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July 24, 2025

Via Email

kraushaarlaw@kraushaarlaw.com

Daniel Kraushaar, Esq., Village Attorney
Village of South Blooming Grove
Village Hall
811 Route 208
Monroe, NY 10950

Re: *Treza Subdivision*
Village of South Blooming Grove, Orange County

Dear Mr. Kraushaar,

I represent Positive Homes, LLC and Mr. Shimon Weiss regarding the property located in the Village of Blooming Grove known by the Section Block and Lot (“SBL”) Numbers of 220-1-3, 220-1-8, 220-1-9 and 220-1-24 in the Village of South Blooming Grove also known as Lots 22, 24 and 28 through 35 on the filed subdivision map entitled “Subdivision of Delano Heights, Orange County, New York filed on November 3, 1947 as Map No. 1357 (“Map 1357” copy attached). It is my understanding that the Planning Board had some concerns regarding relocating a portion of the 20 foot wide access road shown on Map No. 1357 and labeled “Sleepy Hollow Road” on the tax maps (hereinafter the “Paper Street”).

This letter is to give a preliminary opinion on the relocation of Paper Street as it runs through my clients’ proposed project. It is my understanding that this portion of the Paper Street was never built, nor used and that the owner of Tax Parcel 220-1-10 (Lots 34, 51 and portions of Lot 20 on Map No. 1357) is claiming he has rights to the Paper Street.

Typically when lots are conveyed by reference to a filed map which shows a series of streets, the lot conveyed has an implied right to use the streets shown on the map which abut the lot for access by the most direct route to the public highway. *DeRuscio v. Jackson*, 164 AD2d 684 (3rd Dept. 1991). In many cases, the internal subdivision roads are never developed into actual roads and exist only on paper, hence they are called paper streets.

Private rights to build and use the Paper Street in this case may exist, but it is my opinion that Lot 51 as shown on Map No. 1357 which, does not abut the Paper Street, does not have rights to use it for access. Lot 34 and Lot 20, which were interior lots that abutted the Paper Street, may have had rights to use it, however the reconfiguration of Lot 20 and its merger with

Lot 34 and Lot 51 creating Tax Parcel 220-1-10 obviated the need to access those interior lots by the Paper Street.

It is further my understanding that since Tax Parcel 220-1-10 is now a single parcel, it cannot be subdivided without the landowner providing access to a public highway through the parcel, not along an undeveloped, undersized, inadequate and questionable ancient paper street easement. Nevertheless, my client is proposing to relocate the Paper Street and construct a proper road to today's standards that will provide access to the back of Tax Parcel 220-1-10 in the area of the original Lot 34.

The Courts have held that a landowner can relocate an access easement when: 1) the landowner bears the expense of the relocation, 2) the change does not frustrate the parties intent or object in creating the right of way, 3) the change does not increase the burden on the easement holder and 4) the change does not significantly lessen the utility of the right of way. *Lewis v. Young*, 92 NY2d 443 (1998). These criteria will be met or exceeded by the proposed plan of my client to relocate the Paper Street in connection with the proposed subdivision.

My clients are ordering a title report for Tax Parcel 220-1-10 as there may already have been some sort of arrangement or understanding between the landowners in that area regarding the western terminus of the Paper Street. A deed in my clients' chain of title indicates the Paper Street was abandoned and unused in favor of an existing road in a different location. (Copy attached). It appears from the Tax Map that the access road was relocated to abut Tax Parcel 220-1-10, which would be precedent for the relocation my clients propose. Therefore I reserve the right to modify my opinion on this issue until that report is completed, I have the opportunity to further review the relevant title records and can advise you accordingly.

My clients view this issue as a potential private dispute between adjoining landowners that is not the concern of the Village Planning Board. My clients will agree to hold the Village Planning Board harmless should any private person challenge the propriety of approving the subdivision plan and the proposed relocation of the Paper Street.

We kindly request that the Planning Board take the foregoing into consideration and allow the project to remain on the Meeting agenda.

If you have any questions or concerns, please do not hesitate to contact me.

Very Truly Yours,



Laura E. Ayers

laura@lauraayerslaw.com

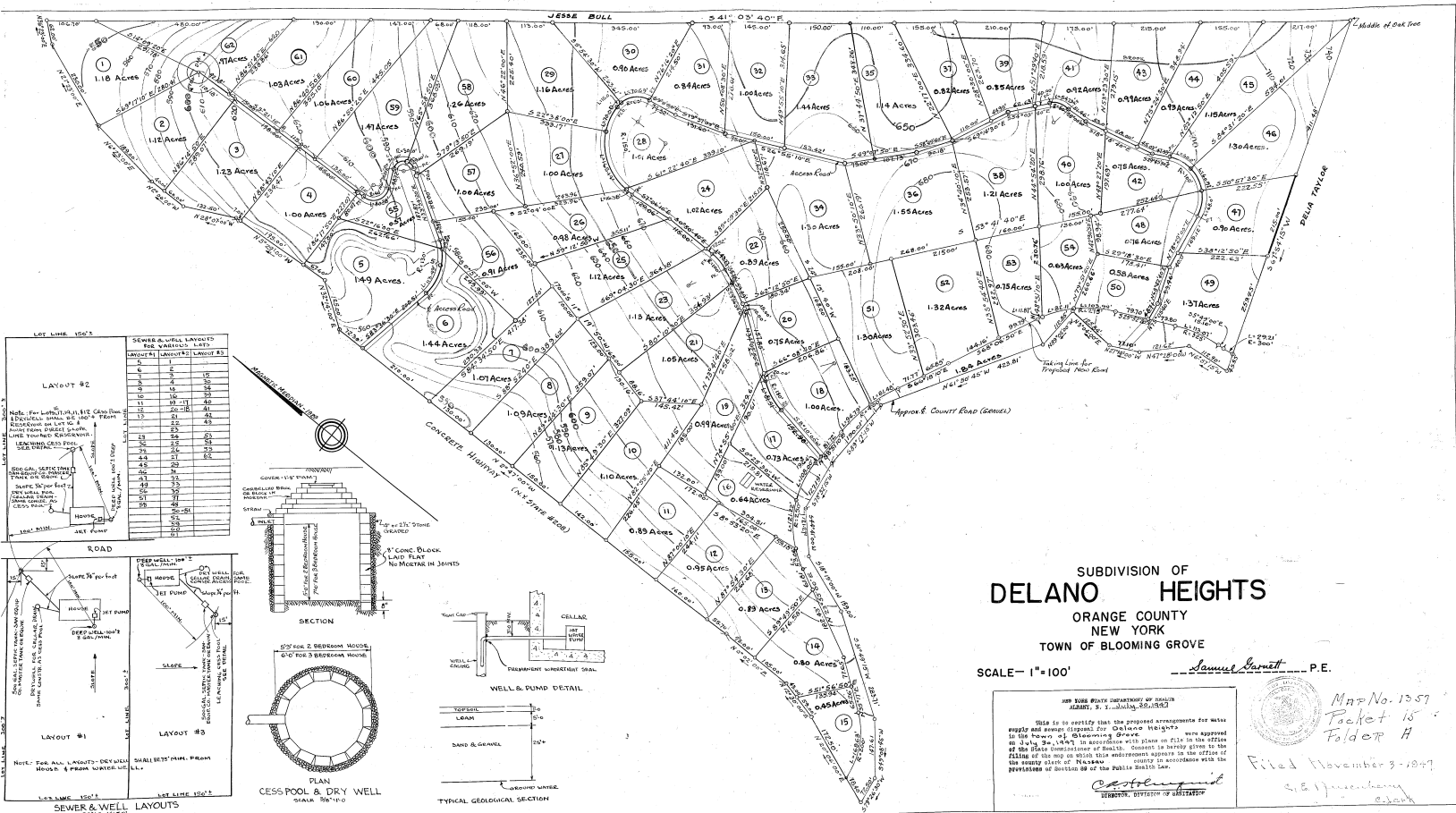
cc: Simon Jacobs via email
Shimon Weiss via email

Tom Shepstone tshepstone@vosbg.com

Joel Stern JStern@vosbg.com

Issac Ekstien IEkstein@vosbg.com

Brian Smith moodnasewer@yahoo.com



SUBDIVISION OF
DELANO HEIGHTS
 ORANGE COUNTY
 NEW YORK
 TOWN OF BLOOMING GROVE

SCALE - 1" = 100' Samuel Savitt P.E.

FOR THE STATE DEPARTMENT OF HEALTH
 DIVISION OF SANITATION, BUREAU OF HEALTH
 1927

This is to certify that the proposed arrangements for water supply and sewer disposal for Delano Heights were approved by the Bureau of Sanitation, Orange County, New York, on July 24, 1927, in accordance with plans on file in the office of the State Commissioner of Health. Consent to being given to the filing of the map in which this endorsement appears on the office of the County Clerk of Nassau County in accordance with the provisions of Section 49 of the Public Health Law.

Castellano
 SUPERVISOR, DIVISION OF SANITATION

Map No. 1357
 Packet 15
 Folder H
 Filed November 3, 1927
 S. B. J. [Signature]

Standard N.Y.R.F.D. Form 607-100-11-00-Reg. and Sale Deed with Covenant Against Grantor's Acts-Individual or Corporation.
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the _____ day of July, nineteen hundred and seventy-one
BETWEEN EDWARD J. MORGAN and JANET G. MORGAN, his wife, residing
at (no street and number) Delano Heights, Monroe, Orange County,
New York,

party of the first part, and **JACK MALEY and JUDY MALEY, his wife, residing at**
300 East 2nd Street, Brooklyn, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of _____
ONE and no/100 _____ 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 Blooming Grove, Orange County, New York, more
particularly described as follows:

BEING all of Lot No. 22 and part of Lot No. 24 as shown on map of
Subdivision of Delano Heights filed in the Office of the County
Clerk of Orange County, November 3, 1947, and more particularly
described as follows:

BEGINNING at a point in the center of a private road at the North-
westerly corner of Lot No. 20 as shown on the aforesaid map and
runs thence (1) N. 23° 56' 50" E. 95.67 feet to a point; thence
(2) Northerly on a curve to the left with a radius of 100 feet, a
distance of 43.27 feet to a point; thence (3) N. 0° 50' 40" W.
39.52 feet to a point; thence (4) S. 83° 20' 16" E. 216.78 feet to
a point at the northeasterly corner of Lot No. 22; thence (5) S.
24° 15' 40" W. 250.00 feet to a point at the southeasterly corner
of Lot No. 22; thence (6) N. 62° 12' 50" W. 180.34 feet to the
point of beginning. Containing 0.94 acre of land more or less.

TOGETHER with the right in common with others to use the now ex-
isting road as it is now located running from the premises herein
described to Orange County Highway #44, there being no intent to
convey any interest in the roads shown on the aforesaid map to the
extent that they have been abandoned.

SUBJECT to the use by other parties of the aforesaid private road
running along the westerly boundary of the parcel hereby conveyed.

EXCEPTING THEREFROM the following described premises conveyed by
Charles D. McCrorie, Jr. and Nancy F. McCrorie, his wife, to
John F. Brocker by Quit-Claim Deed dated April 4, 1964 and record-
ed in Orange County Clerk's Office in Book 1662 of Deeds at page
952, being more particularly described as follows:

BEGINNING at an iron pipe set in the center line of a private

Liber 1878 pg 808

roadway 20 feet in width, said pipe marking the southwesterly corner of Lot #22 as shown on the hereinbefore mentioned map "Subdivision of Delano Heights" and running thence from said point of beginning along the center line of a private road and the northwesterly line of said Lot #22, North 23° 56' 50" East, 36.53 feet to a pipe; thence leaving the center line of said private road and through said Lot #22 South 35° 19' 10" East 80.58 feet to a pipe set in the southwesterly line of said Lot #22 and the northeasterly line of Lot #20; thence along the northeasterly line of Lot #20, North 62° 12' 50" West 69.41 feet to the point or place of beginning. Containing 1,265.19 square feet or 0.0290 acre of land, more or less.

The greater part of the above described parcel is ^{an old} ~~a substitute~~ roadway for an abandoned roadway leading to Orange County Highway #44, known as Mountain Road.

SUBJECT to Grant of Robert Merlis and Esther Merlis to Orange and Rockland Electric Co. recorded in Liber 743 at page 223. ✓

SUBJECT to Grant of Delano Heights, Inc. to Orange and Rockland Electric Company recorded in Liber 1048 at page 359. ✓

SUBJECT to Rights of others to use that portion of the premises within the road and state of facts as shown on Survey Map made by Richard DeKay, L.S., dated July 17, 1969.

BEING the same lands and premises conveyed to the parties of the first part by Deed from Charles D. McCrorie, Jr. and Nancy F. McCrorie, his wife, dated June 30th, 1969 and recorded in the Orange County Clerk's Office in Liber 1825 at page 1062.

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, as tenants by the entirety and not as tenants in common.


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.

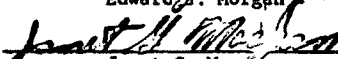
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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:



Edward A. Morgan


Janet G. Morgan

LIBER 1878 PG 810

STATE OF NEW YORK, COUNTY OF ORANGE SS: On the 14 day of July, 1971, before me personally came EDWARD J. MORGAN and JANET G. MORGAN, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Janet Morgan

March 30, 1972

STATE OF NEW YORK, COUNTY OF SS: 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 executed the same.

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. that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF SS: 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 knows 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.
EDWARD J. MORGAN and
JANET G. MORGAN, h/w
TO
JACK MALEY and
JUDY MALEY, h/w.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
**CHICAGO TITLE
INSURANCE COMPANY
HOME TITLE DIVISION**

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COUNTY OR TOWN

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Richard Gugliotta
15 Park Row
New York, N.Y.
Zip No.

44-7
P. 4-111699000

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

021168 REAL ESTATE TRANSFER TAX STATE OF NEW YORK
Dept. of Taxation & Finance JUL 1 1971 44.00
Orange County Clerk's Office, s.s.
By *July 14 1971* day of *July*
at *15 Park Row* Block *157* at page *810*
C. N. Wood