

ZB# 96-16

Francesco Petronella

35-1-3.32

Album:
April 8, 1996.

Photos here 4
Title Policy here 4
Dues here 4
Fees: ① 50.00 4 pd.
② 300.00 4 pd.

~~Cancelled~~

Public Hearing

June 10, 1996

Area balance

Granted

Refund: \$198.50

#96-16 - Petronella, Francesco
Area - 35-1-3.32

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

GENERAL RECEIPT

April 22 1996

Received of Francesca Petronella \$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 96-16

DISTRIBUTION

FUND	CODE	AMOUNT
CR # 614		50.00

By Dorothy H. Hansen

Town Clerk
Title

W. JAMSON LAW BOOK CO. VICTOR, N.Y. 14564



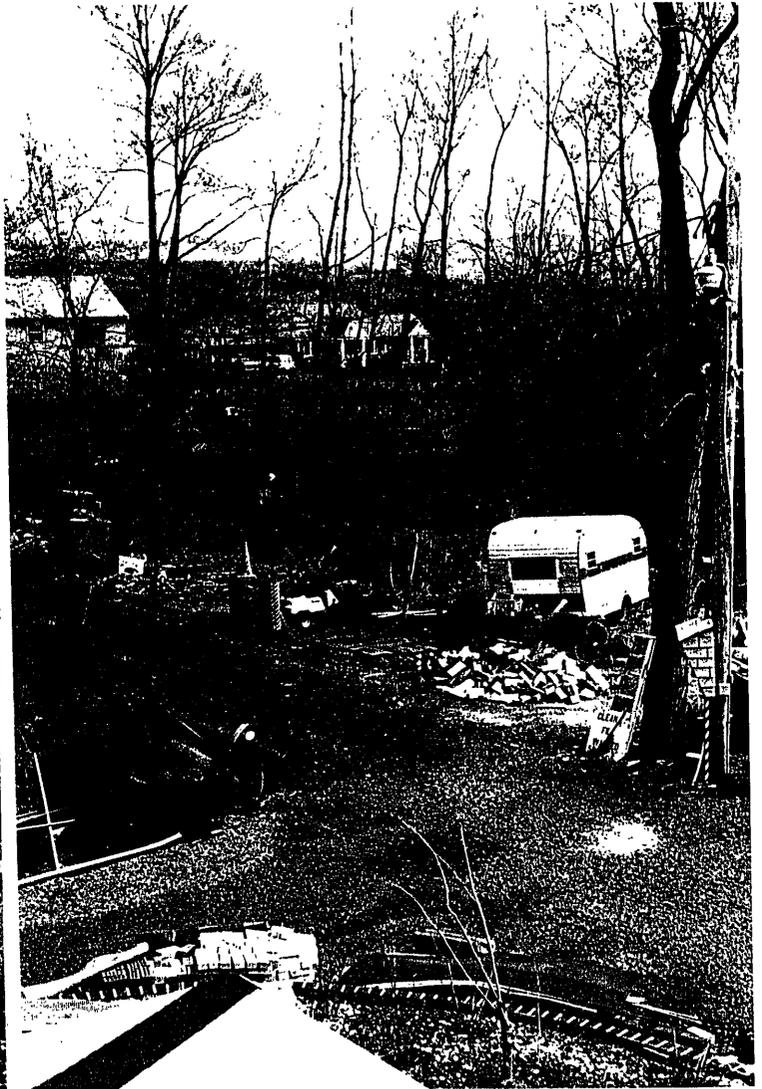
CR # 614		5000

By _____

Town Clerk

Title

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





1. 10/16 - X-1000000, 1
Area - 35-1-3

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Petronella, Frank

FILE # 96-16

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

Pd-
614
4/22/96

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

Pd
ck #615
4/22/96

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 4/8/96 - 3 page \$ 13.50
2ND PRELIM. MEETING - PER PAGE 6/10/96 - 4 " \$ 18.00
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: . . . 4/8/96 - 35.00 \$ 35.00
2ND PRELIM. 6/10/96 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT \$ 198.50

(ZBA DISK#7-012192.FEE)

FRANCESCO PETRONELLA
455 RILEY RD.
NEW WINDSOR, NY 12553

614
50-7131/2219

4-22-96

PAY TO THE
ORDER OF

town of new windsor

\$50.00



WALDEN SAVINGS BANK
Cornwall Office
P O Box 385, 321 Hudson St
Cornwall-on-Hudson, NY 12520

FOR

ZBA #96-16

Francesco Petronella

⑆221971316⑆06 05 031360⑆ 0614

FRANCESCO PETRONELLA
455 RILEY RD.
NEW WINDSOR, NY 12553

615
50-7131/2219

4-22-96

PAY TO THE
ORDER OF

town of new windsor

\$300.00



WALDEN SAVINGS BANK
Cornwall Office
P O Box 385, 321 Hudson St
Cornwall-on-Hudson, NY 12520

FOR

ZBA #96-16

Francesco Petronella

⑆221971316⑆06 05 031360⑆ 0615

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

FRANCESCO PETRONELLA

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#96-16.
-----x

WHEREAS, FRANCESCO PETRONELLA, 455 Riley Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 5 ft. 5 in. rear yard and 10 ft. frontage yard variance for an existing two-family residence at the above residence in an R-3 zone; and

WHEREAS, a public hearing was held on the 10th day of June, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board for this proposal; and

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

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

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

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

2. The evidence presented by the Applicant showed that:

(a) The subject property is a two-family home located in a neighborhood of one and two-family homes.

(b) This home is located in an R-3 zone which permits two-family residences. The variances sought are because the property itself does not have sufficient rear yard and frontage for construction of a two-family home, which is an allowed use.

(c) The Application was opposed by the New York City Department of Environmental Protection and expressed a concern by letter about any variance which would "reduce the setback

distances in proximity to the water supply and aqueduct lands.”

(d) The Applicant has constructed a 6 ft. fence around the property.

(e) The house is no closer to the road than the others in the area. In fact, this house is the farthest one back from the road in the area.

(f) The property was previously divided by this owner who was unaware at the time that the Zoning Code required an additional 10 ft. of frontage in addition to what he supplied.

(g) The Applicant was not advised by his surveyor or anyone else about that requirement which could have been met.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

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

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted because the appearance of the properties from the road is the same as would appear if the road frontage had been as the Code required because of the large amount of the road frontage for the property immediately in front of this property.

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

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but should be allowed for the reasons set forth in the paragraphs above.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

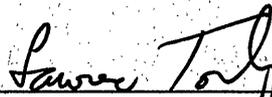
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5 ft. 5 in. rear yard and 10 ft. frontage variance for existing two-family residence located at the above residence, 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: August 12, 1996.



Chairman

Date 6/20/96, 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
6/10/96	Zoning Board Meeting	75.00	
	Misc - 2		
	Belle - 1		
	Cuttica - 3		
	Monaco - 1		
	Morfe - 3		
	Schultz - 4		
	Castro - 5		
	Tepper - 2		
	Lindemann - 4		
	Petronella - 4 18.00	<u>166.50</u>	
	37 pp	<u>241.50</u>	

~~PETRONELLA, FRANCESCO~~

MR. NUGENT: Request for 5 ft. 5 in. rear yard and 10 ft. frontage variances for two family residence which is allows in an R-3 zone at 455 Riley Road. Let the record show that there is nobody in the audience.

MS. BARNHART: On May 10, 1996, I sent out 18 addressed envelopes, here's my affidavit of service by mail.

Mr. Francesco Petronella appeared before the board for this proposal.

MR. NUGENT: Before I get started, I have got to read into the record a letter that we received from the, I'm really not sure who this is from.

MS. BARNHART: It's from the Department of Environmental Protection, they own the aqueduct.

MR. NUGENT: Regarding repairs for rear yard setback and road frontage variances in connection with the single family residence into a two-family residence in a R-3 zone. Be advised this department opposes the granting of a variance which would reduce the setback distances in proximity to the water supply and aqueduct lands. We're especially concerned since the Catskill aqueduct is directly adjacent to the subject property. Before the board's final decision, we'd appreciate if the town required the applicant to erect a substantial fence in conformance with the town building code along the city's property line separating tax lot 3.32 from city land and thereby preventing trespass and encroachment and dumping on the Catskill aqueduct property.

MR. PETRONELLA: Shall I answer that question right now? I already put a 6 foot fence all the way on the property.

MR. NUGENT: You did.

MR. PETRONELLA: Yes.

MS. BARNHART: She asked me everything but that

question there on the phone this morning.

MR. PETRONELLA: The fence, the aqueduct with the property put there was all tore apart and I guess people had before me have cut the fence to ride the motorcycles and I put a 6 foot fence all the way around already. The reason I put it up, I have two dogs and they like to chase deer.

MR. KANE: The ten foot frontage is for you need ten foot frontage variance and that is because?

MR. PETRONELLA: See the property was divided maybe four, five years ago, was done by an architect or the surveyor and for some reason, I don't know why, I put 60 feet on the front because--

MR. CANE: We need 70 feet in that particular zone.

MR. KRIEGER: Are there houses anywhere near this?

MR. PETRONELLA: I have houses in the front of me towards the road more on either side, there's nobody there, I brought some pictures.

MR. KANE: Is the house layout similar to other houses in that particular area?

MR. PETRONELLA: Well, I don't know, my house is a little bit different, it's partially an underground home.

MR. KRIEGER: Is your house any closer to the road than the others are close to the road?

MR. PETRONELLA: No, I'm the farthest one back, I'm 325 feet, something like that.

MR. KRIEGER: From the road?

MR. PETRONELLA: From the road.

MR. NUGENT: But you're ten foot short of the lot line?

MR. PETRONELLA: The property on the front is 200 foot,

I had another lot in the front that I built another house and was 200 feet so when they said, when they divided the property up because the bank for financing and everything so I went, when I called the surveyor, he did all the subdivision and everything and for some reason, I didn't even know I needed 70 feet, you know, what do I know, so that is the way it was set because it would have been no problem just if I put the extra ten feet, I could have been put a hundred and a hundred because I had the extra feet.

MR. KANE: Even though this is basically self-created, it's financially not feasible to correct it?

MR. KRIEGER: Have been changed then but not now.

MR. PETRONELLA: Now, if I have to change it for the ten feet, I have to go for the survey all over again and the map and everything else.

MR. KRIEGER: But there's adequate space just the way it was divided up?

MR. PETRONELLA: Yeah, it's 3 acres, was 4 acres. One of the garages there is not there anymore. I already took it out anyway.

MR. KRIEGER: What's the frontage variance, that road frontage?

MR. TORLEY: Yeah.

MS. BARNHART: It looks like it might be.

MR. NUGENT: Got to be the road.

MS. BARNHART: You have to look at the tax map.

MR. PETRONELLA: Yeah, it's road frontage.

MS. BARNHART: See this piece here, that is what they call a flag lot, so this is probably what they mean even though he's got 3.1 acres.

MR. NUGENT: It's road frontage, you need 50, he's got

June 10, 1996

36

40.

MR. TORLEY: Well, when they cut it up, 40 was probably the minimum. Seeing there is no public, would you entertain a motion?

MR. NUGENT: Yes, I will.

MR. TORLEY: I move we grant Mr. Petronella the request for 5 ft. 5 inch rear yard and ten foot frontage variances for two family residence on Riley Road.

MR. KANE: Second it.

ROLL CALL

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

Prelim.
April 8, 1998.
#96-16.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MARCH 19, 1996

APPLICANT: FRANCESCO PETRONELLA
455 RILEY ROAD
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MARCH 19, 1996

FOR (BUILDING PERMIT): TO CONVERT EXISTING ONE FAMILY HOUSE TO A TWO
(2) FAMILY HOUSE (*area variance only*)

LOCATED AT: 455 RILEY ROAD

2 family use allowed in

ZONE: R-3

DESCRIPTION OF EXISTING SITE: SECTION: 35, BLOCK: .1, LOT: 3.32
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING ONE FAMILY HOUSE HAS INSUFFICIENT ROAD FRONTAGE.
2. INSUFFICIENT REAR YARD SET-BACK TO CONVERT TO A TWO (2) FAMILY HOUSE.

Frank J. Jui
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-3	USE A-12	
MIN. LOT AREA	65340 SQ.FT.	
MIN. LOT WIDTH	150 FT.	
REQ'D FRONT YD	45 FT.	
REQ'D SIDE YD	20 FT.	
REQ'D TOTAL SIDE YD	40 FT.	
REQ'D REAR YD.	50 FT.	44FT. 7 IN. 5FT. 5 IN.
REQ'D FRONTAGE	70 FT.	60 10FT.

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

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

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises FRANCESCA PETRONELLA

Address 455 RILEY RD Phone 914 564 8006

Name of Architect LOUIS J. CASCINO

Address ~~WESLEY~~ Phone _____

Name of Contractor SELF

Address 455 Riley Rd Phone 914 564 8006

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 RILEY RD side of W
and 1/10 mile feet from the intersection of Rt 207
(N.S.E. or W.)
2. Zone or use district in which premises are situated R3 Is property a flood zone? Yes.....No 1
3. Tax Map description of property: Section 35 Block 1 Lot 3.3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Dwelling b. Intended use and occupancy Dwelling 2-1
5. Nature of work (check which applicable): New Building..... Addition 1 Alteration..... Repair.....
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard 364 FT Side Yard 45 FT
Is this a corner lot? no
7. Dimensions of entire new construction: Front 26 Rear 26 Depth 52 Height 29'6" Number of stories 2
8. If dwelling, number of dwelling units 2 Number of dwelling units on each floor 1
Number of bedrooms 3 Baths 1 Toilets 1
Heating Plant: Gas..... Oil..... Electric/Hot Air ELECTRIC Hot Water ELECTRIC
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost \$40,000 Fee.....
(to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Need VARIANCE

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue

Approved..... 19.....

Examined..... 19.....

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.

[Handwritten Signature]
(Signature of Applicant)

2-29-96
(Address of Applicant)

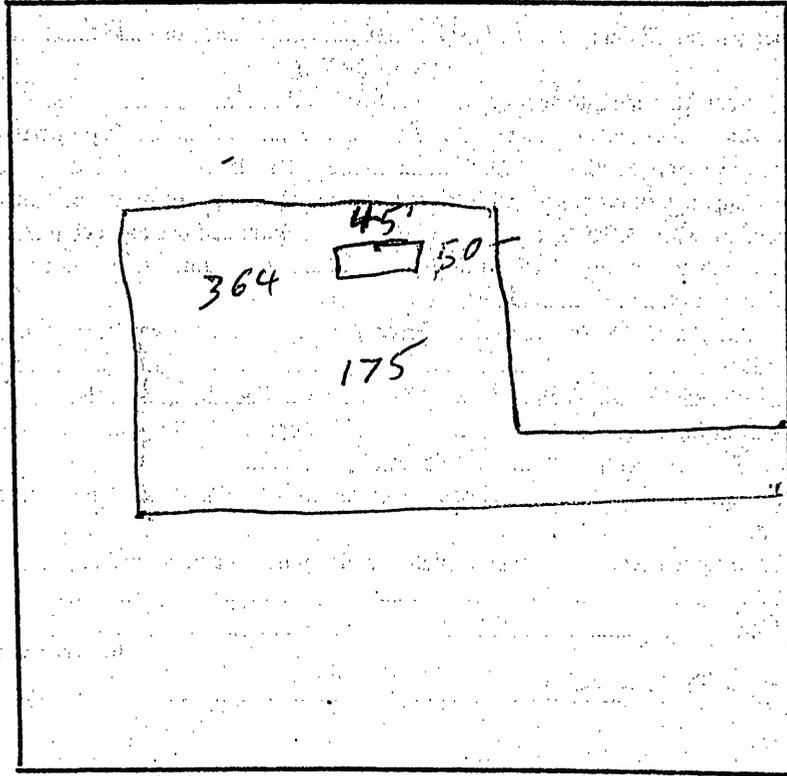
PLOT PLAN

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

14

RT. 207

W



RILEY RD ↓

E

RT 94

S

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

IMPORTANT

RECEIVED: MAR 14 1996

CONSTRUCT SINGLE-FAMILY RESIDENCE AT ABOVE ADDRESS.

- 34-1-19 SORRENTINO/WORTMANN AREA VARIANCE GRANTED
WEATHER OAK HILL R-3 ZONE #88-16 04/25/88
REQUEST FOR 10,495 S.F. LOT AREA AND 35 FT. REQUIRED STREET
FRONTAGE VARIANCE TO CONSTRUCT SINGLE-FAMILY RESIDENCE IN R-3 ZONE.
- 34-2-5 HOGAN, DANIEL J. AREA VARIANCE GRANTED
589 LITTLE BRITAIN ROAD NC ZONE #89-36 07/10/89
REQUEST FOR 2.9 FT. FRONT YARD VARIANCE FOR AN EXISTING STRUCTURE
WHICH IS A PRE-EXISTING, NON-CONFORMING BUILDING.
- 34-2-8 SARINSKY, DAVID USE/AREA VARIANCES GRANTED
N/S BROWNS DRIVE/OFF LITTLE BRIT.-NC ZONE #92-42 12/28/92
REQUEST FOR USE VARIANCE TO PERMIT CONSTRUCTION OF SINGLE-FAMILY
RESIDENCE IN NC ZONE (USE NOT PERMITTED), 20 FT. REAR YARD VARIANCE
AND A 50 FT. STREET FRONTAGE VARIANCE ON N/S BROWNS DRIVE OFF LITTLE
BRITAIN ROAD.
- 34-3-2 WORTMANN, FRANK AREA VARIANCE GRANTED
MOORES HILL ROAD R-3 ZONE #87-70 01/11/88
REQUEST FOR 4,185 S.F. LOT AREA VARIANCE TO CONSTRUCT SINGLE
FAMILY RESIDENCE ON MOORES HILL ROAD IN AN R-3 ZONE.
- 34-3-16 WORTMANN, FRANK AREA VARIANCE GRANTED
WEATHER OAK HILL #79-16 R4-A NO WATER 09/10/79
REQUEST FOR CONSTRUCTION OF TWO-FAMILY RESIDENCE WHICH USE IS NOT
PERMITTED WITHOUT CENTRAL WATER.
- 35-1-2 SORBELLO, VINCENT/LOCK, JOHN AREA VARIANCE GRANTED
RILEY ROAD (E/S) #86-29 R-3 09/08/86
REQUEST FOR 19,170 S.F. LOT AREA VARIANCE FOR CONSTRUCTION OF
RESIDENTIAL DWELLING IN R-3 ZONE.
- 35-1-2 MILKOVICH, JOHN/ETHEL USE VARIANCE GRANTED
THE CAUSEWAY #78-2 PI ZONE 01/09/78
REQUEST FOR USE VARIANCE TO CONSTRUCT SINGLE-FAMILY DWELLING IN
PI ZONE.
- 35-1-3.3 PETRONELLA, FRANCESCO USE VARIANCE DENIED
RILEY ROAD R-3 ZONE #84-19 10/22/84
REQUEST FOR USE VARIANCE TO KEEP ONE (1) ADDITIONAL HORSE ON
PROPERTY LOCATED ON RILEY ROAD IN R-3 ZONE.
#94-12 - REQUEST FOR 30,330 S.F. LOT AREA AND 15 FT. LOT WIDTH
VARIANCE FOR EXISTING TWO-FAMILY RESIDENCE LOCATED ON RILEY ROAD IN
R-3 ZONE. REQUEST WAS DENIED BY BOARD ON 06/13/94.
- 35-1-3.72 ARMSTRONG, SAM AREA VARIANCE GRANTED
RILEY ROAD #83-23 R-4A 06/27/83
REQUEST FOR 5 FT. FRONT YARD AND 32 FT. REAR YARD VARIANCES IN
ORDER TO CONSTRUCT SINGLE-FAMILY RESIDENCE.
- 35-1-42.1 MAYPAC REALTY CORP. USE VARIANCE DENIED
ROUTE 32 R-4 ZONE 01/28/80
REQUEST FOR USE VARIANCE FOR PROFESSIONAL OFFICES AND OTHER LIKE
USES IN R-4 ZONE. USE NOT PERMITTED.
#89-40 - REQUEST OF WINDSOR SQUARE ASSOCS./KOLINSKY FOR 512 S.F.
LOT AREA VARIANCE FOR LOT #6 AND 2,942 S.F. LOT AREA VARIANCE FOR LOT

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

FRANK PETRONELLA

DECISION DENYING
AREA VARIANCE#94-12.
-----X

WHEREAS, FRANK PETRONELLA, 459 Riley Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for 30,330 s.f. lot area and 15 ft. lot width variance for existing two-family residence located on Riley Road in an R-3 zone; and

WHEREAS, a public hearing was held on the 13th day of June, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by FRANK PETRONELLA; and

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

WHEREAS, 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 a residential neighborhood containing two-family homes.

(b) A structure was erected on premises of approximately 35,010 square feet lot area. This is sufficient lot area to allow the construction of a one-family home under the Town of New Windsor law but the law requires a lot area of 65,000 square feet for construction of a two-family home. Provided the lot is of that area, the use is an allowed one in this district.

(c) The applicant applied for and received a building permit for a single-family house.

(d) The house is built but not finished.

(e) The applicant seeks to convert the one-family permission previously obtained to permission to use the structure for a two-family use. Applicant does not believe that the proposed structure will be a two-family use but as the applicant described the proposed use, it appears to the Board to be a two-family use.

(f) The applicant owns sufficient land to expand to 65,000 square feet. The applicant claims it would be very expensive to fill in the wet portion of that additional land to make it usable but the applicant produced no evidence of such expense that would allow the Board to determine if the expense of doing so makes it not a feasible method of proceeding.

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 another feasible method available to applicant since the applicant owns sufficient contiguous property to produce a lot which conforms to the requirements of the local law for lot area.

3. The requested variance is substantial in relation to the town regulations.

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

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created since the applicant is building this structure and has already applied for and obtained permission to build a structure which conforms to the requirements of the Zoning Local Law.

6. It is the finding of this Board that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood since enacting the statute, it must be presumed that the New Windsor Town Board considered 65,000 square feet to be the minimum area necessary to locate a two-family home for the location of water wells and septic disposal which is necessary for the health, safety and welfare of the community and the inhabitants of the property.

7. It is the further finding of this Board that the requested area variances are more than the minimum 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 not be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

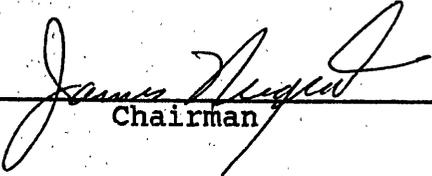
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY 30,330 s.f. lot area and 15 ft. lot width variance for an existing two-family residence located on Riley Road in an R-3 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented 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: September 26, 1994.


Chairman

(ZBA DISK#12-091694.FP)

[Faint, mostly illegible text, likely the body of a decision or report, containing several paragraphs and possibly numbered items.]



Rec'd.
PA office
6/13/96 (PAB)

June 10, 1996

New York City
Department of
Environmental
Protection

FAXED: 6/10/96
James Nugent, Chairman
Town of New Windsor Zoning Board
555 Union Avenue
New Windsor, New York 12553

Bureau of Water
Supply, Quality &
Protection

Re: Zoning Board of Appeals
Hearing, June 10, 1996
TM: 35.-1-3.32

465 Columbus Ave.
Valhalla, New York
10595-1336

Dear Mr. Nugent:

MARILYN GELBER
Commissioner

This pertains to a request by Francesco Petronella for rear yard setback and road frontage variances in connection with the conversion of a single-family residence into a two-family residence in an R-3 zone.

WILLIAM N. STASIUK
Deputy Commissioner

Be advised this Department opposes the granting of variances which reduce setback distances in proximity to water supply and aqueduct lands. We are especially concerned since the Catskill Aqueduct is directly adjacent to the subject property.

Before the Board's final decision we would appreciate it if the Town required the applicant erect a substantial fence, in conformance with Town Building codes, along the City's property line separating tax lot 3.32 from City land and thereby preventing trespass, encroachment and dumping on the Catskill Aqueduct property.

Please be guided accordingly.

Very truly yours,

Marilyn Shanahan
Manager
Office of Water Supply Lands

Encl.

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. 16

Request of Francesco Petronella

for a VARIANCE of the Zoning Local Law to permit:

conversion of one-family residence to two-family in R-3 zone w/ insufficient road frontage and rear yard;
being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs., Cols. G & H.

for property situated as follows:

455 Riley Road, New Windsor, N.Y. 12553

known as tax lot Section 35 Block 1 Lot 3.32.

SAID HEARING will take place on the 10th day of June, 1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

RECEIVED
MAY 13, 1996
OWSL



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(18)

May 7, 1996

Mr. Francesco Petronella
455 Riley Road
New Windsor, N. Y. 12553

Re: Tax Parcel: 35-1-3.32

Dear Mr. Petronella:

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 \$35.00, minus your deposit of \$25.00. Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment

cc: Pat Barnhart, ZBA

Drescher, Peter
461 Riley Road
New Windsor, N. Y. 12553

Sorbello, Vincent & Patricia
Box 205
R. D. 2 - Riley Road
New Windsor, N. Y. 12553

Fry, Gordon W. & Lan Moon Chin
24 Patton Road
Newburgh, N. Y. 12550

Infante, Philip J. & Winifred
Box 204, R. D. 2, Riley Road
New Windsor, N. Y. 12553

7 Acres Sportsmen Club, Inc.
% Bernard Pohl
749 Burlingham Road
Pine Bush, N. Y. 12566

Petronella, Francesco, David, Susan
P. O. Box 889
Vails Gate, N. Y. 12584

Pfiegler, Raymond
447 Riley Road
New Windsor, N. Y. 12553

Waddell, Steve R. & Sharon T.
443 Riley Road
New Windsor, N. Y. 12553

Sheridan, John J. & Mary E.
R. D. 2 -228 Riley Road
New Windsor, N. Y. 12553

Keskula, Nancy J.
446 Riley Road
New Windsor, N. Y. 12553

Infante, Anthony S., Byron, Philip
R. D. 2, Riley Road
New Windsor, N. Y. 12553

Armstrong, Samuel & Elsa
Riley Road, R. D. 2
New Windsor, N. Y. 12553

NYC Dept. of Environ. Protection
% Bureau of Water Supply-OWSL
465 Columbus Avenue-Suite 350
Valhalla, N. Y. 10595

Salmeri, Stephen & Rose
474 Riley Road
New Windsor, N. Y. 12553

Gray, Edythe
Box 206, R. D. 2 - Riley Road
New Windsor, N. Y. 12553

Marra, Anthony
940 North Valley Stream
New York, N. Y. 11580

Frontera, Madelena Giammorino
Box 286, R. D. #2, Riley Road
New Windsor, N. Y. 12553

Newburgh Water Supply
City Comptroller - City Hall
Broadway
Newburgh, N. Y. 12550

Pls. publish immediately. Send bill to Applicant at below address.

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 16

Request of Francesco Petronella

for a VARIANCE of the Zoning Local Law to permit:

conversion of one-family residence to two-family in R-3 zone w/ insufficient road frontage and rear yard;
being a VARIANCE of Section 48-12 - Table of Use/Bulk
Regs., Cols. G & H.

for property situated as follows:

455 Riley Road, New Windsor, N.Y. 12553

known as tax lot Section 35 Block 1 Lot 3.32.

SAID HEARING will take place on the 10th day of June, 1946., 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.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-16.

Date: 4/22/96.

I. ✓ Applicant Information:

- (a) FRANCESCO PETRONELLA 455 RILEY, RD-NEW WINDSOR 914 564-8006
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

✓ III. Property Information:

- (a) R3 455 RILEY, RD. NEW WINDSOR. 35-1-3.32. 3.112 AC
(Zone) (Address) (S B L) (Lot Size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 1980
- (e) Has property been subdivided previously? NO 3-3-92
- (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: _____

IV. Use Variance. N/A

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

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

(c) ^{N/A} 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 Regs., Cols. G, H.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>50 ft.</u>	<u>44 ft. 7 in.</u>	<u>5 ft. 5 in.</u>
Reqd. Street Frontage* <u>70 ft.</u>	<u>60 ft.</u>	<u>10 ft.</u>
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:

In my opinion the variance will not affect the health, safety, or welfare of the community nor will it create an undesirable change.

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

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

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

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

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(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)

THIS INDENTURE, made the 21 day of December, nineteen hundred and Seventy-
BETWEEN EDYTHE D. GRAY, RESIDING AT Riley Road, Town of New Windsor, Ore
County, New York,

party of the first part, and FRANCESCO PETRONELLA, residing at 75 Harth Drive,
Town of New Windsor, Orange County, New York,

party of the second part,

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

-----TEN-----

lawful money of the United States, and other good and valuable consideration
by the party of the second part, does hereby grant and release unto the party of the second part, the h
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, :
lying and being in the Town of New Windsor, County of Orange, State of New York,
and described as follows:

11/20
23/4

X1
Being "Lands of Milton Gray" as shown on a map entitled "Subdivisi
Lands of Peter Congelosi" filed in the Orange County Clerk's Office on Aug
1972 as map number 2834, being more particularly bounded and described as f

BEGINNING at a point in the westerly line of Riley Road, where the
intersected by the dividing line between Parcel # 1, and lands of Milton I
as shown on the "Peter Congelosi" map. Said point being further described
following two courses and distances along the westerly line of Riley Road
iron pipe in a stone wall marking the southerly line of lands now or forma
Marra, formerly Pomarico Farms:

(A) South 04 degrees 00 minutes 40 seconds East 250.00 feet

(B) South 12 degrees 33 minutes 00 seconds West 50.00 feet; and r
thence,

(1) South 83 degrees 30 minutes 00 seconds West 629.21 feet al
northerly line of Parcel # 1, lands now or formerly of Sorbello, to a poi

(2) North 24 degrees 18 minutes 30 seconds West 297.94 feet al
of the New York City Aqueduct to a point; thence,

(3) North 81 degrees 51 minutes 00 seconds East 464.20 feet al
now or formerly of Frontera to a point; thence,

(4) South 4 degrees 00 minutes 40 seconds East 100.00 feet th
lands now or formerly of Gray to a point; thence

(5) North 83 degrees 30 minutes 00 seconds East 283.5 feet con
through the same to a point; thence,

(6) South 04 degrees 00 minutes 40 seconds East 150.00 feet a
westerly line of Riley Road to a point; thence

INDEXED
County Clerk, in the State of New York
Office of Appointment — Orange County
Commissioner, for March 30, 19— *fd*

STATE OF NEW YORK, COUNTY OF

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

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 affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

EDYTHE D. GRAY,

SECTION

BLOCK

LOT

COUNTY OR TOWN of New Windsor, Orange

FRANCESCO PETRONELLA

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
 Distributed by
SECURITY TITLE AND GUARANTY COMPANY
 CHARTERED 1928 **ST** IN NEW YORK

Dan Bloom
Route 94
P.O. Box 477
Vails Gate NY
 Zip No. /

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

RECEIVED
 \$ 11.00
 REAL ESTATE
 DEC 24 1979
 TRANSFER TAX
 ORANGE
 COUNTY *TD*

Orange County Clerk's Office, S.S.
 Recorded on the 24th day
 of Dec, 1979 at 10:10
 o'clock A m. in Liber 2153
 & Exhibited at page 216
Frank D. Schellinger

(7) South 12 degrees 33 minutes 00 seconds West 50.00 feet continuing along the same to the point or place of beginning.

Containing 4.027 acres of land more or less.

SUBJECT to an easement for sanitary sewer purposes to the Town of New Windsor as described in Liber 2030, Page 138.

SUBJECT to utility easements of record.

SUBJECT to any other easements, right of way or restrictions of record.

BEING the same premises conveyed by Peter Congelosi to Milton D. Gray and Edythe D. Gray, by deed dated July 14, 1972 and recorded in the Orange County Clerk's Office on July 17, 1972 in Liber 1912 of deeds at page 646, as tenants by the entirety; the said Milton D. Gray having passed away, leaving him surviving, his wife, Edythe D. Gray, the grantor herein.

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

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

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

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

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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIBER 2153 PAGE 267

Edythe D. Gray
Edythe D. Gray

W. Engelhardt

W. ENGELHARDT

W. Engelhardt
W. ENGELHARDT

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Hill-N-Dale Abstracters Inc.

20 SCOTCHTOWN AVENUE

GOSHEN, NEW YORK 10924

AGENT FOR

AMERICAN TITLE INSURANCE COMPANY

PAUL G. MILLER, President
ELMER T. BUDD, Vice President
JOHN E. BACH, Secretary & Treasurer

OFFICE
914-294-5110
COUNTY BUILDING
914-294-6913

November 16, 1979

Daniel J. Bloom, Esq.
P.O. Box 477
Vails Gate, N.Y. 12584

Re: HN 12 469 Petronella from Gray
Your R-1292

Dear Mr. Bloom:

The survey reading for the above captioned is as follows:

Survey dated November 5, 1979, by Albert R. Sparaco, Jr. shows premises as vacant land. Fence along westerly line varies slightly with line; fence along northerly side varies up to 12.6 with northerly property line; overhead pole line crosses easterly portion of premises, poles within bounds, sanitary sewer pump station shown on easterly line; culvert, ditch and catch basin shown along portion of northerly and easterly lines and culvert, catch basin and ditch shown through southerly portion of premises; stone drive near northerly line apparently serves other lands of Gray and walk serving other lands of Gray encroaches on premises.

Rights of others to maintain ditches, culverts and catch basins as shown, will be excepted; rights of owners of lands bounding on northeast (labeled Tax Lot 1 now or formerly Gray) to use drive and walk will be excepted; rights (if any) of owner of lands bounding on north (now or formerly Frontera) to use lands between fence and northerly line as surveyed will be excepted.

Continued:

Hill-N-Dale Abstracters Inc.

20 SCOTCHTOWN AVENUE

GOSHEN, NEW YORK 10924

AGENT FOR

AMERICAN TITLE INSURANCE COMPANY

PAUL G. MILLER, President
ELMER T. BUDD, Vice President
JOHN E. BACH, Secretary & Treasurer

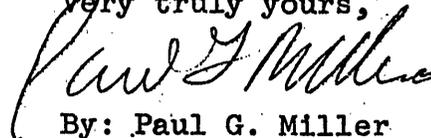
OFFICE
914-294-5110
COUNTY BUILDING
914-294-6913

November 16, 1979
HN 12 469
Your R1292

Description submitted by Surveyor Sparaco should be used in closing instruments and same will be insured.

Kindly attach this letter to your report of title making it a part thereof.

Very truly yours,



By: Paul G. Miller

PGM/jn

371110-769



A. R. SPARACO JR. - P.L.S.

LAND SURVEYING SUBDIVISIONS SITE PLANNING

Licensed in
New York, New Jersey
& Pennsylvania

144 Route No. 59 Suffern, N.Y. 10901
(914) 357-3522

Briarwood Lane Marlboro, N.Y. 12542
(914) 236-7204

A. Richard Sparaco Jr. P.L.S.
Thomas McDougall I.S.

November 5, 1979
3451

PARCEL TO BE CONVEYED TO

FRANCESCO PETRONELLA

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

TAX LOT 3.3 BLOCK 1 SECTION 35

Being "Lands of Milton Gray" as shown on a map entitled "Subdivision of Lands of Peter Congelosi" filed in the Orange County Clerk's office on August 1, 1972 as map number 2834; being more particularly bounded and described as follows;

Beginning at a point in the westerly line of Riley Road, where the same is intersected by the dividing line between Parcel # 1, and lands of Milton D. Gray, as shown on the "Peter Congelosi" map. Said point being further described by the following two courses and distances along the westerly line of Riley Road from an iron pipe in a stonewall marking the southerly line of lands now or formerly of Marra, formerly Pomarico Farms;

- (A) S 04°-00'-40" E 250.00'
- (B) S 12°-33'-00" W 50.00'; and running thence,
 - (1) S 83°-30'-00" W 629.21' along the northerly line of Parcel # 1, lands now or formerly of Sorbello, to a point; thence,
 - (2) N 24°-18'-30" W 297.94' along lands of the New York City Aqueduct to a point; thence,
 - (3) N 81°-51'-00" E 464.20' along lands now or formerly of Frontera to a point; thence,
 - (4) S 4°-00'-40" E 100.00' through lands now or formerly of Gray to a point; thence,

- (5) N 83°-30'-00" E 283.5' continuing through the same to a point; thence,
- (6) S 04°-00'-40" E 150.00' along the westerly line of Riley Road to a point; thence,
- (7) S 12°-33'-00" W 50.00' continuing along the same to the point or place of beginning.

Containing 4.027 acres of land more or less.

*Issued
JEM*

SUBJECT to an easement for sanitary sewer purposes to the Town of New Windsor as described in liber 2030, on page 138.

SUBJECT to utility easements of record.

SUBJECT to any other easements, right of way or restrictions of record.

NOTE: POSSIBLE DRAINAGE RIGHTS TO THE TOWN OF NEW WINDSOR FOR DITCH LINE AND CULVERT

NOTE: POSSIBLE ADVERSE POSSESSION NORTH PROPERTY LINE

HILL-N-DALE ABSTRACTERS, INC.

20 SCOTCHTOWN AVENUE

GOSHEN, NEW YORK 10924

TEL: 914-294-5110

POLICY WRITING AGENT FOR

american title insurance company



PRELIMINARY CERTIFICATE AND BINDER

NOHN...12...469...F....

Application of	<u>DANIEL J. BLOOM, ESQ.</u>	owner's	\$ <u>10,000.00</u>
	(Name of attorney or firm applying for insurance)	for lessee's	\$ _____
policy insuring	<u>FRANCESCO PETRONELLA</u>	mortgagee's	\$ _____
	(Name of party to be insured)		

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

MILTON D. GRAY AND EDYTHE D. GRAY

who acquired title by deed from PETER CONGELOSI
dated 7/14/1972 and recorded 7/17/1972 in Liber 1912 at page 646

SCHEDULE A

All that certain tract of land lying and being in the County of

of State of New York, being more particularly described as follows:

SEE SCHEDULE " A " ATTACHED:

dated 12/21/79
Johnson

SCHEDULE B

1. Taxes, Water Rents, Assessments and other Municipal Charges Town of New Windsor
County of Orange
State of New York

See Tax Search Attached:

Except 3rd of
installment of
79/80 school

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

2. Mortgages and Assignments thereof None (0)

Mortgagor:

Mortgagee:

Amount: \$

Dated:

Recorded:

Liber

Page

LD-55 Rev. 6-69

All the terms and conditions of the mortgages noted herein are not set forth. The applicant should acquaint himself with such facts before closing title.

SCHEDULE B (continued)

3. Zoning Restrictions or Ordinances Imposed by any Governmental Body.
4. Restrictive Covenants, Easements, Agreements, and Consents, Including Set-Back Established by Filed or Recorded Map.
Grant: Liber 1173 cp. 312
Covenants : Liber 2030 cp. 138
5. Survey *Any State of Facts a survey of the premises described in Schedule " A " would disclose.*

out Survey reading

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

How Disposed of

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

Continued:

FOR INFORMATION—NOT FOR POLICY

COMPANY TO BE ADVISED ON OR BEFORE CLOSING
WHETHER PREMISES TO BE INSURED ARE IMPROVED
WITH A ONE THROUGH FOUR FAMILY UNIT OR WHEN
INSURED PREMISES FALL INTO SOME OTHER CATEGORY

TO BE FILLED IN ON CLIP COPY.

The undersigned certifies to AMERICAN TITLE INSURANCE COMPANY that in his (its) opinion this Preliminary Certificate correctly reflects the status of the title to the property described in Schedule A, such opinion being based upon an examination of an abstract prepared by Hill-N-Dale Abstractors Inc.

covering a period of at least sixty years (or from the date of certificate of prior insurance No. _____) of all public records affecting title to said real estate; that so far as is known to him (it) there is no dispute among attorneys of the local bar as to the validity of said title, nor has any question been raised or adverse claim asserted with respect thereto; and that the title is not dependent upon a sale for delinquent taxes or assessments.

This title is certified down to the 17 day of October, 19 79, at _____ o'clock _____ M.

Approved Attorney(s)

BINDER FOR INSURANCE TO: Francesco Petronella

(Name of party to be insured)

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

Executed this 17 day of October, 19 79

AMERICAN TITLE INSURANCE COMPANY

By: Paul J. Miller

SCHEDULE " B "

HN 12 469 F

- *I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain and repair the same, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.

* * * * *

O. No lands lying in the bed of Riley Road are to be insured.

P. No rights in and to the lands of the New York City Aqueduct are to be insured.

Q. In absence of a certified survey, the exact courses, distances and acreage will not be insured.

R. Rights of Town of New Windsor under Easement Liber 2030 cp. 138 are specifically excepted.

S. Proof of payment of 1979/1980 School Taxes.

*Except Bond Installment
of '79 '80 School*



american title insurance company
new york division

Title No. HN 12 469 F

SCHEDULE A

ALL that certain plot, piece, or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, State of New York, Bounded and described as follows: BEGINNING at a point on the westerly bounds of the Riley Road, leading from State Route # 207 to State Route # 94, said point being the southeast corner of lands previously conveyed to Milton D. Gray and runs from thence along the bounds of the Riley Road, south 4 degrees 00 minutes 40 seconds East 150.0 feet to a point; thence still along the same south 12 degrees 33 minutes 00 seconds west 50.0 feet to an iron; thence through lands of Congelosi, south 83 degrees 30 minutes 00 seconds west 629.21 feet to a corner in the easterly line of the N.Y. C. Aqueduct; thence along the same, north 24 degrees 18 minutes 30 seconds west 297.94 feet to a stake; thence along the Pomarico Farms and following a wire fence north 81 degrees 51 minutes 00 seconds east 464.2 feet to the northwest corner of lands of Gray; thence along the same south 4 degrees 00 minutes 40 seconds east 100.0 feet; thence still along the same, north 83 degrees 30 minutes 00 seconds east 283.5 feet to the place of beginning and containing 4.027 acres of land.

Subject to grants of record to public utilities.

Subject to zoning ordinances and building regulations of the Town of New Windsor.

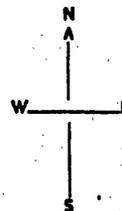
*For Conveyancing Only
Together with all right, title and interest of, in and to any streets and roads abutting the above described premises.*

Our policies of title insurance include such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein. Now is the time to determine whether we have examined all of the property and easements which you desire to be insured. If there are appurtenant easements to be insured, please request such insurance. In some cases, our rate manual provides for an additional charge for such insurance.

1. TAX SEARCH

Title No. HN 12 469 F

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
STATE OF NEW YORK



THE TAX SEARCH MADE
HEREIN COVERS ONLY THE
PREMISES SHOWN ON ABOVE
DIAGRAM, AND NO SEARCH IS
MADE AGAINST ANY PART OF
THE STREET ON WHICH SAID
PREMISES ABUT.

Sec.	Block	Lot No.
Ward	Block	Lot No.

For Information only:
Assessed Valuation for year :

1979 Town of New Windsor

Assessed to: Milton & Edythe Gray

35-1-3.3

Riley Road 4.00 acres

Land Value \$ 10,000.00

Full Value \$ 10,000.00

\$ 708.24 PAID January 4, 1979

Proof of payment of 1979/1980 School taxes.

*Omit 1 + 2 Installment
Except 3rd Installment
of 79/80 School*

POLICY WILL EXCEPT ALL UNPAID WATER RATES AND/OR SEWER RENTS OR ASSESSMENTS IN THE ABSENCE OF PAID BILLS AND RECEIPTS TO BE PRESENTED AT CLOSING.

IF WATER IS NOT SUPPLIED BY THE MUNICIPALITY IN WHICH THE PROPERTY IS LOCATED, AN INTEREST STATEMENT MUST BE MADE BY THE PURCHASER OR SELLER AS TO THE SOURCE OF SUPPLY OF SAID WATER AND WHETHER OR NOT CHARGES ARE DUE THEREFOR.

IF THE SAID PREMISES ARE IN AN UNINCORPORATED VILLAGE, VILLAGE TAX RECEIPT MUST BE PROVIDED.

DOES NOT INCLUDE ASSESSMENTS FOR ANY SPECIAL DISTRICT NOT A PART OF THE STATE AND COUNTY TAX ROLL.

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt whereof from Central Hudson Gas and Electric Corporation, a domestic corporation having its principal office (residence) at South Road (no street number), Poughkeepsie, New York, AND NEW YORK TELEPHONE COMPANY, a domestic Corporation having its principal office (residence) at 140 WEST STREET, New York, New York, is hereby acknowledged, the undersigned hereby grant(s) and convey(s) unto said corporation(s), and each of them, their respective successors, assigns and lessees, an easement and right of way in, upon, over, under and across the lands of the undersigned including roads and highways thereon and adjacent thereto, situated in the

TOWN of NEW WINDSOR, County of Orange, State of New York

Said easement and line shall extend from the property line of JOHN POMARICO on the NORTH in a Southerly direction to the property line of Michael Pomarico on the South To extend line along Riley Road.

Together with the right at all times to enter thereon and have access thereto and to construct, relocate, operate and maintain thereon and to repair, replace, protect and remove a line of poles, cables, crossarms, wires, guys, braces, underground conduits and all other appurtenances and fixtures adapted to the present and future needs, uses and purposes of said corporation(s), their respective successors, assigns and lessees.

Together with the right also to attach guy wires to trees on said property, and to trim, cut and remove trees and other objects thereon as to provide a clearance of 15 feet from the wires of said corporations.

The exact location of said easement and line is to be as determined by said corporations having regard to the origin, general direction and destination of said line and the requirements of said corporations. If such line hereafter materially interferes with any new use to which the land of the undersigned may subsequently be devoted, the Corporations will, on reasonable notice, and on being given without cost a new easement and right of way, satisfactory in form to them, for a substitute location reasonably suitable for their requirements, remove such line to such substitute location, but only one such removal may be required.

Central Hudson Gas & Electric Corporation AND New York Telephone Company shall reimburse the undersigned for any damage to his--her--their--its property caused solely by the said Corporations in repairing the line to be located at this easement.

The provisions hereof shall inure to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and of said corporation(s) respectively.

Signed, sealed and delivered, on July 27, 1950 Peter Conzelosi (L.S.)

In the presence of: Paul Monahan (L.S.)

Residing at: (None) Riley Rd.
Number Street
New Windsor Orange N.Y.
Town, City or Village County State

Put in number, street and city, town or village. If no street number put "(no street number)" after name of street.

(Over for Acknowledgment)

† If no street number put "(none)"

recd 9/23/50

L 1173 cp 312

EASEMENT

Rec'd 3/1/76

LIBER 2030 PG 138

EASEMENT granted this 5th day of JANUARY, 1976, in consideration of the sum of ONE (\$1.00) DOLLAR, the payment of which is waived, the undersigned,

MILTON D. GRAY AND EDYTHE GRAY, residing at Riley Road - R. D. 2, Town of New Windsor, Orange County, New York, hereinafter called "Grantor," hereby grants unto the TOWN OF NEW WINDSOR, hereinafter called the "Grantee", a municipal corporation having its office at No. 555 Union Avenue, Town of New Windsor, Orange County, New York, for the use of Sewer District No. 19, a perpetual right-of-way and right of entry to enter upon and lay, install, operate, maintain and replace a pipe, pipeline, manhole or manholes, and appurtenances for conveying sewage under the property of the grantor which is described in Schedule A hereto attached.

The Grantor reserves the right to use and enjoy the said premises, except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sewer line or appurtenances thereto.

This Easement is made upon the following expressed conditions and reservations which shall run with the land and be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors, heirs or assigns;

(a) That the Grantee shall, at its own cost and expense after completion of the original construction and the completion of any future repairs to the sewer line, restore the surface of said lands and premises to substantially the same conditions as before such construction or repairs.

(b) That the sewer line and appurtenances placed in or under said right of way shall, at all times, remain the property of the TOWN OF NEW WINDSOR and under its control and supervision and the Grantor and its successors and assigns they shall not interfere with or cause injury or damage to said sewer line or appurtenances.

(c) That the Grantor shall have the right to enter at any manhole or other location along the sewer line easement for the purpose of connecting to the said sewer line.

(d) That the Grantor shall have the right to place a road over or across the location of the aforesaid sewer line easement and also the right to pave any section of the said sewer line easement area for the purpose of parking facilities.

(e) That the Grantee agrees to provide reasonable and necessary surface water drainage facilities including the installments of culverts to prevent any flooding or ponding on the property of the Grantor caused by the construction and location of the said sewer line.



Walter D. Gray

Walter D. Gray

William J. Larkin

By: WILLIAM J. LARKIN
Supervisor



WEHRAN ENGINEERING P.C. Consulting Engineers

East Main Street Extension/Middletown, New York 10940/(914) 342-5881

DESCRIPTION OF SANITARY SEWER EASEMENT THROUGH LANDS OF MILTON D. GRAY
& EDYTHE, H/W, LOT 33, BLOCK 1, SECTION 35, TOWN OF NEW WINDSOR, ORANGE
COUNTY, NEW YORK

BEGINNING at a point in the westerly side of Riley Road,
said point being located S 4° 00' 40" E, 116.5 feet along said road from
the northeasterly corner of end of the grantor, and running thence;

- (1) S 4° 00' 40" E, 25.0 feet along said westerly side of Riley Road to
a point; thence,
- (2) S 85° 59' 20" W, 22.9 feet through said grantor's lands to a point;
thence,
- (3) N 4° 00' 40" W, 25.0 feet through the same to a point; thence,
- (4) N 85° 59' 20" E, 22.9 feet through the same to the point or place
of beginning.

Handwritten: 2030-71908

TOGETHER with a temporary construction easement on either side of, and parallel to, said permanent easement as shown on the accompanying map entitled, "Map of Lands of Milton D. Gray & Edythe, H/W for Easement Acquisition, Sanitary Sewer District No. 19, Town of New Windsor, Orange County, New York", by Wehran Engineering, P. C.; said map to be filed as part of this document.

WEHRAN ENGINEERING, P. C.
December 8, 1975
WE Project No. P-74109

/skv

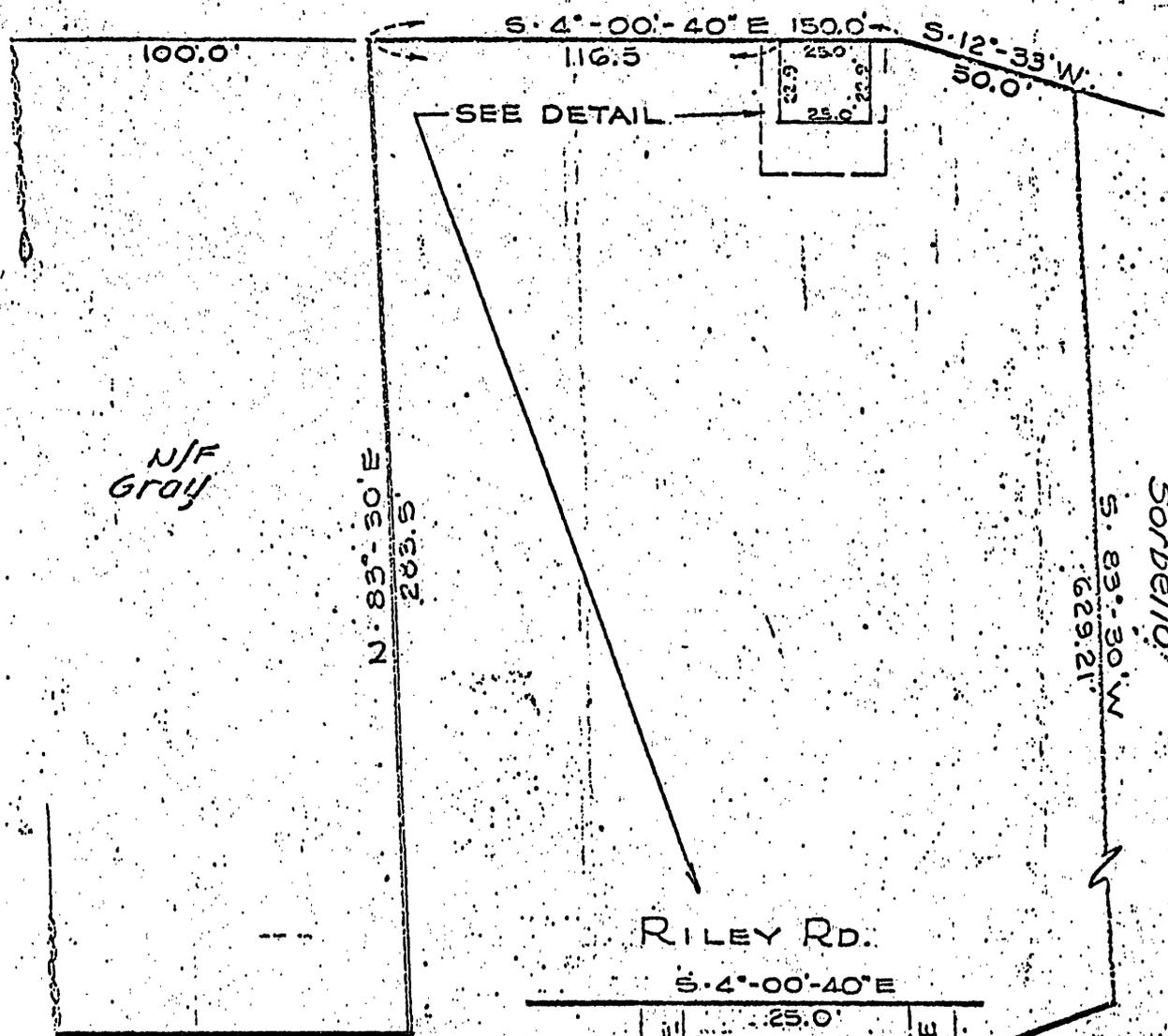
Civil/Sanitary/Planning/Surveying

1408
26.77

THIS IS A RECONSTRUCTION OF THE PROPOSED SEWER ALIGNMENT, LOCATION OF AVAILABLE BOUNDARY EVIDENCE, AND DEED INFORMATION. THE PROPERTY AS SHOWN IS FROM DEED INFORMATION, AND THE DIMENSIONS THEREOF ARE NOT TO BE CONSTRUED AS A PROPERTY SURVEY OF THAT PARCEL.

MAP REFERENCE: "SUBDIVISION OF LANDS OF PETER CONGELOSI" DATED JUNE 15, 1972 BY HAROLD BAURENBURG LS # 32404 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON AUG 1, 1972 AS MAP NO 2834

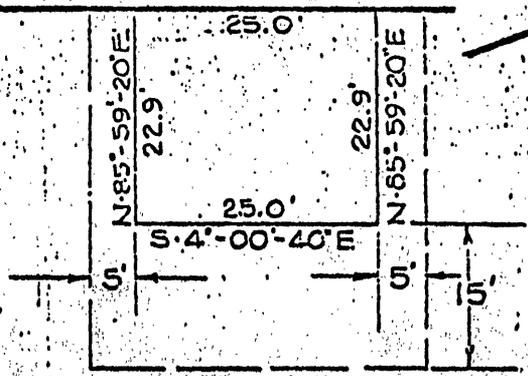
RILEY ROAD



N/F Gray

N/F Sorbello

RILEY RD.



LEGEND

PROPERTY LINE

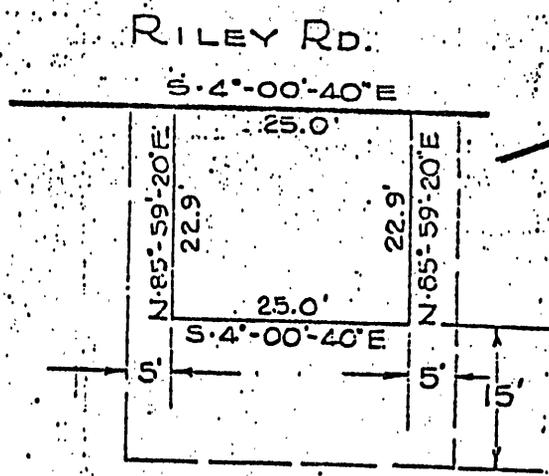
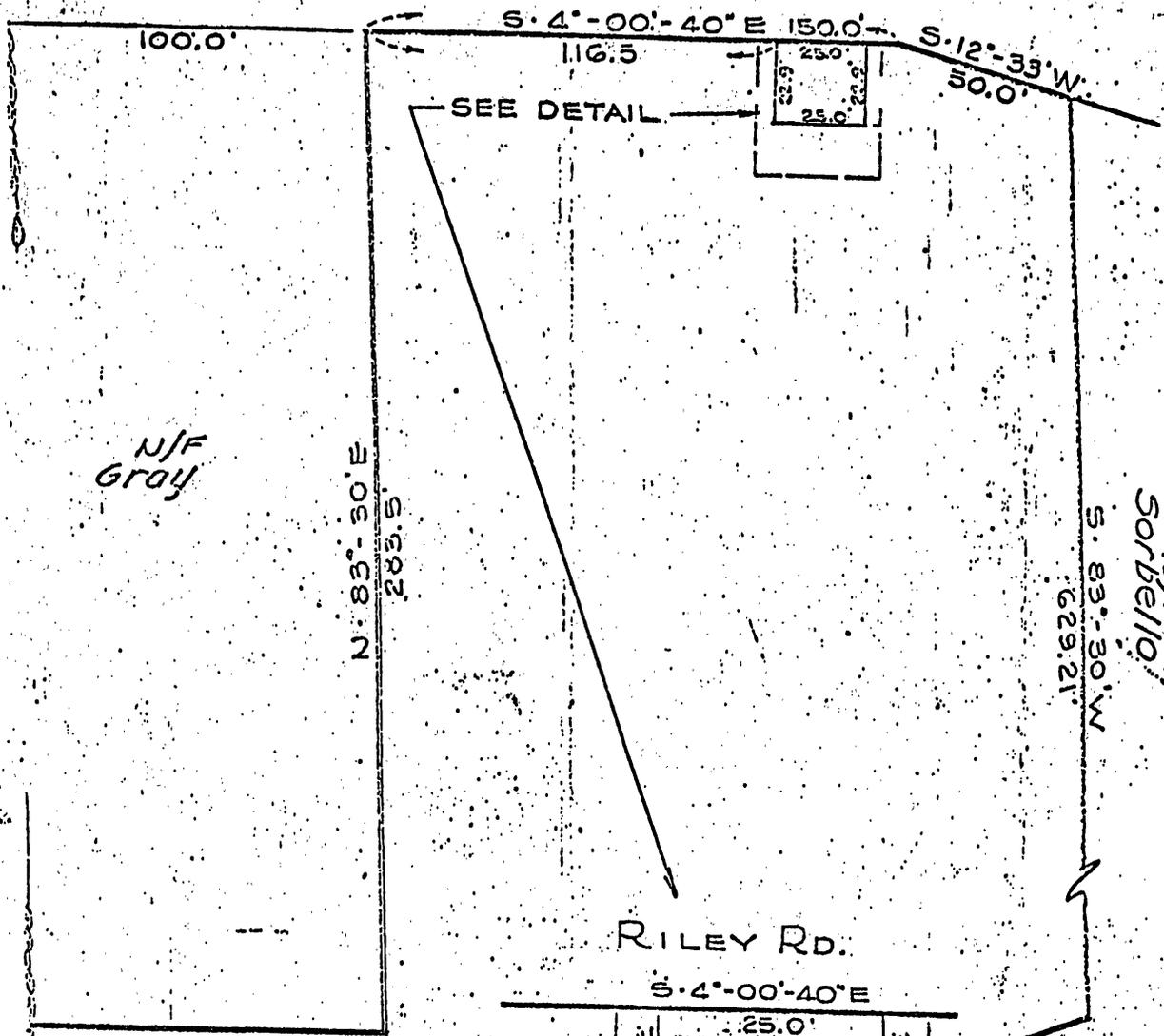
TAX MAP SECT 35 BLOCK 1 LOT 3104

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO

4/18/21

MAP OF SUBDIVISION OF LANDS OF MILTON D. GRAY & EDYTHE H. W. BY PETER CONGELOSI DATED JUNE 15, 1972 BY HAROLD BAURENBURG LS # 32404 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON AUG 1, 1972 AS MAP NO 2834

RILEY ROAD



- LEGEND**
- PROPERTY LINE
 - PERMANENT EASEMENT
 - TEMPORARY CONSTRUCTION EASEMENT

TAXMAP SECT. 35 BLOCK 1 LOT 3/4 DEED LIBER 1912 PAGE 646

MAP OF
LANDS OF MILTON D. GRAY & EDYTHE H. W.
 FOR
 EASEMENT ACQUISITION
 SANITARY SEWER DISTRICT NO. 19
 TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO

7/19/72

[Handwritten signature]

Title No.

CLOSING INSTRUMENTS

Title closed at office of on 19.....

By

By delivery of the following instruments:

DEED (Designate Kind)
By *Edythe D. Gray*

To *Francesco
Febronella*

Dated

Cons. \$

Insure for \$ *16,000⁰⁰ Fx*

DEED (Designate Kind)

By

To

Dated

Cons. \$

Insure for \$

MORTGAGE (Designate Kind)

By *2*

To *1*

Dated

Amount, \$ *7100* payable in

Due

Interest % Interest days and

Insure for \$

MORTGAGE (Designate Kind)

By

To

Amount, \$ Dated

Due Int. % Int. days and

Insure for \$

ASSIGNMENT OF MORTGAGE

By

To

Dated

Cons. \$

Assigns Mortgage Recorded in L Mp

Insure for \$

By

To

Dated

Cons. \$

Assigns Mortgage Recorded in L Mp

Insure for \$

SATISFACTION OF MORTGAGE

By.....

By.....

To.....

To.....

Dated.....

Dated.....

Satisfies Mortgage Recorded in L.....Mp.....

Satisfies Mortgage Recorded in L.....Mp.....

OTHER CLOSING INSTRUMENTS

.....
.....
.....

PRESENT AT CLOSING

Sellers.....

.....

Sellers Attorney.....

Address.....

Purchasers.....

.....

Purchasers Attorney.....

Address.....

For Mortgagee.....

.....

Mortgagee's Attorney.....

Address.....

Broker.....

.....

Fee Policy is to be sent to.....

Address.....

Mtge. Policy is to be sent to.....

Address.....

**PLEASE PRINT ALL NAMES
INDICATE INSURANCE TO BE PROVIDED**

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

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

Cashier

Cashier

Policy Drawn Date

Policy Mailed Date

C.C.M. Date

TITLE No. HN 12 469 F

**CERTIFICATE
& REPORT
OF TITLE**



**american title
insurance company
NEW YORK DIVISION**

360 Lexington Avenue
NEW YORK, N.Y. 10017
212-687-5400

50 East Old Country Road
MINEOLA, N.Y. 11501
516-746-4800

130 Osborne Ave.
RIVERHEAD, N.Y. 11901
516-727-5500

100 Clinton Street
BROOKLYN, N.Y. 11201
212-852-4000

89-02 Sutphin Blvd.
JAMAICA, N.Y. 11435
212-526-0700

200 Mamaroneck Ave.
WHITE PLAINS, N.Y. 10601
914-946-1600

11 North Pearl St.
ALBANY, N.Y. 12207
518-434-1104

20 So. Main Street
NEW CITY, N.Y. 10956
914-634-3636

*A Member of
The Continental Insurance Companies*

Deposited in Agency Account
\$
Date: 19.....
Cashier

Company Bill Paid
\$
Date: 19.....
Cashier

Recording Fees, etc., Paid
\$
Date: 19.....
Cashier

Policy Drawn Date
C.C.M. Date

Policy Mailed Date

SETTLEMENT AS OF

CREDIT	DEBIT
Paid on Contract	Purchase Price
Paid on account	Insurance:—
First Mortgage	
Int. % from	
to	
Second Mortgage	
Int. % from	
to	
Third Mortgage	
Int. % from	Taxes:—
to	
Purchase Money Mortgage.....	
Taxes:—	Water Rates:—
Water Rates:—	Rents:—
Rents:—	
Total Credits.....	Total Debits.....
	Total Credits.....
ADDITIONAL EXPENSES CHARGED TO PURCHASER	Balance
Exam. Fee	ADDITIONAL EXPENSES CHARGED TO SELLER
Tax Search	Drawing Papers
Drawing Papers	Recording Fees
Recording Fees	Stamps
Mortgage Tax.....	
Stamps	

The computation and adjustments have been made by and between the parties and the company has no liability in reference thereto.

Date 4/19/96, 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
4/8/96	Zoning Board Mtg.	75 00	
	Misc - 1		
	Wellums - 13		
	Petronella - 3 13.50.		
	Burns - 2		
	Cicio - 3		
	UGR - 18		
	T+H - 3		
	Nasta - 3 46 pp	207 00	
		282 00	

April 8, 1996

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PRELIMINARY MEETINGS:

PETRONELLA, FRANK

Mr. Frank Petronella appeared before the board for this proposal.

MR. NUGENT: Request for 5 ft. 5 in. rear yard and 10 ft. road frontage variances to convert single-family residence to two-family in R-3 zone located at 455 Riley Road.

MR. NUGENT: Tell us what you want to do.

MR. PETRONELLA: I just want to put an addition on top of the house.

MR. NUGENT: You're going to put a what?

MR. PETRONELLA: Yes, on top, make it a second story.

MR. NUGENT: He doesn't have the correct setbacks now on his house?

MR. BABCOCK: Well, he does for a single family house.

MR. KANE: This is a use variance?

MR. BABCOCK: No, it's not a use variance, two family zone, it's a two family zone but when he built the house, he complied with the single family regulations. Yeah, the rear yard is 40 feet for single family and 50 feet for a two family and he has 44 feet.

MR. NUGENT: You're going straight up?

MR. PETRONELLA: Yes, straight up, right on top of the way it is now.

MR. KANE: Are there other two family homes in that particular area?

MR. BABCOCK: Yeah, it's all two family zone.

MR. REIS: Frank, the fact that you would be allowed

April 8, 1996

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this and you go up a second floor, would this in any way hamper your neighbors?

MR. PETRONELLA: There's nobody in the back of me, just wooded area, nobody on the side of me, only one is in front of me and there is nobody there, won't interfere with anybody.

MR. BABCOCK: New York City Aqueduct is behind his property:

MR. KANE: These are the minimum variances you need to get this, this is the minimum amount of space.

MR. BABCOCK: They are existing, the house is existing, the footprint.

MR. KANE: So then it's going to be on the same footprint?

MR. BABCOCK: Right.

MR. REIS: Accept a motion?

MR. NUGENT: Yes, I'll accept a motion.

MR. REIS: I make a motion that we set Mr. Petronella up for a public hearing for his variance.

MR. TORLEY: Second it.

ROLL CALL

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

MR. KANE: Mr. Petronella, when you come in, would you bring some pictures of the area so we can see exactly what it looks like.

MR. PETRONELLA: Sure, he has a blueprint.

MR. KANE: Some pictures would be good.

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MR. KRIEGER: When you come in, if you would address yourself to the five criteria set forth there that would be helpful cause those are the criteria under which the state has determined this board must act also I'd like to see a copy of your deed and title policy, I don't need to keep them, just bring them with you. I'll look at them and give them back to you.

MR. TORLEY: Special requirements because it's New York State Aqueduct property?

MR. BABCOCK: No, they just have to be notified like anybody else.

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

FRANK PETRONELLA

DECISION DENYING
AREA VARIANCE#94-12.
-----X

WHEREAS, FRANK PETRONELLA, 459 Riley Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for 30,330 s.f. lot area and 15 ft. lot width variance for existing two-family residence located on Riley Road in an R-3 zone; and

WHEREAS, a public hearing was held on the 13th day of June, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by FRANK PETRONELLA; and

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

WHEREAS, 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 a residential neighborhood containing two-family homes.

(b) A structure was erected on premises of approximately 35,010 square feet lot area. This is sufficient lot area to allow the construction of a one-family home under the Town of New Windsor law but the law requires a lot area of 65,000 square feet for construction of a two-family home. Provided the lot is of that area, the use is an allowed one in this district.

(c) The applicant applied for and received a building permit for a single-family house.

(d) The house is built but not finished.

(e) The applicant seeks to convert the one-family permission previously obtained to permission to use the structure for a two-family use. Applicant does not believe that the proposed structure will be a two-family use but as the applicant described the proposed use, it appears to the Board to be a two-family use.

(f) The applicant owns sufficient land to expand to 65,000 square feet. The applicant claims it would be very expensive to fill in the wet portion of that additional land to make it usable but the applicant produced no evidence of such expense that would allow the Board to determine if the expense of doing so makes it not a feasible method of proceeding.

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 another feasible method available to applicant since the applicant owns sufficient contiguous property to produce a lot which conforms to the requirements of the local law for lot area.

3. The requested variance is substantial in relation to the town regulations.

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

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created since the applicant is building this structure and has already applied for and obtained permission to build a structure which conforms to the requirements of the Zoning Local Law.

6. It is the finding of this Board that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood since enacting the statute, it must be presumed that the New Windsor Town Board considered 65,000 square feet to be the minimum area necessary to locate a two-family home for the location of water wells and septic disposal which is necessary for the health, safety and welfare of the community and the inhabitants of the property.

7. It is the further finding of this Board that the requested area variances are more than the minimum 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 not be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

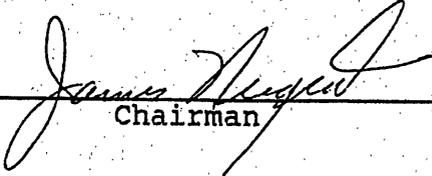
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY 30,330 s.f. lot area and 15 ft. lot width variance for an existing two-family residence located on Riley Road in an R-3 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the

public hearing.

BE IT FURTHER,

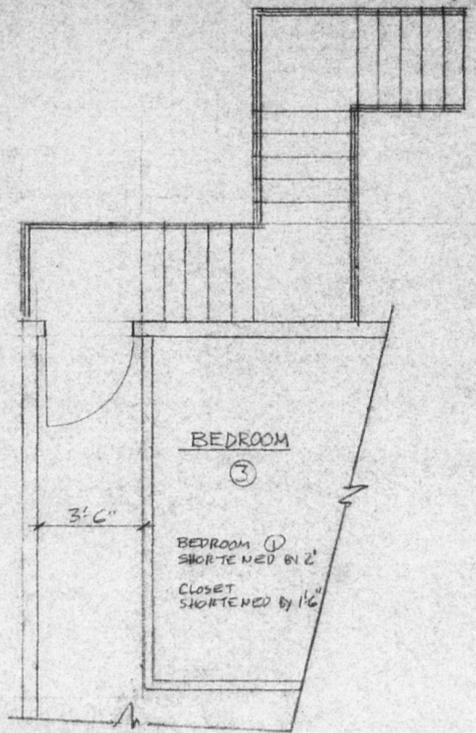
RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 26, 1994.


Chairman

(ZBA DISK#12-091694.FP)

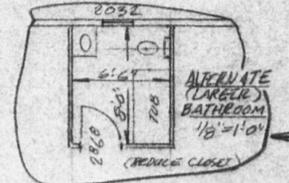
N.W. CORNER



THERMAL RATING SUMMARY				
	AREA	"U" VALUE	TABLE RATING	
NET WALLS	1063	.254	6-7	+117
GLAZING	153	.32	6-7	-31
DOORS (GLAZED)	21	.15	6-7	0
ROOF/CEILING	1300	.037	6-3	+13
SKYLIGHTS	-	-	-	-
FLOOR	1300	.034	6-3	+13
BASEMENT	-	-	-	-
SLAB	-	-	-	-
TOTAL THERMAL RATING				+109

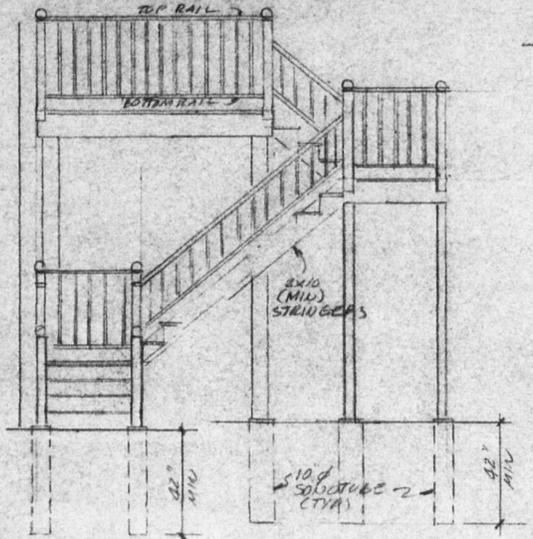
NOTE: other window styles (with same "U" value) may be opted by owner. Ag may be increased by 36 FT² without affecting plus rating.

GLAZING SHOWN MAY BE RELOCATED IN LATERAL DIRECTION OR CHANGED IN STYLE & SIZE AS NOTED IN SUMMARY. FEWER WINDOWS (LESS GLAZING) WILL INCREASE PLUS RATING.

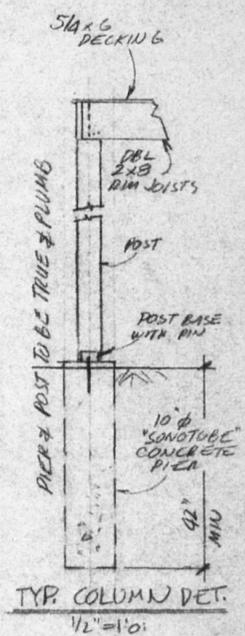
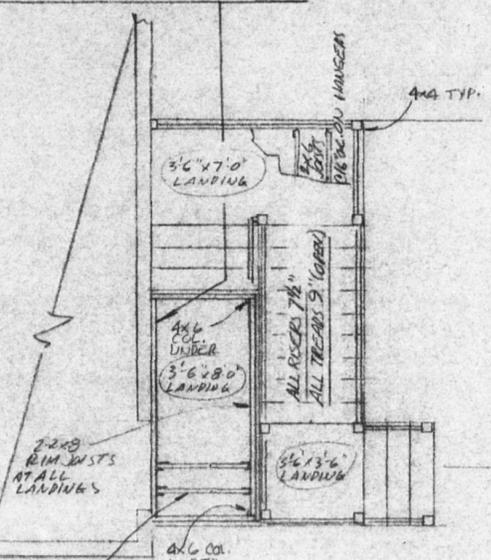


NOTE: DESIGN SHOULD BE SUBMITTED ONLY WHEN APPROVED BY BUILDING INSPECTORS. APPROVAL OF OWNER MAY OPT. BUT DESIGN WITH BUILDING INSPECTORS APPROVAL. NUMBER OF TREADS MAY VARY DUE TO DIFF. GRADE ELEVATIONS. MATERIAL - 4 PLY TREATED BLOOD OR CEDAR. ALL HANDRAILS TO BE GALVANIZED OR ZINC PLATED.

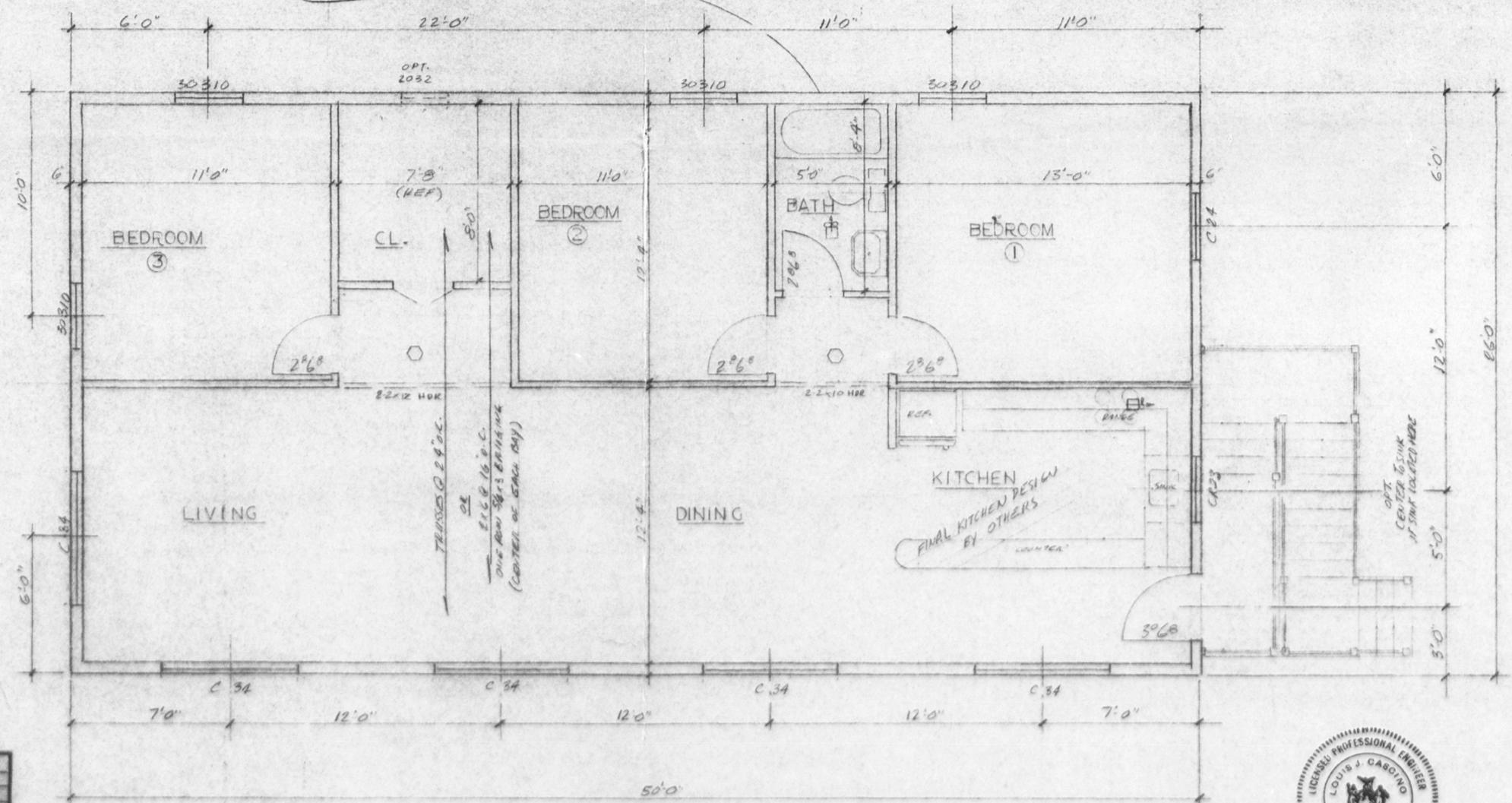
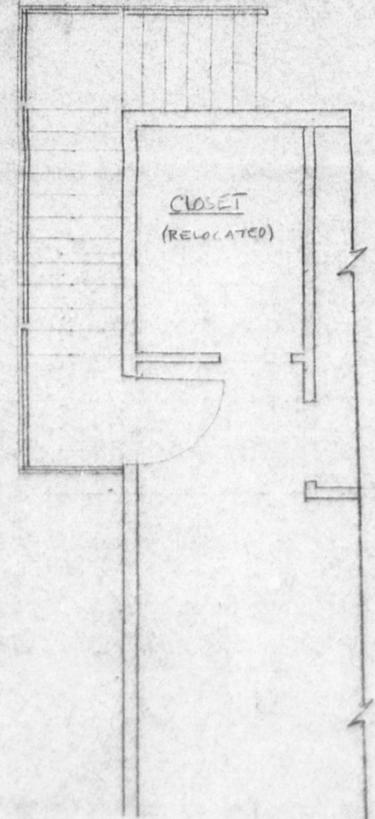
HANDRAIL 36" / 42" ABOVE DECK
 STAIR RAILING 32" ABOVE NOSING
 MAX. SPACE BETWEEN BALUSTERS = 6"



HEADER JOIST (LEDGER) BOLTED TO HOUSE FRAMING WITH 1/2" X 4" LAG BOLTS @ STAGGERED 16" CENTERS (TYP)



OPTIONAL STAIRWAY LOCATIONS

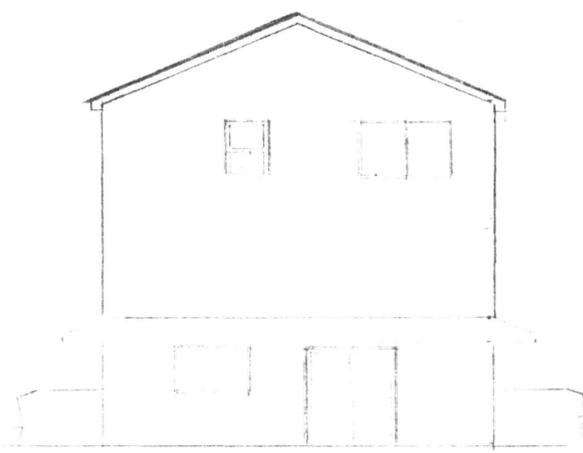


WINDOW REF.
 C24 = 4'-0" W x 4'-0" H
 CR23 = 2'-9 1/2" W x 2'-11 1/4" H
 S0310 = D.H. 3'-1 1/2" W x 4'-1 1/4" H
 C34 = CASEMENT 5'-11 1/2" W x 4'-0" H

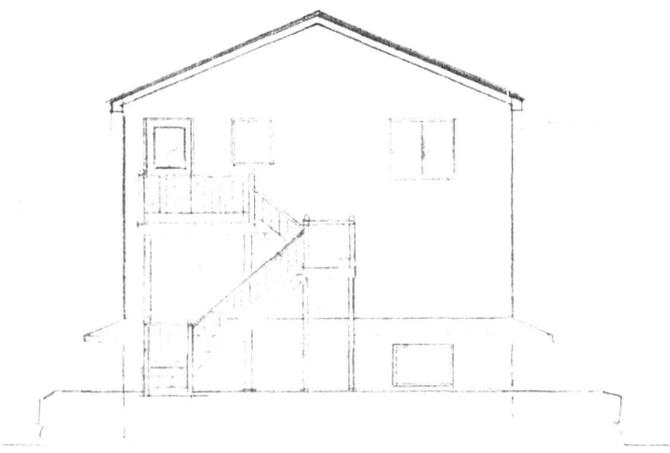
HEADER SCHEDULE	
Openings up to 4'-0" - 2-2x8	
Openings up to 6'-0" - 2x10	
Openings up to 8'-0" - 2-2x12	
Unless otherwise specified	



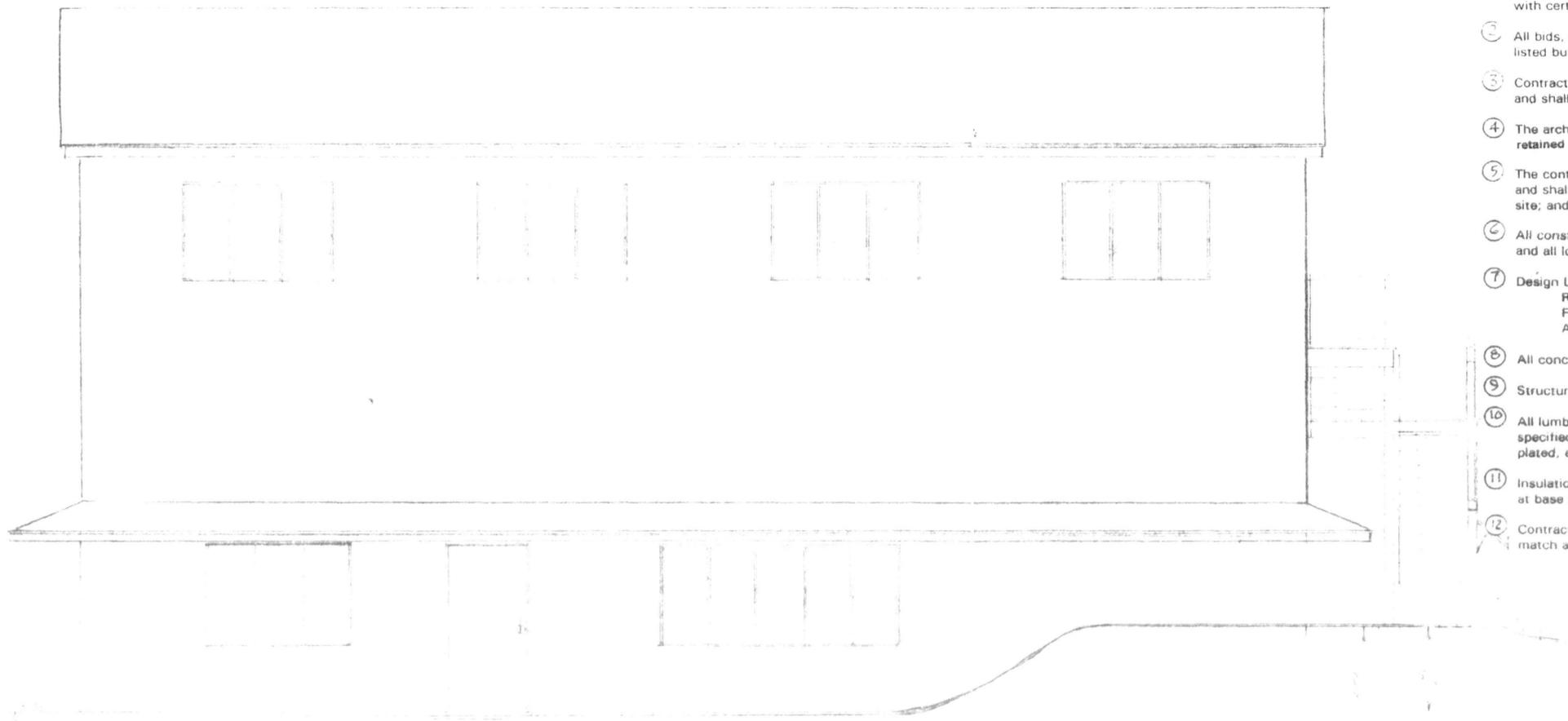
Louis J. Cascino, P.E.



LEFT SIDE ELEVATION
1/8" = 1'-0"



RIGHT SIDE ELEVATION
1/8" = 1'-0"

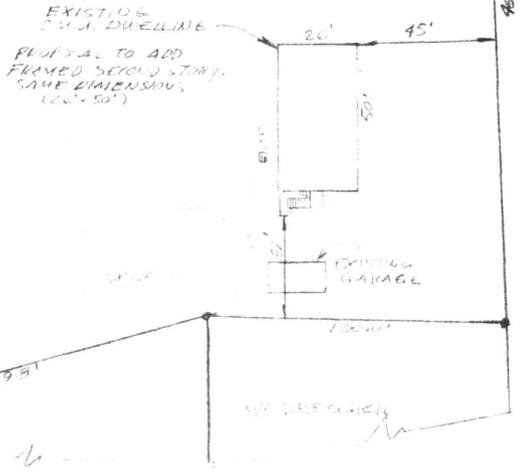


FRONT ELEVATION
1/8" = 1'-0"

SITE PLAN
1" = 40'-0"

SITE PLAN TAKEN FROM
SUBDIVISION MAP OF RECORD
(NEW YORK STATE MAP 156 1942)
PER SURVEY BY WASHINGTON ASSOC.
FEB. 1942 DRG. 4343

PROPERTY AND
ADJACENT LOTS
150 TO RILEY ROAD



GENERAL NOTES

- 1 Contractor and/or subcontractors doing any work under this contract shall provide owner with certificates of liability and property damage insurance.
- 2 All bids, general and specific, shall include all items on drawings as well as those items not listed but considered standard with building and fire code compliance.
- 3 Contractor shall check all dimensions on plans against field conditions prior to construction and shall report any discrepancies to the architect/certified engineer.
- 4 The architect/certified engineer shall be responsible only for these working drawings unless retained by owner for inspection and/or supervision of this construction.
- 5 The contractor shall be responsible for removal of all debris resulting from this construction and shall maintain, with good workmanship practices, a safe and clean condition of the site; and shall adhere to a reasonable time frame for completion of this project.
- 6 All construction shall conform to N.Y. State uniform fire prevention and building codes, and all local codes, including plumbing, heating, and electric.
- 7 Design Loading:
Roof: 35 PSF snow load plus dead load.
Floor: 40 PSF live load plus dead load.
Attic: 0 PSF live load plus dead load.
- 8 All concrete shall be 3,000 PSI Mix (min.).
- 9 Structural lumber shall be 1,150 PSI (min.) stress grade unless otherwise specified.
- 10 All lumber exposed to weather shall be (min.) .4 pressure treated unless otherwise specified. All fasteners used for exterior application shall be weather resistant. (Galvanized, plated, etc.).
- 11 Insulation to have vapor barrier facing winter heated side. Provide continuity of insulation at base plates, sill lines, corners, etc.; ensure continuity of air flow at attic.
- 12 Contractor shall do all necessary patching and repairing of parts affected by this work to match and blend with existing and new.



Louis J. Gasco, P.E.
PLANS REVIEWED FOR
STRUCTURAL RELIABILITY

ENGINEER'S SEAL SHALL BE KEPT
ALL THE TIME AND REMOVED UPON COMPLETION

SERVICES	
Electric	ELECTRIC
Water	PLUMBING
Sanitary	PLUMBING
Heat	ELECTRIC

FRANCESCO PETRONELLI A RESIDENCE
TOWN AND WINDMILL, N.Y. 35, BLDG. 1, 2
PROPOSED ADDITION - SECOND FLOOR

SHEET
1
OF 3