



September 7, 2022

David Neimotko, Registered Architect
David Neimotko Architect, P.C.
167 Stage Road
Monroe, New York 10950

Re: 6 Howland Street
Chester, New York
AFR Project 10989

Greetings Mr. Neimotko

I am writing to you at your request to provide some clarification of the various easements associated with the subject parcels.

There are four significant issues; utilities, parking, ingress and egress based upon written documents, and ingress and egress based upon non-written rights.

Utility Easements

There are overhead wire and subsurface sewer utilities passing through the site. These utilities have in some instances a public benefit and in other instances provide service specifically to an adjoining property owner. The deeds indicate easements for these facilities, but without specific metes and bounds descriptions. What this means to our property owner is that they have to allow the utilities to remain and be maintained. It does not obligate them to maintain them, nor does it rigidly preclude re-location of the utilities through the site provided the service or function is maintained.

Parking Easement

The deed for the easterly parcel was subject to a parking easement or license, but with significant conditions attached. It appears that the conditional use has extinguished itself.

Ingress and Egress Easements (Written and Un-Written)

The deed for the southerly parcel has a call for an easement for ingress and egress. Again, there is no metes and bounds description and the best description is one of function with the term being "reasonable ingress and egress".

Not all of the ingress and egress rights are based upon the written easements. There appear to be easement rights derived by prescription. Some are over the subject parcel. An example being the continuous use by an adjoining property owner without a specific call for an easement in a written document. It appears the property owner immediately to the west of the subject parcel (Paper Street Battiato Place and Tax Lot 104-6-11.1) has been passing through the subject site.

Other easements derived by prescription appear to benefit the subject parcels and others. Specific examples being the long-standing travel ways through the property to the east of the subject property (Paper Street portion of Howland Street and Tax Lot 105-1-7) to provide ingress and egress to Greycourt Avenue. It is also apparent that just south of the subject parcel's southerly boundary (Tax Lot 104-6-14.2) traffic travels providing both a through thoroughfare and improved turning radii for parking located near the easterly side of the building located on the subject parcel.

I have reviewed the deeds. I have been to the site and I have also examined orthometric photographs from the last 20 years of the site. I would interpret this as follows:

The existing conditions of the last 20+ years are "reasonable".

There is an obligation to allow the neighbors passage through the subject site. The general area is along the southerly boundary of the site.

There has been parking along the southerly face of the building. This can continue and does not impede "reasonable ingress and egress".

The subject parcel has developed rights to traverse through the property to the east (Paper Street portion of Howland Street and a portion of Tax Lot 105-1-7) for ingress and egress to Greycourt Avenue.

The subject parcel has developed rights to traverse through property located immediately to the south of the subject site (Tax Lot 104-6-14.2).

In addition to prescriptive rights a case for an easement of necessity could also be made for the unwritten rights the subject parcel has developed.

Feel free to contact me if you have any further questions of concerns regarding the easement associated with this site.

Sincerely

A handwritten signature in blue ink, appearing to read "John A. Loch".

John A. Loch, P.E., P.L.S.