

**CHECKLIST FOR OPEN DEVELOPMENT CONDITIONS**

[ ] Right-of-way shall be named and name shall be approved by the Ulster County Real Property Tax Service Agency and shall be shown on the Final Map. Approval by said agency shall be filed with the Planning Board.

[ ] The right-of-way from (name of Town road) to the parcel in question shall be improved and subject to approval by the Town of Rochester Highway Superintendent and conditioned to a Certificate of Occupancy.

[ ] Applicant shall submit to the Planning Board a signed and notarized Road Maintenance Agreement by the property owner for a \_\_\_\_\_ right-of-way to provide access for (# of lots). This Agreement is subject to review by the Town Legal Advisor and approval by the Town Board.

[ ] Jeff Coyne hereby agree(s) to be responsible for all costs and expenses incurred by the Town in connection with the Road Maintenance Agreement; including but not limited to, preparation of this agreement, engineering costs and attorney fees and inspection by the Town Superintendent of Highways. \_\_\_\_\_ acknowledge(s) and agree(s) that said engineers, attorneys and Highway Superintendent are acting on behalf of the Town and in addition, \_\_\_\_\_ may, if he/she/they so desire(s), obtain his/her/their own attorney or engineer. Said costs and fees shall be submitted to the Planning Board Secretary.

[ ] An executed Road Maintenance Agreement shall be filed with the Ulster County Clerk and proof of such filing shall be submitted to the Planning Board.

[ ] Right-of way shall be inspected by the Accord Fire District Chief for adequacy for emergency vehicle access and a copy of said inspection shall be submitted to the Planning Board.

[ ] Condition # \_\_\_\_\_ shall be complied with prior to the Town Board's granting of Open Development Status.

seventy-six and two hundred seventy-seven of this article, as in effect at the time such plat was approved, or

(c) a street on a plat duly filed and recorded in the office of the county clerk or register prior to the appointment of such planning board and the grant to such board of the power to approve plats.

2. Before such permit shall be issued such street or highway shall have been suitably improved to the satisfaction of the town board or planning board, if empowered by the town board in accordance with standards and specifications approved by the town board, as adequate in respect to the public health, safety and general welfare for the special circumstances of the particular street or highway. Alternatively and in the discretion of such board, a performance bond sufficient to cover the full cost of such improvement as estimated by such board shall be furnished to the town by the owner. Such performance bond shall be issued by a bonding or surety company approved by the town board or by the owner with security acceptable to the town board, and shall also be approved by such town board as to form, sufficiency and manner of execution. The term, manner of modification and method of enforcement of such bond shall be determined by the appropriate board in substantial conformity with section two hundred seventy-seven of this article.

3. The applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board or appeals or other similar board, in any town which has established a board having the power to make variances or exceptions in zoning regulations for: a) an exception if the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, and/or b) an area variance pursuant to section 267-b of the town law, and the same provisions are hereby applied to such appeals and to such board as are provided in cases of appeals on zoning regulations. The board may in passing on such appeal make any reasonable exception and issue the permit subject to conditions that will protect any future street or highway layout. Any such decision shall be subject to review by certiorari order issued out of a special term of the supreme court in the same manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations.

4. The town board may, by resolution, establish an open development area or areas within the town, wherein permits may be issued for the erection of structures to which access is given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by general or special rule of the planning board, if one exists, or of the town board if a planning board does not exist. If a planning board exists in such town, the town board, before establishing any such open development area or areas, shall refer the matter to such planning board for its advice and shall allow such planning board a reasonable time to report.

5. For the purposes of this section the word "access" shall mean that the plot on which such structure is proposed to be erected directly abuts on such street or highway and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and, a frontage of fifteen feet shall presumptively be sufficient for that purpose.

### § 281. Municipal improvements in streets.

No public municipal street utility or improvement shall be constructed by the town in any street or highway within that part of the town outside the limits of any incorporated city or village until it has become a public street or highway and is duly placed on the official map or plan, provided, however, that subject to the discretion of the town board, a subsurface utility or improvement operated for revenue by the town or by a

4. This Maintenance Agreement shall remain in full force and effect as long as said road remains private.

Nothing contained in this Agreement shall require the Town Board of the Town of Rochester to accept such roadway as a Town roadway. Jeff Coyne agrees that at his/ he sole cost and expense to record this Agreement in the Ulster County Clerk's Office.

Unless and until such time as the Town Board of the Town of Rochester formally accepts such road as a public highway, the Town shall have no liability or responsibility for the care and maintenance of said road.

The Town of Rochester takes no position with regard to the applicability of section 352-e and related sections of Article 23-A of the General Business Law of the State of New York.

The applicant hereby agrees to be responsible for all costs and expenses incurred by the Town in connection with this Agreement, including but not limited to, preparation of the Agreement, engineering costs and attorney's fees. The applicant acknowledges and agrees that said engineers and attorneys are acting on behalf of the Town and in addition, the applicant may, if it so desires, obtain its own attorney or engineer.

In witness whereof the parties have here unto set their hands this 7th day of October, 2021.

TOWN OF ROCHESTER

by:

\_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

AGREEMENT

This AGREEMENT made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Town Board of the Town of Rochester, with offices at 50 Scenic Road, Post Office Box 65, New York 12404 and \_\_\_\_\_ of \_\_\_\_\_,

Whereas, \_\_\_\_\_ is the owner of property currently designated as tax map \_\_\_\_\_ located on a private road commonly known as \_\_\_\_\_; and \_\_\_\_\_

Whereas, the Zoning Inspector of the Town of Rochester has advised \_\_\_\_\_ that in order to build upon this parcel he/she would have to apply for open development status; and \_\_\_\_\_

Whereas, a condition to the grant of open development status is that \_\_\_\_\_ must enter into a road maintenance agreement with the Town of Rochester it is, therefore, agreed: \_\_\_\_\_

1. That a permanent easement and right of way over and upon the roadway designated above and identified as \_\_\_\_\_ for access with and without vehicles is hereby granted in perpetuity to the Town of Rochester;

2. The applicant affirmatively covenants, represents and warrants that the roadway or roadways which are the subject of this Agreement shall be maintained in good and passable condition under all traffic and weather conditions and kept open so that fire fighting equipment and other emergency vehicles can reach any buildings or structures thereon;

3. This Agreement shall run with the land and shall be appurtenant thereto and is not a personal right afforded each party and shall bind all heirs, distributees and assigns. The expenses of maintenance, repair and/or restoration of the roadway shall be at the sole expense of \_\_\_\_\_ his/her successors, heirs, distributees, and assigns;

ACKNOWLEDGMENT FOR IN STATE INDIVIDUALS AND CORPORATIONS

STATE OF NEW YORK

COUNTY OF Ulster

ss.:

On the 7th day of October, 2021, before me, the undersigned, personally appeared Jerry Coyne, evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in h capacity, and that by h signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]  
Notary Public

KATHLEEN ANN GUNDBERG  
Notary Public, State of New York  
Registration #01SE6209012  
Qualified in Ulster County  
Commission Expires July 13, 20 25

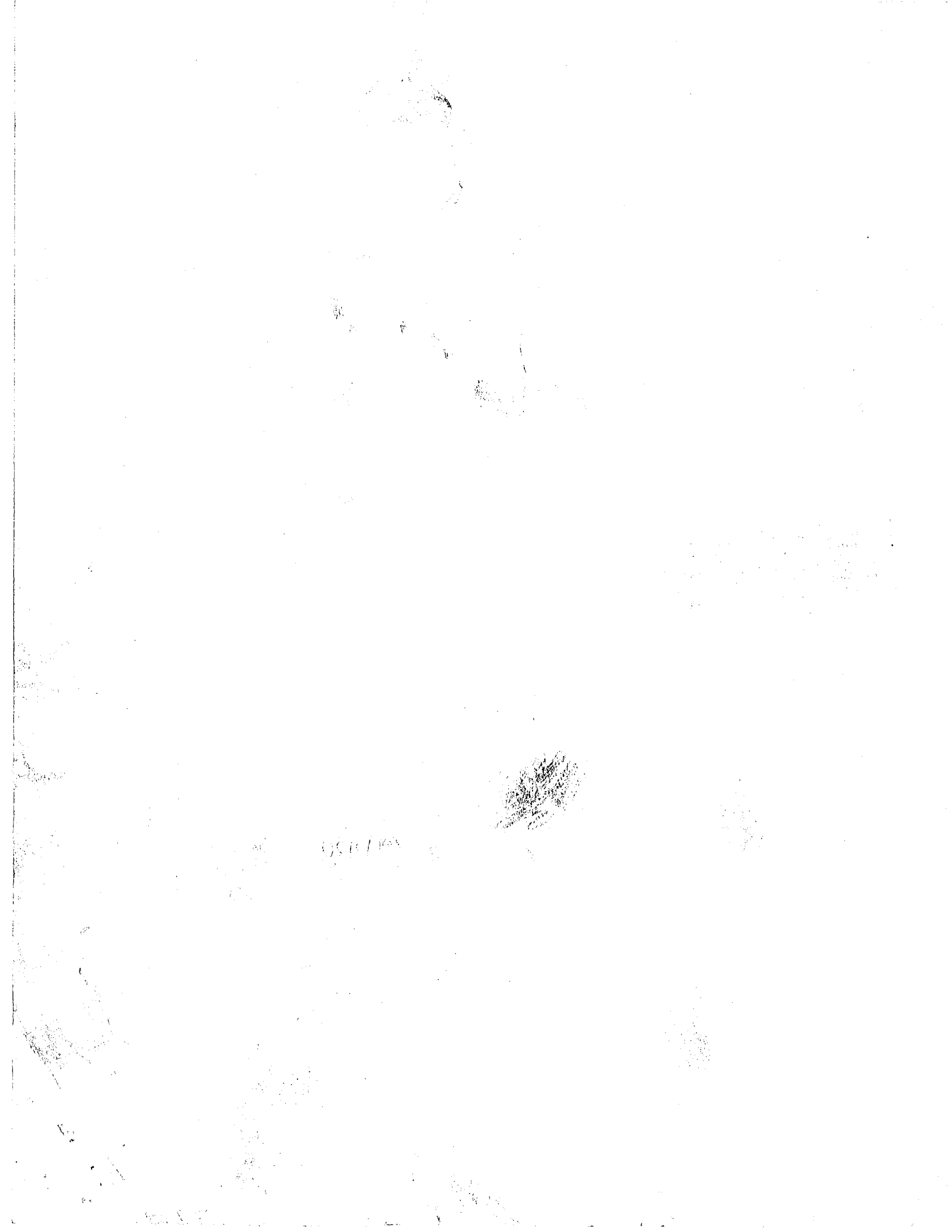
ss.:

STATE OF NEW YORK

COUNTY OF \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in h capacity, and that by h signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public





**Combined Real Estate  
Transfer Tax Return,  
Credit Line Mortgage Certificate, and  
Certification of Exemption from the  
Payment of Estimated Personal Income Tax**

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.  
**Schedule A - Information relating to conveyance**

Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantor ) Social security number		Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantee ) Social security number		Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other
Mailing address Social security number		Mailing address Social security number		Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other
City State ZIP code Federal EIN		City State ZIP code Federal EIN		
Single member's name if grantor is a single member LLC (see instructions) Social security number		Single member's name if grantee is a single member LLC (see instructions) Social security number		

Location and description of property conveyed

Tax map designation - Section, block & lot (include dots and dashes)	Street address	City, town, or village	County
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Type of property conveyed (check applicable box)

<input type="checkbox"/> 1 One- to three-family house	<input type="checkbox"/> 5 Commercial/Industrial
<input type="checkbox"/> 2 Residential cooperative	<input type="checkbox"/> 6 Apartment building
<input type="checkbox"/> 3 Residential condominium	<input type="checkbox"/> 7 Office building
<input type="checkbox"/> 4 Vacant land	<input type="checkbox"/> 8 Other

Date of conveyance

month	day	year
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Percentage of real property conveyed which is residential real property \_\_\_\_\_% (see instructions)

Condition of conveyance (check all that apply)

<input type="checkbox"/> a. Conveyance of fee interest	<input type="checkbox"/> f. Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584, I, Schedule F)
<input type="checkbox"/> b. Acquisition of a controlling interest (state percentage acquired _____%)	<input type="checkbox"/> g. Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584, I, Schedule G)
<input type="checkbox"/> c. Transfer of a controlling interest (state percentage transferred _____%)	<input type="checkbox"/> h. Conveyance of cooperative apartment(s)
<input type="checkbox"/> d. Conveyance to cooperative housing corporation	<input type="checkbox"/> i. Syndication
<input type="checkbox"/> e. Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584, I, Schedule E)	<input type="checkbox"/> j. Conveyance of air rights or development rights
<input type="checkbox"/> k. Contract assignment	<input type="checkbox"/> l. Conveyance of air rights or development rights
<input type="checkbox"/> r. Conveyance pursuant to divorce or separation	<input type="checkbox"/> m. Leasehold assignment or surrender
<input type="checkbox"/> s. Other (describe)	<input type="checkbox"/> n. Leasehold grant
	<input type="checkbox"/> o. Conveyance of an easement
	<input type="checkbox"/> p. Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)
	<input type="checkbox"/> q. Conveyance of property partly within and partly outside the state
	<input type="checkbox"/> r. Conveyance pursuant to divorce or separation
	<input type="checkbox"/> s. Other (describe)

For recording officer's use

Amount received	Schedule B, Part I \$	Schedule B, Part II \$
Date received		
Transaction number		

Recording office time stamp

**Schedule B - Real estate transfer tax return (Tax Law, Article 31)**

**Part I - Computation of tax due**

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III)  Exemption claimed

1.	
2.	
3.	
4.	
5.	
6.	

- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....
- 3 Taxable consideration (subtract line 2 from line 1) .....
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....
- 6 Total tax due\* (subtract line 5 from line 4) .....

**Part II - Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

1.	
2.	
3.	

- 1 Enter amount of consideration for conveyance (from Part I, line 1) .....
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) .....
- 3 Total additional transfer tax due\* (multiply line 2 by 1% (.01)) .....

**Part III - Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) .....
- b. Conveyance is to secure a debt or other obligation .....
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance .....
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts .....
- e. Conveyance is given in connection with a tax sale .....
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F .....
- g. Conveyance consists of deed of partition .....
- h. Conveyance is given pursuant to the federal Bankruptcy Act .....
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property .....
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment .....
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) .....

\*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the NYC Department of Finance. If a recording is not required, send this return and your check(s) made payable to the NYS Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.



**Schedule C - Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest. I (we) certify that: (check the appropriate box)

1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.

2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:

The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.

The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).

The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.

The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is not principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

Other (attach detailed explanation).

3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:

A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.

A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.

4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the NYC Department of Finance).

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

_____	_____	_____	_____
Grantor signature	Title	Grantee signature	Title
_____	_____	_____	_____
Grantor signature	Title	Grantee signature	Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the NYC Department of Finance? If no recording is required, send your check(s), made payable to the Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

**Part I - New York State residents**  
 If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor(s)/seller(s) of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date \_\_\_\_\_ to \_\_\_\_\_ Date \_\_\_\_\_ (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date