefit which you seek here achievable by some other method feasible for you to pursue other than this area variance?

MRS. RUMSEY: No, I'd hate to have to dig it up.

MR. LUCIA: You obviously have a very large lot.

MRS. RUMSEY: There were times when I wished I never had it.

MR. LUCIA: Obviously you have plenty of room on the lot. It could have been located elsewhere but the cost of relocating it is totally prohibitive?

MRS. RUMSEY: Right.

MR. LUCIA: And is the area variances you're seeking here substantial, that is in terms of numbers? You're looking for variances of about half of the ten foot side yard requirement but you feel they are substantial in terms of numbers?

MRS. RUMSEY: I think it's enough, yes.

MR. LUCIA: But really was privacy and existing garage that caused you to located it where you did?

MRS. RUMSEY: Yes.

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

MRS. RUMSEN: No.

MR. LUCIA: Did you create this difficulty yourself?

MRS. RUMSEY: I guess so, sorry to say.

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

MRS. RUMSEY: Till I came tonight, I thought I was the only sinner in Town.

MR. TANNER: You had to wait in line around here.

MRS. RUMSEY: Very interesting.

MR. BABCOCK: Every second and fourth Mondays.

MR. TANNER: Mike knows them all too well.

MR. LUCIA: Thank you for providing copy of your deed.

MRS. RUMSEY: I can give you another copy of the survey, if you need it.

MR. LUCIA: I notice your deed mentions some covenants and restrictions as most properties are somewhat restricted. There's nothing to your knowledge affecting the title to this property that should prohibit you from maintaining those structures where they are now?

MRS. RUMSEY: No, the main restriction was Dr. Bocar (phonetic), when he sold it to us, he wanted it for residential purposes only and we never wanted to put a business, you know, anywhere.

MR. LUCIA: Thank you.

MRS. RUMSEY: Thank you.

MR. LUCIA: The variances Mrs. Rumsey is seeking are from Sections 48-14 A 1 B of the ordinance, in that both the cabana and the pool are accessory buildings and they are not set back ten feet from a lot line as is required and 48-21 G 1 which requires that the pool shall not be located in any required side yard and in no case closer to ten feet to any property line.

MR. NUGENT: Seeing how there's no public at the public hearing, I'll close the public hearing and open it back up to the board for a motion.

MR. LANGANKE: I make a motion that we grant the

January 24, 1994

42

applicant's variance.

MR. TORLEY: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. HOGAN	AYE
MR. TANNER	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

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

*Recd.
ZBA office
1/6/94.*

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. 55

Request of Jacqueline L. Rumsey

for a VARIANCE of

the regulations of the Zoning Local Law to

permit existing cabana and pool with

insufficient side yard

being a VARIANCE of

Section 48-12-Table of Use/Bulk Regs. Col. F,
Sec. 48-14A(1)(b) and Sec. 48-21 G (1)
for property situated as follows:

392 Union Avenue, New Windsor, New York,

known as tax map Sec. 4, Blk 1 Lot 53

SAID HEARING will take place on the 24th day of
January, 19 94, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JAMES NUGENT
Chairman

December 13, 1993

2

PRELIMINARY MEETING:

RUMSEY, JACQUELINE

MR. NUGENT: First preliminary meeting tonight is Jacqueline Rumsey. Request for 7 ft. 8 in. side yard variance for existing cabana and 5 ft. 6 in. side yard variance for existing inground pool at 392 Union Avenue in an R-4 zone.

Mrs. Jacqueline Rumsey appeared before the board for this proposal.

MRS. RUMSEY: There's a little bit of a different, I have to show on the survey. This is the new survey. On the first one, this 2.4, took that as the distance to the cabana but this is actually the garage which is more, the cabana's really offset 4.7 foot and so the surveyor changed the numbers, the offset to this and there's a slight change all of this is the cabana and there's just a little bit, he had 4 foot 6 inches.

MR. LUCIA: If we can have Mike amend his notice of denial because we have to react to his numbers so it just needs to be corrected there.

MR. NUGENT: Would you like to see that?

MR. BABCOCK: Sure.

MR. NUGENT: Give him this and he will mark it up.

MR. TORLEY: If the cabana is attached to the garage is that correct, ma'am?

MR. RUMSEY: I guess you'd say it's attached, it abuts it but it was not built at the same time as the garage.

MR. TORLEY: But it's further off the property line than the garage which is pre-existing zoning.

MR. BABCOCK: It's a separate structure though that is the problem.

MR. LUCIA: We would need a variance for the pool

anyway so why not cover everything while we're here.

MRS. RUMSEY: That is why I'm here.

MR. NUGENT: Explain what the reasoning behind all of this going on.

MRS. RUMSEY: Well, we built the garage in '61 and then Bill handled the cabana and pool in '67 and '68, now I understand if I ever got ready to sell that I would have a problem with this not being offset properly so I'm just trying to get it cleared up.

MR. LUCIA: There are two sections of the ordinance that are relevant here, they both have to do with the fact that ten foot setback is required for access rebuilding and both the cabana and pool are considered that, that would be Section 4814 A 1 B which says that an accessory building that includes both cabana and pool should be set back ten feet from any lot line and 4821 G 1 which says that a pool shall not be located in any required side yard and in no case closer to ten feet to any property line so both those sections are involved in this. The cabana I assume is less than 15 feet in height?

MRS. RUMSEY: I guess so, I really didn't know, I had to have that--

MR. LUCIA: It would involve a different section of the ordinance if it were and is the fence six feet or less in height around the pool?

MRS. RUMSEY: It's less I think it's 4 foot.

MR. LUCIA: Did we get the corrected numbers on the record when Mrs. Rumsey was describing it? Maybe Mike can read that off.

MR. BABCOCK: Cabana requirements are ten feet, she's providing 4.7 feet so she needs a variance of 5.3 feet. The pool she's proposing or the requirement is ten feet, she's proposing 4.6 feet so she needs a variance of 5.4 feet and I'll change yours, Pat.

MR. LANGANKE: What's the 4.1.53?

MRS. BARNHART: Section, block and lot.

MR. TORLEY: Ma'am, you say that the pool was put in in about '68?

MRS. RUMSEY: Pool was put in in '67.

MR. TORLEY: When did zoning come in?

MR. NUGENT: '66. Any other questions by the board? If not, I'll accept a motion then.

MR. TANNER: Make a motion we set Mrs. Rumsey up for a public hearing.

MR. HOGAN: Second it.

ROLL CALL

MR. TANNER	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

MRS. BARNHART: I have some paperwork here for you.

MR. LUCIA: There's a cover sheet on there which I think is self-explanatory. You have to fill out the application that is under that and return it to Pat with two checks both payable to the Town of New Windsor. One for \$50 application fee and second one for \$292 deposit against Town consultant review fees and various disbursements in connection with your application. It's probably written on there. I'm also going to give you a copy, a partial copy of Section 267B of the Town Law and I've just put a little arrow in the left-hand margin opposite the section that is relevant to area variances. You'll see that in deciding on the area variance you're looking for this board has to engage in a balancing test weighing the benefit to you if the variances are granted as against the detriment to the health, safety and welfare of the

community by allowing a change in the zoning ordinance. There's five factors that are involved, they are itemized there so when you come back just be prepared to speak to each of those 5 numbered issues that are on there. I appreciate it. Also which come back if you bring us a copy of your deed, copy of your title policy and some photographs of the site so we can see what they look like.

MRS. RUMSEY: Title?

MR. LUCIA: Probably go back to when you bought the property if you have one, if you don't--

MRS. RUMSEY: I do.

MR. LUCIA: When you are through with that, give it back to Pat, she'll set you up for a public hearing.

MRS. RUMSEY: How long do I have to do this? The sooner the better?

MR. LUCIA: The sooner you get it back, the sooner you get it. There's probably no second meeting in December so the second meeting we'd have would be the second Monday in January and we need at least ten days in which the public can send out notices so the sooner you get it back, the more likely you'll get on the agenda. Good luck to you.

MRS. RUMSEY: Thank you very much.

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

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

 Jacqueline L. Rumsey ,
Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

93-55.

-----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 January 5, 1994, I compared the 21 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
5th day of January, 1994.

 Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

93-55

Date: Dec. 14, 1993

- I. ✓ Applicant Information: tel #561-1441
- (a) Jacqueline L. Rumsey, 392 Union Avenue, P O Box 4101, New Windsor,
(Name, address and phone of Applicant) (Owner) New York 12553
- (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-4 392 Union Avenue, New Windsor, 4,1,53
(Zone) (Address) New York 12553 (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? OLI
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Sept. 1959
- (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: No

IV. Use Variance. N/A

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

^{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. F.
 Sec. 48-14 A(1) (b) & Sec. 48-21G(1)

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
	Min. Lot Area _____	_____	_____
	Min. Lot Width _____	_____	_____
	Reqd. Front Yd. _____	_____	_____
CABANA -	Reqd. Side Yd. 10 feet	4.7 feet	5.3 feet
POOL -	" " " 10 feet	4.6 feet	5.4 feet
	Reqd. Rear Yd. _____	_____	_____
	Reqd. Street Frontage* _____	_____	_____
	Max. Bldg. Hgt. _____	_____	_____
	Min. Floor Area* _____	_____	_____
	Dev. Coverage* _____%	_____%	_____%
	Floor Area Ratio** _____	_____	_____
	Parking Area _____	_____	_____

* Residential Districts only
 ** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.
 Describe why you believe the ZBA should grant your application for an area variance:

This pool has been in place since 1967 and the cabana since 1968, with no problems or complaints from anyone. I learned in November that there might be a problem with a title company because the set-backs were not in compliance with the zoning laws, and I am trying to clear this problem now.

(You may attach additional paperwork if more space is needed)

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	_____	_____	_____

(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
(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.)

I expect to maintain the property as it is now, with no changes.

IX. Attachments required:

Copy of referral from Bldg./Zoning Insp. or Planning Bd.

Copy of tax map showing adjacent properties.

This Indenture,

Made the ^{14th} day of August, nineteen hundred and fifty-nine

Between ARNOLD BOCKAR and CECELIA W. BOCKAR, his wife, both residing at (no number) Union Avenue in the Town of New Windsor, Orange County, New York,

parties of the first part, and

WILLIAM RUMSEY and JACQUELINE L. RUMSEY, his wife, both residing at No. 23 High Street, M. D. #26, in the Town of New Windsor, Orange County, New York,

parties of the second part:

Witnesseth, that the parties of the first part, in consideration of -----
-----TEN and no/100 (\$10.00)----- Dollars,
lawful money of the United States, and other good and valuable consideration
paid by the parties of the second part,
do hereby grant and release unto the parties of the second part,
their heirs and assigns forever,

All that certain piece, parcel or lot of land with the improvements thereon situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at an iron pipe set near the northeasterly side of Union Avenue and being 21 feet northwesterly of the northwesterly side of the northwesterly gate post; thence through the lands of Dr. Arnold Bockar North 47 degrees East 277 feet to an iron pipe set on the north-easterly side of a wooden fence; thence continuing on the same course 109.4 feet to an iron pipe set in the westerly right-of-way line of an electric transmission line; thence along the same South 25 degrees 33 minutes East, 409 feet to an iron pipe set; thence continuing the same course 195.5 feet to the lands now or formerly of Harry C. Serviss; thence along lands now or formerly of Harry C. Serviss and John D. Serviss North 56 degrees 26 minutes West, 171.4 feet to a corner; thence along lands now or formerly of John D. Serviss South 35 degrees 37 minutes West, 187.38 feet to an iron pipe set near the side of Union Avenue aforesaid; thence continuing the same course 33.3 feet to the middle of the pavement of the avenue; thence along the same as follows: North 37 degrees 43 minutes West, 176.9 feet; North 40 degrees 56 minutes West, 132.9 feet; North 42 degrees 52 minutes West, 144.7 feet; thence leaving the middle of the pavement North 47 degrees East, 29.8 feet to the place of beginning, containing 3.63 acres more or less. The bearings herein refer to the magnetic needle as it pointed in 1959.

SUBJECT to any right, title or interest of others in Union Avenue.

SUBJECT to the covenant that said premises shall be used for residential purposes only.

SUBJECT to the covenant that said premises shall not be used

Between ARNOLD BOCKAR and CECELIA W. BOCKAR, his wife, both residing at (no number) Union Avenue in the Town of New Windsor, Orange County, New York,

parties of the first part, and

WILLIAM RUMSEY and JACQUELINE L. RUMSEY, his wife, both residing at No. 23 High Street, M. D. #26, in the Town of New Windsor, Orange County, New York,

parties of the second part:

Witnesseth, that the parties of the first part, in consideration of -----
-----TEN and no/100 (\$10.00)----- Dollars,
lawful money of the United States, and other good and valuable consideration
paid by the parties of the second part,
do hereby grant and release unto the parties of the second part,
their heirs and assigns forever,

All that certain piece, parcel or lot of land with the improvements thereon situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at an iron pipe set near the northeasterly side of Union Avenue and being 21 feet northwesterly of the northwesterly side of the northwesterly gate post; thence through the lands of Dr. Arnold Bockar North 47 degrees East 277 feet to an iron pipe set on the northeasterly side of a wooden fence; thence continuing on the same course 109.4 feet to an iron pipe set in the westerly right-of-way line of an electric transmission line; thence along the same South 25 degrees 33 minutes East, 409 feet to an iron pipe set; thence continuing the same course 195.5 feet to the lands now or formerly of Harry C. Serviss; thence along lands now or formerly of Harry C. Serviss and John D. Serviss North 56 degrees 26 minutes West, 171.4 feet to a corner; thence along lands now or formerly of John D. Serviss South 35 degrees 37 minutes West, 187.38 feet to an iron pipe set near the side of Union Avenue aforesaid; thence continuing the same course 33.3 feet to the middle of the pavement of the avenue; thence along the same as follows: North 37 degrees 43 minutes West, 176.9 feet; North 40 degrees 56 minutes West, 132.9 feet; North 42 degrees 52 minutes West, 144.7 feet; thence leaving the middle of the pavement North 47 degrees East, 29.8 feet to the place of beginning, containing 3.63 acres more or less. The bearings herein refer to the magnetic needle as it pointed in 1959.

SUBJECT to any right, title or interest of others in Union Avenue.

SUBJECT to the covenant that said premises shall be used for residential purposes only.

SUBJECT to the covenant that said premises shall not be used for the parking or storage of commercial vehicles, trailers or house trailers or the use of house trailers thereon.

BEING a portion of the same premises conveyed by John D. Serviss to Arnold Bockar and Cecelia W. Bockar, his wife, by deed dated November 21, 1950 and recorded in the Orange County Clerk's Office on the 24th day of November, 1950 in Liber 1180 of Deeds at page 317.

Together with the appurtenances and all the estate and rights of the parties of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever. as tenants by the entirety with right of survivorship and not as tenants in common.

And said parties of the first part covenant as follows:

First. That said parties of the first part are seized of the said premises in fee simple, and have good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances; except as hereinbefore mentioned;

Fourth. That the parties of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said parties of the first part will forever warrant the title to said premises.

Sixth. The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they 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 that they 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.

In Witness Whereof the parties of the first part have hereunto set their hand and seal the day and year first above written

In the Presence of

Louis Warner

Arnold Bockar
ARNOLD BOCKAR
Cecelia W. Bockar
CECELIA W. BOCKAR



State of New York

County of Orange

ss.:

On the fifty-nine

14th
before me, my commission expires

day of August

, nineteen hundred and

And said parties of the first part covenant as follows:

First. That said parties of the first part are seized of the said premises in fee simple, and have good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances; except as hereinbefore mentioned;

Fourth. That the parties of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said parties of the first part will forever warrant the title to said premises.

Sixth. The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they 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 that they 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.

In Witness Whereof the parties of the first part have hereunto set their hand and seal the day and year first above written

In the Presence of

Louis Werner

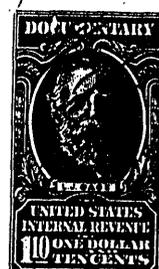
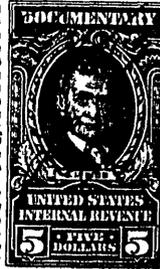
Arnold Bockar
ARNOLD BOCKAR
Cecelia W. Bockar
CECELIA W. BOCKAR



State of New York County of Orange ss.:

On the 14th day of August, nineteen hundred and fifty-nine before me personally came

ARNOLD BOCKAR and CECELIA W. BOCKAR, to me known to be the individuals described in, and who executed, the foregoing instrument, and each duly acknowledged that they executed the same.



Louis Werner
Notary Public
LOUIS WERNER
Notary Public, State of New York
Reside 70 West 42nd Street, Orange County
Commission Expires 1962 at 30, 1960

Deed

ARNOLD BOCKAR
and
CECELIA W. BOCKAR

TO

WILLIAM RUMSEY
and
JACQUELINE L. RUMSEY

Dated, August 14th, 19 59

Orange County Clerk's Office, s.s.

Recorded on the 19th day
of Aug. 19 59 at 9
o'clock P.M. in Liber 1516
Deeds at page 214
and Examined.

[Signature] Clerk

~~LOUIS WERNER~~

~~Attorney at Law~~

~~OFFICE AND HOME ADDRESS~~

~~8 Grand St. Newburgh, N.Y.~~

[Handwritten mark]

LIBER 1516 PAGE 216



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(21)

December 28, 1993

Jacqueline L. Rumsey
P.O. Box 4101
New Windsor, NY 12553

Re: Tax Map Parcel: 4-1-53

Dear Ms. Rumsey:

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

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

LESLIE COOK
Sole Assessor

LC/cad
Attachments
cc: Pat Barnhart

Sky-Lom New Windsor Development Corp.
430 Park Ave.
New York, NY 10022

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

Menorah Hill Inc
52 Yacht Club Drive
Apt. 309
North Palm Beach, Florida 33408

Simpson, Evelyn
368 Union Ave
New Windsor, NY 12553

Lease, Ann
366 Union Ave
New Windsor, NY 12553

Central Hudson Gas & Elec. Corp.
c/o Tax Agent
South Road
Poughkeepsie, NY 12602

Giordano, Frank & Rose
46 Hillside Ave
New Windsor, NY 12553

Roman Catholic Church of St. Joseph
6 St. Joseph Place
New Windsor, NY 12553

Moglia, Andrew & Catherine
14 Little Lane Road
Newburgh, NY 12550

Doogan, Chris R.
46 Hillside Ave.
New Windsor, NY 12553

Grimaldi, John A.
44 Hillside Ave.
New Windsor, NY 12553

Damiano, Anthony & Rose
39 Hillside Ave.
New Windsor, NY 12553

Antonelli, John & Ellen L.
43 Hillside Ave.
New Windsor, NY 12553

Cona, Anthony & Audrey
364 Union Ave.
New Windsor, NY 12553

Antonelli, Frank & Barbara
360 Union Ave.
New Windsor, NY 12553

Pillitteri, Vincent J. & Denise
356 Union Ave.
New Windsor, NY 12553

Pfeuffer, William & Camille
7 San Giacomo Dr.
New Windsor, NY 12553

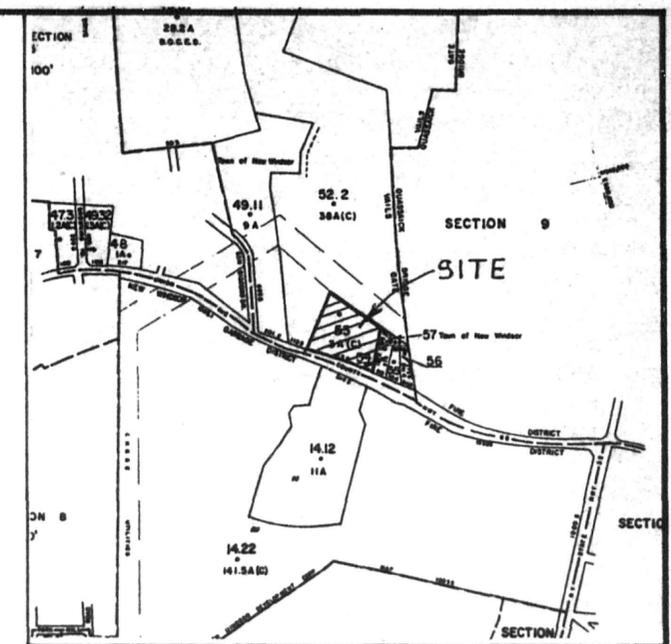
Patel, Vishnu & Kailas V.
5 San Giacomo Dr.
New Windsor, NY 12553

Ayerdis, Elia & Martinez, Mario & Alejandro
3 San Giacomo Dr.
New Windsor, NY 12553

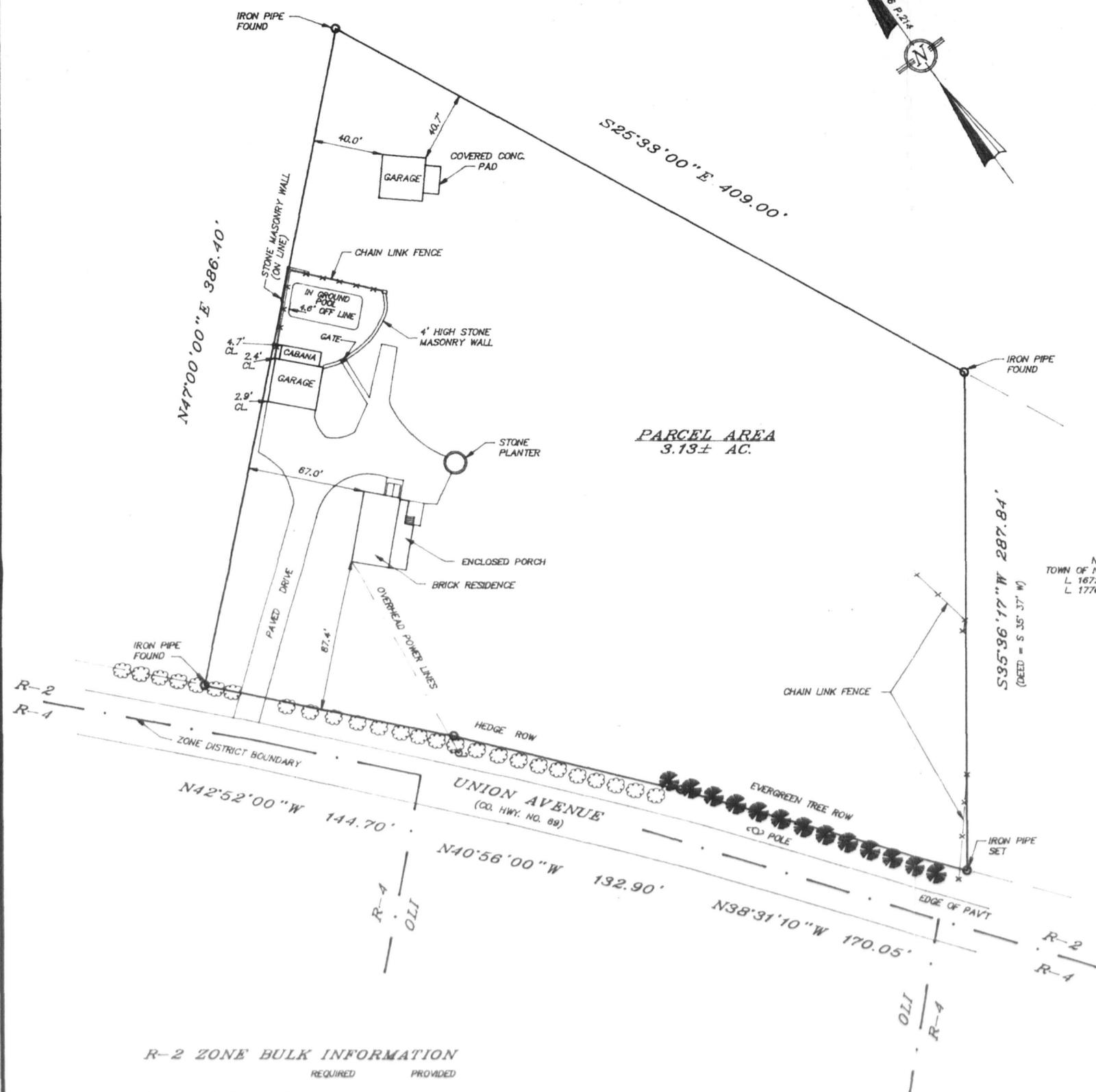
McGraw, Timothy J. & Catherine A.
1 San Giacomo Dr.
New Windsor, NY 12553

Koch, Halvor & Lynne M.
436 Union Ave.
New Windsor, NY 12553

N/F
MENORAN HILL INC.
L. 2889 P. 103



LOCATION PLAN SCALE: 1"=800'±



PARCEL AREA
3.13± AC.

N/F
TOWN OF NEW WINDSOR
L. 1672 P. 353
L. 1776 P. 599

GENERAL NOTES

- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
- ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SPECIAL NOTES

- BEING TAX MAP SECTION 4 BLOCK 1 LOT 53 IN ZONE R2.
- SURVEYED IN ACCORDANCE WITH DEEDS AND MAPS OF RECORD AND PHYSICAL MONUMENTATION FOUND AT THE TIME OF SURVEY.
- OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
- NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT TIME OF THE SURVEY.
- THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 28 October 1993 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.



R-2 ZONE BULK INFORMATION

	REQUIRED	PROVIDED
ACCESSORY BUILDING (GARAGE)	10'	2.4' (PRE-EXISTING)
ACCESSORY BUILDING (CABANA)	10'	6.7'
POOL	10'	6.6'

Grevas & Hildreth LAND SURVEYORS P.C. 33 QUASSACK AVENUE, NEW WINDSOR, NEW YORK 12553 TEL: (518) 582-8867		SURVEY FOR: JACQUELINE L. RUMSEY	
REVISIONS: ACAD:RUMSEY		TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK	
DATE	DESCRIPTION	Drawn: WBH	BOUNDARY/LOCATION SURVEY
20 Oct. 1993	ADDED ZONING DATA	Checked:	
		Scale: 1"=50'	
		Date: 1 Nov. 1993	
		Job No: 23-047	