

ZB# 95-29

William Dubetsky

14-8-8

Trclm.

June 26, 1995.

Attorney Alan Axelrod

OCPD on 10/5/95

Short form EAF4

*50,000 + Pd

*300,000 + Pd.

Letter from Leator 4/1
Motion to S. Schedule
Letter to Sentinal 10/5/95.

P. H.

~~to~~ deed available 4.

No Title "

Public Hearing:

October 23, 1995.

Use Variance

Granted -

2-Family
in NC zone)

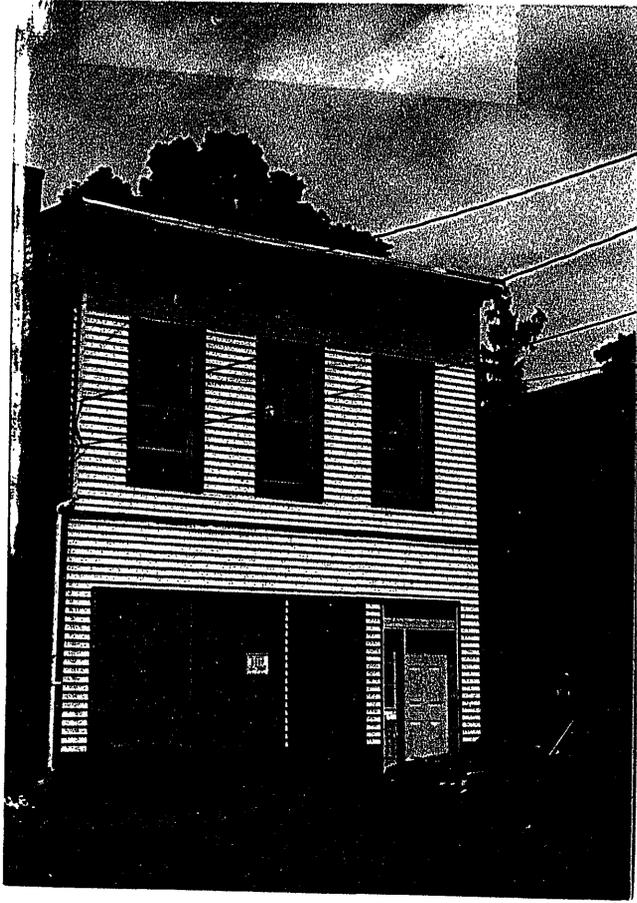
Refund

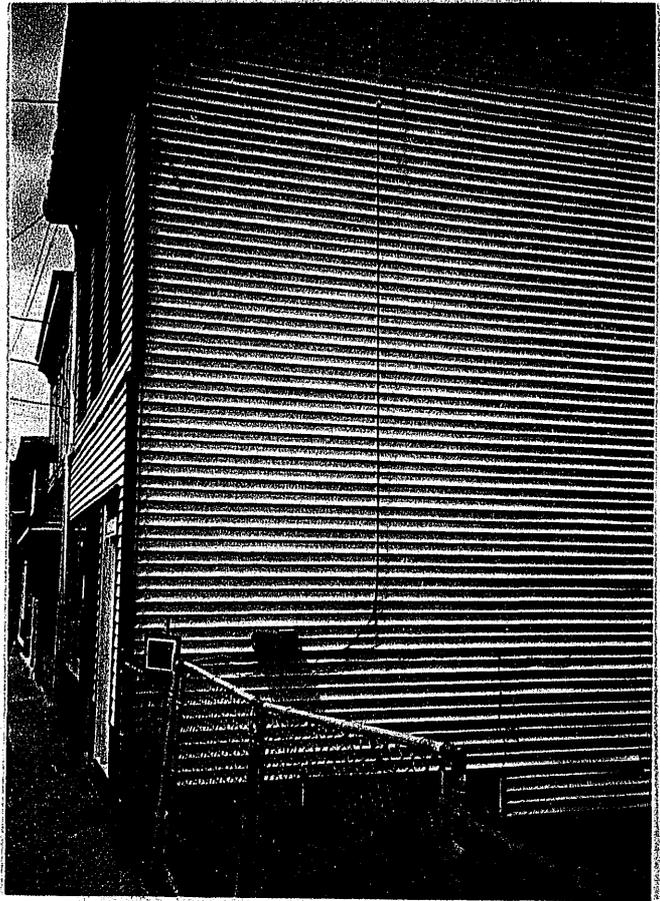
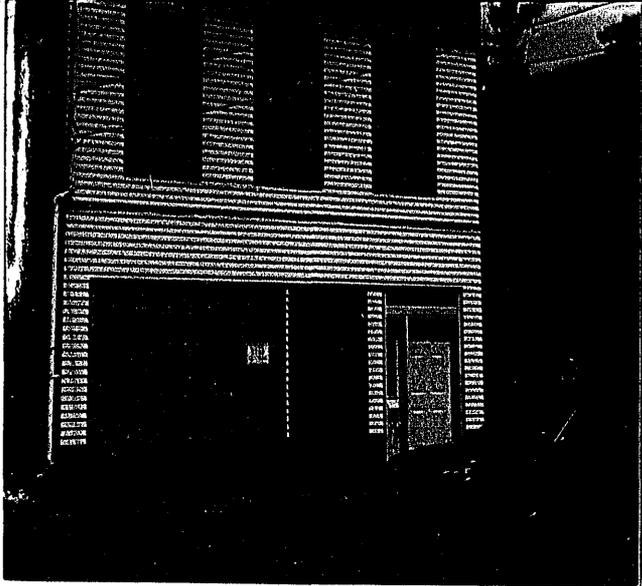
\$158.00

due

#95-29-Dubetsky, Wm.

Use - 2 fam. in NC zone





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

GENERAL RECEIPT

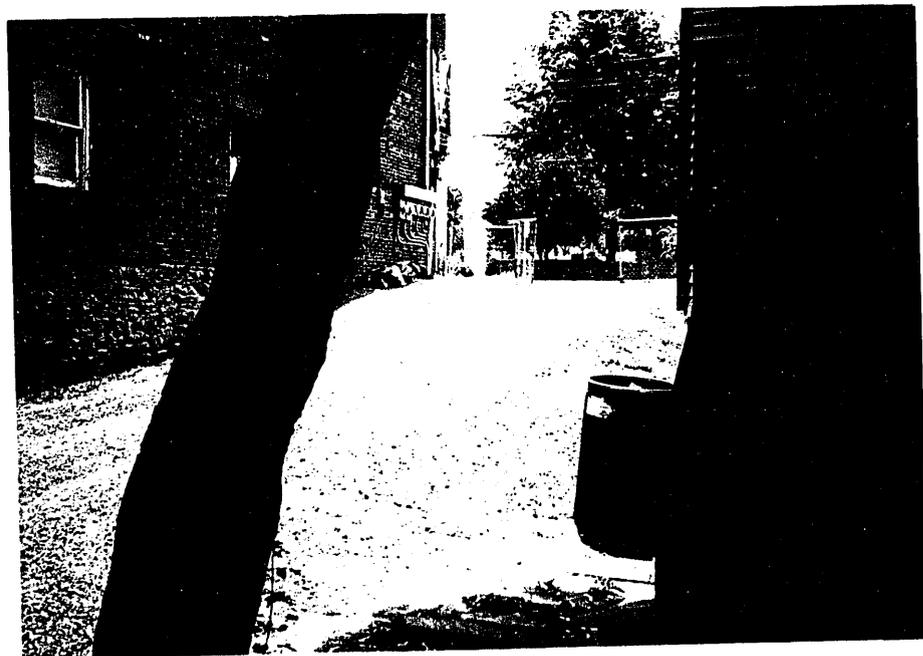
OCT. 5 15052
 28th 95

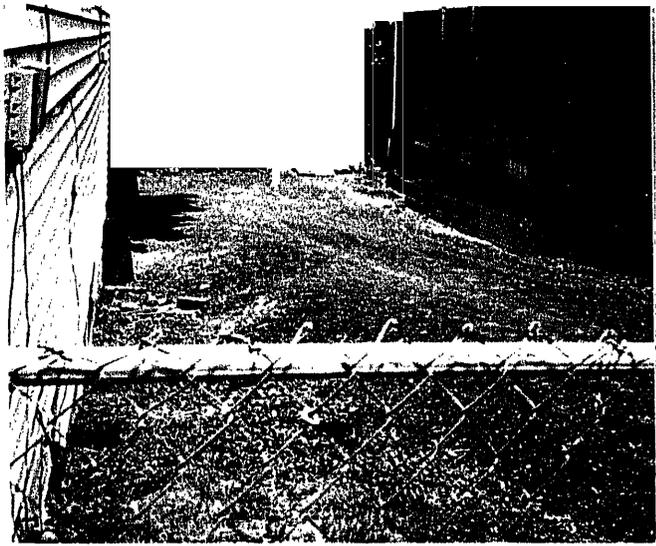
Received of Jean Dubetsky \$ 50.
Fifty And _____ 10 DOLLARS
 For BA - 95-29 100

DISTRIBUTION

FUND	CODE	AMOUNT
<u>Ch. 723</u>		<u>50.00</u>

By D. Hansen
Town Clerk
 Title





View - 2 fam. in NE corner

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Dubetsky

FILE # 95-29

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$50.00 #723
 * * * * * 4.10/5/95

ESCROW DEPOSIT FOR CONSULTANT FEES . . Use \$300.00 #724
4.10/5/95

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 6/26/95 - 8 pages \$ 36.00
 2ND PRELIM. MEETING - PER PAGE 10/23/95 - 2 pages \$ 36.00
 3RD PRELIM. MEETING - PER PAGE \$ _____
 PUBLIC HEARING - PER PAGE \$ _____
 PUBLIC HEARING (CONT'D) PER PAGE \$ _____
 TOTAL \$ 72.00

ATTORNEY'S FEES:

PRELIM. MEETING- _____ HRS. 6/26/95 \$ 35.00
 2ND PRELIM. _____ HRS. 10/23/95 \$ 35.00
 3RD PRELIM. _____ HRS. \$ _____
 PUBLIC HEARING _____ HRS. \$ _____
 PUBLIC HEARING _____ HRS. (CONT'D) \$ _____
 FORMAL DECISION _____ HRS. \$ _____
 TOTAL HRS. _____ @ \$ _____ PER HR. \$ _____
 TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ _____
 TOTAL \$ 142.00

LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$ _____
 REFUND TO APPLICANT DUE \$ 158.00

JOAN M. DUBETSKY
WILLIAM M. DUBETSKY
89 HARRIGAN RD.
HOPEWELL JUNCTION, NY 12533

724

OCT 5 1995

50-7938/2219

PAY TO THE
ORDER OF

TOWN OF NEW WINDSOR \$ 300.00

Three Hundred DOLLARS



Hudson Valley
Federal Credit Union

P.O. BOX 1750, POUGHKEEPSIE, NY 12601 914-463-3011

MEMO 28A-95-29

Joan Dubetsky

⑆ 221979363⑆ 0628566009⑆

0724

JOAN M. DUBETSKY
WILLIAM M. DUBETSKY
89 HARRIGAN RD.
HOPEWELL JUNCTION, NY 12533

723

OCT 5 1995

50-7938/2219

PAY TO THE
ORDER OF

TOWN OF NEW WINDSOR \$ 50.00

Fifty DOLLARS



Hudson Valley
Federal Credit Union

P.O. BOX 1750, POUGHKEEPSIE, NY 12601 914-463-3011

MEMO 28A-95-29

Joan Dubetsky

⑆ 221979363⑆ 0628566009⑆

0723

-----x
In the Matter of the Application of

WILLIAM DUBETSKY

DECISION GRANTING
USE VARIANCE

#95-29.
-----x

WHEREAS, WILLIAM DUBETSKY, 89 Harrington Street, East Fishkill, New York 12533, has made application before the Zoning Board of Appeals for a use variance to permit conversion of first floor store to an apartment, thereby creating a two-family residence in an NC zone located at 59 Quassaick Avenue; and

WHEREAS, a public hearing was held on the 23rd day of October, 1995 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared together with Alan J. Axelrod, Esq.; and

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

WHEREAS, no one spoke in opposition to the application; and

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

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

2. The evidence presented by the applicant showed that:

(a) The subject property is a property located in a mixed commercial and residential neighborhood.

(b) The Applicant inherited the property in the late 70's and has attempted to rent the commercial portion of the property since then.

(c) In attempting to rent the commercial property he has had significant vacancies.

(d) The property is so constructed that there is no off-street parking and the on-street parking is on a roadway of the State of New York.

(e) The Applicant has been provided with information that New York State is conducting a study which looks likely that

they are going to eliminate parking on the east side of this roadway in the area of the Applicant's property.

(f) A written opinion was submitted from an area realtor indicating that the property had no value as a commercial property.

(g) The Applicant also had M. Lucas, a contractor, appear and testify.

(h) It appears that there are only two (2) available parking spaces for any commercial tenant of the main floor which is wholly inadequate and unattractive to any commercial tenant.

(i) The Applicant has continuously tried to sell the property since 1980.

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

1. The Applicant has proven to the Board's satisfaction that he cannot realize a reasonable return as demonstrated by competent financial evidence for each and every use permitted in the NC zone.

2. Any hardship relating to the property in question would appear to be unique in that the property is unlike any other property in the neighborhood or district.

3. It is the opinion of the Board that the granting of the use variance will not result in an alteration of the essential character of the neighborhood for reasons elaborated above.

4. It appears that the hardship alleged by the Applicant has not been self-created in that the Applicant has owned the property for some time having inherited it from his brother.

NOW, THEREFORE, BE IT

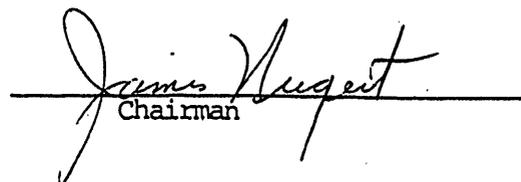
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a use variance to permit conversion of first floor store to an apartment, thereby creating a two-family residence in an NC zone located at 59 Quassaick Avenue.

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: January 22, 1996.

(ZBA DISK#13-011296.WD)


Chairman

Date 12/25/95, 19.....

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

TO Frances Ruth 147 Syracuse Dr DR.
New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
12/23/95	Zoning Board Meeting	75.00	
	Misc - 2		
	Caloni - 11		
	McCarville - 3		
	Thomas - 3		
	Mylonas - 3		
	Francan - 9		
	Belle - 22		
	Dubetsky - 8 40.50 36.00	274.50	
	<u>61</u>	<u>349.50</u>	

DUBETSKY, WILLIAM

MR. NUGENT: There's no one in the audience.

MR. KRIEGER: No non-participatory person.

MR. NUGENT: Request for conversion of first floor store to an apartment thereby creating a two-family residence in NC zone. Use not permitted.

Alan J. Axelrod, Esq. and Mr. William Dubetsky appeared before the board for this proposal.

MR. NUGENT: You may start.

MR. AXELROD: My name is Alan Axelrod, I'm an attorney with Larkin and Axelrod in Newburgh and I represent Bill Dubetsky who inherited this property from his brother sometime I believe in the late 70's. He's seeking a use variance to convert a first floor store to a one bedroom apartment thereby creating a two-family residence. Now, he's had a number of commercial tenants since he became the owner of this property again approximately 15 years ago. And he's had nothing but problems. He's had to evict a number of them, some of them have vacated leaving the place in shambles. They all have the same complaint, there's not adequate parking. This property is on the east side of the Quassaick Avenue, I have attached to the application a letter from Richard lease from Lease Real Estate who unfortunately had another commitment, could not be here tonight but indicated that he'd be happy to speak to anyone on the board to confirm his inability to rent or sell the property. Mr. Dubetsky for the last ten years has had the property on the market on and off with Lease. What happens is occasionally he's gotten a commercial tenant. When he does, he takes it off the market and then most of the tenants have only been there, he had one tenant that stayed a couple of years but most of them have only been there for a few months at a time. The major problem is the parking. Also, I personally spoke with Donald Green, the civil engineer with the New York State Department of Transportation and unfortunately, Don told me he would not give me something in writing and anyone that has

ever dealt with New York State DOT knows how difficult it is to get them to commit to anything in writing but he indicated that again he would speak to anyone on the board and confirm that there's a study underway and it looks in all likelihood they are going to eliminate parking on the east side of Quassaick Avenue in the area where Mr. Dubetsky's property is located and his property is on the east side of Quassaick Avenue. That being the case, it's just going to be devastating to any potential commercial tenant there because there's not adequate parking now and now if they take away the couple of spots on Quassaick Avenue, it would be virtually useless to use as commercial property. We have pictures for those that are not familiar. Mr. Lease also indicated that due to the grade of the property, I don't know if I just want to pass these around, I'll start on one end, you have pictures, okay, there's a narrow driveway off of Quassaick Avenue leading to the back of this property, where there's an area and I have Mike Lucas here, Mike Lucas is a contractor and he's familiar with the property. I am told that at best by both Mike, Mr. Dubetsky and Mr. Lease at best you could get maybe squeeze in four parking spots in the back. This property, the upstairs is a tenant, it's a two bedroom apartment upstairs, two vehicles for the tenant which leaves two remaining parking spots in the back. If you were to use the back for parking any commercial tenant if there were just two employees, would need those for their own employees. There's no place left for customers to come in. The lot is only 50 by 100 so it's too small, it would create, if they had even if there were more room in the back, would be a real safety hazard because if you see from the location of this property, if you were coming out of that driveway and wanted to make a left-hand turn onto Quassaick Avenue to go south, you'd be coming across a very heavily trafficked area. It would be a real safety hazard and also the visibility is very bad there. If people were coming southbound on Quassaick Avenue and wanted to make the left-hand turn, it would tie up the traffic behind him because again, during the normal business day, very heavily traveled area. I know that we have been asked for competent financial evidence, I'm going to do as best I can with that. It's virtually impossible because nobody,

everyone has told me the same thing, to fix the place up, and to invest any money in it and some of the tenants that have been there have left it in pretty bad shape inside, would be a complete waste of money. In the last couple of years, he's done, he's paid attorneys to do two evictions goes, he's had damage to the property, Mr. Dubetsky unfortunately had surgery this morning on his eye, so I, with the board's permission, I'm going to take some liberties to just ask him to verify what I am telling you, rather than asking him to try to talk tonight because he's still a little under the weather. But if there's anything, I'm sorry, Mr. Dubetsky, just chime in, because these are things that he has told me over the last couple of months when we were preparing for this. The upstairs apartment he just increased the rent about three months ago, he now gets \$475 a month rent for the upstairs apartment. Multiplying that times 12, the upstairs apartment, two bedroom, which is \$5,700 a year, assuming that he has got it rented for 12 months. The downstairs over the last 15 years the rent that he has collected over those years doesn't even equal what he had to spend. So it's virtually had no income from the downstairs apartment. If you multiply when he had somebody for a couple of years but the person he had for a couple years used it for storage and paid him \$250 a month rent. His expenses on the property, the taxes are as of now, the school tax is \$1,897.94 a year, state, county and town tax is \$1,877.85 for a total property tax of \$3,775.79 a year. His heating costs and heat and he does supply heat to the tenant upstairs as well as having to keep the place heated has been running \$1,500 a year. The water and sewer bill is 600 a year, his insurance bill is \$1,443.97 a year. Those, the taxes, the fuel oil, the water and sewer and the insurance total \$7,319.76 a year. I haven't even put in a number for normal repairs and maintenance but that is just his full out-of-pocket expenses for those other items which the rental that he is getting upstairs doesn't even come close to covering. If we look at criteria, we realize that on each one of these items, as far as the reasonable return and demonstrating by competent financial evidence, you see from Mr. Lease's letter and Mr. Lease's letter I believe at the end of the letter and he confirmed this

with me is, let me find it, I don't want to misquote him, he says my opinion that the highest and best use of this real estate is residential. In fact, this may be its only use. While I realize that his stating that the highest and best use is really not anything that this board would necessarily have to consider the fact that he is saying it may be its only use is confirmed to me, that it is virtually, he's tried to sell it as commercial, nobody wants to buy it.

MR. KANE: Just to confirm you stated that it is over the last ten years he's been trying to either sell or--

MR. AXELROD: When did you first put it on the market?

MR. DUBETSKY: Since 1980, more than ten years.

MR. KANE: Just wanted to confirm that.

MR. AXELROD: As far as the uniqueness, it's my understanding and I have gone by the property, there's a couple of engineering and surveyors' offices, they have some of their own parking, I understand Mike you had confirmed to me that one of them has parking in the back.

MR. LUCAS: The town engineer has off-road parking, some do park in front. Grevas also has a lot in the back there for commercial. There is no place to park unless you use Quassaick Avenue, which is really a pretty busy area and it was at one time it was the commercial area of the town but that is the 30's and 40's, now it's just, I mean I totally agree with the Leases, that I don't see any other use for it but residential.

MR. AXELROD: As far as the character of the neighborhood, it won't alter the character of the neighborhood. There are already residential, there's a couple of two and three-family houses right along that strip, there's a few across the street, that is the deli, there's at least one, two buildings down from Mr. Dubetsky's property. In fact, if anything, it's going to help the character of the neighborhood because if there were, and the apartment that he proposes putting

downstairs would be a one bedroom apartment, it would be adequate parking for the upstairs and downstairs tenant in the back which will free up a couple of parking spaces along Quassaick Avenue, at least until DOT recommends otherwise for the other businesses in the area. As far as the fact that he has not, this has been a self-created hardship, first of all, he's done nothing but attempt to rent the downstairs apartment, the downstairs to commercial tenants since he inherited the property 15 years ago. He's had no control over the increased traffic over the last 10 or 15 years, certainly I am a native of this area, the amount of traffic in that area has increased tremendously in the last 10 or 15 years. Also, he has no control over DOT saying we're going to probably stop people from parking along the east end and for him in good conscience even if he found a tenant, a commercial tenant, a commercial tenant is going to want to go in there and either ask him to build to suit or he is going to, a tenant would want to do it himself and ask for a long term lease, how could he in good conscience enter into a long term lease with a commercial tenant knowing that whether it's six months from now or six years from now. Again, dealing with DOT we probably don't know whether it's going to be six months or six years that if they halt all the parking on that side of the street, it's going to really make it virtually useless as a commercial property. So, in summary, I think that the property if you are familiar with the property, it makes all the sense in the world to make it into a two family, he's poured a lot of money into this. Mr. Dubetsky and his wife both sitting here both retired, they are on fixed incomes and they have been losing money and the only way that they could see to try to get themselves from this financial hardship is to convert this into two-family house where at least rental income may pay their expenses and then once they get a tenant in there then they are hopeful that they'll be able to sell it.

MR. TORLEY: Some of the structures adjacent to it appear to be business on the ground floor, an apartment on the second floor so there are already buildings similar to that in the neighborhood with residences all on the second floor, this is not unusual in that sense.

MR. AXELROD: That is correct. The building south of his sells police uniforms and then there's also a monument place but they have along the, on the side.

MR. LUCAS: On the back and next to it is like a floral shop, next to it is a two-family house, next to it is a real estate, then there's, it's so mixed, it's exactly, and across the street, there is a six family house, there is a store, there's a one-family house then there's a business on the corner so it all, whatever they do with it conforms to what's there, there's no big change.

MR. AXELROD: Some of the buildings there, commercial uses have their own parking, the problem here is he has no place to put the parking. That is the major problem.

MR. KANE: And businesses that are there don't require a lot of parking either. So you are really limited in the clientele that you can get.

MR. AXELROD: That is true. The engineers and surveyors' office, these probably meet more with their clients out of their office than in their office so even though they have their own parking, it's not a business that would require a substantial amount of parking. The only business there along that strip I think that would require any amount of parking is probably the deli across the street and that is an in and out kind of situation.

MR. LUCAS: Most of that is southbound traffic, some people do run across but mostly southbound are going towards West Point, they are in and out in minutes. You couldn't do that, I don't think on a northbound side with that place.

MR. KANE: So the parking situation with his particular piece of property makes it kind of unique that he doesn't have available parking for the right type of clients so that makes it a unique situation.

MR. AXELROD: Exactly. He's tried a lot. The only tenant he's had there in the approximately 15 years

that he has owned it that actually stayed for about two years, a little over two years, and in fact, I was involved in evicting that tenant, had \$250 a month rent, that is what he paid, it was a photo place that had a photo business across the river and he used this for storage. Is that correct? He didn't have customers.

MR. DUBETSKY: Nothing going in and out.

MR. AXELROD: Paying \$250 a month and that we wound up having to evict him at the end.

MR. KRIEGER: How long ago was that?

MR. AXELROD: About three years ago.

MR. DUBETSKY: About three or four years ago.

MR. KRIEGER: Have there been any tenants since, commercial tenants?

MR. DUBETSKY: Yes.

MR. KANE: How long have they stayed on an average?

MR. DUBETSKY: On the average?

MR. KRIEGER: And who were they?

MR. DUBETSKY: Mr. Carter, he said six months and then the next one was McMillen and he stayed a year and that was the last one.

MR. KANE: So over the four years, two tenants totaling maybe a year and a half?

MR. DUBETSKY: Yeah.

MR. TORLEY: And you have attempted to sell the commercial property?

MR. AXELROD: Did you put that with Lease right after your brother died?

MR. DUBETSKY: Yes.

MR. AXELROD: He died in '79 or '80, approximately 15 years ago.

MR. REIS: For the board, my firm is handling the properties right across the street from this, Mr. Dubetsky's property, and we have been trying to sell both properties for in excess of four years. One is a residential property, one is a business and in support of Mr. Dubetsky's position and Mr. Axelrod's position, the residential property we can't sell it for 40,000 and it's very similar to Mr. Dubetsky's and the deli which we're handling has been a constant complaint because to echo everybody's comments, the lack of parking. I fully support what they are trying to accomplish here and I would recommend that we go along with it. No further questions. I'd like to make a recommendation that we make a motion--

MR. LUCAS: I support it.

MR. NUGENT: No further questions by the board? I'll accept a motion.

MR. REIS: I'd like to make a motion that we accept or we put to it a vote Mr. Dubetsky's request for a variance for two-family residence.

MR. LANGANKE: I second it.

ROLL CALL

MR. KANE	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. REIS	AYE
MR. NUGENT	AYE



COUNTY OF ORANGE

JOSEPH G. RAMPE
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (914) 294-5151, EXT. 1770 FAX: (914) 294-3546

PETER GARRISON, COMMISSIONER

Rec'd. ZBA.
10/20/95.

AB

file

ORANGE COUNTY DEPARTMENT OF PLANNING
239 L, M OR N REPORT

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

Referred by: OCDP Reference No.: NWT-8-95-M
County I.D. No.: 14-8-8

Town of New Windsor

Applicant:

William Dubetsky

Proposed Action:

Use Variance - convert 1st. floor store front to single family resulting in building being a 2-Family..

State, County, Inter-Municipal Basis for Review:

Within 500' of NYS Hwy. #94.

Comments:

There are no significant inter-municipal or countywide considerations to bring to your attention.

Related Reviews and Permits:

County Action: Local Determination X Disapproved Approved

Approved subject to the following modifications and/or conditions:

Date:
10/18/95

Commissioner

Prelim.
June 26, 1995
11:30 p.m.

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

95-29.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 1, 1995

APPLICANT: JOAN AND WILLIAM DUBETSKY
89 HARRIGAN ROAD
EAST FISHKILL, N.Y. 12533

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 17, 1995

FOR (BUILDING PERMIT): 2 FAMILY HOME

LOCATED AT: 59 QUASSAICK AVENUE -

ZONE: NC

DESCRIPTION OF EXISTING SITE: SECTION: 14, BLOCK: 8, LOT: 8
APARTMENT AND STORE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 2 FAMILY IS NOT PERMITTED IN AN NC ZONE

Ernst L. Schmidt
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
--------------	-----------------------	------------------

ZONE: NC USE NC BULK TABLES

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.

RECEIVED MAY 17 1995

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..... Joan + William Dubetsky
Address..... 89 Harrigan Rd Phone..... 226 - 4440
Name of Architect..... East Fish Kill Phone..... 12533
Address.....
Name of Contractor..... Mike Lucas Builders, J. Nugent Mechanical, Marian, Etc.
Address..... 98 River Rd N.W. Phone..... 226 - 4440 561-6489
State whether applicant is owner, lessee, agent, architect, engineer or builder.....
If applicant is a corporation, signature of duly authorized officer.....

(Name and title of corporate officer)

1. On what street is property located? On the North East side of 59 Quassarick Ave
(N.S.E. or W.)
and 20 feet from the intersection of Walsh Ave + Quassarick Ave
2. Zone or use district in which premises are situated Is property a flood zone? Yes No...
3. Tax Map description of property: Section 14 Block 8 Lot 8
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Store b. Intended use and occupancy 1 Bedroom Apts.
5. Nature of work (check which applicable): New Building Addition Alteration Repair
Removal Demolition Other
6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
Is this a corner lot?
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories
8. If dwelling, number of dwelling units 2 Number of dwelling units on each floor 1
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 make 1st Floor Store into 1 Bedroom Apt.
10. Estimated cost 5000.00 Fec.
(to be paid on this application)
11. School District Newburgh Greater 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.

Office Of Building Inspector
Michael L. Babcock

10

19

Examined.....

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.....

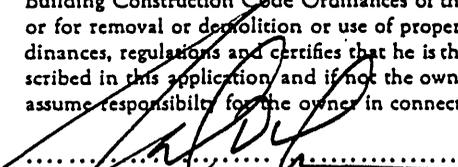
APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

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

INSTRUCTIONS

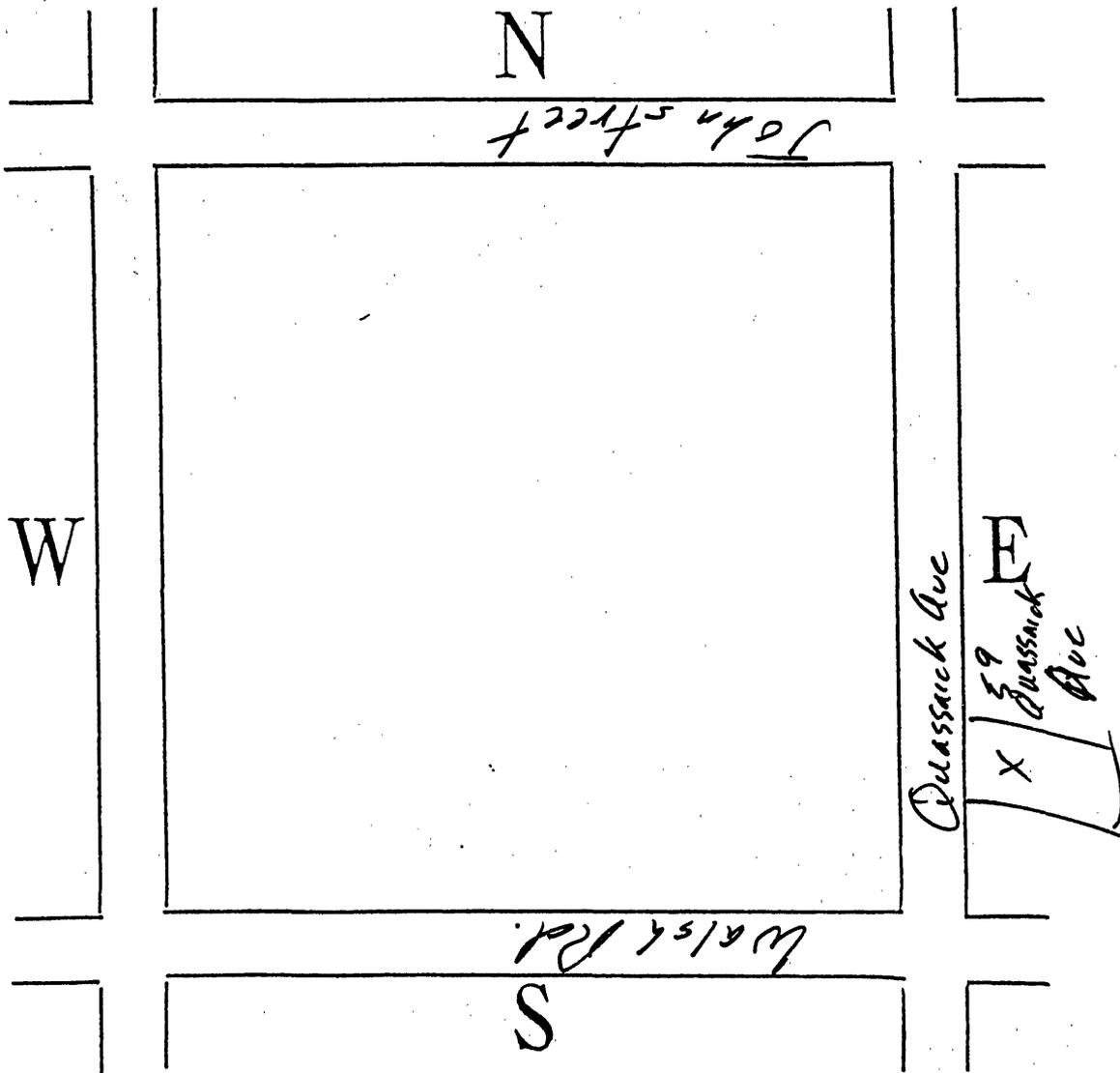
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout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

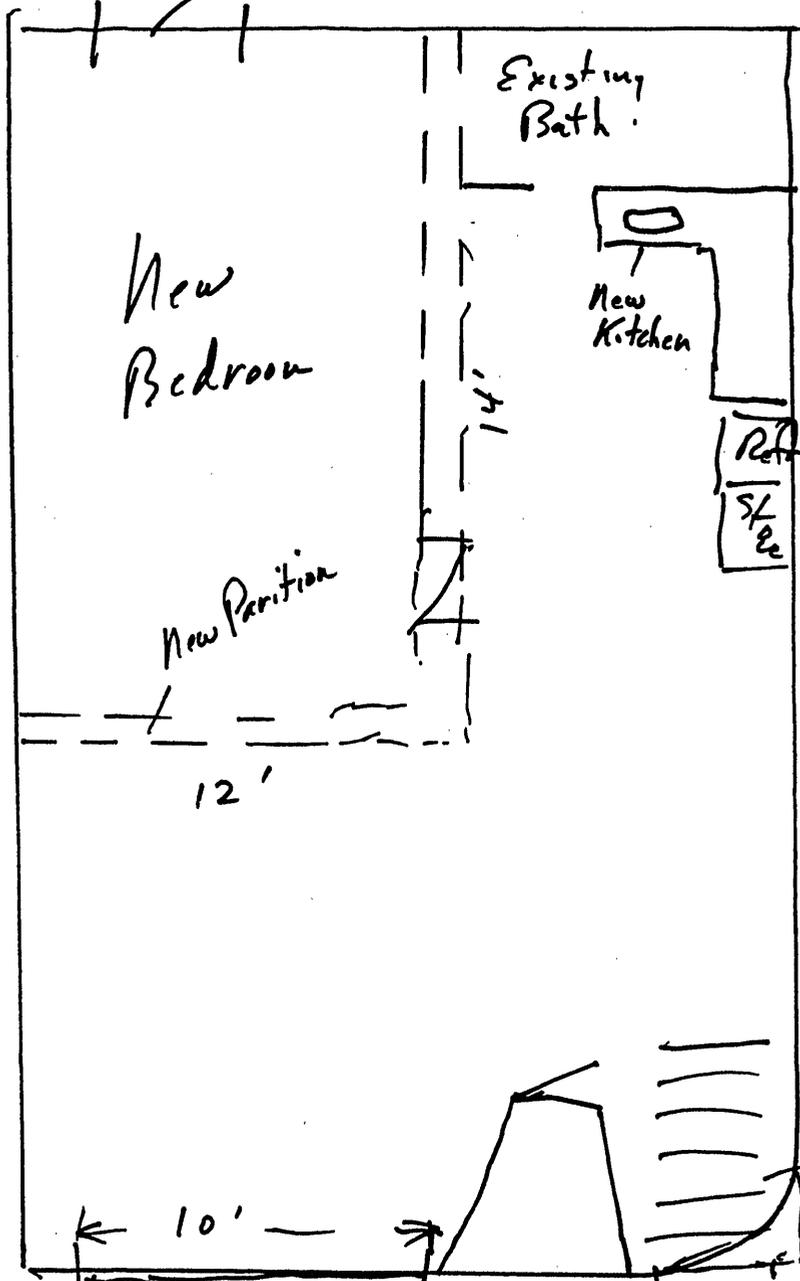

.....
(Signature of Applicant)

98 River Rd. N.W.
.....
(Address of Applicant)

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

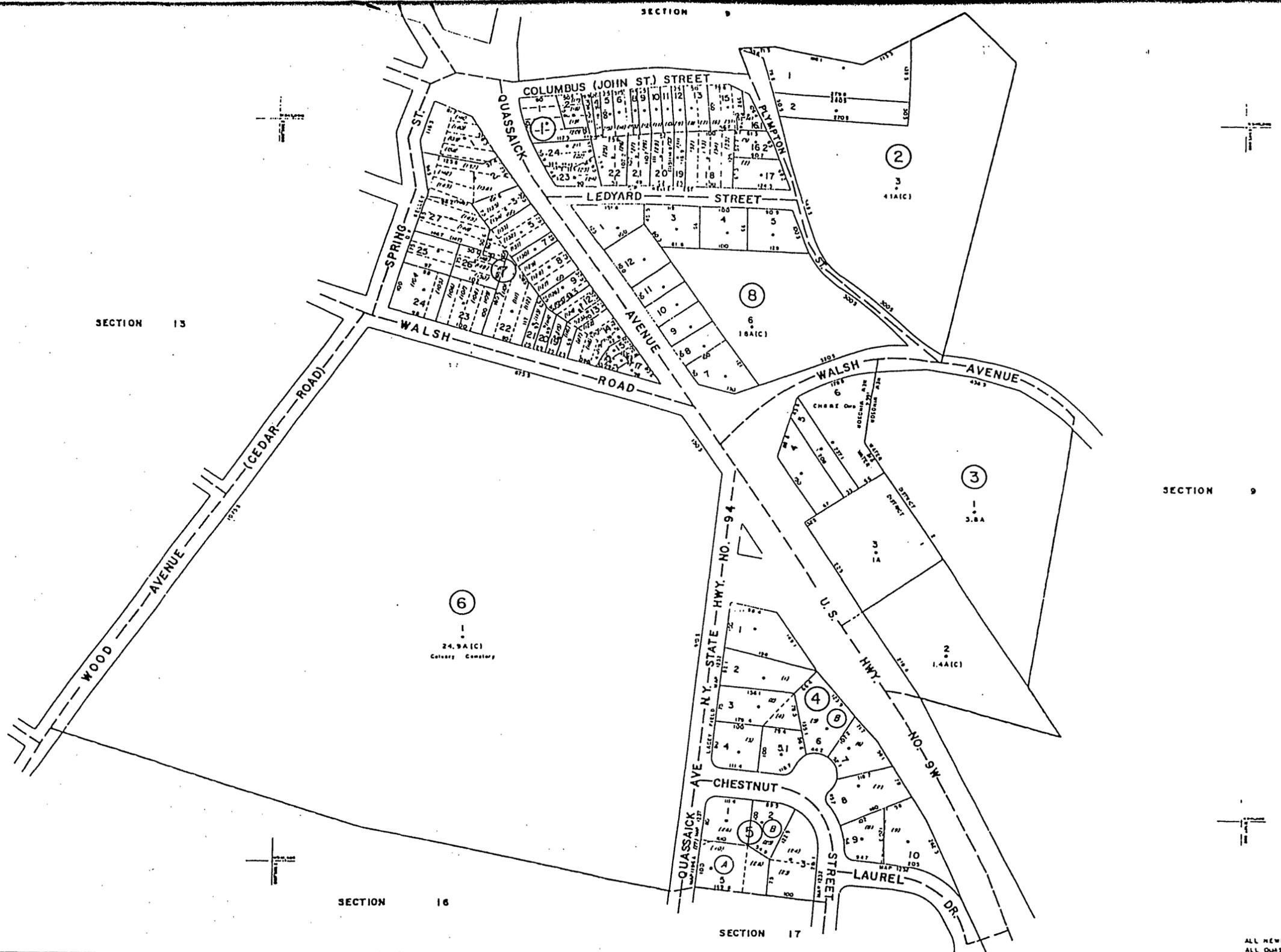


New Windows to meet Code.



New Safty Glass Insulated Windows

Stairs to Second Floor



ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSAICK BRIDGE FIRE DISTRICT

Prepared by
ORANGE CO. TAX MAP DEPT.
MANN ST., GOSHEN, N. Y. 10824
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	ZIPER CLASS LINE	TAX MAP PANEL NO.	PHYS. PLAN INDEX NO.
SUB-TOWN OR VILLAGE	ADJACENT LINE	TAX MAP PANEL NO.	PHYS. PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREAS (shown as shaded)	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (shown as shaded)	COUNTY HIGHWAYS
PROPERTY LINE	AND COORDINATE CENTERS	TOWN ROADS	

ORANGE COUNTY-NEW YORK
 Photo No. 14-30-31 Date of Map: 9-24-67
 Date of Photo: 3-1-63 Date of Revision: 3-1-81
 Scale: 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 14

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 95-29

1. Municipality Town of New Windsor Public Hearing Date 10/23/95

City, Town or Village Board Planning Board Zoning Board of Appeals

2. Applicant: NAME Wm. Dubetsky

Address 89 Harrigan Rd., E. Ioskill NY 12533

Attorney, Engineer, Architect Alan Axelrod, Esq.

3. Location of Site: 59 Quassaick Ave., New Windsor, NY.
(street or highway, plus nearest intersection) (Johns St.)

Tax Map Identification: Section 14 Block 8 Lot 8

Present Zoning District NC Size of Parcel 50 X 100

4. Type of Review:

Special Permit Use* _____

Variance* Use - Convert 1st floor store front to single fam. /
Area therefore having a 2-fam.

Zone Change* From: _____ To: _____

Zoning Amendment* To Section: _____

Subdivision** Major _____ Minor _____

10/5/95
Date

Patricia A. Banhart
Signature and Title ZBA.

*Cite Section of Zoning Regulations where pertinent
**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

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

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

William Dubetsky,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

95-29.

-----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 October 5, 1995, I compared the 39 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 October, 1995.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

39

August 22, 1995

Mr. William Dubetsky
89 Harrigan Road
Hopewell Junction, NY

Re: Tax Map Parcel #14-8-8

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

Leslie Cook /po
LESLIE COOK
Sole Assessor

/po
Attachments

cc: ~~Patricia Baumgardner~~

THOMAS & DONNA CURTIN X
17 WINCHESTER WAY
WASHINGTONVILLE NY 10992

ROLAND SR & MARIE E MITCHELL X
87 JOHN ST
NEW WINDSOR NY 12553

JORGE L & ISABEL JIMENEZ X
85 JOHN ST
NEW WINDSOR NY 12553

CLAUDIA TORRACO X
81 JOHN ST
NEW WINDSOR NY 12553

TINARDO MARTA X
79 JOHN ST
NEW WINDSOR NY 12553

FRANK FRANCAN X
243 VAILS GATE HEIGHTS DR
NEW WINDSOR NY 12553

ALFRED & MARGARET PALUMBO X
186 CAESARS LANE
NEW WINDSOR NY 12553

IRA KROUN X
57 JOHN ST
NEW WINDSOR NY 12553

VICTOR & ALICE BOSACKY X
15 LEDYARD ST
NEW WINDSOR NY 12553

MIRA ELLEN RUMSEY X
C/O MIRA ELLEN BLYTHE
7 PERRY ST
MORRISTOWN NJ 07960

ERNESTINE ANDERSON & CARMAN TORELLI X
27 LEDYARD ST
NEW WINDSOR NY 12553

BRENDA GREVAS X
ROUTE 1
BOX 270-1A
HAYS N.C. 28635

EDWARD REEVES X
19 QUASSAICK AVE
NEW WINDSOR NY 12553

DENNIS DEYO X
RR #5
TODD LANE
NEWBURGH NY 12550

HENRY SLOBODA X
48 JOHN ST
NEW WINDSOR NY 12553

AMERICAN FELT & FILTER CO X
34 JOHN ST
NEW WINDSOR NY 12553

PATTERSON MATERIALS CORP X
20 HAARLEM AVE
WHITE PLAINS NY 10603

MANS BROS REALTY INC X
PO BOX 247
VAILS GATE NY 12584

WARREN & EDITH GRAIG X
10 WINTERGREEN AVE
NEWBURGH NY 12550

CENTRAL HUDSON GAS & ELETRIC CORP
C/O TAX AGENT X
284 SOUTH AVE
POUGHKEEPSIE NY 12602

CALVARY CEMETERY X
CHURCH OF ST PATRICK X
55 GRAND ST
NEWBURGH NY 12550

RICHARD OSTNER X
82 BETHLEHEM ROAD X
NEW WINDSOR NY 12553

TONI ANN CATALANO X
PO BOX 4139 X
NEW WINDSOR NY 12553

SALVATORE ACQUARO X
16 HILLSIDE AVE X
NEW WINDSOR NY 12553

MARIE PETRO X
24 STORI RD X
NEWBURGH NY 12553

DAVID CLEEVES
8 BRIDGE RD
CORNWALL NY 12518

PATRICK BIANCO
90 FROZEN RIDGE RD
NEWBURGH NY 12550

HERMINO & ZELANDIA MALDONADO
44 QUASSAICK AVE
NEW WINDSOR NY 12553

VIVIANE COOK
72 VALLEY AVE
NEWBURGH NY 12550

CARMINE & HELEN MESSINA
88 BLOOMINGROVE TPK
NEW WINDSOR NY 12553

GLEN MITCHELL & EUGENE BERNIERI & ARNOLD SABINO
501 BALMORAL CIRCLE
NEW WINDSOR NY 12553

FRANK H REIS REALTY CORP
79 N FRONT ST
KINGSTON NY 12401

GEORGE & BERTHA TRAVER
26 QUASSAICK AVE
NEW WINDSOR NY 12553

MARYAM ROBARE
221 WALSH AVE
NEW WINDSOR NY 12553

JOSE CAMACHO, D. VICTORIANA & OSCAR LUIS ACOSTA
217 WALSH AVE
NEW WINDSOR NY 12553

FERDINAND A RITZ
211 WALSH RD
NEW WINDSOR NY 12553

CHARLES E JR & FRANCES R RUMSEY
192 WALSH RD
NEW WINDSOR NY 12553

HAROLD & SHIRLEY JONES
9 CEDAR AVE
NEW WINDSOR NY 12553

JOSEPH JR & CECELIA PIQUERAS
18 SPRING ROCK RD
NEW WINDSOR NY 12553

Date 6/28/95, 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth 147 Sycamore Dr DR.
New Windsor NY 12553

DATE		CLAIMED	ALLOWED
6/1/95	Zoning Board Meeting	75 00	
	Misc. - 3		
	Dayton - 5 22.50		
	Dubetsky - 8		
	Roberts - 4		
	MEB - 7		
	Brown - 4		
	Jaroscak - 4		
	Rhodes - 14		
	Trifilo - 3		
	Francan - 10		
	Brisman - 5	337 50	
	ELTS - 8	<u>412 50</u>	
	75 pp.		

~~DUBETSKY, WILLIAM~~

MR. NUGENT: Request to convert first floor store to apartment thereby creating a two-family residence at 59 Quassaick Avenue in an NC zone. Use not permitted.

Mr. Dubetsky appeared before the board for this proposal.

MR. NUGENT: I'd like to announce that I was directly involved with that job, so when it comes time to vote, I'm going to have to back off.

MR. KRIEGER: Recuse yourself.

MR. NUGENT: Recuse myself.

MR. DUBETSKY: Well, I don't know what to do here.

MR. NUGENT: Tell us what you want to do and why you want to do it.

MR. DUBETSKY: I want to put a one bedroom apartment and change it from commercial to residential because now I have had the building now for a long time and I keep on getting commercial and I keep on losing money. People come in and stay, only stay there six months and everything like that. So then, so I just want to change it, see if I can get a good tenant in there, get something steady. That is all. I spent a lot of money doing it, cleaned the whole place up.

MR. LANGANKE: Right now it's a store?

MR. DUBETSKY: It's a store there, yes.

MR. LANGANKE: You'd like to convert to an apartment?

MR. DUBETSKY: To a one bedroom apartment.

MR. LANGANKE: Because you have had tenants in there that leave and you're not getting return on your money?

MR. DUBETSKY: I'm losing a lot of money and I can't really--we have a hard time, me and my wife are both

retired and now we don't have that much income coming in and just have a horrible job paying the oil bill and taxes and stuff like that, school taxes, we just aren't making enough money.

MR. LANGANKE: How long have you had it as a store?

MR. DUBETSKY: Since 1980, my brother died and left it to me.

MR. LANGANKE: Since 1980, you have been renting it as a store?

MR. DUBETSKY: Yes.

MR. LANGANKE: How many tenants have you had there?

MR. DUBETSKY: I have had about six of them anyway, maybe for two or three months, four months, five months.

MR. LANGANKE: And it's been vacant a lot of the time in between tenants?

MR. DUBETSKY: Yeah.

MR. TORLEY: What are the properties around this?

MR. DUBETSKY: Now, the assessment?

MR. TORLEY: No, the next door neighbors, are they stores too?

MR. DUBETSKY: Yes, store and apartments.

MR. NUGENT: Combination. And there's a deli across the street, there's insurance company across the street, there's McGoey, Hauser & Edsall is on the same side as they are, the police uniform place is a couple doors away.

MR. LANGANKE: Mike, is there, would this, if this were done, would the building be able to conform to requirements? Is there enough parking, is it physically possible to do this?

MR. BABCOCK: Well, I have not looked at that as far as the parking.

MR. NUGENT: They have off-street parking, they are one of the few along that street that do.

MR. DUBETSKY: Park in the back.

MR. TORLEY: This is a use not permitted, so it's a use variance.

MR. KANE: Financial hardship, that is always the key.

MR. LANGANKE: Isn't this what he's telling us is happening, he's having financial difficulty, he's having financial hardship, wouldn't that qualify under--

MR. KANE: I don't know what reasonable return is.

MR. KRIEGER: Well, first of all, it has to be done with dollars and cents proof. Secondly, reasonable return is a question of, it's a question of fact. Mostly it's been defined by the courts as not a profit but whether what a return has to be to be reasonable is not thoroughly defined. The other problem that I can see here quite frankly is the fourth criteria, the alleged hardship has not been self-created, he's proposing creating it and unlike an area variance, with a use variance that is an absolute requirement. It can be, after being considered, it can be overlooked or overruled in an area variance, it cannot, in a use variance, it's an absolute and that over and above the financial difficulty, I foresee some problems for this particular applicant.

MR. NUGENT: I have another question for you. I am under the assumption that the DOT is going to change the parking regulations on that road.

MR. DUBETSKY: I understand that they are.

MR. NUGENT: No parking on his side.

MR. REIS: Just the east side?

MR. NUGENT: North side, this is Quassaick Avenue.

MR. TORLEY: If that became the case, no parking on that side, that would clearly diminish his utility as a commercial property, can't park.

MR. NUGENT: Sure would.

MR. TORLEY: That might create, that is no longer self-created hardship.

MR. NUGENT: It's only hearsay. I haven't seen it in writing.

MR. TORLEY: Makes commercial nonviable so he has got to get something else.

MR. KRIEGER: Then the--

MR. NUGENT: Unless he gets a letter from DOT that that is what they are going to do.

MR. KRIEGER: If that were in fact the case, yes, it would have an impact on the self-created hardship status. Once again, as it's been pointed out, you don't know that that is the case unless it's proven. And the requirement of the law is that it be proved reasonable lack of reasonable return be proved in dollars and cents proof. The other difficulty that I just want to touch on, I'm not sure it's a difficulty but the other concern with respect to use variance is when somebody applies for a use variance they must then comply with the State Environmental Quality Control Quality Review Act, commonly known as SEQR.

MR. TORLEY: Short form.

MR. KRIEGER: File a short form and the board is going to have to decide whether that is adequate or not.

MR. LANGANKE: Why is this a self-created hardship?

MR. KRIEGER: Well, it doesn't now exist and he's

proposing doing it.

MR. KANE: Without the road changes creating the hardship from going to residential that is self-created there's no way around that but if he can prove that it if he can get a letter from DOT stating that that is what they are going to do that takes away that particular thing at least in my mind.

MR. KRIEGER: That is an answer to the self-created hardship.

MR. KANE: That gives us something to look at. The other thing he will have to do is just put down in dollars and cents how that these, you know, how financially he's being hurt with the commercial aspect of this and I would guess that it would get worse with the changing of the road.

MR. KRIEGER: One must also remember the financial aspect you have to cover all of the uses allowed under the zoning law, not just what the history has been on this particular property but all the uses that are allowed in that zone that it is not viable for any of them.

MR. TORLEY: Or the state law, the legislature has made use variances very hard to get. We can't grant them because we want to, we're restricted by law to very severe standards which you can't ignore so before you proceed on this, you might want to consider anything else you're allowed to do in that zone with that property before you go to the expense of converting it to an apartment.

MR. DUBETSKY: We have gone to the expense.

MR. TORLEY: It's already converted to an apartment.

MR. DUBETSKY: Yes, we spent \$12,000 and that is all our money for our retirement. So if we can't do it, we have to rip the wall down, back to commercial.

MR. REIS: Who was your last tenant?

MR. DUBETSKY: McMillen.

MR. NUGENT: Race car thing.

MR. DUBETSKY: Yeah.

MR. TORLEY: Slot racers?

MR. NUGENT: No, like the collectibles.

MR. KANE: Upstairs, is that a commercial area upstairs is that residential?

MR. DUBETSKY: It's residential.

MR. TORLEY: So, these structures predate zoning?

MR. KANE: Well, they have special use for commercial thing but only for one family in that particular building.

MR. LANGANKE: I think that a case can be built here but I think you have to, you're going to have to do some research here and perhaps contact the DOT and see if you can get something in writing that what Mr. Nugent has said might happen, see if you can get that in writing which would give the board something to make a finding on.

MR. KANE: You would definitely need that to help us get passed that hurdle.

MR. DUBETSKY: Would they give me a time on when that was going to be done. Maybe a year, maybe six months?

MR. LANGANKE: Well, if you have invested this type of money in that property, you have got a substantial investment there, I would not hesitate to, you know, perhaps get some legal help, who's really proficient in this area and see if they can assist you in getting this information which you as an ordinary citizen might find difficult, I don't know.

MR. KRIEGER: As far as the, you asked about the timeframe from DOT, I would say first of all knowing

them it's unlikely that they'll give you an exact timeframe. But if they indicate that that project is something that they intend to do in the future then that would give the Zoning Board of Appeals something to act on in other words that would be a whole lot better than not having a letter. So whatever it is that you get from them, if you get something from them then bring it in, don't automatically assume that it is inadequate for your purpose, if it doesn't say it the exact timeframe.

MR. DUBETSKY: Is there any timeframe that they can tell me right away or do I have to wait two or three months to get an answer? Can't tell, huh?

MR. NUGENT: We don't know.

MR. DUBETSKY: It's been dead now for three months.

MR. KRIEGER: The DOT operates according to its own rules, I don't know when they'll be moved to do it. I don't know what other way to suggest to you how you could get over the self-created hardship hurdle which as one of the members pointed out to you is something that is given to the board by the state. It's not something of their own desire, creation or anybody here at the town.

MR. NUGENT: Rather than beat this thing to death, you have a tough hurdle to get over, no question about it. Our attorney will give you the paperwork as far as what's go to be required of you and then I'll call the board for a motion to set him up for a public hearing. I would definitely contact your attorney talk to him about helping you out to fill out the paperwork and so you have the right answers.

MR. KRIEGER: So that you understand, the procedure, the Zoning Board of Appeals can take no action by state law, other than through a public hearing, they couldn't decide now if they wanted to decide. They are not allowed to. At a public hearing, you'll be, if one is granted to you by the Zoning Board of Appeals, you'll be required to meet certain criteria which I'm going to give to you since you're here, I'm going to give to you

now. That is a list of the criteria that have to be met. I encourage you as did the chairman to seek advice with respect to that. They are somewhat difficult.

MR. DUBETSKY: Best thing for now is to go to my lawyer and say here, Mr. Axelrod.

MR. KRIEGER: Yes, if you want to have your attorney call me, that is fine. He knows where to get me. Have him call me directly.

MR. NUGENT: Can I have a motion from the board?

MR. KANE: I move that we set up Mr. Dubetsky for the requested use variance at 59 Quassaick Avenue for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. DUBETSKY: I can't do anything more as far as the work inside.

MR. NUGENT: Not if he put a stop order on it, it's got to be cleared up.

*Pls. publish immediately. Send bill to Applicant: 89 Harrigan Rd.
Hopewell Vt, 12533
N.Y.*

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 WILLIAM DUBETSKY

for a VARIANCE of the Zoning Local Law to permit:

Conversion of first floor store to an apartment thereby creating a two-family residence.

being a VARIANCE of Section 48-9 of the Table of Use/Bulk Regulations.

for property situated as follows:

59 Quassaick Avenue, New Windsor, NY 12553

known as tax lot Section 14 Block 8 Lot 8.

SAID HEARING will take place on the 23rd day of October, 1995, 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.

Indenture

Made the 2nd day of April

Nineteen Hundred and Seventy-one.

Between ANTHONY KRAIZA and JEANNETTE KRAIZA, husband and wife, residing at
2621 S. 18 Court Street, Cape Coral, Florida,

parties of the first part, and

FRANCIS DUBETSKY, residing at 18 Center Street, Beacon, New York,

~~Witnesseth~~ that the parties of the first part, in consideration of party of the second part,

Ten and no/100 Dollars (\$ 10.00)
lawful money of the United States, and other good and valuable consideration
paid by the party of the second part, do hereby grant and release unto the
party of the second part, his heirs and assigns forever, all
that certain piece or parcel of land situate in the Town of New Windsor, Orange

County, New York, described as follows, to wit:

BEGINNING at a point in the east line of Quassaick Avenue 373 feet
south of the south line of Ledyard Street and running thence easterly 100 feet; thence
southerly parallel with Quassaick Avenue 50 feet; thence westerly 100 feet to
Quassaick Avenue and thence northerly along Quassaick Avenue 50 feet to the place
of beginning.

Being two lots each 25 feet front and rear by 100 feet deep.

Being the same premises conveyed to Anthony Kraiza and Jeanette
Kraiza, husband and wife, by Edythe Brooks, by deed dated April 5, 1960 and
recorded July 20, 1960 in the office of the Orange County Clerk in Liber 1558 of
Deeds at page 393.

Together with the appurtenances and all the estate and rights of the parties 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, his heirs and assigns forever.

And said parties of the first part

covenant as follows:

First, That said parties of the first part are

seized of said premises in fee simple, and have good right to convey the same;

Second, That the party of the second part shall quietly enjoy the said premises:

Third, That the said premises are free from incumbrances;

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, That, in Compliance with Sec. 13 of the Lien Law, the grantors 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 parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of
Raymond [Signature]

Anthony Kraiza

Anthony Kraiza

Jeannette Kraiza

by *Anthony Kraiza*

Anthony Kraiza
Attorney-in-Fact

State of New York } ss. On this 2nd day of April
County of Orange } Nineteen Hundred and Seventy-one
before me, the subscriber, personally appeared

ANTHONY KRAIZA and JEANNETTE KRAIZA, by Anthony Kraiza, her Attorney-in-Fact, by virtue of a Power of Attorney dated March 30, 1971 recorded simultaneously herewith to me personally known and known to me to be the same persons described in and who executed the within Instrument, and the y acknowledged to me that the y executed the same.

Richard J. Drake

Notary Public

RICHARD J. DRAKE
NOTARY PUBLIC IN THE STATE OF NEW YORK
RESIDENT IN AND FOR ORANGE COUNTY
MY COMMISSION EXPIRES MARCH 30, 1972

WFO

FULL COVENANT WITH LIEN COVENANT

ANTHONY KRAIZA and
ANNETTE KRAIZA

TO

FRANCIS DUBETSKY

1870
Record 12508

dated April 2, 1971.

County Clerk's Office, s.s.
recorded on the *9th* day
of *April* 1971 at *9:04*
A.M. in Liber *1870*
at page *317*.
Examined.

P. N. Winters

CHARGE, RECORD & RETURN

SCOTT & HOYT & BRANTZ
BOX 511, 233 LIBERTY STREET
ROXBOROUGH, NEW YORK 12580

1980
4

4900 *1980*

ORANGE COUNTY
018848
REAL ESTATE TAX
Dep't of Taxation & Finance
Apr. 97
1980
STATE OF NEW YORK
PHOTOS

Chiller