

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD  
WAPPINGERS FALLS, NY 12590  
PH: 845-297-6256  
Fax: 845-297-0579

Application for an Area Variance

Appeal No.: 20-7712

Date: Sept. 30 2020

TO THE ZONING BOARD OF APPEALS, TOWN OF WAPPINGER, NEW YORK:

I (We), George Costello residing at 178 Dorothy Lane  
Wappingers Falls NY 12590, (phone) 845-518-1178, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 9/30/20, and do hereby apply for an area variance(s).

Premises located at: 178 Dorothy Lane Wappingers Falls NY 12590  
Tax Grid No.: 6257-04-625011  
Zoning District: R40

1. Record Owner of Property:

George Costello  
Address: 178 Dorothy Lane  
Phone Number: 845-518-1178  
Owner Consent dated: 9/30/20  
Signature: George Costello  
Print Name: George Costello

2. Variance(s) Request:

Variance No. 1

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240.37

(Indicate Article, Section, Subsection and Paragraph)

Required: 50 feet to rear property line  
Applicant(s) can provide: 38 feet  
Thus requesting: 12 foot variance  
To allow: existing deck to remain

**Variance No. 2**

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

\_\_\_\_\_  
(Indicate Article, Section, Subsection and Paragraph)

Required: \_\_\_\_\_  
Applicant(s) can provide: \_\_\_\_\_  
Thus requesting: \_\_\_\_\_  
To allow: \_\_\_\_\_

**3. Reason for Appeal** (Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary):

A. If your variance(s) is (are) granted, how will the character of the neighborhood or nearby properties change? Will any of those changes be negative? Please explain your answer in detail.

This is Existing and will not change the character of the neighborhood

B. Please explain why you need the variance(s). Is there any way to reach the same result without a variance(s)? Please be specific in your answer.

Selling my house and need to legalize the deck and shed.

C. How big is the change from the standards set out in the zoning law? Is the requested area variance(s) substantial? If not, please explain in detail why it is not substantial.

N/A

D. If your variance(s) is (are) granted, will the physical environmental conditions in the neighborhood or district be impacted? Please explain in detail why or why not.

N/A

E. How did your need for an area variance(s) come about? Is your difficulty self-created? Please explain your answer in detail.

Through a c/o search

F. Is your property unique in the neighborhood that it needs this type of variance? Please explain your answer in detail.

N/A

4. List of attachments (*Check applicable information*)

- Survey dated: \_\_\_\_\_, Last revised \_\_\_\_\_ and Prepared by: \_\_\_\_\_.
- Plot Plan dated: \_\_\_\_\_.
- Photos
- Drawings dated: \_\_\_\_\_.
- Letter of Communication which resulted in application to the ZBA.  
(e.g., recommendation from the Planning Board/Zoning Denial)  
Letter from: Barbara Koherti Dated: 9-30-20
- Other (*Please list*): \_\_\_\_\_

5. Signature and Verification

Please be advised that no application can be deemed complete unless signed below. The applicant hereby states that all information given is accurate as of the date of application.

SIGNATURE: *Laura Casillo*  
(Appellant)

DATED: 9/30/20

SIGNATURE: \_\_\_\_\_  
(If more than one Appellant)

DATED: \_\_\_\_\_

**FOR OFFICE USE ONLY**

1. THE REQUESTED VARIANCE(S) (  ) **WILL** / (  ) **WILL NOT** PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.
2. (  ) **YES** / (  ) **NO**, SUBSTANTIAL DETRIMENT WILL BE CREATED TO NEARBY PROPERTIES.
3. THERE (  ) **IS (ARE)** / (  ) **IS (ARE)** NO OTHER FEASIBLE METHODS AVAILABLE FOR YOU TO PURSUE TO ACHIEVE THE BENEFIT YOU SEEK OTHER THAN THE REQUESTED VARIANCE(S).
4. THE REQUESTED AREA VARIANCE(S) (  ) **IS** (  ) **ARE**) NOT SUBSTANTIAL.
5. THE PROPOSED VARIANCE(S) (  ) **WILL** / (  ) **WILL NOT** HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.
6. THE ALLEGED DIFFICULTY (  ) **IS** / (  ) **IS NOT** SELF-CREATED.

**CONCLUSION:** THEREFORE, IT WAS DETERMINED THE REQUESTED VARIANCE IS  
(  ) **GRANTED**      (  ) **DENIED**

**CONDITIONS / STIPULATIONS:** The following conditions and/or stipulations were adopted by the resolution of the Board as part of the action stated above:

(  ) **FINDINGS & FACTS ATTACHED.**

**DATED:** \_\_\_\_\_

ZONING BOARD OF APPEALS  
TOWN OF WAPPINGER, NEW YORK

**BY:** \_\_\_\_\_  
(*Chairman*)

**PRINT:** \_\_\_\_\_

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD  
WAPPINGERS FALLS, NY 12590  
PH: 845-297-6256  
Fax: 845-297-0579

Owner Consent Form

Project No: 20-7712  
Grid No.: 6257-04-62501

Date: Sept. 30, 2020  
Zoning District: R40

Location of Project:  
178 Dorothy Lane

Name of Applicant: George Costello 845-518-1178  
Print name and phone number

Description of Project: legalization of Existing 28'x12' deck and 9'x12' shed

I George Costello, owner of the above land/site/building hereby give permission for the Town of Wappinger to approve or deny the above application in accordance with local and state codes and ordinances.

9/30/20  
Date

George Costello  
Owner's Signature

845-518-1178  
Owner's Telephone Number

George Costello  
Print Name and Title \*\*\*

\*\*\* If this is a Corporation or LLC, please provide documentation of authority to sign.

If this is a subdivision application, please provide a copy of the dead.

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>George Costello</i>			
Project Location (describe, and attach a location map): <i>178 Dorothy Lane</i>			
Brief Description of Proposed Action: <i>Legalization of a 28'x12' deck and 9'x7' Shed</i>			
Name of Applicant or Sponsor: <i>George Costello</i>		Telephone: <i>845-578-1178</i>	
Address: <i>178 Dorothy Lane</i>		E-Mail: <i>mng/edge@gmail.com</i>	
City/PO: <i>Wappingers Falls</i>		State: <i>NY</i>	Zip Code: <i>12590</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>George Costello</u> Date: <u>9/30/20</u>		
Signature: <u>George Costello</u> Title: <u>owner</u>		

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project:	20-7712
Date:	9-30-20

### *Short Environmental Assessment Form Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**Town of Wappinger**  
20 Middlebush Rd.  
Wappingers Falls, NY 12590  
(845) 297-6256

**To:** Agnello, Madeline  
178 Dorothy Ln  
Wappingers Falls NY

**SBL:** 6257-04-625011  
**Date of This Notice:** 9/28/2020  
**Zone:** R40  
**Application #:** 39750

**For Property Located at:** 178 Dorothy Ln

Your application to:

**LEGALIZE EXISTING 28' X 12' DECK  
9' X 7' SHED - NO ELECTRIC**

**\*\*FINAL INSPECTION BY TOWN BUILDING INSPECTOR\*\***

**\*\*ENGINEER CERTIFICATION REQUIRED FOR DECK\*\***

is denied for the following deficiency under Section 240-37 of the Zoning Laws of the Town of Wappinger

**Where 50 feet to the rear property line is required, the applicant can provide 40 feet to the rear property line to legalize their deck.**

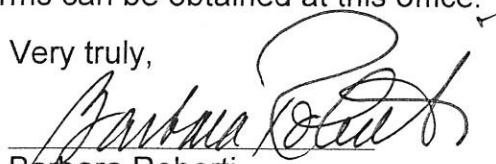
- "Accessory Structures must comply with all minimum yard setback requirements for buildings, but in no case shall they be permitted in the front yard."
- Does NOT MEET dimensional requirement for Zone.
- "This zoning district has a front yard requirement of seventy-five feet (75') from a state or County road."

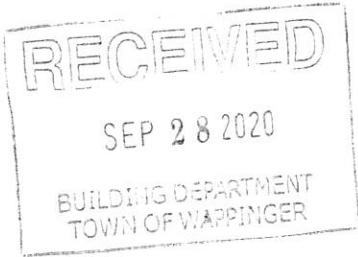
As per code Section 240-26, which states: " The use of tents, trailers and mobile homes for permanent dwelling purposes shall not be permitted in any district except as permitted and regulated in Section 240-51, Mobile home park, of this chapter..."

	R E Q U I R E D:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ <u>50</u> ft.	_____ <u>40</u> ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

You have the right to appeal this decision to the Zoning Board of Appeals within 60 days of the date of this letter. The Zoning Board of Appeals meets the second and fourth Tuesday of the month. The area variance appeal will require at least two meetings, one for discussion and one for a Public Hearing. The required forms can be obtained at this office.

Very truly,

  
 Barbara Roberti  
 Zoning Administrator  
 Town of Wappinger



**TOWN OF WAPPINGER BUILDING DEPARTMENT**

20 Middlebush Road, Wappingers Falls, N.Y. 12590  
telephone: 845-297-6256 fax: 845-297-0579

**APPLICATION FOR BUILDING PERMIT**

APPLICATION TYPE:  Residential  New Construction  Renovation/Alteration  
 Commercial  Multiple Dwelling  
ZONE: B40 DATE: 9/28/2020  
APPL #: 39750 PERMIT # \_\_\_\_\_  
GRID: 6257-04-625011

APPLICANT NAME: Madelina Agnello | Contact: George  
ADDRESS: 178 Dorothy Lane Wappingers Falls NY | 845-518-1178  
TEL #: 845-896-8554 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

NAME OWNER OF BUILDING/LAND: \_\_\_\_\_  
\*PROJECT SITE ADDRESS\*: 178 Dorothy Lane  
MAILING ADDRESS: 178 Dorothy Lane  
TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

BUILDER/CONTRACTOR DOING WORK:  
COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESIGN PROFESSIONAL NAME: \_\_\_\_\_  
TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

APPLICATION FOR: carport Existing 28' x 12'  
deck + sheds 9' x 7' + 14'6" x 10' shed  
in same foot print as amnesty shed

SETBACKS: FRONT: \_\_\_\_\_ REAR: \_\_\_\_\_ L-SIDEYARD: \_\_\_\_\_ R-SIDEYARD: \_\_\_\_\_

SIZE OF STRUCTURE: \_\_\_\_\_

ESTIMATED COST: existing TYPE OF USE: \_\_\_\_\_

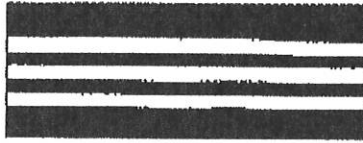
NON-REFUNDABLE APPL. FEE: 150 PAID ON: 9/28/2020 CHECK # 1032 RECEIPT #: 20-22057  
legalization BALANCE DUE: 250 PAID ON: 9/28/2020 CHECK # 1032 RECEIPT #: 20-22058

APPROVALS:  
ZONING ADMINISTRATOR:  
 Approved  Denied Date: 9-28-20  
Barbara Smith

FIRE INSPECTOR:  
 Approved  Denied Date: \_\_\_\_\_

Madelina Agnello  
Signature of Applicant

\_\_\_\_\_  
Signature of Building Inspector



**Dutchess County Clerk Recording Page**

Record & Return To:

Date Recorded: 9/11/2020  
Time Recorded: 4:38 PM

ROMBOUT ABSTRACT COMPANY  
5 CLIFF ST  
  
BEACON, NY 12508

Document #: 02 2020 52068

Received From: ROMBOUT ABSTRACT COMPANY

Grantor: AGNELLO MADELINE  
Grantee: COSTELLO GEORGE

Recorded In: Deed  
Instrument Type:

Tax District: Wappinger

**Examined and Charged As Follows :**

Recording Charge: \$200.00  
Transfer Tax Amount: \$0.00  
Includes Mansion Tax: \$0.00  
Transfer Tax Number: 988

Number of Pages: 4

**\*\*\* Do Not Detach This Page  
\*\*\* This is Not A Bill**

Red Hook Transfer Tax:

RP5217: Y  
TP-584: Y

County Clerk By: CSC  
Receipt #: 23166  
Batch Record: 194

Bradford Kendall  
County Clerk



02202052068

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 11 day of September, in the year 2020

BETWEEN

MADLINE AGNELLO, residing at 178 Dorothy Lane, Wappingers Falls, New York 12590, by Richard M. Borrell, her agent, with an address of 316 Sanrue Drive, Johnstown, PA party of the first part,

GEORGE COSTELLO, residing at 178 Dorothy Lane, Wappingers Falls, New York 12590, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) and 00/100 - - - - - dollars 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 situate, lying and being in the TOWN OF WAPPINGER, County of Dutchess and State of New York, bounded and described in Schedule "A" attached hereto and made a part hereof.

EXCEPTING AND RESERVING, however, to Madeline Agnello the life use of the residence situate on the premises above described for and during her natural life.

BEING the same premises conveyed to the Grantor herein by deed dated July 8, 2016 and recorded on July 25, 2016 as Document No. 02-2016-4861 in the Dutchess County Clerk's Office.

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 encumbered 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:

Madeline Agnello by Richard M. Borrell  
Madeline Agnello by Richard M. Borrell,  
Her agent *HER AGENT*

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of Dutchess, ss:

On the 11 day of September in the year 2020 before me, the undersigned, personally appeared Richard M. Borrell, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Amy E. Decarlo  
Notary Public

R&R:

Paul B. Supple, Esq.

AMY E. DECARLO  
Notary Public, State of New York  
No. 01DE4903123  
Qualified in Dutchess County  
Commission Expires Aug. 31, 2021

# Westcor Land Title Insurance Company

Policy No. OP-22-NY1011-4995437

File No. RAD-21234WC

## SCHEDULE A (continued)

### LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land situate, lying and being in the TOWN OF WAPPINGER, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING at a point, the intersection of the center lines of U J Terrace and Dorothy Lane, and running thence along the center line of said Dorothy Lane N 70-23-00 E 238.42 feet; thence leaving said Dorothy Lane and running through lands of Sweeney S 14-39-00 E 174.00 feet to a point; thence along now or formerly said Sweeney S 70-23-00 W 264.92 feet to the center line of said U J Terrace; thence along said U J Terrace N 6-8-00 W 178.26 feet to the point of BEGINNING.

EXPECTING AND RESERVING therefrom a strip of land 25 feet in width adjoining the center line of U J Terrace, said strip of land being a part of the right of way reserved for road purposes to the Town of Wappinger. Being a part of the right of way reserved from the second parcel of land conveyed by deed from Thomas J. McGrath and Michael Mirras to the parties of the first part, dated February 7, 1955, and recorded in the Dutchess County Clerk's Office February 16, 1955, in Liber 881 of Deeds at page 444.

ALSO EXCEPTING AND RESERVING therefrom a strip of land 25 feet in width adjoining the center line of Dorothy Lane on the northerly line of said premises, said strip of land reserved for road purposes.