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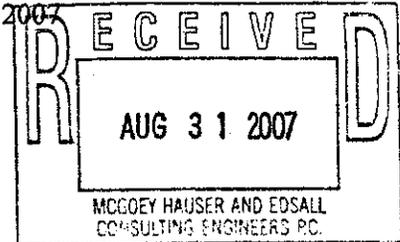
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BY FIRST CLASS MAIL

August 30, 2007

David Larkin
10 Cessna Drive
Washingtonville, New York 10992



Re: Proposed Subdivision Off Piper Drive;
New Windsor Planning Board
Our File No.: 12132 - 60859

RECEIVED

APR 08 2009

Dear Mr. Larkin:

I have reviewed the materials forwarded to me by ~~BUILDING DEPARTMENT~~ in connection with your consideration of a further subdivision of your existing lot that presumably has existing frontage on both Cessna and Piper Drives. I have not had the benefit of reviewing a proposed subdivision plat. Nevertheless, it is my understanding from our discussion that your existing lot (designated as tax lot 52-4-33.42) has frontage on both Cessna and Piper Drives (both Private Roads), but that you utilize Cessna Drive for purposes of accessing your existing home. If I understand correctly, your intention is to subdivide lot 33.42 to create two lots, one having frontage and access on Cessna, and the other having frontage and access on Piper Drive.

Piper Drive and Cessna Drive are existing private roads. The New Windsor Subdivision Code Street Classification provides that a private road may have "up to four residential lots or driveways ...[and] up to two additional lots or driveways may use the private road, if a private agreement [e.g., a road maintenance agreement] so allows, provided that those two additional lots have the minimum required frontage on a public road." New Windsor Subdivision Code § 252-25(D). Furthermore, the code specifically states that "for purposes of determining use of a private road under this article, no distinction shall be made between developed and undeveloped residential lots; lots in either condition shall be counted as a user of the private road." New Windsor Subdivision Code § 252-25(D)(1).

Thus, at most, only 6 lots (developed or undeveloped) may exist on a private road. It is my understanding that Piper Drive has, at present, 6 existing lots (such count not including use of Piper Drive by your lot). In addition, the information you provided regarding the other lot being deed restricted is not dispositive. Even if we agreed that the lot was deed restricted from accessing Piper Drive (which is not readily apparent from the deed), it is necessary that such restriction be made permanent via the merger of that vacant lot with the adjoining lot in common ownership. Once the same was accomplished, the "interior" lot count would drop to 3 lots, and then, the Board could consider your request. It would, however, be necessary to demonstrate that you have the

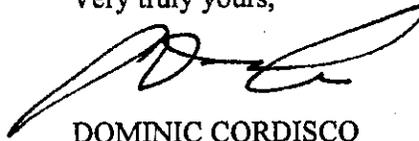
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right to utilize Piper Drive (via a deeded right), or conversely obtain such approval from the other lot owners that participate in the maintenance agreement for Piper Drive.

That said, there is one additional area of inquiry that may support your goal. In the deed for your lot, there is a reference to a private road maintenance agreement. If your lot is bound by both the road maintenance agreements for Cessna and Piper Drive, then the Board may consider that there may be an expectation that your existing lot has the right to access both Cessna and Piper Drive. If that is the case, please provide certified copies of both the Cessna and Piper Drive road maintenance agreements, and provide further proof that you, as landowner, have met all obligations under both agreements. If such exists, upon receipt and review of that material, I will discuss this issue further with the Planning Board engineer. Please understand that such proof would not create an entitlement to a further subdivision along Piper Drive, but would support an equitable argument that consideration of special circumstances may be warranted.

Very truly yours,



DOMINIC CORDISCO

DRC/rt/31760

cc: Mark J. Edsall, P.E. ✓