

ZB# 94-29

**Emsco Homes /
Linda Martens**

57-1-23.1

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

GENERAL RECEIPT

14176

July 21 1994

Received of AmSCO Homes, Inc. \$ 50.00

Fifty and 10 100 DOLLARS

For ZBA #94-29

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP 4697</u>		<u>50.00</u>

By Dorothy Hansen

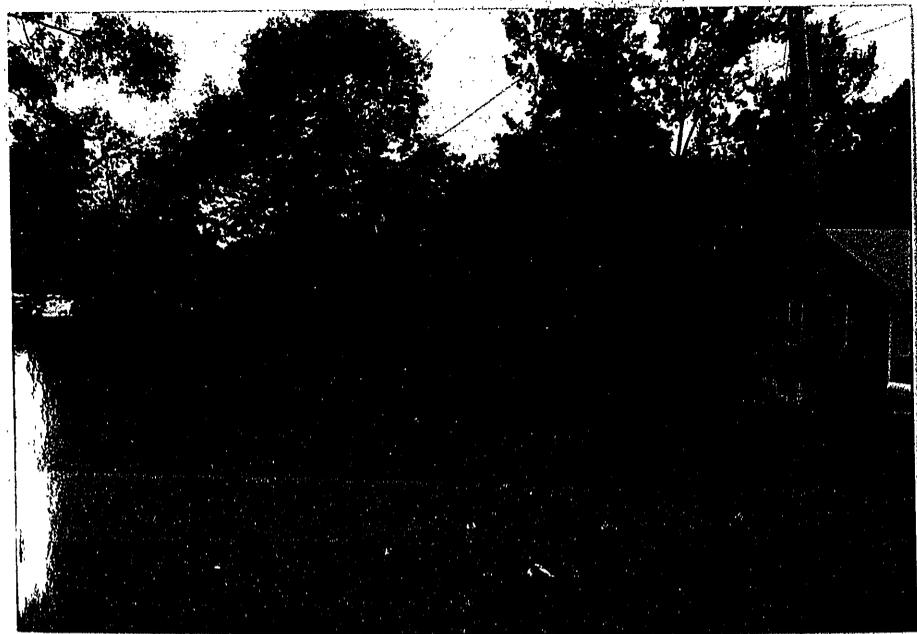
Town Clerk
Title



FUND	CODE	AMOUNT
CP 4697		50.00

By Dorothy Hansen
Town Clerk
Title

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

EMSCO HOMES, INC./LINDA MARTENS,
#94-29.

DECISION GRANTING
AREA VARIANCE

-----X
WHEREAS, EMSCO HOMES, INC., a corporation with offices located at Box 100, Washingtonville, New York, 10992, owner, and LINDA MARTENS, residing on Bethlehem Road, New Windsor, N. Y. 12553, contract vendee, have made application before the Zoning Board of Appeals for a 70 ft. required road frontage variance in order to construct a single-family residence on the west side of Bethlehem Road in an R-3 zone; and

WHEREAS, a public hearing was held on the 8th day of August, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by Matt Scopteuolo of EMSCO HOMES, INC. and Linda Martens; and

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

WHEREAS, there were no spectators to speak and there was no opposition to the application before the Board; and

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject property is in an R-3, residential neighborhood, consisting of one-family homes.

(b) This lot does not have any road frontage to comply with the code.

(c) The applicant's neighbors refuse to sell any property to the applicant so there is no way that this applicant could acquire more properties so as to comply with the code.

(d) The variance requested is a 100% variance but there is no feasible way for the applicant to use the property without the variance. Without the requested variance, this property will be valueless.

(e) This lot has existed in its present configuration in the family and has been held in the family of the applicant for 22 years.

(f) The proposed use of this lot will be for the erection of a one-family house consistent with the neighborhood.

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 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 variance is substantial in relation to the town regulations but nevertheless it is warranted since the purpose of the variance is to allow construction of a building which is consistent with the neighborhood and without the granting of the variance, applicant's property would be valueless.

4. There will be no adverse impact to the neighborhood. The conditions exist now and there appear to be no problems or complaints with same.

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created hardship since the lot in its present configuration pre-existed its acquisition by this applicant.

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 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

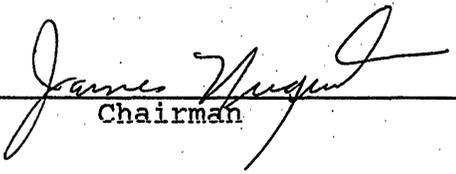
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 70 ft. required road frontage in order to construct a single-family residence on the west side of Bethlehem Road in an R-3 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

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

the Town Clerk, Town Planning Board and applicant.

Dated: October 24, 1994.


Chairman

(ZBA DISK#12-100394.EMS)

Pellm.
July 11, 1994
7:30 pm

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

#94-29

DATE: 6-17-94

APPLICANT: EMSCO HOMES
BOX 100 WASHINGTON VILLE NY

*Aps furnished
to Linda
Matters*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: 6-14-94
FOR (BUILDING PERMIT): TO BUILD ONE FAMILY HOUSE
LOCATED AT: W/S BETHLEHEM ROAD

ZONE: R3

DESCRIPTION OF EXISTING SITE: SECTION 57 BLOCK 1 LOT 23.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

1. ROAD FRONTAGE
2. _____
3. _____
4. _____
5. _____

Michael Babcock
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: <u>BR-1 USE</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.		
REQ'D FRONTAGE <u>70 Ft.</u>	<u>0 FT</u>	<u>70 FT</u>
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

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

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

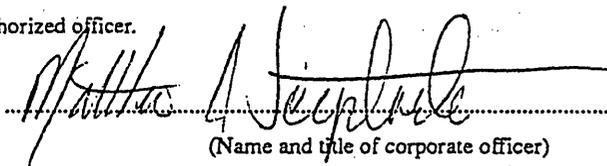
IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

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

Name of Owner of Premises EMSCO HOMES, INC.
Address BOX 100, WASHINGTONVILLE, NY Phone 496-4444
Name of Architect LOUIS J. CASCINO
Address ALDER DR., NEW WINDSOR, NY Phone 496-4508
Name of Contractor EMSCO HOMES, INC.
Address BOX 100, WASHINGTONVILLE, NY Phone 496-4444
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER/BUILDER

If applicant is a corporation, signature of duly authorized officer.


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

1. On what street is property located? On the WEST.....side of BETHLEHEM ROAD.....
(N.S.E. or W.)
and 2,800.....feet from the intersection of JACKSON AVENUE.....
2. Zone or use district in which premises are situated R-# 1.....Is property a flood zone? Yes.....No X.....
3. Tax Map description of property: Section.....57.....Block.....1.....Lot.....23.1.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy.....VACANT LAND..... b. Intended use and occupancy.....1 FAMILY HOUSE.....
5. Nature of work (check which applicable): New Building.....X..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear.....600..... Depth.....200..... Front Yard.....100..... Rear Yard.....70..... Side Yard.....60.....
Is this a corner lot? NO.....
7. Dimensions of entire new construction: Front.....56..... Rear.....56..... Depth.....30..... Height.....24..... Number of stories.....2.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms.....3..... Baths.....2.5..... Toilets.....3.....
Heating Plant: Gas..... Oil.....X..... Electric/Hot Air..... Hot Water.....COIL.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost..... 45,000.00..... Fee.....
(to be paid on this application)
11. School District..... CORNWALL.....

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.

Need VARIANCE

EMSCO HOMES/MARTENS, LINDA

Matt Scopteuolo of Emsco Homes and Linda Martens appeared before the board for this proposal.

MR. NUGENT: Request for 70 ft. required road frontage in order to construct a single-family residence on the w/s of Bethlehem road in an R-3 zone.

MR. SCOPTEULO: We had approached the neighbor, Rosemary Croe, (phonetic), she doesn't want to sell the land because she doesn't know what she's going to do with the parcel. That would be the only other way to get a right-of-way would be through that land.

MRS. BARNHART: Can we keep that as part of the record, Linda?

MS. MARTENS: Yes.

MR. NUGENT: We had asked her to please try to find another route.

MR. LANGANKE: How far are you off 94, approximately?

MR. SCOPTEULO: About 3 miles.

MR. LANGANKE: How about in relation to the Gould Gallery, John Gould?

MS. MARTENS: I have a better map you can see it.

MR. SCOPTEULO: The parcel has been in the family for about 20 years now.

MR. KANE: What is it that they are looking for?

MR. NUGENT: They have no road frontage, they are going to be allowed through that right-of-way to go onto Bethlehem Road.

MR. LANGANKE: Which belongs to her brother, is that correct?

MS. MARTENS: Yes.

MR. KANE: It's a permanent easement.

MR. NUGENT: As far as we are concerned, the lot has no road frontage and I don't know why it's 700 feet, oh, because of the zoning.

MRS. BARNHART: Yeah, it's R-3.

MR. NUGENT: So basically what we're doing is giving them a variance for their road frontage that they are lacking, you have to have access to the property.

MR. KANE: There's no other way for access to the property. There was an indication from somebody else that they wouldn't sell.

MS. MARTENS: No, because they'll be here Wednesday night for a building permit for that piece.

MR. SCOPTEUOLO: The other lots are awfully small, that was the only possible way in and they are building on it, they are going to come in for a building permit, they want to build.

MR. LANGANKE: This has been in the family for almost 20 years.

MS. MARTENS: 22.

MR. LANGANKE: Pay taxes on it, now they'd like to do something with the property.

MR. NUGENT: Nice piece of property.

MR. LANGANKE: Looks great to me.

MR. NUGENT: Any other questions by the board?

MR. LANGANKE: No questions.

MR. TORLEY: This is a landlocked piece of property, no access at all, asking for 100% variance on the road frontage?

MR. NUGENT: Correct.

MR. NUGENT: They have a right-of-way to the property, they have a 50 foot right-of-way.

MR. NUGENT: Do we have anybody in the audience?

MRS. BARNHART: No.

MR. KRIEGER: Let the record reflect nobody signed the sheet which was handed around to express an interest in speaking on this application.

MR. NUGENT: If there's no further questions, I'll accept a motion.

MR. LANGANKE: I make a motion that we grant the applicant, Linda Martens, her request for the variance.

MR. KANE: I'll second that.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	NO
MR. NUGENT	AYE

EMSCO HOMES/MARTENS

Mat Scopteuolo, President of Emsco Homes and Miss Linda Martens appears before the board for this proposal.

MR. NUGENT: Request for 70 ft. required road frontage to construct single-family residence on w/s of Bethlehem Road in an R-3 zone. This is in actuality an R1 zone, correct?

MR. BABCOCK: That is correct.

MR. NUGENT: I discussed this prior to the meeting with the building inspector, this is a landlocked piece of property. Her brother offered to give her 50 foot right-of-way through his property to get to here but for all intents and purposes, as a law, he has no road frontage in an R1 zone. I looked it up on the bulk table, she needs 70 feet so that is what she's here to ask for the 70 feet.

MR. BABCOCK: There should be a tax map enclosed, Jimmy, that will--

MR. NUGENT: Here's the pictures, if anyone would like to see them.

MR. LANGANKE: How far up?

MR. BABCOCK: About 240 to 250 feet back off of Bethlehem Road to the edge of the property.

MR. TORLEY: Ma'am, I'm holding up a photograph, am I correct in assuming that.

MS. MARTENS: Looking up the property towards the road that is where the driveway would be.

MR. SCOPTEUOLO: That one is back here looking up, the house is on the right side, this would be back here looking this way, then I took one from the road looking back down which is, that is where this right-of-way is. It's not a problem that way.

MS. MARTENS: It's 200 feet across the front and I

believe the house is 56 wide so there's a lot of property on each side.

MR. NUGENT: 2 1/2 acres is a big piece of property. I'm having a problem with the tax map.

MR. BABCOCK: Lot 23.1, Jim, do you see how there's no road or--

MR. TORLEY: If your brother grants that right-of-way, does his property, does that blow his own minimum?

MS. MARTENS: No, that is more than an acre up front.

MR. TORLEY: It says how many acres is that?

MR. NUGENT: It doesn't say.

MR. SCOPTEUOLO: The right-of-way doesn't reduce the lot size, just the right to use it.

MR. TORLEY: That is 200 by 50.

MR. BABCOCK: Yeah, the only thing that I would say is for the record is that that is already a built on lot, it's built on so it won't really come into play in any point in time.

MR. TORLEY: It would since we must, what he is doing is reducing the size of his lot by 50 by 200 foot strip.

MR. NUGENT: He's way over.

MS. MARTENS: All these lots right here, they are all smaller than that.

MR. TORLEY: If he has 1.2 acres now.

MR. NUGENT: He's not giving up that much.

MR. TORLEY: 50 by 200.

MR. NUGENT: What's that, a thousand square feet, ain't it?

MR. BABCOCK: The only time that counts is in the definition of lot area.

MR. TORLEY: By granting the right-of-way, essentially he reduces his lot size below the minimum.

MR. SCOPTEUOLO: That is still an oversized lot.

MR. TORLEY: No. Yeah, but it may be oversized compared to some of the other ones but the minimum lot size is an acre.

MR. SCOPTEUOLO: It still is over an acre.

MR. TORLEY: That map says 1.2 acres and this is 50 by 200, that is a quarter acre, right?

MR. BABCOCK: Yes.

MR. LANGANKE: It's like real close, right?

MR. NUGENT: Real close.

MR. BABCOCK: The thing is is that if you read the code about lot area, it's only for lot area definition, okay, you must subtract it, that is the definition of lot area. If lot 18 did not have a house on it, I would be concerned because if they came in to put a house on it, we'd say that you are under the required to be able to receive a building permit. Since there's already a house there, I personally don't feel that it affects the lot.

MR. TORLEY: Sure it does. My feeling is let's look to you, say he's got 1.2 acre lot and he gives somebody 1.1 acre right-of-way, and he's got now--

MR. LANGANKE: Why would he do that?

MR. TORLEY: He wouldn't.

MR. LANGANKE: Why not give a you the whole piece of property.

MR. TORLEY: This right-of-way actually drops it below one acre. To my mind, that creates a non-conforming lot.

MR. BABCOCK: For the definition of receiving a building permit to build a house but there's already a house on there, that is the point I'm making.

MS. MARTENS: He says the land is 1.21.

MR. KRIEGER: To a certain extent, the debate is academic since this applicant has nothing to do with the application in front of the board, whether or not there's a violation created by creating a non-conforming use is a completely separate matter.

MR. SCOPTEUOLO: It's actually 1.2.

MR. KRIEGER: That would have to be pursued by the building inspector and he would have prosecutorial discretion.

MR. NUGENT: It's almost 1.28.

MR. TORLEY: I would be much happier if you can somehow arrange an access to purchase a piece of property so you can come in here, instead of cutting through these lots.

MS. MARTENS: But I already have that piece right there.

MR. TORLEY: You have the right-of-way.

MR. NUGENT: Right-of-way is not considered in the variance. Right-of-way is not considered in the variance.

MR. NUGENT: She has no frontage, we don't care if she has to get a helicopter but she doesn't have road frontage. It does not make it an undersized lot.

MR. KRIEGER: Even if it created an undersized lot, the important thing is the Zoning Board isn't asked to do anything to create the undersized lot.

MR. NUGENT: We're not doing anything.

MR. KRIEGER: Remember what she said, she said she already has the 50 foot easement so that is not something for the Zoning Board.

MR. NUGENT: You're going along the street line?

MS. MARTENS: Yeah, right up the side.

MR. SCOPTEUOLO: Plus you have a landlocked piece of ground, what are you going to leave this piece for? It's landlocked. I thought you try to work something out so the person can use their property. But you mean that has been in existence what, 20 years?

MS. MARTENS: '72 he bought that.

MR. LANGANKE: I agree a hundred percent with that, somebody has been paying taxes on that piece of property.

MR. SCOPTEUOLO: You pay taxes to the town for 20 years on a piece of property and now, when she wants to use it, you can't make her look for another right-of-way.

MR. NUGENT: I have no problem with it.

MR. LANGANKE: I have no problem with it. I make a motion that we set the applicant up for a public hearing.

MR. TORLEY: I'll second it the motion.

ROLL CALL

MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: When you come to the public hearing, please address if you are coming this way so you have true road frontage, not a right-of-way.

July 11, 1994

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MS. MARTENS: I already asked to buy a piece of land.

MR. KRIEGER: If you would address those 5 criteria when you come, those are the criteria which the Zoning Board must make a decision. So it would be helpful if you'd address them in order. You'll have to talk to the Planning Board secretary, I'm sorry, Zoning Board secretary, she'll give you the application and explain the procedure to you, including the application fees and so forth.

*P/s. publish asap. Send bill to: Linda Martens.
C/o EmSCO - Box 100, Washingtonville, NY 10992*

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. 29

Request of EMSCO HOMES FOR LINDA MARTENS

for a VARIANCE of the Zoning Local Law to permit:

A ONE FAMILY RESIDENCE ON AN EXISTING PARCEL OF LAND

WITH INSUFFICIENT ROAD FRONTAGE;

being a VARIANCE of Section 48-12- Table of Use/Bulk Regs.

Col. H,

for property situated as follows:

ON THE WEST SIDE OF BETHLEHEM RD.

known as tax lot Section 57 Block 1 Lot 23.1.

SAID HEARING will take place on the 8th day of August, 1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

By: Patricia A. Barnhart, Secy.

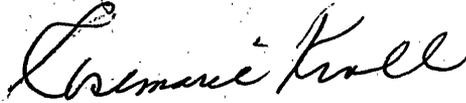
Received &
Filed 2BA
8/8/94.

July 15, 1994

To Whom it May Concern:

I wish to confirm that Linda Martens approached me in regards to purchasing a 50' right of way across my property, tax map parcel # 57 - 1 - 9 which is owned by me. And I regretfully had to decline any sale of my land.

Sincerely,

A handwritten signature in cursive script that reads "Rosemarie Kroll". The signature is written in dark ink and is positioned below the word "Sincerely,".

Rosemarie Kroll

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-29.

Date: 6/27/94

I. Applicant Information:

- (a) EMSCO HOMES/MARTENS, BOX 100, WASHINGTONVILLE, NY 10992 -496-4444
(Name, address and phone of Applicant) (Owner)
- (b) SAME
(Name, address and phone of purchaser or lessee)
- (c) JAMES CASAZZA, WASHINGTONVILLE, NY 496-9166
(Name, address and phone of attorney)
- (d) LOUIS CASCINO, NEW WINDSOR, NY 496-4508
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R3 BETHLEHEM ROAD 57-1-23.1 2.44 ACRES
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R3
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1972
- (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.

- (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.

~~MY FAMILY HAS BEEN PAYING TAXES ON THIS PROPERTY FOR 22 YEARS. IT HAS BEEN ON THE TAX ROLLS AS A PRIME BUILDING LOT WITH OUT UTILIZING IT AS IT WAS INTENDED WHEN MY FATHER BOUGHT IT FOR ME TO BUILD MY PERMANENT HOME ON. AND IT WILL BE A HARDSHIP FOR ME TO CONTINUE TO PAY TAXES ON A PEICE OF LAND THAT I CANT USE.~~

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No .

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of USE/BULK REGULATIONS, Col. H.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>0</u> _____	<u>70</u> _____	<u>70</u> _____
Reqd. Side Yd. _____	_____	_____
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 IS A PRE-EXISTING LOT WITH A SEPERATE DEED AND TAX BILL FOR 22YEARS AN IT WAS MY FATHERS INTENTION WHEN HE BOUGHT THIS FOR ME TO BUILD MY PERMANENT RESIDENCE.

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

VI. Sign Variance:

(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.

(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.

(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

(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

24

June 16, 1994

Linda Martens
Emsco Homes
Box 100
Washingtonville, NY 10992

RE: Tax Map Parcels: 57-1-23.1 Variance List

Dear Ms. Martens:

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/cd

Leslie Cook
Sole Assessor

LC/cd
Attachments

CC: ~~John Bernhardt~~

Ostner, Christine X
Bethlehem RD
PO Box 346
New Windsor, NY 12553

Sickler, Irving M. & Evelyn X
Box 344, RD 2, Bethlehem RD
New Windsor, NY 12553

Caffaro, Rita Ann X
365 Bethlehem Rd.
New Windsor, NY 12553

Stack, David J & Carol Ann X
368 Bethlehem Rd.
New Windsor, NY 12553

Gauvreau, Henry W. & Marie X
RD 2, Bethlehem RD
New Windsor, NY 12553

Watkins, Herbert & Ethel X
Bethlehem RD, RD 2, Box 370
New Windsor, NY 12553

Cannon, Elizabeth R. X
RD 2, Bethlehem RD
New Windsor, NY 12553

Mt. Airy Estates INC. X
2375 Hundson Terrace
Fort Lee, NJ 07024

Collard, Edward C. Sr. & Marie X
RD 2 Bethlehem RD
New Windsor, NY 12553

Kroll, Rosemary X
RD 2, Bethlehem RD
New Windsor, NY 12553

Dailey Steffen J. & Laura Marie X
360 Bethlehem RD
New Windsor, NY 12553

Hall, Ronald G. & Lucille X
Bethlehem RD, RD 2
New Windsor, NY 12553

Lantelme, Rudolph L. & Anne C. X
6 Oles Dr.
New Windsor, NY 12553

Cox, Robert & Maria X
367 Bethlehem RD
New Windsor, NY 12553

McCuldough, Fred T. & Mafalda X
RD 2 Bethlehem RD
Box 366
New Windsor, NY 12553

Vanleuven, Charles & Gertrude X
RD 2 Bethlehem RD
New Windsor, NY 12553

Martens, Micheal J. X
Box 340, RD 2
Bethlehem RD
New Windsor, NY 12553

Prokosch, Donald J. & Evelyn M. X
RD 2 Bethlehem RD
New Windsor, NY 12553

Hoffman, Gary A. & Mary D. X
PO Box 4208
New Windsor, NY 12553

Vestea, Frederick A. & Barbara A. X
RD 2 Bethlehem RD
New Windsor, NY 12553

Dowling, James H. & Sophia X
Box 348, Bethlehem RD, RD 2
New Windsor, NY 12553

Collins, James E. & Joan X
97 Bethlehem RD
New Windsor, NY 12553

Cavalari, Alfred F. X
RD 2 Bethlehem RD
New Windsor, NY 12553

Sawyer, Majorie X
Rt. 2 Bethlehem RD
New Windsor, NY 12553

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**

PRINT OR TYPE: BLACK INK ONLY

MARY MARTENS
R.D. #2, Bethlehem Road
New Windsor, NY 12553
TO
EMSCO HOMES
P.O. Box 100
Washingtonville, NY 10992

SECTION 57 BLOCK 1 LOT 18

RECORD AND RETURN TO:
(Name and Address)

JAMES CASAZZA, ESQ.
19 South Street
Washingtonville, NY 10992

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 55471 DATE 3-11-94 AFFIDAVIT FILED _____ 19____

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

- BG20 Blooming Grove _____
- CH22 Chester _____
- CO24 Cornwall _____
- CR26 Crawford _____
- DP28 Deerpark _____
- GO30 Goshen _____
- GR32 Greenville _____
- HA34 Hamplonburgh _____
- HI36 Highlands _____
- MK38 Minisink _____
- ME40 Monroe _____
- MY42 Montgomery _____
- MH44 Mount Hope _____
- NT46 Newburgh (T) _____
- NW48 New Windsor X
- TU50 Tuxedo _____
- WL52 Walkkill _____
- 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 \$ 0.00

ED. FUND \$ 5.00

RECORD. FEE \$ 17.00

REPORT FORMS \$ 30.00

CERT. COPIES \$ _____

JOAN A. MACCHI
Orange County Clerk

by: C. Pignato

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on MAY 6 1994
at 9:50 O'clock A M.
In Liber/Film 4040 Deeds
at page 71 and examined.

Joan A. Macchi
County Clerk

Casazza

RECEIVED
6543 Cent
REAL ESTATE
MAY 6 1994
TRANSFER TAX
ORANGE COUNTY

ORG 05/06/94 09:50:08 21150 47.00

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

DEED CONTROL NO: 55471 .00 *
***** SERIAL NUMBER: 006543 *****

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

THIS INDENTURE, made the 1st day of March nineteen hundred and Ninety-Four

BETWEEN

MARY MARTENS
R.D. #2, Bethlehem Road
New Windsor, NY 12553

party of the first part, and

EMSCO HOMES
P.O. Box 100
Washingtonville, NY 10992

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,

~~ALL HEREIN SAID, PLACE HEREIN TO BE KEPT AND MAINTAINED IN FULL FORCE AND EFFECT AND NO PART THEREOF TO BE DELETED OR ALTERED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE PARTIES HERETO.~~

A certain "life estate" reserved in favor of the party of the first part in two conveyances described hereafter and said party of the first part hereby forever waives her right, title and interest to said "life estates".

SEE ATTACHED DESCRIPTION

TWO PAGES

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, 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:



MARY MARTENS

STATE OF NEW YORK, COUNTY OF Orange

ss:

On the 11th day of March 1994, before me personally came

MARY MARTENS

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

LOUIS J. CASCINO JR.
Notary Public, State of New York
No. 4957954

Qualified in Orange County
Term Expires Oct. 23, 1995

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____ 19____, before me personally came

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

STATE OF NEW YORK, COUNTY OF

ss:

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

that he is the of _____;

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

STATE OF NEW YORK, COUNTY OF

ss:

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

that he is the of _____;

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

Quitclaim Deed

TITLE No.

MARY MARTENS

TO

EMSCO HOMES

SECTION

BLOCK

LOT

COUNTY OR TOWN

STANDARD FORM OF
NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by



American
TITLE

INSURANCE COMPANY

GUARANTEED TITLE DIVISION

Recorded at Request of American Title Insurance Company

RETURN BY MAIL TO:

JAMES CASAZZA, ESQ.
19 South Street
Washingtonville, NY 10992
914-496-9166

Zip No.

Member of The Continental Insurance Companies

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 4040 PAGE

73

DESCRIPTION FOR QUIT CLAIM DEED FROM MARY MARTENS TO EMSCO HOMES

57-1-23.1

PAGE ONE OF TWO

PARCEL I

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York and bounded and described as follows:

BEGINNING at a point on the westerly bounds of lands of W & C Grant, Jr., and said point being at the intersection of stone walls marking the northeast corner of the lot hereby conveyed and the southeast corner of land now or formerly of A. LoCascio and running thence S 10° 43' 00" W 589.00 feet along west bounds of lands of McCullough, VanLeuven, Martens, Dowling and Lucas to a hub driven in the ground; thence S 87° 16' 40" W 116.24 feet to an intersection of stone walls, thence through said stone wall N 2° 56' 00" E 224.37 feet to a hub driven in the ground; thence continuing through the center of said wall N 4° 55' 50" W 239.72 feet to a hub driven in the ground; thence through the center of said wall and along lands of A. LoCascio N 2° 50' 00" E 190.75 feet to a hub driven in the center of said wall; thence S 72° 56' 00" E through said wall 235.71 feet to the point or place of BEGINNING.

BEING a part of the premises described in a deed from Regina Crube to Chester J. Sawyer and Marjorie Sawyer dated the 24th day of June, 1963 and recorded in the Orange County Clerk's Office on the 25th day of June, 1963 in Liber 1641 of Deeds at Page 647.

ALSO BEING the same premises as described in that certain deed dated the 18th day of September, 1972, running from Chester J. Sawyer and Marjorie Sawyer, husband and wife, to Fred Martens and Mary Martens, husband and wife, which deed was thereafter recorded in the Orange County Clerk's Office on the 21st day of December, 1972, in Liber 1929 of Deeds at Page 175. The said Fred Martens having died a resident of Orange County, New York on the 6th day of October, 1987 testate.

BEING the same premises described in a deed dated December 12, 1991 between Mary Martens to Michael J. Martens and recorded in the Orange County Clerk's Office on December 20, 1991 in liber 3537 of Deeds at Page 24.

TOGETHER with a right of way from the above described parcel to the public highway, Bethlehem Road over other lands of the grantor described as follows:

PARCEL II

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point in the center of the town road known as Bethlehem Road leading from State Route #207 to State Route #94, said point being South 6° 33; West 300.0 feet from the southeasterly corner of lands of Lacatchi, and runs from thence along the center of said road South 6° 33' West 200.0 feet to a point, thence leaving said road and through lands of Lucas North 83° 27' West 285.81 feet to a point in the line of lands of Hunter, thence along said lands North 10° 43' East 200.52 feet to a point, the southwesterly corner of lands of VanLeuven, thence along said lands South 83° 27' East 271.24 feet to the place of BEGINNING.

CONTAINING 1.278 acres of land.

LIBER 4040 PAGE 74

PAGE TWO OF TWO OF DESCRIPTION ON QUITCLAIM DEED BETWEEN
MARY MARTENS TO EMSCO HOMES

57
57-1-23.1

BEING the same premises as described in that certain deed dated January 9th, 1958 made by Victor J. Lucas to Frederick Martens and Mary Martens, husband and wife and thereafter recorded in the Orange County Clerk's Office on January 13, 1958 in Liber 1451 of Deeds at Page 335.

ALSO BEING and intended to be the same premises as described in that certain deed dated the 1st day of September, 1963 running from Frederick Martens and Mary Martens, husband and wife, to Mary Martens, and thereafter recorded in the Orange county Clerk's Office on the 3rd day of October, 1983, in Liber 2264 of Deeds at Page 790.

BEING the same premises described in a deed dated December 12, 1991 between Mary Martens to Michael J. Martens, and recorded in the Orange County Clerk's Office on December 20, 1991 in Liber 3537 of deeds at page 26.

Said right of way to be a 50 foot wide access way over the northerly most bounds of said parcel.

DESC. 5
EMSCO.MARTENS

Let certain deed dated the 1st day of September, 1963 running from Frederick Martens and Mary Martens, husband and wife, to Mary Martens, and thereafter recorded in the Orange county Clerk's Office on the 3rd day of October, 1983, in Liber 2264 of Deeds at Page 790.

BEING the same premises described in a deed dated December 12, 1991 between Mary Martens to Michael J. Martens, and recorded in the Orange County Clerk's Office on December 20, 1991 in Liber 3537 of deeds at page 26.

Said right of way to be a 50 foot wide access way over the northerly most bounds of said parcel.

DESC. 5
EMSCO.MARTENS

LIBER 4040 PAGE 75

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**

PRINT OR TYPE: BLACK INK ONLY

MICHAEL J. MARTENS
R.D. #2, Bethlehem Road
New Windsor, NY 12553

TO

EMSCO HOMES
P.O. Box 100
Washingtonville, NY 10992

SECTION 57 BLOCK 1 LOT 23.1

RECORD AND RETURN TO:
(Name and Address)

JAMES CASAZZA, ESQ.
19 South Street
Washingtonville, NY 10992

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 55472 DATE 3-1-94 AFFIDAVIT FILED _____ 19____

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

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

SERIAL NO. _____
Mortgage Amount \$ _____
Exempl 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 \$ 50.00
ED. FUND \$ 5.00
RECORD. FEE \$ 14.00
REPORT FORMS \$ 30.00
CERT. COPIES \$ _____

JOAN A. MACCHI
Orange County Clerk

by: C. Piqueto

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on MAY 6 1994
at 9:50 O'Clock 17 M.
In Liber/Film 4040 deeds
at page 76 and examined.

Joan A. Macchi
County Clerk

Casazza

RECEIVED
50.00
REAL ESTATE
MAY 6 1994
TRANSFER TAX
ORANGE COUNTY

EMSEC HOMES
P.O. Box 100
Washingtonville, NY 10992

RECORD AND RETURN TO:
(Name and Address)

JAMES CASAZZA, ESQ.
19 South Street
Washingtonville, NY 10992

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 55472 DATE 3-1-94 AFFIDAVIT FILED _____ 19____

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

- BG20 Blooming Grove _____
- CH22 Chester _____
- CO24 Cornwall _____
- CR26 Crawford _____
- DP28 Deerpark _____
- GO30 Goshen _____
- GR32 Greenville _____
- HA34 Hamplonburgh _____
- HI36 Highlands _____
- MK38 Minisink _____
- ME40 Monroe _____
- MY42 Montgomery _____
- MH44 Mount Hope _____
- NT46 Newburgh (T) _____
- NW48 New Windsor X
- TU50 Tuxedo _____
- WL52 Walkill _____
- WK54 Warwick _____
- WA58 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 \$ 50.00
 ED. FUND \$ 5.00
 RECORD. FEE \$ 14.00
 REPORT FORMS \$ 30.00
 CERT. COPIES \$ _____

JOAN A. MACCHI
 Orange County Clerk
 by: C. P. Pucato

Casazza

ORANGE COUNTY CLERK'S OFFICE S.S.
 Recorded on MAY 6 1994
 at 9:50 O'Clock 9 M.
 In Liber/Film 4040 Leeds
 at page 76 and examined.
Joan A. Macchi
 County Clerk

RECEIVED
50.00
 REAL ESTATE
MAY 6 1994
 TRANSFER TAX
 ORANGE COUNTY

LIBER 4040 PAGE 76

(8)
 ORG 05/06/94 09:50:09 21150 44.00

**** EDUCATION FUND: 5.00 ****
 DEED CONTROL NO: 55472 50.00 *
 ***** SERIAL NUMBER: 006544 *****



This Indenture,

Made the 1st day of March
Nineteen Hundred and NINETY-FOUR

State of New York }
County of } ss.

Recorded on the _____ day
of _____ A. D., 19 _____ at
_____ o'clock M. in liber
of DEEDS at page _____
and examined.

Between MICHAEL J. MARTENS
R.D. #2, Bethlehem Road
New Windsor, NY 12553

Clerk

part_y of the first part, and

EMSCO HOMES
P.O. Box 100
Washingtonville, NY 10992

Witnesseth that the part_y of the first part, in consideration of _____
part_y of the second part,

-----TEN----- Dollars (\$10.00)
lawful money of the United States,
paid by the part_y of the second part, do es hereby grant and release unto the
part_y of the second part, his heirs and assigns forever, ~~all~~

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York and bounded and described as follows:

BEGINNING at a point on the westerly bounds of lands of W & C Grant, Jr., and said point being at the intersection of stone walls marking the northeast corner of the lot hereby conveyed and the southeast corner of land now or formerly of A. LoCascio and running thence S 10° 43' 00" W 589.00 feet along west bounds of lands of McCullough, VanLeuvon, Martens, Dowling and Lucas to a hub driven in the ground; thence S 87° 16' 40" W 116.24 feet to an intersection of stone walls, thence through said stone wall N 2° 56' 00" E 224.37 feet to a hub driven in the ground; thence continuing through the center of said wall N 4° 55' 50" W 239.72 feet to a hub driven in the ground; thence through the center of said wall and along lands of A. LoCascio N 2° 50' 00" E 190.75 feet to a hub driven in the center of said wall; thence S 72° 56' 00" E through said wall 235.71 feet to the point or place of BEGINNING.

BEING a part of the premises described in a deed from Regina Crube to Chester J. Sawyer and Marjorie Sawyer dated the 24th day of June, 1963 and recorded in the Orange County Clerk's Office on

party of the first part, and

EMSCO HOMES
P.O. Box 100
Washingtonville, NY 10992

Witnesseth that the party of the first part, in consideration of ----- party of the second part,

-----TEN----- Dollars (\$10.00)

lawful money of the United States,
paid by the party of the second part, does hereby grant and release unto the
party of the second part, his heirs and assigns forever, all

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York and bounded and described as follows:

BEGINNING at a point on the westerly bounds of lands of W & C Grant, Jr., and said point being at the intersection of stone walls marking the northeast corner of the lot hereby conveyed and the southeast corner of land now or formerly of A. LoCascio and running thence S 10° 43' 00" W 589.00 feet along west bounds of lands of McCullough, VanLeuvon, Martens, Dowling and Lucas to a hub driven in the ground; thence S 87° 16' 40" W 116.24 feet to an intersection of stone walls, thence through said stone wall N 2° 56' 00" E 224.37 feet to a hub driven in the ground; thence continuing through the center of said wall N 4° 55' 50" W 239.72 feet to a hub driven in the ground; thence through the center of said wall and along lands of A. LoCascio N 2° 50' 00" E 190.75 feet to a hub driven in the center of said wall; thence S 72° 56' 00" E through said wall 235.71 feet to the point or place of BEGINNING.

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BEING the same premises described in a deed dated December 12, 1991 between Mary Martens to Michael J. Martens and recorded in the Orange County Clerk's Office on December 20, 1991 in liber 3537 of Deeds at Page 24.

TOGETHER with a right way from the above described parcel to the public highway, Bethlehem Road over other lands of the grantor described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point in the center of the town road known as Bethlehem Road leading from State Route #207 to State Route #94, said point being South $6^{\circ} 33'$ West 300.0 feet from the southeasterly corner of lands of Lacatchi, and runs from thence along the center of said road South $6^{\circ} 33'$ West 200.0 feet to a point, thence leaving said road and through lands of Lucas North $83^{\circ} 27'$ West 285.81 feet to a point in the line of lands of Hunter, thence along said lands North $10^{\circ} 43'$ East 200.52 feet to a point, the southwesterly corner of lands of VanLeuven, thence along said lands South $83^{\circ} 27'$ East 271.24 feet to the place of BEGINNING.

CONTAINING 1.278 acres of land.

BEING the same premises as described in that certain deed dated January 9th, 1958 made by Victor J. Lucas to Frederick Martens and Mary Martens, husband and wife and thereafter recorded in the Orange County Clerk's Office on January 13, 1958 in Liber 1451 of Deeds at Page 335.

ALSO BEING and intended to be the same premises as described in that certain deed dated the 1st day of September, 1963 running from Frederick Martens and Mary Martens, husband and wife, to Mary Martens, and thereafter recorded in the Orange county Clerk's Office on the 3rd day of October, 1983, in Liber 2264 of Deeds at Page 790.

BEING the same premises described in a deed dated December 12, 1991 between Mary Martens to Michael J. Martens, and recorded in the Orange County Clerk's Office on December 20, 1991 in Liber 3537 of deeds at page 26.

Said right of way to be a 50 foot wide access way over the northerly most bounds of said parcel.

described as follows:

BEGINNING at a point in the center of the town road known as Bethlehem Road leading from State Route #207 to State Route #94, said point being South 6° 33' West 300.0 feet from the southeasterly corner of lands of Lacatchi, and runs from thence along the center of said road South 6° 33' West 200.0 feet to a point, thence leaving said road and through lands of Lucas North 83° 27' West 285.81 feet to a point in the line of lands of Hunter, thence along said lands North 10° 43' East 200.52 feet to a point, the southwesterly corner of lands of VanLeuven, thence along said lands South 83° 27' East 271.24 feet to the place of BEGINNING.

CONTAINING 1.278 acres of land.

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BEING the same premises described in a deed dated December 12, 1991 between Mary Martens to Michael J. Martens, and recorded in the Orange County Clerk's Office on December 20, 1991 in Liber 3537 of deeds at page 26.

Said right of way to be a 50 foot wide access way over the northerly most bounds of said parcel.

DESC. 5
EMSCO.MARTENS

LIBER 4040 PAGE 78

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

To have and to hold the premises herein granted unto the part y of the second part, his heirs and assigns forever.

And the part y of the first part covenant that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And That, in Compliance with Sec. 13 of the Lien Law, the grantor 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.

In Witness Whereof, the part y of the first part has hereunto set his hand and seal the day and year first above written.

In Presence of


MICHAEL J. MARTENS

State of New York }
County of ORANGE } ss. On this 11th day of March
before me, the subscriber, personally appeared Nineteen Hundred and Ninety-Four
MICHAEL J. MARTENS

to me personally known and known to me to be the same person described in and
who executed the within Instrument, and he acknowledged
to me that he executed the same.



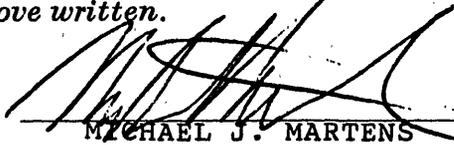
Notary Public
LEWIS J. CASCINO JR.
Notary Public, State of New York
No. 4957954
Qualified in Orange County
Term Expires Oct. 23, 1975

And the part y of the first part covenant that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And That, in Compliance with Sec. 13 of the Lien Law, the grantor 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.

In Witness Whereof, the part y of the first part has hereunto set his hand and seal the day and year first above written.

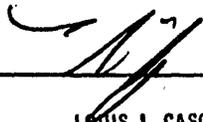
In Presence of


MICHAEL J. MARTENS



State of New York
County of ORANGE } ss. On this 11th day of March
before me, the subscriber, personally appeared
MICHAEL J. MARTENS

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.


Notary Public
LEOIS J. CASCINO JR.
Notary Public, State of New York
No. 4957954
Qualified in Orange County
Term Expires Oct. 23, 1925

Deed

Covenant Against Grantor with Lien Covenant

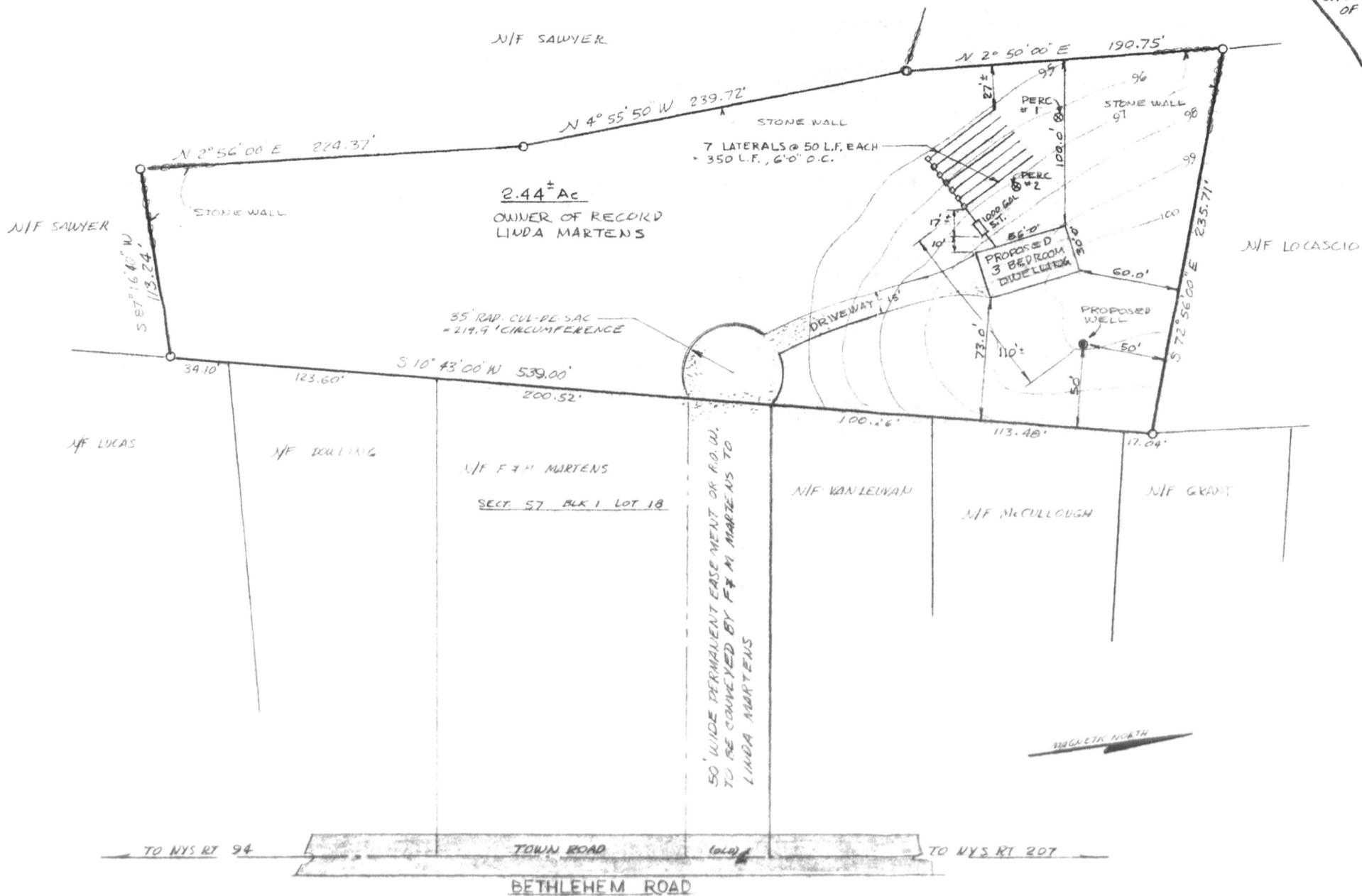
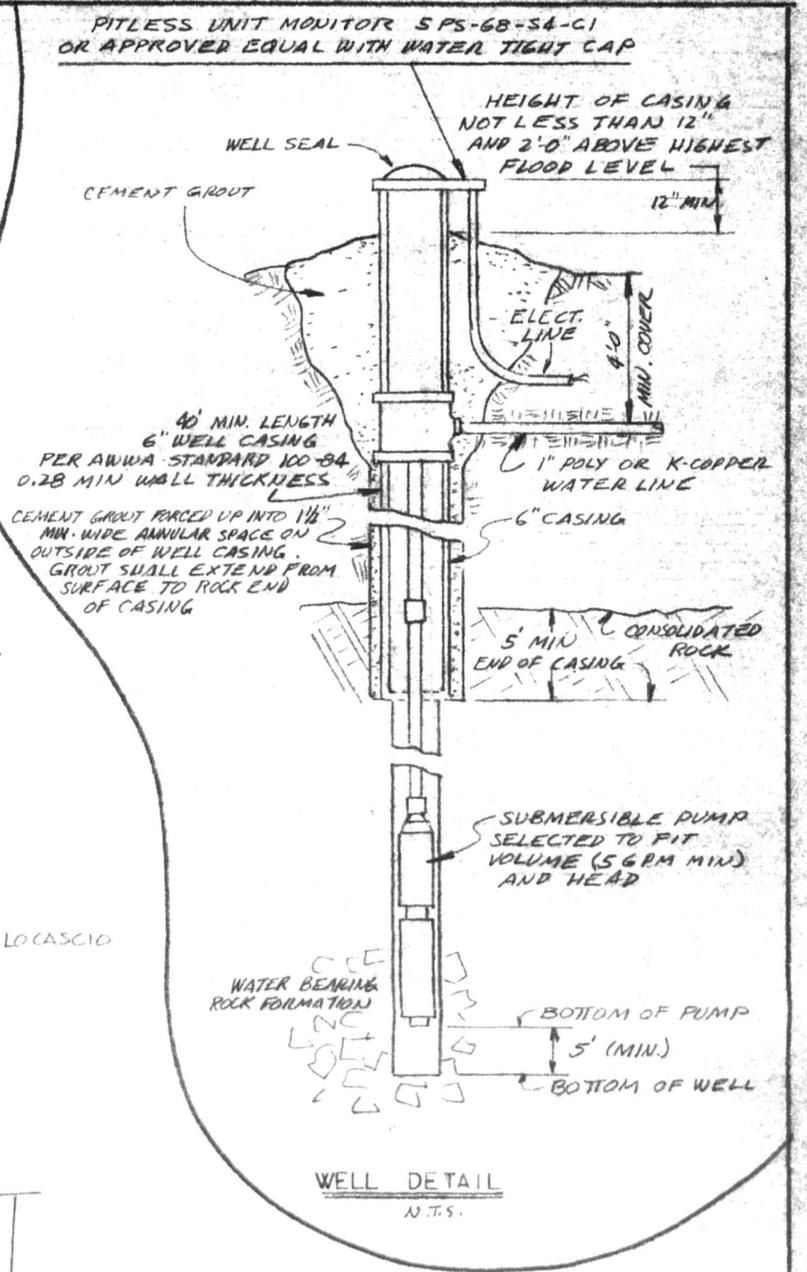
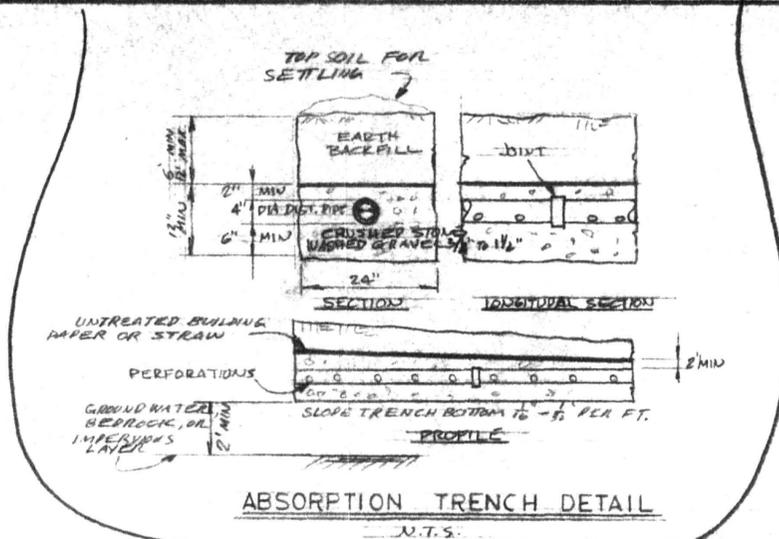
TO

Dated.

19

GENERAL NOTES!

- 1) PERC. TEST #1 STABILIZED AT 5 MIN.
- 2) PERC. TEST #2 STABILIZED AT 7 MIN.
- 3) DESIGN BASED ON 8-10 MINUTES; 3 BEDROOMS
- 4) TOTAL LENGTH OF LATERALS, 250 L.F. PLUS 100 L.F. EXPANSION = 350 L.F.
- 5) ABSORPTION FIELD, DISTRIBUTION BOXES, SEPTIC TANK, WELL, ETC. DETAILS SHALL CONFORM TO N.Y.S. HEALTH DEPARTMENT STANDARDS & REQUIREMENTS.
- 6) SEPTIC TANK SHALL BE PRE-CAST CONCRETE, 1000 GAL.
- 7) CONTRACTOR SHALL RE-LOCATE EXISTING DRAINAGE SWALE A MINIMUM OF 100' DISTANCE FROM ABSORPTION FIELD. INSTALL 15" Ø C.M.P. UNDER PROPOSED DRIVEWAY.
- 8) SANITARY SYSTEM SHALL BE INSPECTED BY A LICENSED PROFESSIONAL ENGINEER PRIOR TO BACK-FILLING TRENCHES, AND CERTIFIED TO THE TOWN OF NEW WINDSOR AS TO CONFORMING TO THIS PLAN AND N.Y.S. HEALTH DEPT. STANDARDS.



**PROPOSED 3 B.R. DWELLING
SANITARY & WELL DETAILS**



Louis J. Casino, P.E.
L.J. CASINO, P.E.
32 ALDER DRIVE
NEW WINDSOR, N.Y. 12553

LINDA MARTENS
SITE PLAN
TOWN NEW WINDSOR
SEC 57 BLK 1 LOT 23.1

SCALE: 1"=50.0' DRN, GKI 6-15-94

NOTES & DIMENSIONS TAKEN FROM SURVEY DATED JULY 27, 1972 BY RICHARD NORTHROP, P.L.S.