

ZB# 97-13

Tracey Lanthier

23-1-5

Prelim.

March 24, 1997

sent out 4/2/97

Photos taken there.

4 photos taken 3/27/97

Copy of Deed / Title Report / Fees

Public Hearing:

April 14, 1997.

Granted

Area

Refund: \$182.16

97-13. Kanthier, Tracy

area - 23-1-5

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

1997

April 2 1997

Received from Tracey Hanthier \$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 97-13

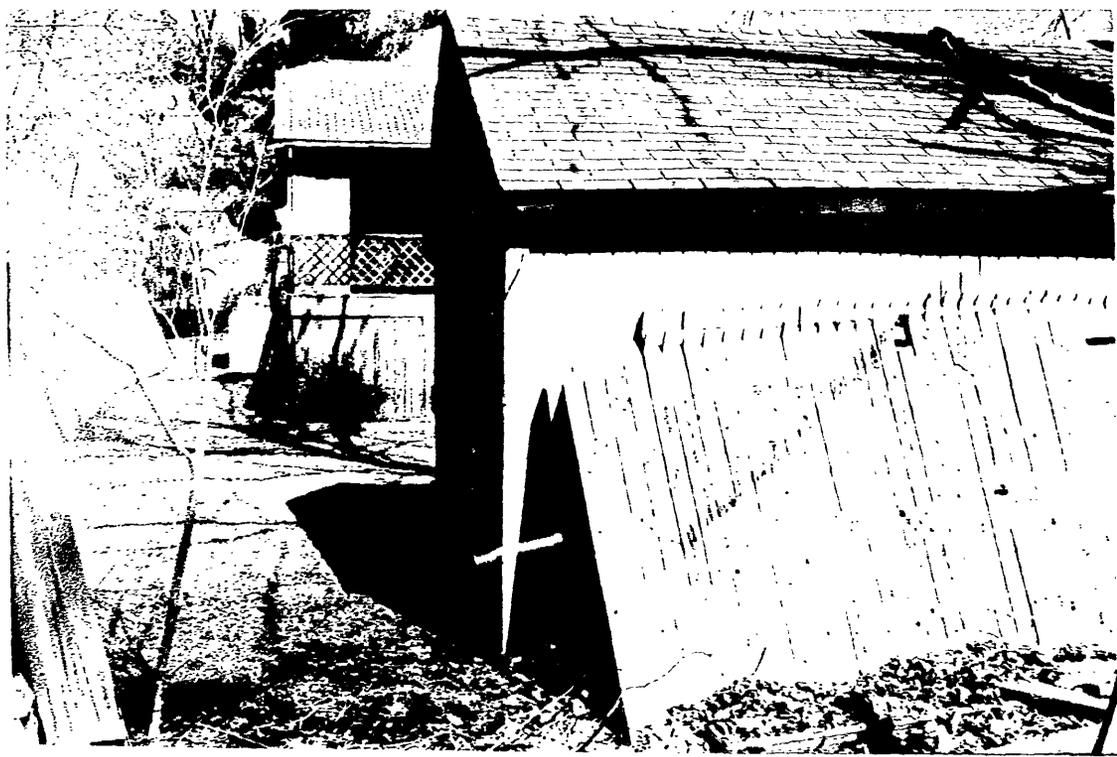
DISTRIBUTION:

FUND	CODE	AMOUNT
ck # 2451		50.00

By Dorothy H Hansen

Town Clerk
TITLE

WILLIAMSON LAW BOOK CO. VICTOR, NY 14564

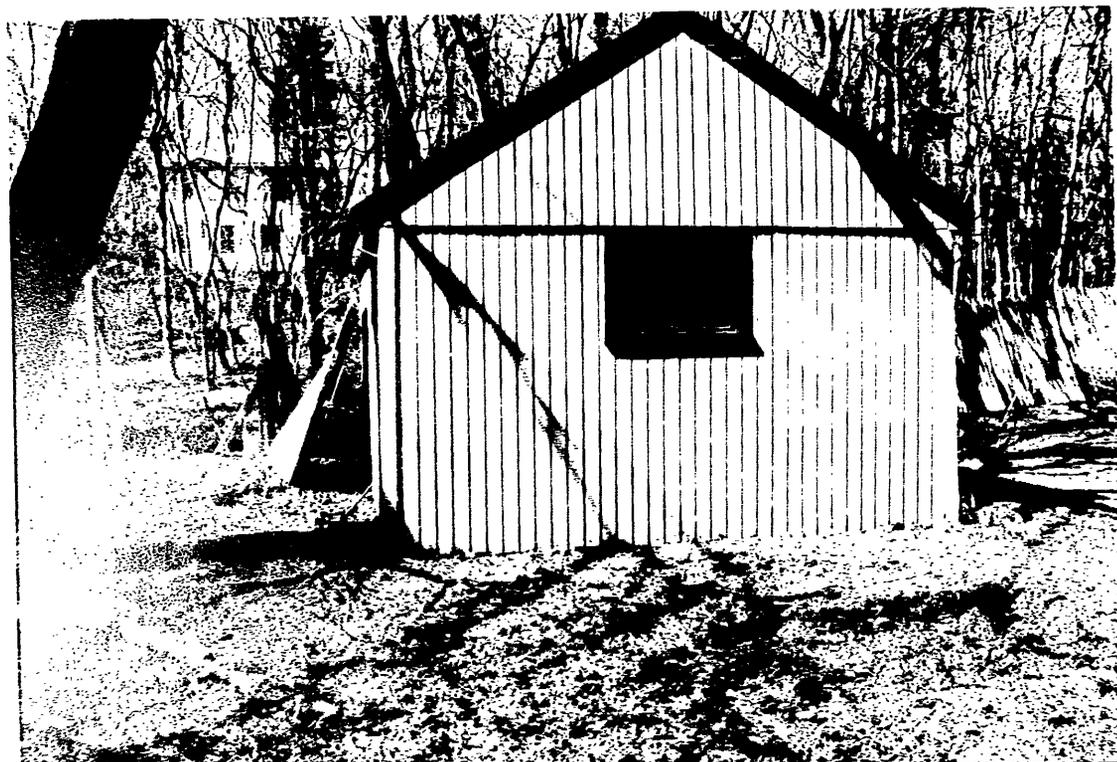
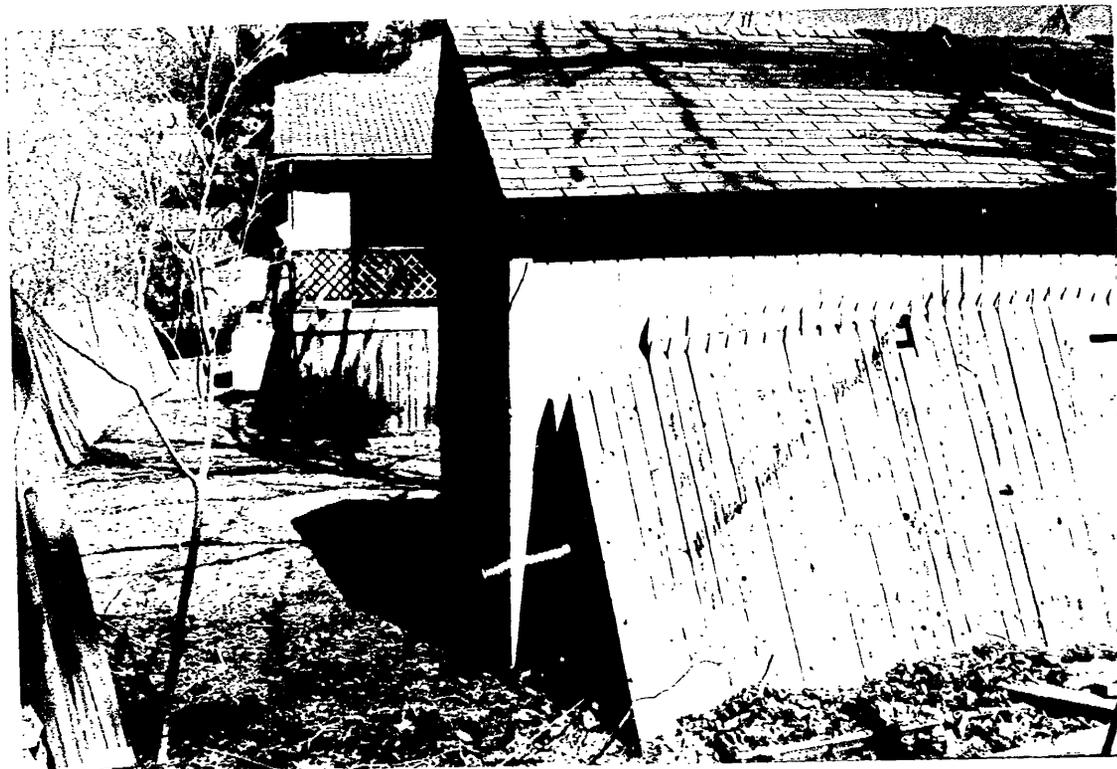


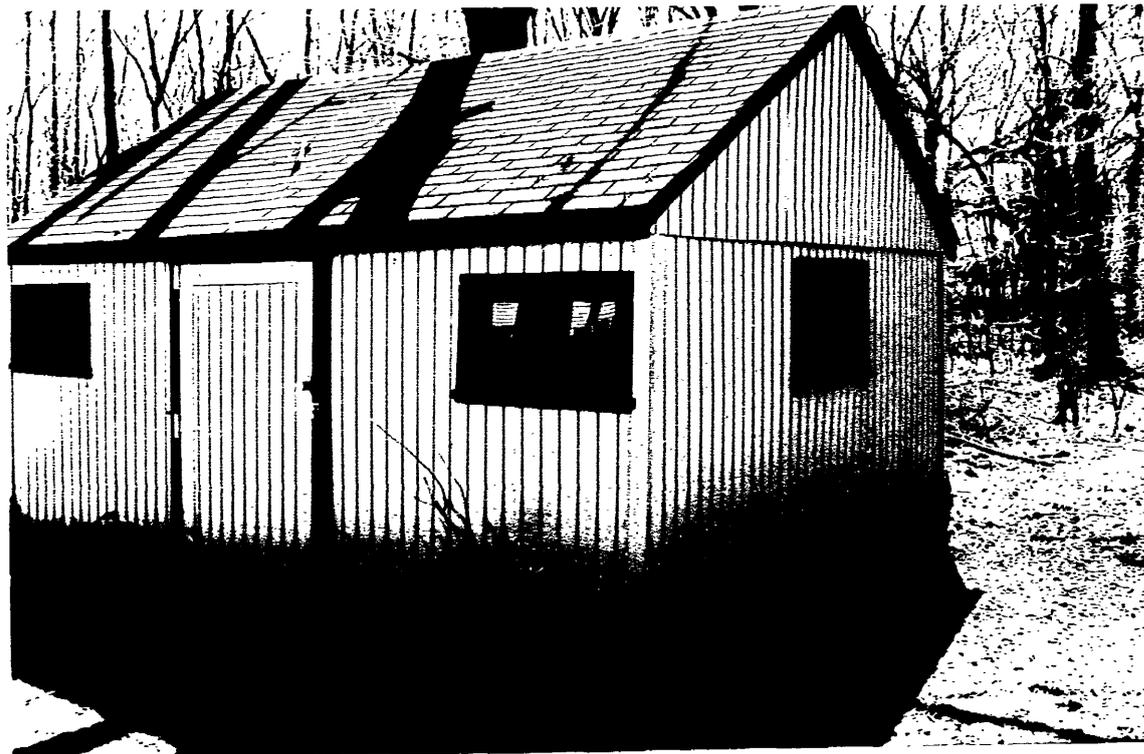
ck # 2451		50.00

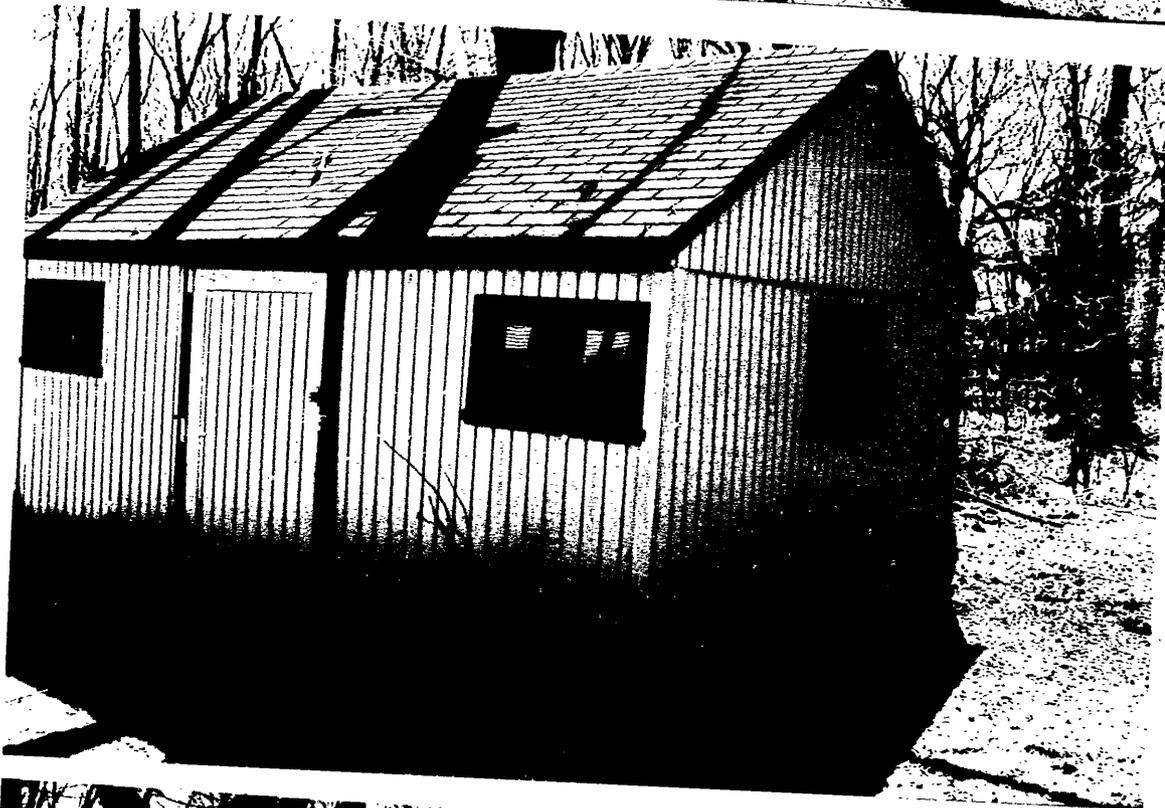
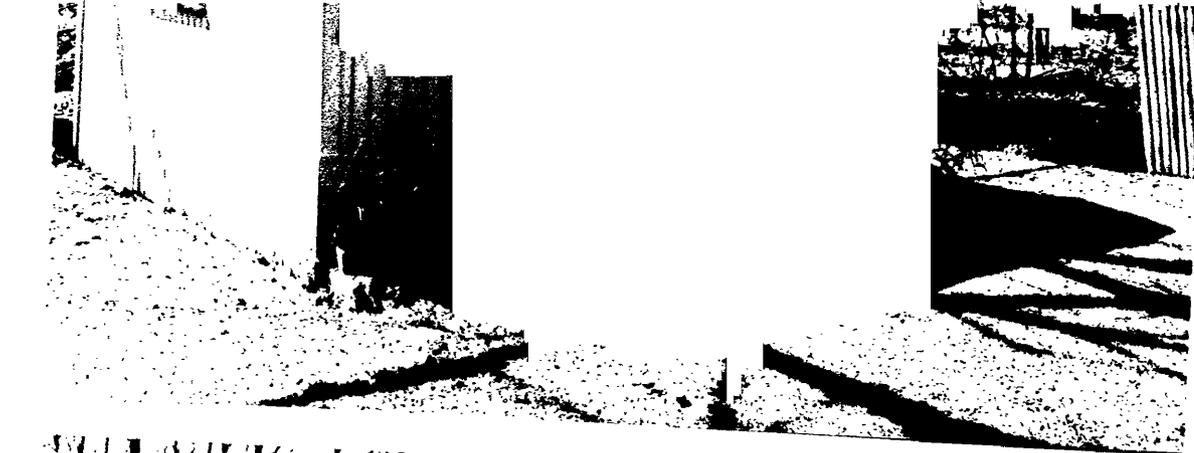
Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564







97-13. Kanthier, Nancy
area - 23-1-5

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Lanther Tracy

FILE # 97-13

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid
Ch # 628
4/2/97.*

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE *3/24/97 - 6 pages* . . . \$ 27.00
2ND PRELIM. MEETING - PER PAGE *4/14/97 - 2* . . . \$ 9.00
3RD PRELIM. MEETING - PER PAGE . . . \$ _____
PUBLIC HEARING - PER PAGE . . . \$ _____
PUBLIC HEARING (CONT'D) PER PAGE . . . \$ _____
TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *3/24/97* \$ 35.00
2ND PRELIM. *4/14/97* \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

Postage - 37 letters @ .32 ea. \$ 11.84
TOTAL \$ 117.84

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT \$ 182.16

HYON MI LANTHIER
81 UNION AVE.
NEW WINDSOR, NY 12553

92-28-613
218
64075006

628

Date 11/2/97

Pay to the order of Team of New Windsor \$ 350.-

Three hundred fifty and 00/100 Dollars

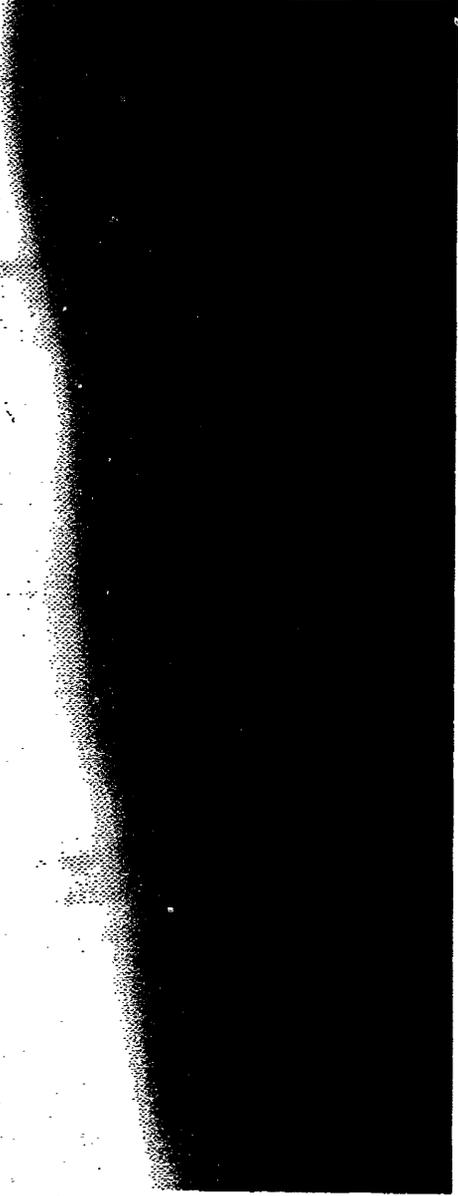
THE BANK OF
NEW YORK

MEMO # 26772-13
311 Broadway, NY 10038

Hyonmi Lanthier

⑆02⑆902352⑆ ⑈6600750065⑈ 0628

One check
issued for both
fees



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

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

Tracey R. Barthier, Jr.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#97-13
-----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 April 2, 1997, I compared the 37 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
2 day of April, 1997.

Mary Ann Hotaling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County
Commission Expires July 8, 1998

(TA DOCDISK#7-030586.AOS)

In the Matter of the Application of

TRACEY R. LANTHIER, JR.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#97-13.

WHEREAS, TRACEY R. LANTHIER, JR., 61 Union Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 5 ft. side yard and 5 ft. rear yard variance for an existing shed located at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of April, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared himself and with Fred Gorss, Esq. for this Application; and

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

WHEREAS, no one spoke in favor of or 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 property is a one family property located in a neighborhood of one family properties.

(b) The property is located on a busy state highway but is surrounded by wooded properties and cannot be seen from the back or either side.

(c) The shed in question was constructed prior to the time when the present owner acquired the property and has been on the site since approximately 1982.

(d) The lot is a narrow lot being only 50 ft. wide.

(e) The shed is serviced by electric service which has been inspected and improved.

(f) The shed is located on cement footings and cannot be moved without substantial damage.

(g) The shed is located close to the rear of the property. If the shed were to be relocated in a manner in conformance with the Zoning Local Law it would substantially impair the use of this property.

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 is warranted.

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 nevertheless should be allowed.

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 are appropriate and are the minimum variances 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 request for a 5 ft. side and rear yard variance for an existing shed located at the above-referenced

property in a CL-1 zone as sought by the Applicants 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: June 23, 1997.

S/ James Nugent
Chairman

References:
 LIBER 1314 PAGE 265
 LIBER 2244 PAGE 1108

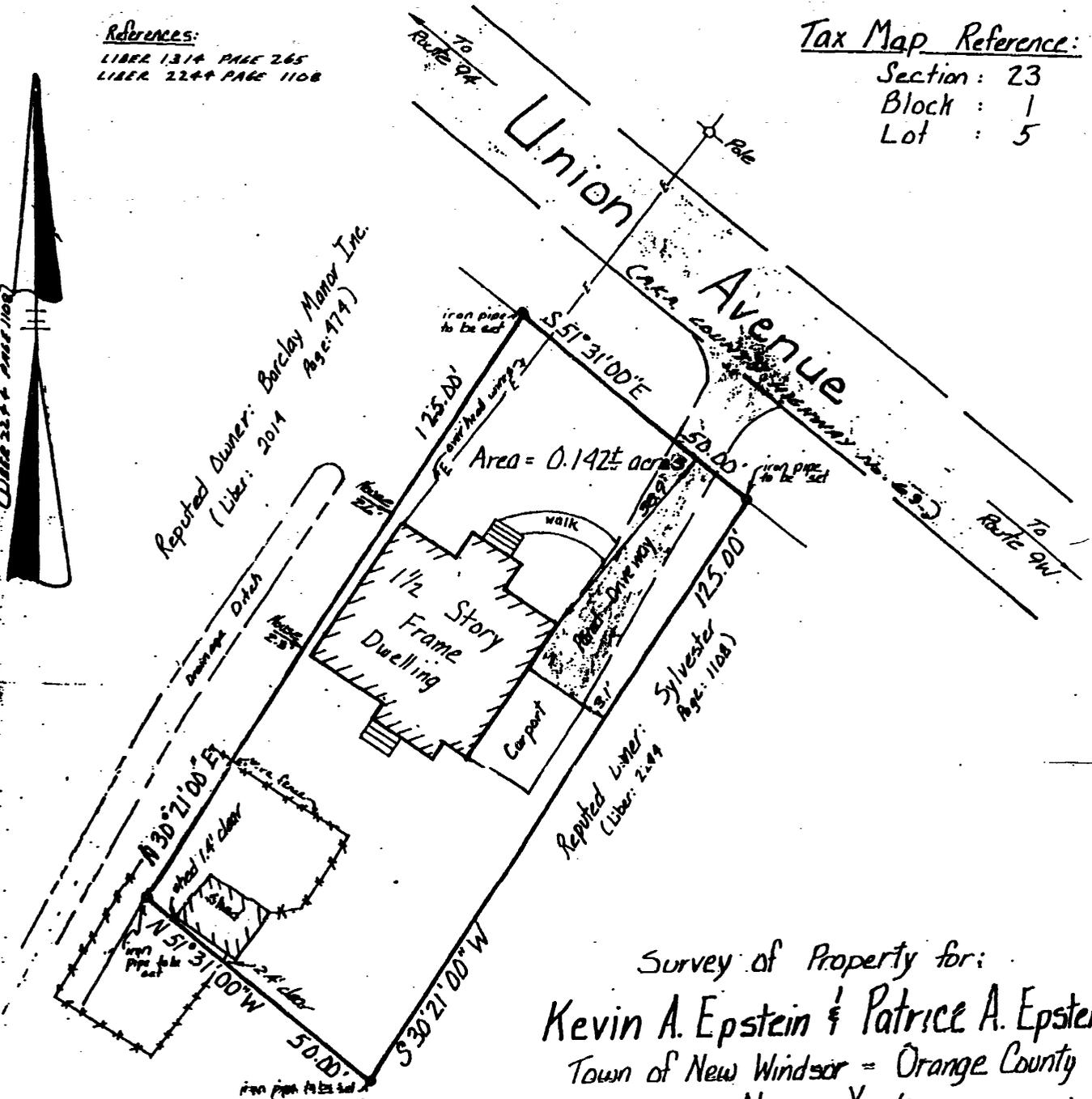
Tax Map Reference:
 Section: 23
 Block: 1
 Lot: 5

Deed North
 Current survey



Reputed Owner: Barclay Manor Inc.
 (Liber: 2014 Page: 474)

Reputed Owner: Sylvester
 (Liber: 2494 Page: 1108)



Survey of Property for:
 Kevin A. Epstein & Patrice A. Epstein
 Town of New Windsor = Orange County
 New York
 Scale 1"=20' 25 July 1984

I hereby certify to:
 Kevin A. Epstein
 Patrice A. Epstein
 Home and City Savings Bank
 Chicago Title Insurance Co.
 Feldman Incabson Abstract Co.

that this is an accurate survey performed in the field and that no surface encroachments exist except those shown hereon.

Roger J. Ferris N.Y.S. Lic. N° 49393

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EPCATION LAW. Copies of this survey map not bearing the Land Surveyor's printed seal shall not be considered to be a valid true copy. Certificates of this survey shall run only to the person for whom the survey is prepared, and on his behalf to the title insurance, governmental agency and lending institution noted hereon. Certificates are not transmittable to additional institutions, or subsequent owners.

Roger J. Ferris
 Professional Land Surveyor
 16 Harvard Drive
 Walden - New York
 Tel.: (914) 778-1639

Job File N° 128-844

Date 4/14/97, 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth 168 N. Drury Lane DR.
Newburgh, NY 12550

TE		CLAIMED	ALLOWED
477	Zoning Board Meeting	75 00	
	Misc - 3		
	Santillo - 3		
	Tarsio - 3		
	Petro Metals - 4		
	Lo Martere - 3		
	Marfe - 2		
	Lanthier - 2 \$9.00		
	Dietz - 3		
	<u>23 pgs</u>	<u>103 50</u>	
	<i>James Wright</i>	178 50	

LANTHIER, TRACY

MR. NUGENT: Request for 5 ft. side and rear yard variances for existing shed at 61 Union Avenue in R-4 zone.

Fred Gorss, Esq. appeared before the board for this proposal.

MR. NUGENT: Let the record show there is no one in the audience for this. You're on.

MR. GORSS: Good evening, for the record, my name is Fred Gorss, I represent Mr. Lanthier, Mr. Lanthier is also here. As the chairman indicated, we're asking for an area variance for five feet on the side and five feet in the rear of the property in regard to a shed that is located there. The property is on Union Avenue just south of Route 94. I think the board is familiar with where it is from the last meeting, on the westerly side of Union Avenue. We're asking for this area variance for the shed, as I said, the shed's been there since approximately 1982, it's a rather narrow lot 50 feet wide and the electric to the shed has already been approved by the electrical inspector. We feel that we can't move the shed without substantial damage as it's on the cement footings. Also, if we did move it, it would not be much area left in the rear once you stepped off the back deck, it had to be moved to the center of the property. On the map, you'll see that to the right of our property or to the north of your property, there's a drainage ditch that is there already, can I show you a map, if you look to the right, there is a drainage ditch already there that is apparently owned by Barclay Manor to the right which does create a natural barrier from our neighbors where the shed is located and to the left to the right or the left there aren't any neighbors within over 150 feet of our property. So we submit that we won't create any, you know, substantial harm to the neighbors in the area by the granting of our variance. Also, let's see, the applicant feels that the variance would not have an adverse impact on the environmental conditions in the area and there is really no other, nothing else we can do in regard to this but ask for this variance. And

April 14, 1997

18

we're available here for questions of course if the board has any but that is basically our case or argument.

MR. KRIEGER: Now it was built before this person, the applicant bought the property, it was already on the property?

MR. GORSS: That is correct, it was there when we purchased it.

MR. TORLEY: And the fence isn't encroaching on the other property lines?

MR. GORSS: I should of said that, that is gone, yes, that was there and that wire fence Mr. Lanthier is confirming that wire fence has all been taken down so that no longer is a problem.

MR. KRIEGER: He covered everything he was supposed to cover.

MR. NUGENT: Accept a motion.

MR. TORLEY: Mr. Chairman, I move that we grant Mr. Lanthier his requested variances.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. GORSS: Thank the board for entertaining and granting our application.

Prelims
March 24th
91-13

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JANUARY 29, 1997

APPLICANT: TRACY LANTHIER
61 UNION AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED:
FOR (BUILDING PERMIT): FOR EXISTING SHED
LOCATED AT: 61 UNION AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 23, BLOCK: 1, LOT: 5
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. EXISTING SHED PROJECTS CLOSER THAN MINIMUM 10FT. SET-BACK.

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4 USE 48-14-A-1-B		
REQ'D SIDE YD 10FT.	5FT.	5FT.
REQ'D REAR YD. 10FT.	5FT.	5FT.

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.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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 footing 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 and 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 engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 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 and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Tracey R. Lanthier Jr.

Address 61 Union Ave New Windsor Phone 565-7156

Mailing Address Same

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

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

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the S side of Union Ave.
(N,S,E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 23 Block 1 Lot 5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Home b. Intended use and occupancy Shed
5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other
6. Is this a corner lot? NO EXISTING 12x17 Shed
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$50
(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.

1, 29, 19 97

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi, Ernst Schmidt
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4618
(914) 563-4693 FAX

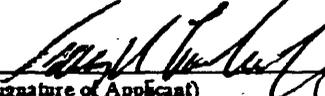
Bldg Insp Examined FL
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO: Planning Board Highway Dept Sewer Water Zoning Board of Appeals

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.

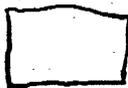

(Signature of Applicant)

61 Union Union Ave.
(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.

N



house

5'



shed



5'

W

E

S

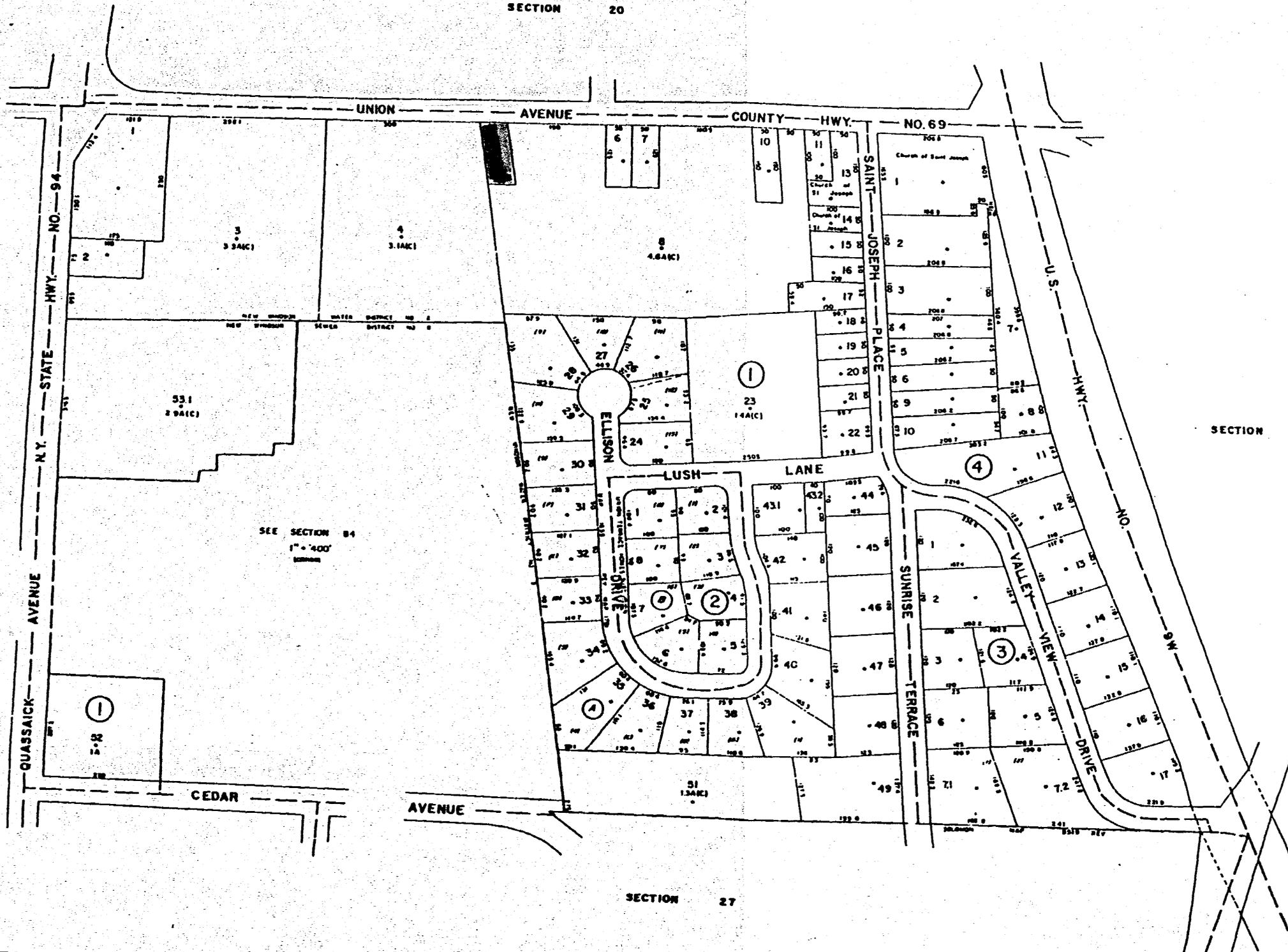
SECTION 20

SECTION 9

SECTION 22

SECTION 27

229



Prepared by
 ORANGE CO. TAX MAP DEPT.
 2000 W. WINDSOR, N. Y. 10824
 1989
 FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
PLANNED DEVELOPMENT	PLANNED DEVELOPMENT	PLANNED DEVELOPMENT	PLANNED DEVELOPMENT
CITY ZONING REGULATIONS	CITY ZONING REGULATIONS	CITY ZONING REGULATIONS	CITY ZONING REGULATIONS
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT
UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT	UNLAWFUL DEVELOPMENT

ORANGE COUNTY - NEW YORK

Photo No. 8-496,497 Date of Map: 9-24-87
 Date of Photo: 3-1-83 Date of Revision: 3-1-91
 Scale: 1" = 400'

TOWN OF NEW WINDSOR

Section No. 23

ALL NEWBURGH SCHOOL DISTRICT
 ALL QUASSACK BRIDGE FIRE DISTRICT

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

3/27/97.

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. 13

Request of TRACEY R. LANIHIER, JR.

for a VARIANCE of the Zoning Local Law to permit:

Existing shed with less than the allowable rear and side yards;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. -Cols. F&G

for property situated as follows:

61 Union Avenue, New Windsor, N. Y. 12553

known as tax lot Section 23 Block 1 Lot 5

SAID HEARING will take place on the 14th day of April,
19_97, 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

97-13

Date: 03/31/97

I. Applicant Information:

- (a) LANTHIER, TRACEY R., Jr., 61 Union Avenue, New Windsor, N.Y. x
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) Gorss, Frederick, Esq., 2102 Route 208, P.O. Box 389, Montgomery, N.Y. 12549
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-4 61 Union Avenue, New Windsor, N.Y. 23-1-5 50 x 125+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 9/4/91
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____
- _____
- _____

IV. Use Variance. n/a

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

n/a

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

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

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

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., Col. F & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
Reqd. Rear Yd. <u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
** No-residential districts only

(b) 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:

(See attached addendum)

(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	_____	_____	_____

n/a

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

n/a

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

VII. Interpretation. n/a

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

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

VIII. Additional comments:

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

(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)

Applicant purchased the parcel in 1991 and at that time the shed was already existing to the rear of the property. Applicant was not aware of the fact that the shed was in violation of the rear and side yard zoning regulations until the property was considered for sale and the bank discovered the inconsistencies. Mr. Lanthier is now seeking 5 ft. side yard and rear yard variances in order to make the shed conform to the Zoning regulations of the Town of New Windsor.

Applicant feels very strongly that the granting of the requested variances will not be detrimental to the health, safety or welfare of the neighborhood or community.

The only feasible method which Applicant can pursue is the variance process in view of the fact the shed cannot be moved to another location due to the very limited space available to the rear of the property. Another factor to consider is that the shed structure is anchored to concrete footings and if moved to another location the structure may be destroyed.

Applicant feels that this request is not substantial when considering the configuration of the parcel and the fact that there are many sheds located on adjacent parcels in the neighborhood.

Applicant feels that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

The difficulties stated above are the result of a self-created hardship on the part of the Applicant. However, Applicant is willing to and is seeking the necessary approvals in order to conform to the bulk regulations in the R-4 zone.

Kar-Vin Abstract Corp.

273 Quassaick Avenue - New Windsor, New York 12553

(914) 562-2622

Fax No. (914) 565-8737

Vincent J. Tangredi
President

12/16/96

Jeffrey R. Otto, Esq.
710 Broadway
Newburgh NY 12550

Re: Title No. 961438
Premises: 61 Union Avenue
Purchaser: Albert A. Minnick
Seller: Tracey R. Lanthier and Hyon Mi Lanthier
Lender: M & T Mortgage Corporation

Gentlemen:

Enclosed please find:

- (XX) Certificate and Report of Title. Kindly advise the undersigned of the time and place of closing.
- () Addenda to Certificate and Report of Title. Kindly annex to title report.
 - () Survey
 - () Survey Reading
 - () Affirmative Insurance (BANK ONLY)
 - () Residential Mortgage Endorsement (BANK ONLY)
 - () Street Report
 - () Certificate of Occupancy
 - () Description or Amended Description
 - () Updated Tax Schedule
 - () Violation Search

Very truly yours,

Vincent J. Tangredi

VJT:lme

cc: Hankin, Hanig, Stall and Caplicki, Esqs. (2 Copies)
Frederick G. Gorss, Esq.

Enclosure

Representing

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Title Insurance Since 1876



ISSUED BY
COMMONWEALTH LAND TITLE INSURANCE COMPANY

CERTIFICATE AND REPORT OF TITLE

Commonwealth

This Company certifies that in consideration of the fees, due and payable upon the delivery of this certificate, it has examined title to the premises described in Schedule A herein, in accordance with its usual procedure and agrees to issue its standard 1992 ALTA Loan/Owner's policy (with New York Endorsement) insuring such interest and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company, excepting all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in this certificate which are not disposed of to its satisfaction prior to such closing or issuance of the policy.

Such policy will be issued for the amount set forth herein, upon payment of the Company's fees and after the transaction has been duly closed and the closing instruments have been duly recorded and approved by the Company.

This certificate is subject to any question or objection as a result of a continuation of the title to the date of closing or which may be brought to the attention of the Company prior to the closing, or if there be no closing, before the issuance of the policy.

This certificate shall be null and void (1) if the Company's fees therefor are not paid (2) if the prospective insured, his attorney or agent, or the applicant or the person to whom this certificate is addressed, makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) in any event, upon the delivery of the policy. Any claim arising by reason of the issuance of this certificate shall be restricted to the terms and conditions of the standard form of insurance policy.

If title, interest or lien to be insured was acquired by the prospective insured prior to delivery of this certificate, the Company assumes no liability except under the policy when issued.

Authorized Signature

Redated and Recertified:

Closer's Signature

If you have any questions regarding this report please communicate with

KAR-VIN ABSTRACT CORP.
273 Quassaick Avenue
New Windsor, N.Y. 12553
(914) 562-2622 FAX (914) 565-8737

Commonwealth
Land Title Insurance Company
SCHEDULE A

Title No.: 961438

Effective Date: 11/17/96

Redated:

Proposed Insured:

Purchaser: Albert A. Minnick

Mortgagee: M & T Mortgage Corporation, its successors and/or assigns

Amount of Insurance:

Fee \$109,900.00

Mortgage \$98,900.00

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by:

Tracey R. Lanthier and Hyon Mi Lanthier who acquired title by deed dated 8/30/91 made by Kevin A. Epstein and Patrice A. Epstein and recorded in the ORANGE County Clerk's Office on 9/4/91 in Liber 3489 of Deeds, at page 52.

Premises described herein are known as: 61 Union Avenue

County: ORANGE

City:

Town: New Windsor

Section/Block/Lot: 23-1-5

SCHEDULE A (Continued)

Title No.: 961438

ALL that tract or parcel of land situate in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at an iron pipe to be set in the southerly side of Union Avenue (County Road No. 69), said pipe being the most northerly corner of lands reputedly of Sylvester as described in deed Liber 2244 on page 1108; thence from said point of beginning the next two courses and distances along said lands of Sylvester,

South 30 degrees 21 minutes 00 seconds West a distance of 125.00 feet to an iron pipe to be set; thence

North 51 degrees 31 minutes 00 seconds West a distance of 50.00 feet to an iron pipe to be set; thence

North 30 degrees 21 minutes 00 seconds East a distance of 125.00 feet along the lands reputedly of Barclay Manor, Inc. as described in deed Liber 2014 on page 474 to an iron pipe to be set on the southerly side of said Union Avenue; thence,

South 51 degrees 31 minutes 00 seconds East a distance of 50.00 feet to the point or place of beginning.

**Commonwealth
Land Title Insurance Company
SCHEDULE B**

Title No.: 961438

SCHEDULE B in which are set forth the additional matters which will appear in the policy as exceptions from coverage, unless disposed of to the Company's satisfaction prior to the closing or delivery of the policy:

1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth in schedule herein.
2. Mortgages returned herein Two Detailed statement within.
3. Any state of facts which an accurate survey might show or Survey exceptions set forth herein.
4. Rights of tenants or persons in possession.
5. Covenants, conditions, easements, leases, agreements of record, etc., more fully set forth in Schedule herein:
None.

6. 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. (FEE POLICY ONLY)

NOTE: Insurance Law Sec. 64 Subdivision 6409(c) requires that title companies offer, at or prior to closing, an optional policy to cover the homeowner for the FUTURE market value of his house. You may, therefore, elect to obtain protection in excess of your purchase price. If you do not wish this additional statutory coverage, you MUST WAIVE by signing in the space below this exception:

Albert A. Minnick

SCHEDULE B (Continued)

Title No.: 961438

7. The amount of acreage is not insured.
8. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
9. Subject to rights and easements if any acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto. (FEE POLICY ONLY)
10. If the mortgage or mortgages returned herein is a Credit Line Mortgage, special arrangements with the title company must be made PRIOR to closing in order to satisfy same at closing.
11. Obtain proof that Tracey R. Lanthier and Hyon Mi Lanthier has/have not been known by any other name for 10 years last past. Any other name must be submitted to Company prior to closing.
12. Riparian rights, if any, in favor of the premises herein are not insured.
13. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
14. Except all water meter charges from date of the last actual reading of the meter, including all charges entered hereafter but which might include usage prior to the date of this policy.
15. One Federal Tax Lien herein to be disposed of. (see attached).

Print ID: 4585
Run Date: 12/09/96 14:07:27
Run By: NYORPUBLIC

Business Records Solutions Specialists
ORANGE COUNTY CLERK
PUBLIC INQUIRY PRINT

Program: PIJPTG Page 1

Instrument #: 0005057-1996 Selected: LAWYER TRACY JUDGMENTS INDEXED THROUGH: 1/01/1987 - 12/05/1996

File Date Time Court Type County Perfected Date & Time Sat/Ex Date

8/15/1996 10:14

8/08/1996 9:00

Attorney: DEP TAX COMM

Damage: .00
Court Cost: _____
Total: 21,142.61

Misc: _____

<u>Date & Time Added</u>	<u>Seq#</u>	<u>Series</u>	<u>Name</u>	<u>F</u>	<u>S</u>	<u>Changed Text</u>
8/16/1996 16:21:49	0001	CREDITOR	## NYS TAX COMMISSION PO BOX 5149 ALBANY, NY 12205			
8/16/1996 16:21:49	0002	DEBTOR	LAWYER TRACY PO BOX 262 SALISBURY MILLS, NY 12577		R	

REMARKS
WARRANT ISSUED UNDER ARTICLE 22 TAX LAW

***** END OF REPORT *****

**SCHEDULE C
FOR INFORMATION ONLY**

Title No.: 961438

If a deed, presented to the Company for recording at closing, is dated prior to said closing date, the Company will use its best efforts to record the deed and its accompanying instruments promptly; however no liability is assumed for penalties and interest under Section 1416 of the New York State Tax Law due to the inability to file transfer tax returns or pay transfer taxes within the time requirements. Said penalties and/or interest will be charged against the grantor(s).

The date on the Deed in this transaction must be the same date as on the Equalization and Assessment form and the TP-584. This date must be the date of closing. If the Deed is signed and dated by the Transferors prior to the closing, duplicate original affidavits, signed by the Transferors, must be presented to the closer at the closing; to be forwarded to the Clerk's office with the Deed.

IF THIS TRANSACTION CONSISTS IN WHOLE OR IN PART OF AN ASSIGNMENT OF MORTGAGE, THEN THE FOLLOWING OBJECTION MAY APPLY:

In order to record an assignment of a mortgage, there must be set forth in the assignment document or attached thereto and recorded as part thereof a statement under oath signed by the mortgagor or any other party to the transaction having knowledge of the facts (provided he asserts such knowledge), that the assignee is not acting as a nominee of the mortgagor and that the mortgage continues to secure a bona fide obligation.

This requirement is not applicable to assignment of the type used between lenders which continues, at all times, to secure a bona fide debt, such assignment shall contain the statement: "This assignment is not subject to the requirements of Section 275 of the Real Property Law of the State of New York because it is an assignment within the secondary mortgage market."

All documents are to be signed in black ink only for recording purposes.

**Commonwealth
Land Title Insurance Company
MORTGAGE SCHEDULE**

Title No.: 961438

MORTGAGOR: Tracey R. Lanthier and Hyon Mi Lanthier

MORTGAGEE: Citibank (N.Y. State)

AMOUNT: \$89,000.00

DATED: 8/30/91

RECORDED: 9/4/91

LIBER: 4073

MP.: 269

MORTGAGOR: Tracey R. Lanthier and Hyon Mi Lanthier

MORTGAGEE: Mid-Hudson Savings Bank, FSB

AMOUNT: \$93,000.00

DATED: 9/30/93

RECORDED: 10/28/93

LIBER: 4880

MP.: 262

These mortgage returns, unless the mortgage is to be insured will appear as exceptions from coverage. The information set forth herein is obtained from the recorded instrument. Sometimes, the provisions of a mortgage are modified by agreements which are not recorded. We suggest that you communicate with the mortgagee, if you desire any additional information. If there has been a change in the owners and holders of the mortgage, such information should be furnished to us promptly to enable further searches to be made.

**Commonwealth
Land Title Insurance Company
TAX SCHEDULE**

Title No.: 961438

County: ORANGE
Street: 61 Union Avenue
Section/Block/Lot: 23-1-5
Account #:
Property Class Code: 210
Town: New Windsor
City:
Village:
School District: Newburgh Enlarged
Property Size: 50 x 125
Assessed Valuation
Land: \$4,400.00 Full: \$25,000.00
Exempt: \$ Net: \$

Assessed to: Tracey R. Lanthier and Hyon Mi Lanthier

1996 STATE, COUNTY AND TOWN TAX:	\$1,239.46	PAID
1996/97 SCHOOL TAX:		
1st Instalment:	\$487.06	PAID 10/9
2nd Instalment:	\$487.06	PAID 11/26
3rd Instalment:	\$487.06	DUE 3/7/97
WATER AND SEWER:	\$80.05	OPEN/DUE 12/31/96
(water covers 6/24 thru 9/23 (\$51.15) and sewer covers 10/1 thru 12/31 (\$28.90), next bill 3/96)		

Paid water and sewer receipts to be produced at closing.

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. Does not include assessments for any special district not a part of the state and county tax roll.

Except water meter and sewer rental charges accruing since the date of the last reading and building purpose or unfixed water frontage charges subsequently entered.

**Commonwealth
Land Title Insurance Company
FOR INFORMATION ONLY**

Title No.: 961438

No state or municipal department searches for notices of violations of laws, regulations and ordinances filed therein and no searches for certificate of occupancy, building or other permits or licenses are made unless specifically requested by the applicant. If requested, they are made by the particular municipal department and are called "Record Search"; they disclose only those violations reported by the last inspection made by the department and do not show the present condition, which can be ascertained only requesting a new inspection and paying the fee therefore. Such searches are not continued to date of closing nor are new searches made even in event of adjournment of closing. All searches specifically requested, are made at an additional charge to the applicant.

This Company does not, in any event, insure that the buildings or other erections upon the premises or their use comply with Federal, State and Municipal laws, regulations and ordinances, and therefore assumes no liability whatsoever by reason of the ordering of such searches and does not insure their accuracy. The following information has been furnished by the various departments.

Search made by Department of Buildings: see attached

Search made by Building Department: New Windsor

Union Avenue is a dedicated road and municipally maintained.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

DECEMBER 2, 1996

KAR-VIN ABSTRACT CORP.
273 QUASSAICK AVENUE
NEW WINDSOR, N.Y. 12553

PROPERTY ASSESSED TO: TRACEY R. AND HYON MI LANTHIER
61 UNION AVENUE
NEW WINDSOR, N.Y. 12553
SECTION 23, BLOCK 1, LOT 5

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT IN 1928 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

ENCLOSED, PLEASE FIND A COPY OF A CERTIFICATE OF OCCUPANCY #62 ISSUED MARCH 26, 1991 FOR A DECK.

THE ASSESSOR'S RECORDS INDICATE THE CONSTRUCTION OF A 12FT. X 17FT. SHED WITHOUT A BUILDING PERMIT.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE IS A VIOLATION AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

Michael Babcock
MICHAEL BABCOCK
BUILDING INSPECTOR *MB*

MB:ldm

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

BUILDING DEPARTMENT

Building Permit No: 5247

Location: UNION AVE. E/S

Map No: 334B00

Section: 23

Block: 1

Lot: 5.0

CERTIFICATE OF OCCUPANCY

No: 91-62

CO Date: 3/28/91

I CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated: 3- 8/91, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material: WOOD	Number of Stories: 0.0	Number of Families: 1
Dimensions of Building: 16X29.6'	Dimensions of Lot: SEE PLANS	
Use of Building: DECK	Number of Bedrooms: 0	
Number of Toilets: 0	Number of Bathrooms: 0.0	
Heating Plant:		

Remarks: PERMIT ISSUED FOR EXISTING 16X29.6' WOOD DECK

This certificate is issued to: EPSTEIN, KEVIN
of the aforesaid structure.

Grant Lisi

Building Inspector

(This Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction is in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy).

DISTRIBUTION:

ORIG to APPLICANT,

COPY to FILE

REPORT OF CLOSING

Title closed at office of _____ on _____ 19____ by _____

By delivery of the following instruments:

DEED (Designate Kind)

By _____

To _____

Dated _____
Cons. \$ _____
Insure for \$ _____

DEED (Designate Kind)

By _____

To _____

Dated _____
Cons. \$ _____
Insure for \$ _____

G.I. — F.H.A. — CONVENTIONAL MORTGAGE (Designate Kind)

By _____

To _____

Dated _____
Amount, \$ _____ 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. _____ Sec. _____
Insure for \$ _____

By _____

To _____

Dated _____
Cons. \$ _____
Assigns Mortgage Recorded in L. _____ Mp. _____ Sec. _____
Insure for \$ _____

SATISFACTION OF MORTGAGE

By _____

Dated _____
Satisfies Mortgage Recorded in L. _____ Mp. _____

By _____

Dated _____
Satisfies Mortgage Recorded in L. _____ Mp. _____

OTHER CLOSING INSTRUMENTS

Parties Present At Closing

Buyers Social Security Number _____
Sellers Social Security Number _____
Attorney for Seller _____
Attorney for Purchaser _____
Attorney for Lender _____

Fee Policy to be sent to: _____ Address _____
Mortgage Policy to be sent to: _____ Address _____

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

SECTION 23 BLOCK 1 LOT 5

Kevin A. and Patricia A. Epstein

TO

Tracey R. and Hyon Mi Lanthier

Section 23, Block 1, Lot 5

RECORD AND RETURN TO:
(Name and Address)

Frederich Gorss
P.O. Box 389
Montgomery, New York 12549

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 58218 DATE 8-30-91 AFFIDAVIT FILED _____ 19 _____

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

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

SERIAL NO. _____

Mortgage Amount \$ _____

Exempt Yes _____ No _____

3-6 Cooking Units Yes _____ No _____

Received Tax on above Mortgage

Basic \$ _____

MTA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

CHECK CASH _____ CHARGE _____

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 400⁰⁰

RECORD. FEE \$ 17⁰⁰ ^{50c} (4)

REPORT FORMS \$ 30⁰⁰

CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: C. Piscioto

OW Smith

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 4th day of
September 19 91 at 10:05
O'Clock A M. in Liber/Film 3489
Deed at page 52 and examined.

Marion S. Murphy
County Clerk

RECEIVED

\$ 400⁰⁰

REAL ESTATE
SEP 4 - 1991
TRANSFER TAX
ORANGE COUNTY

DRG. DR / PATIENT: 37631 5.00 47.00
DEED CONTROL NO: 58218

***** SERIAL NUMBER: 000747 *****

File 8-284

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

THIS INDENTURE, made the 30th day of August, nineteen hundred and ninety-one
 BETWEEN KEVIN A. EPSTEIN and PATRICE A. EPSTEIN, husband and wife,
 residing at 61 Union Avenue, New Windsor, New York

Lanthier
 party of the first part, and TRACEY R. and HYON MI LANTHIER, husband and wife,
 residing at 54 Knox Village, New Windsor, New York

party of the second part,

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

-----TEN (\$10.00)----- dollars,

lawful money of the United States, ; paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or 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, situate, lying and
 being in the

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF

LIBER 3489 PAGE 53

SCHEDULE A

ALL that tract or parcel of land situate in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at an iron pipe to be set in the southerly side of Union Avenue (County Road No. 69), said pipe being the most northerly corner of lands reputedly of Sylvester as described in deed liber 2244 on page 1108; thence from said point of beginning the next two courses and distances along said lands of Sylvester,

South 30 degrees 21 minutes 00 seconds West a distance of 125.00 feet to an iron pipe to be set; thence

North 51 degrees 31 minutes 00 seconds West a distance of 50.00 feet to an iron pipe to be set; thence

North 30 degrees 21 minutes 00 seconds East a distance of 125.00 feet along the lands reputedly of Barclay Manor, Inc. as described in deed liber 2014 on page 474 to an iron pipe to be set on the southerly side of said Union Avenue; thence,

South 51 degrees 31 minutes 00 seconds East a distance of 50.00 feet to the point or place of beginning.

Being the same premises conveyed by HILMA HANSEN to KEVIN A. EPSTEIN and PATRICE A. EPSTEIN, husband and wife, by Deed dated August 6, 1984, and recorded in the Orange County Clerk's Office on August 8, 1984, in Liber 2292 of Deeds at page 438.

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 successors and assigns of the party of the second part forever.

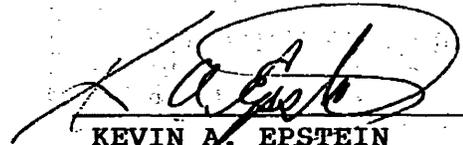
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

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.

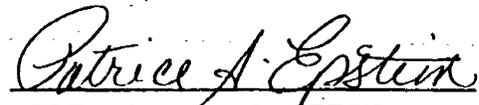
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:



KEVIN A. EPSTEIN



PATRICE A. EPSTEIN

~~Commissioner of the State of New York
Office of the State Comptroller
for the State
Model Form 100-1 (Rev. 10/10)
RICHARTE WILKINSON~~

LIBER 3489 PAGE 55

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

STATE OF NEW YORK, COUNTY OF

ss:

On the 30th day of August 19 91, before me personally came KEVIN A. EPSTEIN and PATRICE A. EPSTEIN

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

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

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

MICHELLE WILKINS
Notary Public
No. 4972943
Qualified in Orange County
Commission Expires October 8, 1992

STATE OF NEW YORK, COUNTY OF

ss:

STATE OF NEW YORK, COUNTY OF

ss:

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

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 _____

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 h _____ name thereto by like order.

_____, 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 h _____ name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. F 168-284

KEVIN A. and PATRICE A. EPSTEIN

TO

TRACEY R. and HYON MI LANTHIER

SECTION 23

BLOCK 1

LOT 5

COUNTY OR TOWN Orange County
Town of New Windsor

Recorded at Request of COMMONWEALTH LAND
TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by



COMMONWEALTH LAND
TITLE INSURANCE COMPANY
A Reliance Group Holdings Company

Frederich Gorss
P.O. Box 389
Montgomery, New York 12549

Zip No.

LIBER 3489 PAGE 56

PRELIMINARY MEETING:

LANTHIER, TRACY

MR. NUGENT: Request for 5 ft. side and rear yard for existing shed in variation of Section 48-14A(a)(b) of the supplemental yard regulations for location 61 Union Avenue in an R-4 zone.

Fred Gorss, Esq. appeared before the board for this proposal.

MR. GORSS: Good evening, my name is Fred Gorss. Mr. and Mrs. Lanthier aren't here yet, they have my pictures hopefully but I have a map for everyone if I could show you that, I think that that will show you exactly what we're asking for.

MR. NUGENT: Where is 61 Union?

MR. GORSS: Just down from the light there at where the shopping center is, used to be Squire Village, just down from that.

MR. TORLEY: Right outside Butterhill?

MS. BARNHART: It's not outside Butterhill.

MR. GORSS: Isn't that the name of the apartment complex there?

MS. BARNHART: Squire Village.

MR. GORSS: Do you know where there is a vacant lot as you face the property there's a vacant lot to the right of it. Mr. Chairman, where should I start with the pictures?

MR. NUGENT: With me, probably. Where is 61?

MR. LANTHIER: It's between you know where 94 and 9W is?

MR. NUGENT: I know the area very well, which house is 61?

MR. LANTHIER: It's the tan one, second one on the right heading towards the church.

MR. NUGENT: The little one?

MR. LANTHIER: Right.

MR. NUGENT: Just before Duggan's house?

MR. LANTHIER: Yes.

MR. GORSS: What we're asking for is as the chairman pointed out is a variance for the shed, it's been there for quite some time, it would be impossible we feel to move it without destroying it. It's on a concrete footing, has a wooden floor with it. The electrical was all approved by an electrical inspector and the lot to the right as you face the property has not been developed. There's a, as can be seen, there is a drainage ditch there just to the right which is indicated on our survey which does provide a natural buffer we feel anyway to our shed and our property, we understand the reasons of course for these setbacks so the sheds and things aren't, don't interfere with the adjoining property owners. I'd like to point out on the survey that there is a fence shown which is no longer there, the previous property owner to us had that fence up which for a dog pen apparently but that is not there any longer. So that doesn't violate. I want to make that clear. And so we're asking the board to allow us to keep the shed where it is, we don't feel that it, you know, provides a hardship to any of the surrounding property owners and it would be a great hardship to us to have to try and move it because of the size of the property. It's only 50 foot by 125 feet and we don't have much width and also the survey really doesn't do it justice, as you walk out of our back deck there the shed is right there, it's right only a few feet between the back deck and the shed so it would really not be much room to use in the yard, if we had to move that shed from where it is so for all those reasons, we're asking for this variance and Mr. Lanthier is here this evening and we'd like to answer any questions that the board may have.

MR. KANE: How long has the shed been up?

MR. LANTHIER: I believe it was built in 1982 according to the records.

MR. KRIEGER: Built before you owned the property?

MR. LANTHIER: Yes.

MR. KANE: Do you know of any shrubbery that was removed, any type of landscaping, any kind of drainage problems in that area that were caused by the shed being there?

MR. LANTHIER: No.

MR. NUGENT: You can't even see the shed from Union Avenue.

MR. LANTHIER: No.

MR. KRIEGER: Who occupies that lot behind the lot behind you, not Barclay Manor, the one side, not Sylvester, but the other, anybody?

MR. LANTHIER: I don't know.

MR. GORSS: It's not developed.

MR. NUGENT: All the way around your house is undeveloped land.

MR. LANTHIER: Yes.

MR. TORLEY: The '84 survey shows that Sylvester.

MR. GORSS: We're using this, this is the '84 survey which we have used when we bought it, we didn't update it when we bought it.

MR. REIS: What brings you to the board?

MR. GORSS: What brings us?

MR. REIS: What brings you to the board?

MR. GORSS: Because we have, we wish to, there's a conveyance here and as well the board knows, from these sheds and pool problems, we're here because we got caught, we, to be perfectly honest with you, it's a violation and the buyer's bank has objected to the purchase of the property without the shed, although to answer your question fully we did write a letter in '94 when we bought it in '94.

MR. LANTHIER: '91.

MR. GORSS: We did get a letter from the building inspector saying that there were no violations and the shed was there but I guess you know again the building inspector doesn't have to go out each time and inspect so our bank said it was okay but this bank says no so it's a little different banks, different regulations, I guess.

MR. NUGENT: While you're at this, there's side yards too on this house and the carport, are they old and they don't need to be addressed?

MR. BABCOCK: How long has the carport been there?

MR. LANTHIER: I couldn't tell you.

MR. BABCOCK: It's old, right?

MR. LANTHIER: Yes.

MR. BABCOCK: According to our records, Jim, it's been there for--

MR. NUGENT: Prior to '66.

MR. KRIEGER: How about the house itself?

MR. BABCOCK: 1928.

MR. KRIEGER: That is prior to '66, yeah.

MR. NUGENT: Then I don't think they need to be

addressed.

MR. TORLEY: Might want to get into our records the building department has evidence that this is pre-existing.

MR. KRIEGER: I think we just did that, good point.

MR. NUGENT: Any further questions by the board?

MR. KANE: None. Accept a motion?

MR. NUGENT: Yes, I will.

MR. KANE: I move that we set up Tracy Lanthier for a public hearing on the requested variance at 61 Union Avenue.

MS. OWEN: I second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MS. OWEN	AYE
MR. NUGENT	AYE

MR. KRIEGER: Fred, I'm sure you don't need this but I give this to everybody anyway, this is the criteria I'm sure you are familiar with them as I am.

MR. NUGENT: You probably need another piece of paper.

MR. GORSS: Thank you very much.

MR. KRIEGER: Normally I like to look at the deed and title policy but under these circumstances--

MR. GORSS: I can provide that.

MR. KRIEGER: I don't need to keep them, just let me look at them the night of the public hearing.

MR. GORSS: I can get them in the mail to you right

March 24, 1997

7

away.

MR. KRIEGER: Doesn't matter, you can bring them with you.

MS. BARNHART: Do you mind if I hold on to the photos?

MR. GORSS: No.

MR. KRIEGER: You looked and there isn't anything prohibiting maintenance of a shed?

MR. GORSS: As far as what is concerned?

MR. KRIEGER: In the deed or title policy?

MR. GORSS: No, no, not the title report or deed.

MR. KRIEGER: Again, is isn't necessary to put it in the mail, just bring them with you.

MR. NUGENT: Thank you.

MR. GORSS: What date would that be?

MR. NUGENT: When you get the paperwork back.

MS. BARNHART: When the paperwork is completed, then I can schedule the hearing because there's a ten day notification.

MR. GORSS: I will get that back to you right away. I'd like to thank the chairman and members of the board, thank you very much.