

**ZB# 98-20**

**Fred Weller**

**73-2-16**

#98-20-Weller, Fred

48-4-11

Area

Re: Prelim.

taken out 5/24/98  
May 11, 1998.  
Dud & Motor Div  
Ap. has paperwork  
Motion to sched. P.H.  
Notice to Subind. 5/13/98.

Public Hearing:

June 8, 1998.

Variance  
(Area)  
Granted

Refund \$207.50.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Weller, Fred

FILE# 98-20

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*paid 5/19/98  
ck # 4655.*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*paid 5/17/98  
ck # 4656*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 5/11/98-3 .. \$ 13.50  
2ND PRELIMINARY- PER PAGE 6/8/98-2 .. \$ 9.00  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 5/11/98 ..... \$ 35.00  
2ND PRELIM. 6/8/98 ..... \$ 35.00  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 92.50

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT .. \$ 207.50

*Refund*



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

**FRED WELLER**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#98-20.  
-----X

**WHEREAS, FRED WELLER**, residing at 18 Nee Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for an 8 ft. front yard and 6 ft. rear yard variance for existing shed located at the above address in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 8th day of June, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of himself for this Application; and

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

**WHEREAS**, no one spoke in favor 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 home located in a neighborhood containing one-family homes.
  - (b) A shed has existed on the property for approximately ten years.
  - (c) At the time the Applicant constructed the shed he was advised by the then New Windsor Building Inspector that no building permit was needed.
  - (d) The shed is constructed on a slab and is equipped with electric service.

(e) The shed contains the filter mechanism for the adjacent pool.

(d) The shed is not constructed on top of now does it interfere with any easements for water, sewer or otherwise.

(e) The shed does not cause any ponding or accumulation of water or effect any water drainage or runoff.

(f) The shed is similar to other sheds in the neighborhood.

**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 variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to 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 variance 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**

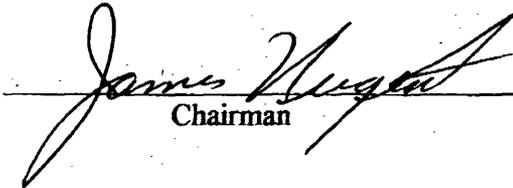
**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 8 ft. front yard and 5 ft. rear yard variance for existing shed located at 18 Nee Avenue in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building

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 10, 1998.

  
Chairman

Date 6/18/98, 19.....

# TOWN OF NEW WINDSOR

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

TO ..... DR.

Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
6/8/98	Zoning Board	75 00	
	Misc - 2		
	<del>Board</del> Misc - 7		
	Blaomer - 5		
	Aunzel/Smith - 5		
	Tarpey - 5		
	Walthe - 3		
	Demilt - 2		
	Weller - 2	139 50	
	31		
		214 50	

WELLER, FRED

MR. NUGENT: Request for 8 foot front yard and 6 foot rear yard variances for existing shed located at 18 Nee Avenue in R-4 zone.

Mr. Fred Weller appeared before the board for this proposal.

MR. WELLER: Basically the same story, I spoke to the building inspector when I put it up about ten years ago.

MS. BARNHART: He sent out 55 addressed envelopes on May 20, 1998.

MR. WELLER: Here's pictures of it and I have a copy of the deed.

MR. KRIEGER: Is this shed on a foundation of some sort?

MR. WELLER: Yes, it's on a slab.

MR. TORLEY: Therefore, it's economically infeasible to move it?

MR. WELLER: Very, there's electric in it, also the filter for the pool.

MR. REIS: No negative comments on the responses or anything?

MS. BARNHART: There weren't any responses.

MR. NUGENT: Nobody is here either.

MR. WELLER: Nobody cared ten years ago.

MS. OWEN: This isn't over any easements?

MR. WELLER: No, it's not, correct.

MR. KRIEGER: Does it cause any ponding or accumulation of water or affect any water drainage or runoff?

MR. WELLER: No, it does not.

MR. KRIEGER: Are there other similar sheds in the neighborhood?

MR. WELLER: Quite a few.

MS. OWEN: Not as nice.

MR. WELLER: Correct.

MR. KRIEGER: Note that I said similar.

MR. REIS: I make a motion that we grant Mr. Fred Weller his requested variances for 18 Nee Avenue.

MR. TORLEY: Second it.

ROLL CALL

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

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

**NOTICE OF DISAPPROVAL OF BUILDING PERMFT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: May 11, 1998**

**APPLICANT: Fred Weller  
18 Nee Avenue  
New Windsor, New York 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 11, 1998**

**FOR : Existing wood shed**

**LOCATED AT: 18 Nee Avenue**

**ZONE: R-4**

**DESCRIPTION OF EXISTING SITE: 48-4-11**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing 12 X 12 shed doe not meet minimum 10' rear yard set back.**

*Grant List*  
BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: 48-14-A-1-B

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

REVISED 5-11-98  
2' X 8' X  
4' 6'

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

**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

FRED WELCH

Address

18 NEE AVE

Phone

561-7349

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.

(Name and title of corporate officer)

**BOX**  
FOR OFFICE USE ONLY

1. On what street is property located? On the WEST side of 18 NEE AVG.  
(N,S,E or W)  
 and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated (48) R-4 (4) (E11) property a flood zone?  
 Y \_\_\_\_\_ N X

3. Tax Map Description: Section 33-1800 Block 48-4-11 Lot 2-127

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
 a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy C-1

5. Nature of work (check if applicable) New Bldg  Addition  Alteration  Repair  Removal  Demolition  Other

6. Is this a corner lot? NO EXISTING 12x12 WOOD SHED

7. Dimensions of entire new construction. Front 12 Rear 12 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 1500 Fee \$50  
To be Paid on this Application

11. School District \_\_\_\_\_

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

1 / 19  
**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. Inspector: Frank Lisi  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

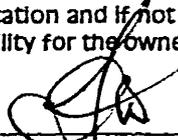
**REFER TO:**

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)

18 NEE AVE  
(Address of Applicant)

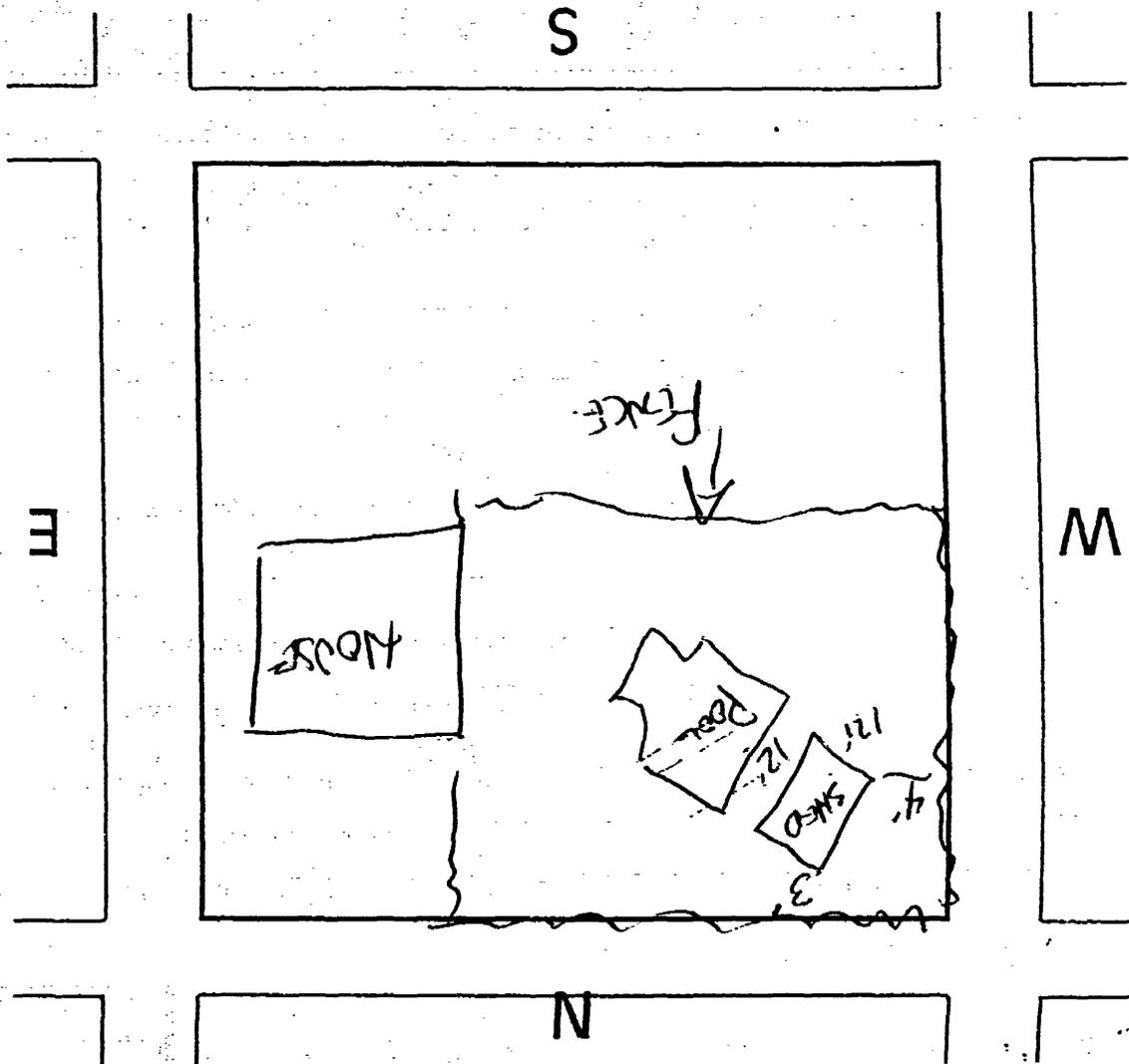
**PLOT PLAN**

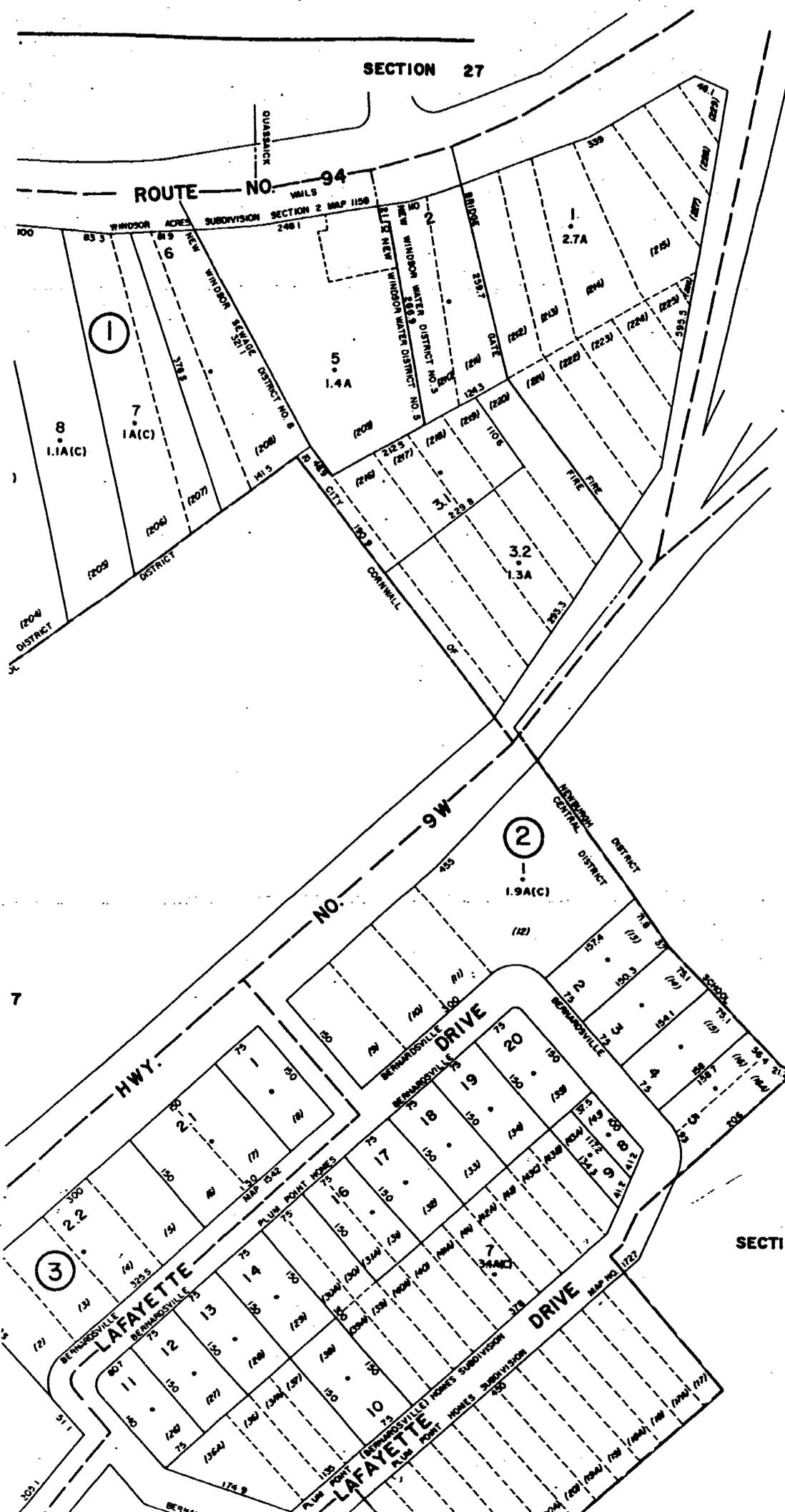
**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

**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.





SECTION 27

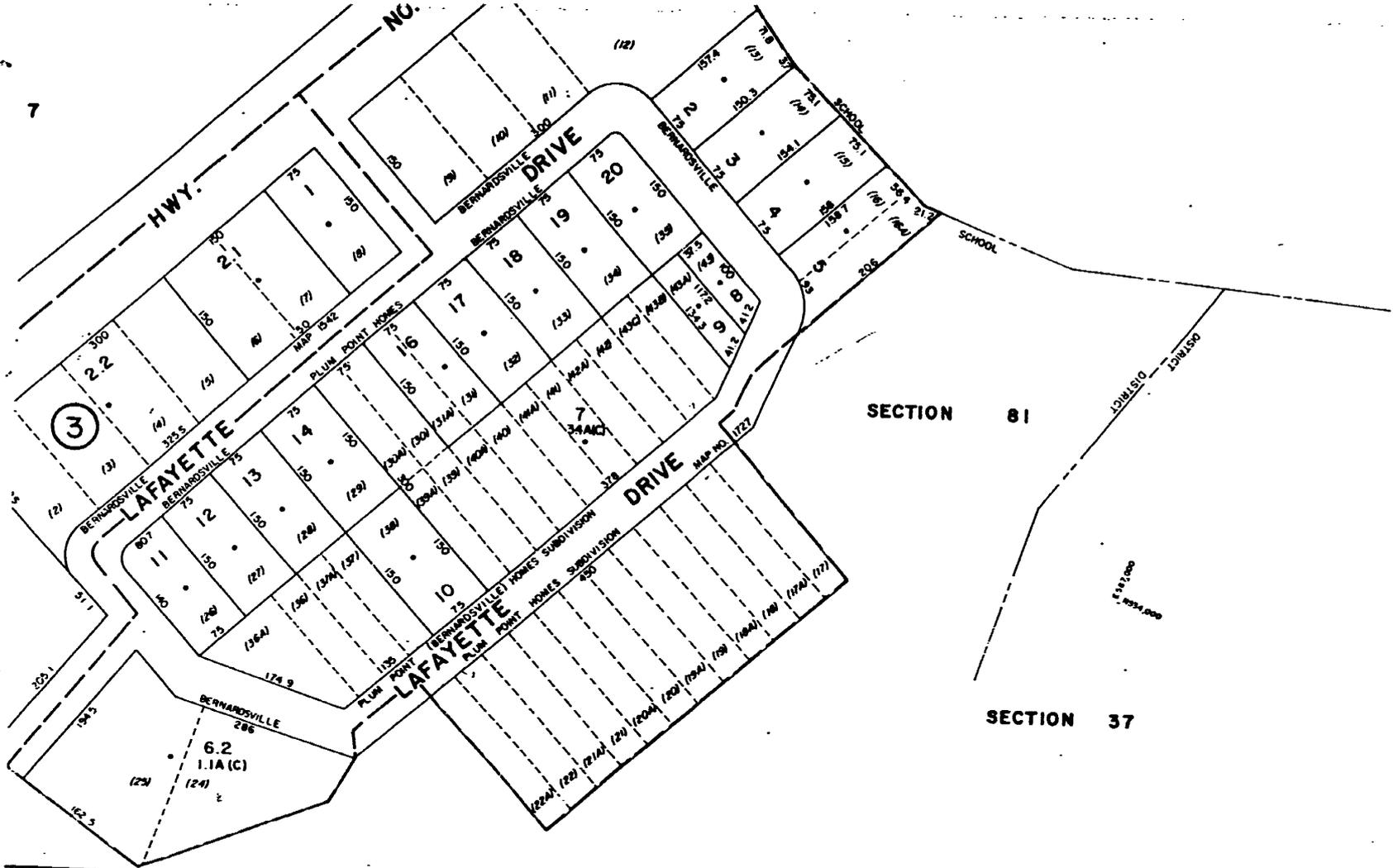
ROUTE NO. 94

SECTION 9

SECTION 81

SECTION 81

SECTION 37



FILED PLAN BLOCK NO.	③ ④
FILED PLAN LOT NO.	1121
STATE HIGHWAYS	N.Y. STATE HWY. NO. 17
COUNTY HIGHWAYS	COUNTY HWY. NO. 2
TOWN ROADS	TOWN NO. 1

# ORANGE COUNTY~NEW YORK

Photo No: 14 - 31, 32, 33

Date of Photo: 3-1-65

Date of Map: 9-24-67

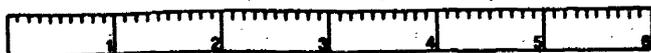
Date of Revision: 3-1-93

Scale: 1" = 100'

TOWN OF NEW WINDSOR

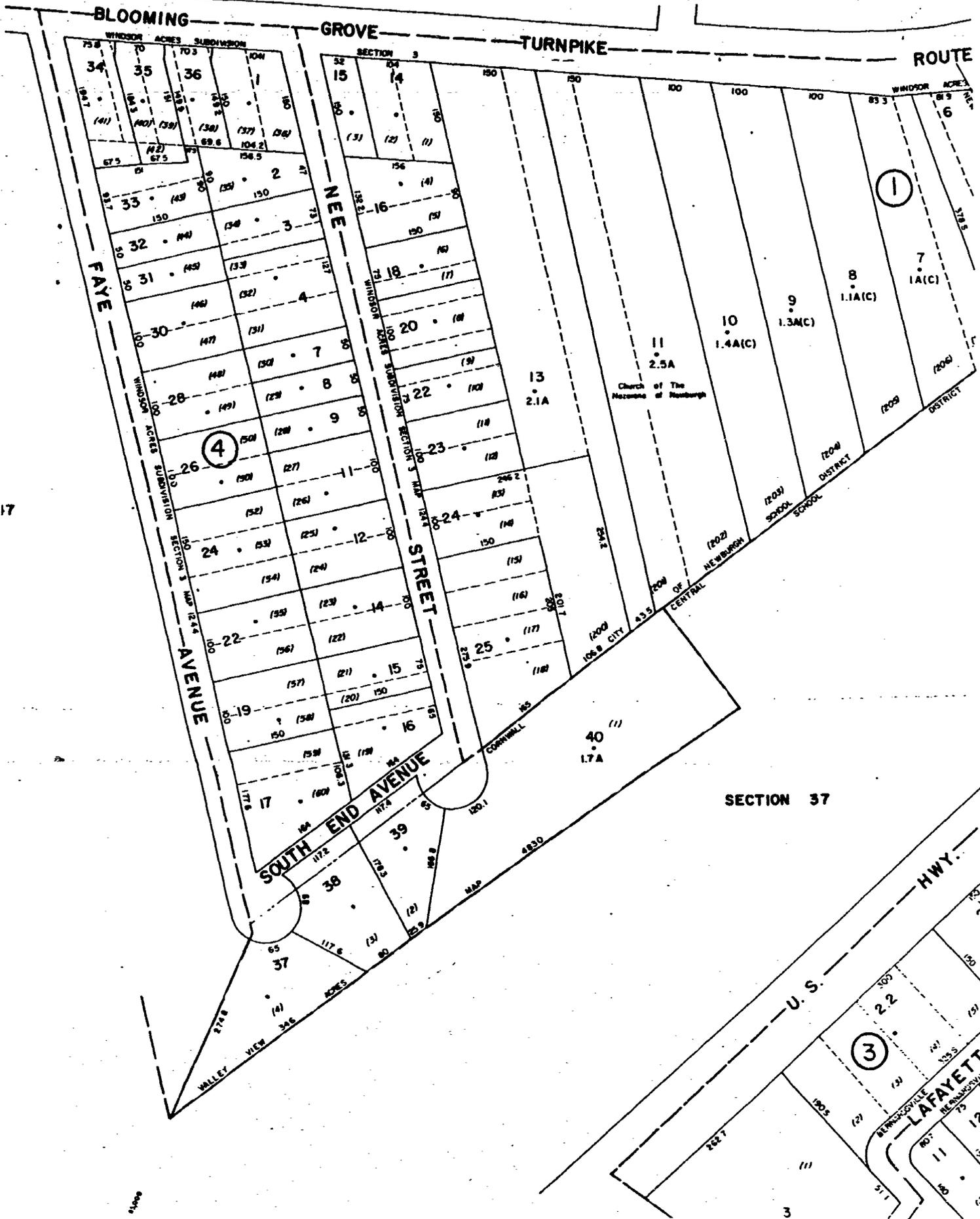
Section No. 48

1/10 OF AN INCH



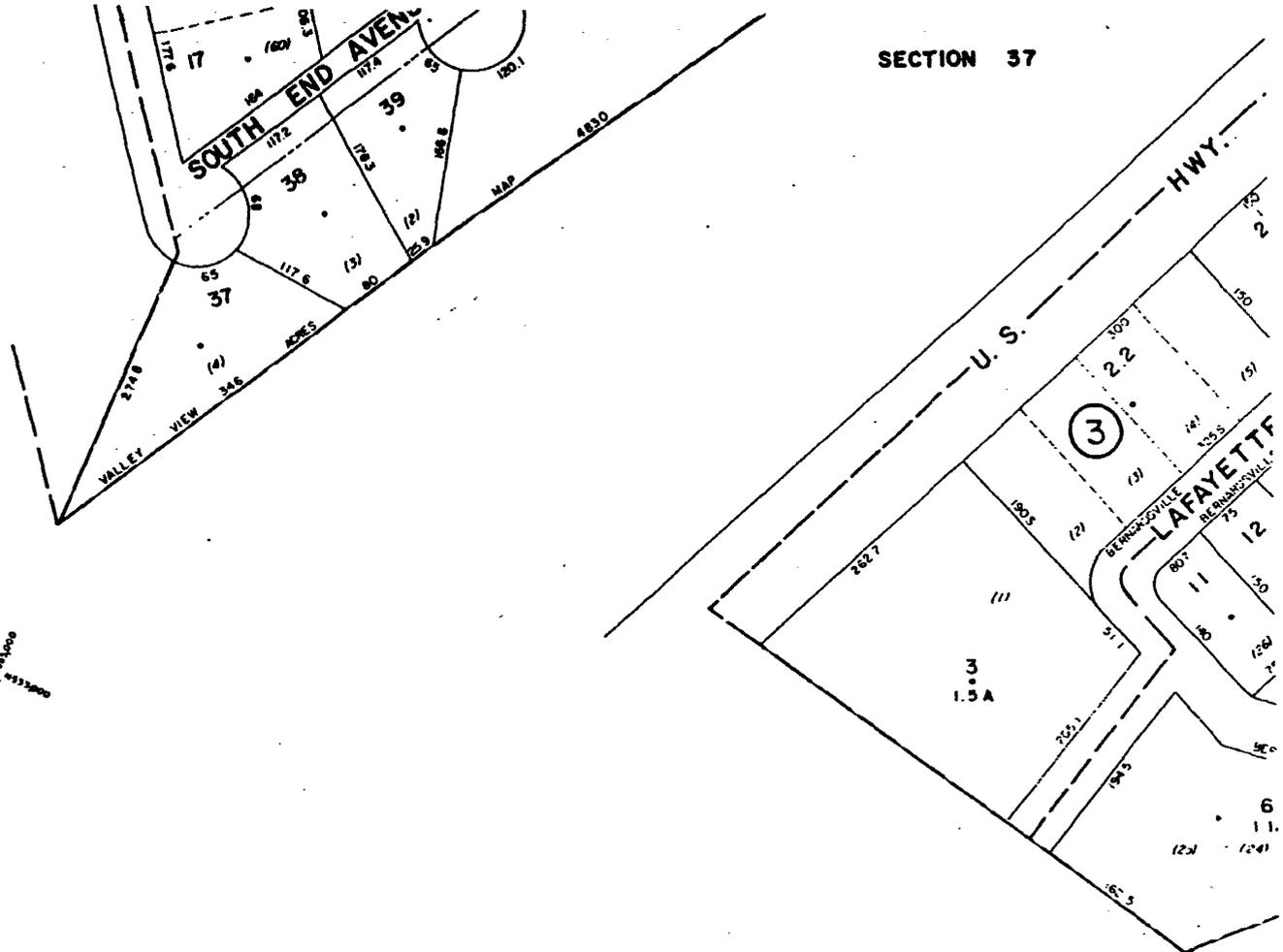
1-800-345-7334

SECTION 41



17

SECTION 37



LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE LINE	EASEMENT LINE	TAX MAP PARCEL NO	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (Deed) 11 1A, (Calculated) 11 6 AC	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) 66 (Scale) 72	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTROID		TOWN ROADS

Date 5/6/98, 19...

# TOWN OF NEW WINDSOR

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

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

DATE		CLAIMED	ALLOWE
5/1/98	Zoning Board Mtg	75 00	
	Misc - 2		
	Birney - 9		
	Koller - 3      13.50		
	Mid-Valley Oil - 3		
	Oakwood Terrace - 3		
	Coloni - 3		
	Ciccione - 4		
	Beddings - 4 31	139 50	
		214 50	

WELLER, FRED

Mr. Fred Weller appeared before the board for this proposal.

MR. NUGENT: Request for 7 ft. side yard and 6 ft. rear yard variances for existing shed at 18 Nee Avenue in an R-4 zone.

MR. WELLER: Right now, the shed is two foot off the side yard and four foot off the rear yard.

MR. NUGENT: Rear yard says proposed or available four foot and, you need six, you need six?

MR. KRIEGER: Six is right, seven should be 8 based on what he said.

MS. BARNHART: You want to change it?

MR. WELLER: Right now--

MR. NUGENT: You're sure about these numbers?

MR. WELLER: Right now, the shed, yes, it's four foot off the rear, two foot off the side.

MR. NUGENT: They told me--

MR. KRIEGER: If he has two, he needs 8, if he has four, he needs six.

MR. WELLER: It's four foot off the rear and two foot off the side.

MR. NUGENT: This has to be changed, this says three foot off the side, Mike's got to do it.

MR. TORLEY: Sir, this shed is on concrete?

MR. WELLER: Yes.

MR. TORLEY: So, it's impractical to move it?

MR. WELLER: Yes.

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

MR. WELLER: Since approximately '83.

MR. BABCOCK: Was it rear yard or side yard?

MR. KRIEGER: Side yard, he needs another foot.

MR. TORLEY: Three goes to two, seven goes to eight.

MR. WELLER: I was going to take pictures of it but--

MS. BARNHART: It was raining.

MR. NUGENT: The other thing tell me what's inside the shed?

MR. WELLER: Inside, what happens, the shed, there's a pool and the shed, the filter for the pool's inside the shed, there's electric inside the shed for the filter.

MR. KANE: Very expensive proposition, you got a heater in there too?

MR. WELLER: No.

MR. KRIEGER: You're sure with these dimensions, you said 2 and 4, that that is accurate, that it is no because understand the Zoning Board of Appeals can only grant that which you ask for, if it turns out that your request is six inches short, you've got to do it again.

MR. WELLER: No, if anything, I'm allowing.

MR. TORLEY: You gave yourself a little extra?

MR. WELLER: Yes.

MR. KANE: All the electric work is by code?

MR. WELLER: Yes, it's been inspected.

MR. REIS: What brings you to the board?

May 11, 1998

13

MR. WELLER: I'm in the process of selling my house.

MR. NUGENT: I'll accept a motion.

MR. REIS: I make a motion that we set up Mr. Weller for his requested variances.

MR. KANE: Second the motion.

ROLL CALL

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

MR. NUGENT: You're going to have to come back for a public hearing, just like the man before you. Pat will give you the information.

MR. KRIEGER: If you would address yourself to the criteria set forth on that sheet when you make your public presentation, I would appreciate it, since the Zoning Board of Appeals must, those are the criteria on which they must decide.

MR. WELLER: Okay, thank you.

SECTION 48 SLICK 4 43-11  
 PART OF TYPE-BLACK OR ONLY  
 FRED R. WELLER  
 TO  
 FRED R. WELLER and CAROLEE WELLER

RECORD AND RETURN TO:  
 (Name and Address) *K-V*

DAVID M. KINIZER, ESQ.  
 LASCHER, LASCHER & KINTZER, ESQS.  
 P.O. Box 2575  
 Newburgh, New York 12550

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

DO NOT WRITE BELOW THIS LINE  
 CONTROL NO. *58810*

DATE *7-15-93* AFFIDAVIT FILED *19*

INSTRUMENT TYPE: DEED	MORTGAGE	SATISFACTION	ASSIGNMENT	OTHER	CHECK <input type="checkbox"/> CASH <input type="checkbox"/> CHANGE <input checked="" type="checkbox"/>		
					SERIAL NO.	MORTGAGE TAX	TRANSFER TAX
BG20 Blooming Grove							
CH22 Chester							
CO24 Cornwall							
CH26 Crawford							
DP28 Depauw							
GO30 Goshen							
GH32 Greenville							
HA34 Hamptonburgh							
HL36 Highland							
MK38 Minerva							
ME40 Monticello							
MY42 Montgomery							
MI44 Mount Hope							
HI46 Hewburgh (I)							
HW48 New Windsor							
TU50 Tuxedo							
WL52 Walkkill							
WK54 Warwick							
WA56 Wawayanda							
WO58 Woodbury							
MI09 Middletown							
NC11 Newburgh							
PJ13 Port Jervis							
9999 Hold							

Mortgage Amount \$  
 Exempt Yes No  
 36 Cooking Units Yes No  
 Received Tax on above Mortgage  
 Basic \$  
 LTA \$  
 Spec. Add. \$  
 TOTAL \$

MORTGAGE TAX \$  
 TRANSFER TAX *EXEMPT*  
 RECORD. FEE \$ *5*  
 REPORT FORMS \$ *14-*  
 CENT. COPIES \$ *30-*

MARION S. MURPHY  
 Orange County Clerk

by:  
 ORANGE COUNTY CLERK'S OFFICE S.S.  
 Recorded on the *21st* day of *Aug* 19*93* at *11:43*  
*3859*  
 O'Clock *A* M. in Liber/Film *3859*  
*books* at page *210* and examined.  
*Marion S. Murphy*  
 County Clerk

*Karvin*  
 RECEIVED  
 EXEMPT  
 REAL ESTATE  
 TRANSFER TAX  
 AUG 2 1993  
 ORANGE COUNTY  
*SM*

LIBER 3859 PAGE 210

REC 08/02/93 11:43:06 37298 44.00  
 \*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
 DEED CONTROL NO: 58810 .00 \*  
 \*\*\*\*\* SERIAL NUMBER: 000014 \*\*\*\*\*

THIS INDENTURE, made the 15<sup>th</sup> day of July, nineteen hundred and ninety-three  
BETWEEN

FRED R. WELLER, residing at 87 Oakwood Terrace,  
New Windsor, New York 12553

party of the first part, and

FRED R. WELLER and CAROLEE WELLER, <sup>AS HUSBAND AND WIFE</sup> residing at  
87 Oakwood Terrace, New Windsor, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and NO/100

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

lawful money of the United States, and other good and valuable consideration paid  
by the 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 Town of New Windsor, County of Orange, and State of New York,  
known and designated as Lots 26 and 27 on a map of lands known as Windsor Acres,  
Section No. 3, which map was made by Theodore Jargstorf, a licensed surveyor,  
dated April, 1942, and filed in the Orange County Clerk's office June 26, 1942,  
said map having been given a file number in the Orange County Clerk's Office  
as No. 1244.

Sec. 48  
Block 4  
Lot 11

The premises above described are subject to building and zoning ordinances and restrictions of record, as follows:

1. That any dwelling house which shall be built, maintained, or erected shall be built thirty feet back from the front line of the road, and that no more than one dwelling house shall be built or maintained on each lot of fifty feet frontage.
2. That no house or structure shall be erected upon said lot which house shall cost less than \$3,000.00.
3. That no junk or other unsightly obstructive materials shall ever be store, kept or maintained on said premises or any part thereof, nor shall any cows, or pigs be kept on the said premises or any part thereof.
4. Sewage disposal and water supply systems shall be installed or constructed in accordance with the regulations of the New York State Department of Health as shown on the map filed in the Orange County Clerk's office on June 16, 1942, said map having been given a file number of 1244.

SUBJECT to all covenants, easements and restrictions of record and particularly subject to the easements given to the Central Hudson Gas & Electric Corporation and the New York Telephone Company for the purpose of erecting poles, lines, etc. in connection with the operation of the said utilities.

BEING the same premises conveyed by Dorothy F. Weller, to Fred R. Weller and Ronald F. Weller, by deed dated April 7th, 1978 and recorded in the Orange County Clerk's Office on April 17th, 1978 in Liber 2096 at Page 669.

ALSO BEING the same premises described in a certain deed dated March 17, 1983 from Ronald F. Weller to Fred R. Weller and recorded in the Orange County Clerk's office on March 23, 1983 in Liber 2246 of Deeds at Page 617.

LIBR 3859 PAGE 212

BEING the same premises conveyed by Dorothy E. Weller, to Fred R. Weller and Ronald E. Weller, by deed dated April 7th, 1978 and recorded in the Orange County Clerk's Office on April 17th, 1978 in Liber 2096 at Page 669.

ALSO BEING the same premises described in a certain deed dated March 17, 1983 from Donald E. Weller to Fred R. Weller and recorded in the Orange County Clerk's office on March 23, 1983 in Liber 2246 of Deeds at Page 617.

LIBER 3859 PAGE 212

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

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

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

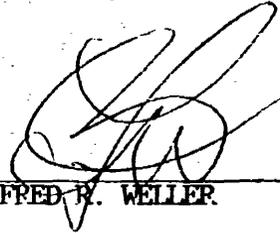
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

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



FRED R. WELLER.

L.S.

LIBER 3859 PAGE 213

STATE OF NEW YORK, COUNTY OF ORANKE

ss:

STATE OF NEW YORK, COUNTY OF

ss:

On the 13<sup>th</sup> day of July, 19 93, before me personally came Fred R. Weller

On the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me personally came

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

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

*[Handwritten Signature]*  
FREDERICK W. WELLS  
Notary Public, State of New York  
Qualified in the County of \_\_\_\_\_

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 \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me personally came \_\_\_\_\_ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_

that \_\_\_\_\_ he is the \_\_\_\_\_ of \_\_\_\_\_

that he knows \_\_\_\_\_

\_\_\_\_\_ 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.

\_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

FRED R. WELER

TO  
FRED R. WELER and CAROLIE WELER

STANDARD FORM OF  
NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**Lawyers Title Insurance Corporation**

The land affected by the within  
instrument lies in:

SECTION 48

BLOCK 4

LOT 11

COUNTY ~~NEW YORK~~ OF ORANGE

RECORDED AT THE REQUEST OF

**Lawyers Title Insurance Corporation**

RETURN BY MAIL TO

DAVID M. KINIZER, ESQ.  
LASCHER, LASCHER & KINIZER, ESQS.  
P.O. Box 2575  
Newburgh, New York 12550

Reserve This Space For Use of Recording Office

LIBER 3859 PAGE 214

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

**In the Matter of the Application for Variance of**

Fred Weller

**Applicant.**

# 98-20

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**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, Windsor, N. Y. 12553.**

**That on May 20, 1998, I compared the 55 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses 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**  
20<sup>th</sup> day of May, 1998.

Deborah Green  
**Notary Public**

**DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999**

Pts. publish on or before 5/28/98. Send bill to Applicant @ below address.

**PUBLIC NOTICE OF HEARING**

**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. 20

Request of Fred Weller

for a VARIANCE of the Zoning Local Law to Permit:

existing shed w/ insufficient rear &  
side yards;

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

for property situated as follows:

18 Nee Avenue, New Windsor, NY

known and designated as tax map Section 48, Blk. 4, Lot 11.

SAID HEARING will take place on the 8<sup>th</sup> day of June, 1998 at the 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

# 98-20

Date: 5/11/98

I. ✓ Applicant Information:

- (a) FRED WELLS 18 NEE AVE.  
(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) R4 18 NEE AVE. \_\_\_\_\_ 100' x 150'  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? Approx 1980
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

IV. Use Variance. N/A.

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

(b) <sup>N/A</sup> 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) <sup>N/A</sup> 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. F4G.

<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'</u>	<u>2'</u>	<u>8'</u>
Reqd. Rear Yd. <u>10</u>	<u>4'</u>	<u>6'</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:

① Financial hardship to move shed  
② Called Bldg Dept in 1983 + was told if shed sits on slab there were no yard requirements + no permit needed

(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 \_\_\_\_\_, \_\_\_\_\_ Regs.

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

(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)



**CAROLEE WELER  
FRED WELER**  
18 NEE AVENUE, TEL. 914-561-7349  
NEW WINDSOR, NY 12553

4655

50-7131/2219

5/19 1998

Pay to the order of Town of New Windsor \$ 50.00 net  
fifty and no/100 Dollars



**WALDEN SAVINGS BANK**  
Cornwall Office  
P.O. Box 285, 321 Hudson St.  
Cornwall-on-Hudson, NY 12520

For Variance #98-20

Carolee Weller

⑆221971316⑆06 05 012880⑆ 4655

© Clatsco America

Springdale WOSP



**CAROLEE WELER  
FRED WELER**  
18 NEE AVENUE, TEL. 914-561-7349  
NEW WINDSOR, NY 12553

4656

50-7131/2219

5/19 1998

Pay to the order of Town of New Windsor \$ 300.00 net  
three hundred no/100 Dollars



**WALDEN SAVINGS BANK**  
Cornwall Office  
P.O. Box 285, 321 Hudson St.  
Cornwall-on-Hudson, NY 12520

For Variance #98-20

Carolee Weller

⑆221971316⑆06 05 012880⑆ 4656

© Clatsco America

Springdale WOSP



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

May 12, 1998

55

Fred & Carol Weller  
18 Nee Ave.  
New Windsor, NY 12553

Re: 48-4-11

Dear Mr. & Mrs. Fred Weller:

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

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's office.

Sincerely,

*J. Cook Kad*

Leslie Cook  
Sole Assessor

/cad  
Attachments

CC: Pat Barnhart, ZBA

Gary & Carol Durham X  
45 Blooming Grove Tpke.  
New Windsor, NY 12553

Church of The Nazarene of  
Newburgh  
59 Blooming Grove Tpke.  
New Windsor, NY 12553

Charles B. & Rosemarie Greene  
61 Blooming Grove Tpke.  
New Windsor, NY 12553 X

Louis & Elizabeth Milich X  
67 Blooming Grove Tpke.  
New Windsor, NY 12553

Robert A. & Ruth A. Stuetzle X  
69 Blooming Grove Tpke.  
New Windsor, NY 12553

Edward J. & Barbara A. Garity X  
3 Nee Ave.  
New Windsor, NY 12553

Philip III & Joanne & Alden X  
Wangner  
22 North Dr.  
Poughkeepsie, NY 12603

Frank D. & Mary Ann Fabiano X  
9 Nee Ave.  
New Windsor, NY 12553

Carolyn Hannigan X  
Duane Nannini  
11 Nee Ave.  
New Windsor, NY 12553

Stella & Frances Krawcyk X  
15 Nee Ave.  
New Windsor, NY 12553

James M. & Patricia T. Mchale X  
19 Nee Ave.  
New Windsor, NY 12553

Florence May Slater X  
23 Nee Ave.  
New Windsor, NY 12553

Estelle J. & David E. Cullison X  
73 Blooming Grove Tpke.  
New Windsor, NY 12553

Marvin C. & June Canfield X  
2 Nee Ave.  
New Windsor, NY 12553

Joao Pinho & Marie C. Gurgo X  
4 Nee Ave.  
New Windsor, NY 12553

Charles R. & Patricia O. Ciccone X  
8 Nee Ave.  
New Windsor, NY 12553

Alice Zimmerman Weiner X  
c/o Thora A. Zimmerman  
14 Nee Ave.  
New Windsor, NY 12553

James & Margaret Kiernan X  
22 Nee Ave.  
New Windsor, NY 12553

Delores M. Wilkinson X  
26 Nee Ave.  
New Windsor, NY 12553

Alfred Ciarimbali X  
30 Nee Ave.  
New Windsor, NY 12553

John R. & Phyllis M. Lisi X  
34 Nee Ave.  
New Windsor, NY 12553

Charles L. & Mary Louise Foti X  
33 Faye Ave.  
New Windsor, NY 12553

Robert & Florinda Jarvis X  
31 Faye Ave.  
New Windsor, NY 12553

Louis & Tillie Talerico X  
29 Faye Ave.  
New Windsor, NY 12553

Kirth D. Jr. & Susan F. Grainger X  
25 Faye Ave.  
New Windsor, NY 12553

Matthew & Gertrude A. Dykes X  
19 Faye Ave.  
New Windsor, NY 12553

John T. Herder X  
15 Faye Ave.  
New Windsor, NY 12553

Thomas J. & Nelly T. Berean X  
11 Faye Ave.  
New Windsor, NY 12553

Charles L. & Joan M. Sadlo X  
9 Faye Ave.  
New Windsor, NY 12553

Sophia L. Krasnoborski X  
7 Faye Ave.  
New Windsor, NY 12553

Wesley F. & Kathleen H. Gill  
5 Faye Ave.  
New Windsor, NY 12553

Dorothea I. McGuigan  
81 Blooming Grove Tpke.  
New Windsor, NY 12553

Robert J. Jr. & Diane G. Trifilo  
79 Blooming Grove Tpke.  
New Windsor, NY 12553

Joseph Di Vincenzo  
Lorraine A. Meleck  
75 Blooming Grove Tpke.  
New Windsor, NY 12553

Lewis & Emily Langer  
4262 NW 54th St.  
Coconut Creek, FL 33073

Myron & Jean Langer  
c/o Lewis Langer  
44 Faye Ave.  
New Windsor, NY 12553

Mary E. Bonura  
87 Route 9W South  
Newburgh, NY 12550

Jeanne Finkenaur  
24 Garden Dr.  
New Windsor, NY 12553

Charles W. Rogers Jr.  
26 Garden Dr.  
New Windsor, NY 12553

John & Sonia Benichasa  
28 Garden Dr.  
New Windsor, NY 12553

Ray C. & Muriel Work  
32 Garden Dr.  
New Windsor, NY 12553

Dominick & Roxann Giordano  
34 Garden Dr.  
New Windsor, NY 12553

William H. & Laura E. Foster  
4 Faye Ave.  
New Windsor, NY 12553

Joseph & Teresa Bosch  
8 Faye Ave.  
New Windsor, NY 12553

Lorraine G. & Harold Wingfield  
William F. Krasnoborski  
Stewart Ave., Apt. 20, The  
Greenhouse  
Newburgh, NY 12550

Harry T. & Janice A. Walters  
16 Faye Ave.  
New Windsor, NY 12553

Charles M. & Erma Baker  
20 Faye Ave.  
New Windsor, NY 12553

Edith Tomer  
24 Faye Ave.  
New Windsor, NY 12553

Clayton F. & Frances Oestrich  
28 Faye Ave.  
New Windsor, NY 12553

Joseph & Marilyn B. Cuccia  
32 Faye Ave.  
New Windsor, NY 12553

Christopher & Kathryn M. Craig  
34 Faye Ave.  
New Windsor, NY 12553

Robert L. Mariotti  
36 Faye Ave.  
New Windsor, NY 12553

Michael A. & Felicia M. Witkowski  
38 Faye Ave.  
New Windsor, NY 12553

Petro Realty of New York, Inc.  
2989 NYS Route 9W  
New Windsor, NY 12553

Joseph A. Bonura  
101 Route 9WS  
New Windsor, NY 12553