



**JACOBOWITZ
AND GUBITS_{LLP}**
COUNSELORS AT LAW

May 3, 2022

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JACOBOWITZ.COM

Dr. Richard L. Thurston, III, Supervisor
and Town Board Members
Town of Wappingers
Town Hall
20 Middlebush Road
Wappingers Falls, New York 12590

Attn: Hon. Joseph P. Paoloni, Town Clerk

Re: Petition of NY Solar 1001, LLC holder of option to lease Town of
Wappingers Falls Parcel, 135689-6258-03-376432-0000 for Amendment
of the Zoning Map to change the zoning designation of this property from
R-40 to R-80.
Our File No.: 14976-003

Dear Supervisor Thurston and Town Board Members:

I am hereby submitting original copies of the following documents
constituting the formal Petition of NY Solar 1001, LLC seeking amendment to the
Town Zoning Map to change the zoning designation of the above referenced
parcel from R-40 to R-80.

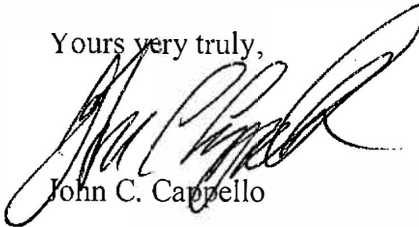
1. A fully executed Rezoning Petition executed on behalf of NY
Solar 1001, LLC as authorized by property owner;
2. A check in the amount of \$ 1,000;
3. A map depicting the property and proposed project;
4. A copy of the Owner's deed;
5. A Application for a Change of Zone;
6. A written statement from the property owner; and

7. A copy of a full Environmental Assessment Form.

I look forward to presenting this Petition to your Board and moving the process forward to allow the applicants to pursue this innovative project in your Town.

I respectfully request that the Board place this matter on its next available agenda to initiate that discussion.

Yours very truly,

A handwritten signature in black ink, appearing to read "John C. Cappello", is written over the typed name.

John C. Cappello

JCC/rmc
Enclosures

cc:

-----X
In The Matter of

The Petition of **NY Solar 1001, LLC** for
Amendment of the Zoning Map of the Town of Wappinger,
Dutchess County, New York to amend the zoning map
For 189 Meyers Corners Road (Property ID: 135689-6258-03-
376432-0000) from R-40 (1 Family Residence District) to R-80
(1 Family Residence District).
-----X

**REZONING
PETITION**

**TO: The Honorable Supervisor and
Town Board Members of the Town of Wappinger,
Dutchess County, New York:**

The undersigned Petitioner respectfully petitions the Town Board as follows:

1. Petitioner, NY Solar 1001, LLC holds an option to lease property located at 189 Meyers Corners Road, which is designated on the Town of Wappinger as property ID 135689-6258-03-376432-0000 (totaling approximately 38.09 acres in size) (the “Property”).
2. A location map depicting the Property is attached as Exhibit “A”.
3. The Property is currently located in the R-40 (1 Family Residence with 40,000 sq. ft. minimum lot area without public water and sewer) zoning district where Solar Farms are not permitted.
4. The property directly abuts properties that are zoned R-80 (1 Family Residence with 80,000 sq. ft. minimum lot area without public water and sewer) where Solar Farms are a principal use allowed subject to special use permit and site plan approval from the Planning Board.
5. If this zoning designation is amended as requested, petitioner intends to develop (10.4) acres of the property for a “dual use” solar and agricultural use.
6. Petitioner intends to prepare a Farmland Protection Plan how the (10.4) acre

portion of the parcel will be utilized for a Solar Farm while also being used for agricultural purposes such as crop production

7. The development and construction of a dual use system will allow the Town to work towards meeting two important goals of preserving important farmland while working towards energy independence.

8. After the rezoning, it is understood that the applicant will be required to obtain special site plan approval from the Town of Wappinger Planning Board pursuant to the Town Code to address any potential issues associated with the development and ensure that the Property is developed in a manner compatible with the surrounding area.

Dated: _____, New York
____ May 3rd _____, 2022

RESPECTFULLY SUBMITTED:

NY Solar 1001, LLC

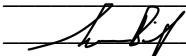
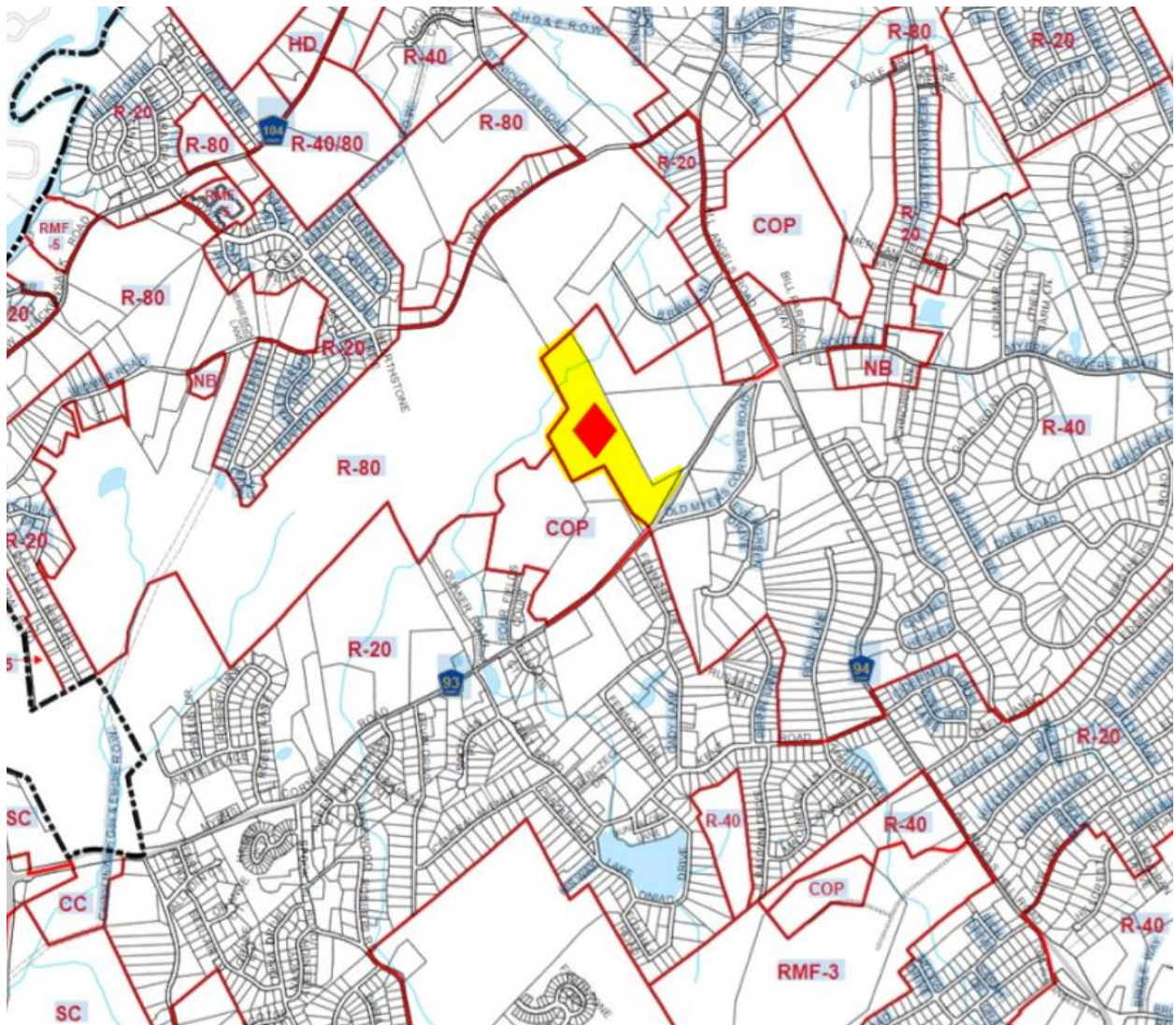
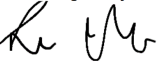
By: Sam Bailly
, Member

Exhibit A



I, Sean Thompson, owner of 189 Myers Corners Road, Wappinger Falls NY 12590 hereby give my permission to NY Solar 1001 LLC to submit the Application for a Change of Zone to change the zone from R-40 to R-80 on my behalf and to represent me in all proceedings before the Town of Wappinger Town Board, Planning Board and/or Zoning Board of Appeals concerning the referenced application.

DocuSigned by:

C6002FDFF4FE4CD...

Owner's Signature

5/3/2022

Date



TOWN OF WAPPINGER

P.O. Box 324 ~ 20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590

Town Board

Office: 845.297.2744 ~ Fax: 845.297.4558

Town Clerk

Office: 845.297.5772

www.townofwappinger.us

Application for a Change of Zone

INTRODUCTION: A request for rezoning requires review by various agencies. First, the Town Board is specifically required by law to conduct a detailed environmental analysis of your requested zone change. Second, your request must be referred to the Town of Wappinger Planning Board and various other Town Officials for their review. Your request may also require referral to the Dutchess County Planning Department. In order to minimize delays, and process your application as expeditiously as possible, we ask that you carefully fill out the attached application for a change of zone, and submit 15 copies of the required exhibits listed at the end of the application with a non-refundable \$1,000 fee.

Note: THE APPLICATION AND EXHIBITS SHOULD BE SUBMITTED TO

Town Clerk

1. RECORD OWNER: Sean Thompson
2. OWNER'S ADDRESS: 22 Old Myers Corners Rd, Wappinger Falls NY 12590
3. OWNER'S TELEPHONE: (days) 845-518-2437 (evenings) 845-518-2437
4. APPLICANT'S ADDRESS: (If other than Owner): NY Solar 1001 LLC, 10th Floor, 501 Boylston St. Boston, MA 02116
5. APPLICANT'S ADDRESS: (If other than Owner): _____
6. APPLICANT'S TELEPHONE: (days) 617-849-9461 (evenings) 617-849-9461
7. PROPERTY ADDRESS (if different): 189 Myers Corners Rd, Wappinger Falls NY 12590
8. TAX MAP GRID NUMBER OF PROPERTY: 135689-6258-03-376432
9. PRESENT ZONE OF PROPERTY: R-40
10. REQUESTED ZONE OF PROPERTY: R-80
11. TOTAL AREA OF PROPERTY: _____ square feet or 38.09 acres
12. DIMENSIONS OF PROPERTY: _____

Town of Wappinger Town Board
Application for a Change of Zone

13. LIST ANY ROAD FRONTAGES ON YOUR PROPERTY:

720 FOOT OF FRONTAGE ON Myers Corners ROAD.
850 FOOT OF FRONTAGE ON Myers Corners ROAD.

14. IS PROPERTY VACANT LAND? No

15. IF NOT, IDENTIFY ANY STRUCTURES PRESENTLY ON THIS PROPERTY: _____

Electrical Transmission Lines

16. DESCRIBE THE PRESENT USE(S) OF THE PROPERTY: Farming hay17. IS PROPERTY NOW SUBJECT TO ANY RIGHTS-OF-WAY OR EASEMENT(S) IN FAVOR OF OTHER PROPERTIES? Property is subject to utility transmission line easement18. IS THE PROPERTY PRESENTLY WITHIN A PUBLIC OR PRIVATE WATER DISTRICT? _____
WHICH ONE? Private19. IS PROPERTY PRESENTLY WITHIN A PUBLIC OR PRIVATE SEWER DISTRICT? _____
WHICH ONE? Private

20. DESCRIBE THE PURPOSE OF YOUR REZONING REQUEST AND THE GENERAL NATURE OF DEVELOPMENT PLANS: _____

The purpose of rezoning from R-40 to R-80 is to allow for the development and use of a 3MWdc dual-use community solar project. The project will not only provide clean electricity and electricity bill savings to local customers but will support continued farming between the rows of solar panels, contributing to the local food supply.

21. DESCRIBE PROPOSED SIZE OF ANY BUILDINGS TO BE CONSTRUCTED, E.G.:

NA RESIDENTIAL UNITS OF APPROX. _____ SQ. FT. EACH
NA SQ. FT. RETAIL SPACE
NA SQ. FT. OFFICE SPACE
NA SQ. FT. INDUSTRIAL SPACE

22. LIST OWNERS AND ADDRESSES OF ABUTTING PROPERTY AND EXISTING USES OF PROPERTY:

NORTH OWNER: Christopher Slaughter

ADDRESS: 180 Widmer Rd Wappinger 125900000

PROPERTY USE: One-family year round residence

EAST OWNER: Marilyn Diesing Limited

ADDRESS: Myers Corners Rd, Wappinger NY 12590

PROPERTY USE: Agricultural: Orchard Crops: Apples, Pears, Peaches, Cherries, etc

SOUTH OWNER: Sean Thompson

ADDRESS: 6 Old Myers Corners Rd, Wappinger NY 12590

PROPERTY USE: One-family year round residence

WEST OWNER: 165 Myers Corners Road LLC

ADDRESS: 169 Myers Corners Rd, Wappinger 12590

PROPERTY USE: Commerical: Banks and office buildings: office space

Northwest Owner: Wappinger RE LLC

Address: Cranberry Hls, Wappinger 125900000

Property Use: Vacant Land

Southwest Owner: CH G&E

Address: 187 Myers Corners Rd, Wappinger NY 12590

Property Use: Public Utility

Town of Wappinger Town Board
Application for a Change of Zone

Southeast Owner: Diesing Family Ltd Partnership

Address: 29 Old Myers Corners Rd, Wappinger NY 12590

Property Use: Residential: Rural Residence with Acreage:

10 acres or more, primary residential

23. IS THERE ANY STATE OR COUNTY OWNED PROPERTY WITHIN 500 FEET OF PROPERTY?

County Rd 93 runs throught the 189 myers corners rd parcel.

24. DESCRIBE THE NATURE OF YOUR PROPERTY: Active farmland

WHAT TYPES OF SOILS DOES YOUR PROPERTY CONTAIN? _____

Dutchess-cardigan complex, undulating rocky - prime farmland.

DOES IT CONTAIN ANY PONDS? No

DOES IT CONTAIN ANY STATE DESIGNATED WETLANDS OR ADJACENT AREAS? Yes

DOES IT CONTAIN ANY FLOODWAY OR FLOODPLAIN LANDS? Yes

DOES IT CONTAIN ANY SLOPES IN EXCESS OF 15%? Yes

TO YOUR KNOWLEDGE, HAS THE PROPERTY EVER BEEN USED AS A WASTE SITE OR DUMP

No IF SO, WHEN? _____

NUMBER OF WELLS ON PROPERTY: 0

DEPTH OF WELLS ON PROPERTY: NA

NUMBER OF SEPTIC SYSTEMS ON PROPERTY: 0

HAVE ANY WELL TESTS INDICATED UNSATISFACTORY WATER QUALITY? NA

25. ANY ADDITIONAL COMMENTS OR INFORMATION YOU WOULD LIKE INCLUDED WITH YOUR APPLICATION?

The specific purpose of rezoning from R-40 to R-80 is to make it possible for an agrivoltaics project that would otherwise be subject to solar prohibitions in the R-40 zoning code, to be developed under the R-80 zoning code. Doing so will allow the town of Wappinger to enjoy the inherent benefit of a project that delivers both clean energy and fresh produce to local customers.

ATTACHMENTS

THE FOLLOWING MUST BE SUBMITTED WITH YOUR WRITTEN APPLICATION:

1. PARTS I & II (AND PART III, IF APPLICABLE) OF THE LONG-FORM ENVIRONMENTAL ASSESSMENT FORM. NOTE THAT THE E.A.F. SHOULD CONCENTRATE ON THE BROAD IMPACTS OF THE REZONING AND NOT JUST ON THE SITE-SPECIFIC IMPACTS OF YOUR PROPOSED PROJECT.
 2. IF APPLICANT DIFFERENT FROM OWNER, A WRITTEN STATEMENT FROM OWNER, AUTHORIZING YOU TO MAKE THE APPLICATION SHOULD BE ATTACHED.
 3. MAP OR SKETCH SHOWING LOCATION OF YOUR PROPERTY AND THE SECTION(S) OF IT THAT YOU WISH TO HAVE REZONED.
 4. COPY OF OWNERS DEED.
-

DATE OF SUBMISSION: 5/3/22

DATE RECEIVED BY TOWN CLERK: _____

Sean Thompson - Owner

DocuSigned by:



C6002FDFF4FE4CD...

Signature of Owner(s)

Sam Bailly - Development Manager

DocuSigned by:



70A9C36A47E445B...

Signature of Applicant(s)

e. 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 type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. 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 type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information


Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature  _____ Title _____

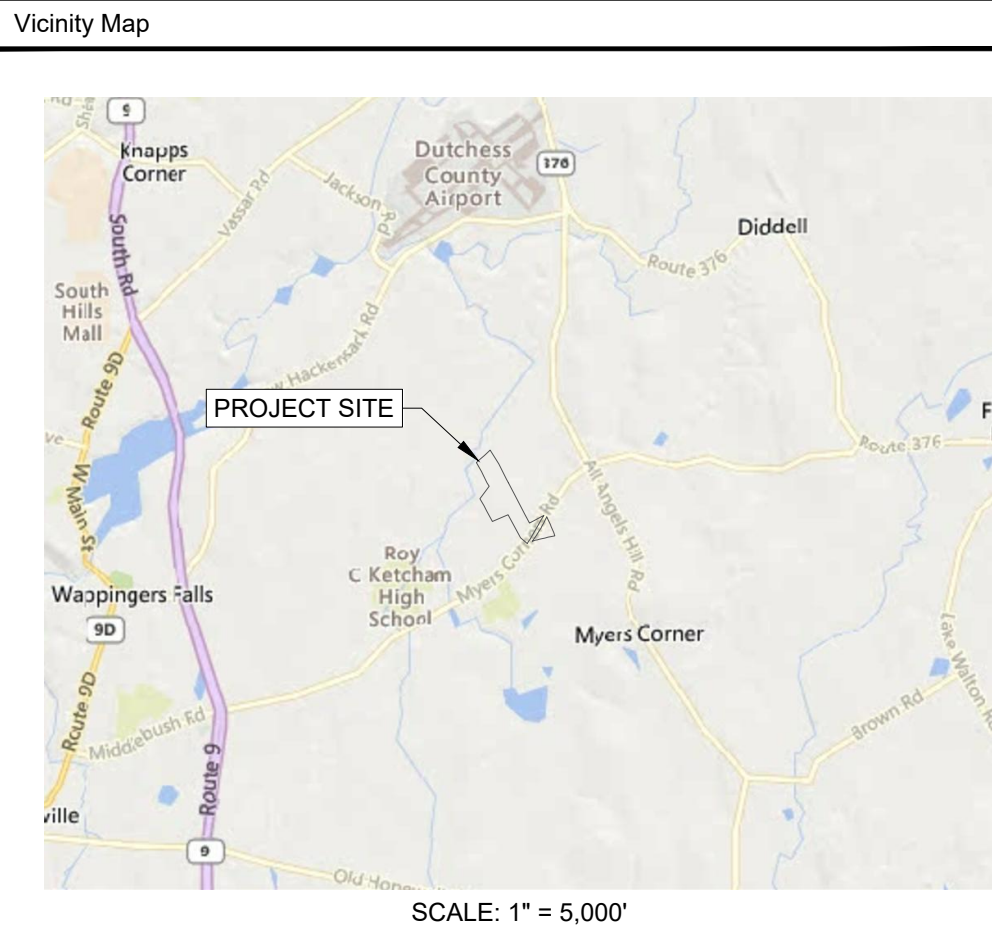


Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Name]	Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



Project Data	
SITE ADDRESS:	189 MYERS CORNERS RD, WAPPINGERS FALLS, NY 12590 (SBL: 6258-03-376432)
UTILITY:	CENTRAL HUDSON
COORDINATES:	41.602N, -73.879W
CAPACITY (AC):	2.1 MW
CAPACITY (DC):	2.5 MWp
PV MODULES:	
MFR:	ZN SHINE
MODEL:	ZXM6-NH added 144 -450/M
NAMEPLATE:	450W
QUANTITY:	5,564
INVERTERS:	
MFR:	CPS
MODEL:	CPS SCH100KTL-DO/US-600
NAMEPLATE:	100kW
QUANTITY:	1 STATION / 21 INVERTERS IN STATION
ARRAY:	
MFR:	SOLTEC
TYPE:	SF-7 BI-FACIAL SINGLE AXIS TRACKER
TILT:	E-W ±60°
PITCH:	28.48°
GCR:	50%
PROPERTY AREA:	10.37 AC
PRELIM. SOLAR AREA:	9.96 AC

Legend	
	PROPERTY BOUNDARY
	LEASE AREA
	PV PLANT FENCE
	OHE OVERHEAD ELECTRIC LINE
	SETBACKS
	WETLAND
	GRAVEL ROAD ACCESS
	UNDERGROUND ELECTRIC LINE
	MAJOR CONTOURS
	MINOR CONTOURS

F	06/24/2021	AHL	FOR CESIR	EMJ	JAB
E	05/26/2021	JLL	REVISED POI LOCATION AND SITE ENTRANCE	EMJ	JM
D	04/12/2021	JLL	REVISED ADDRESS	EMJ	JM
C	03/15/2021	AH	REVISED PER GRID OPERATOR COMMENTS	EMJ	JM
B	02/17/21	BG	REVISED POI LOCATION	EMJ	JM
Rev	Date	Drawn	Description	Ch'k'd	App'd

M

M

MOTT MACDONALD


101 Station Drive
Suite 130
Westwood, MA 02090
United States
T +1 (781) 915-0015
F +1 (781) 915-0001
W www.mottmac.com

Client

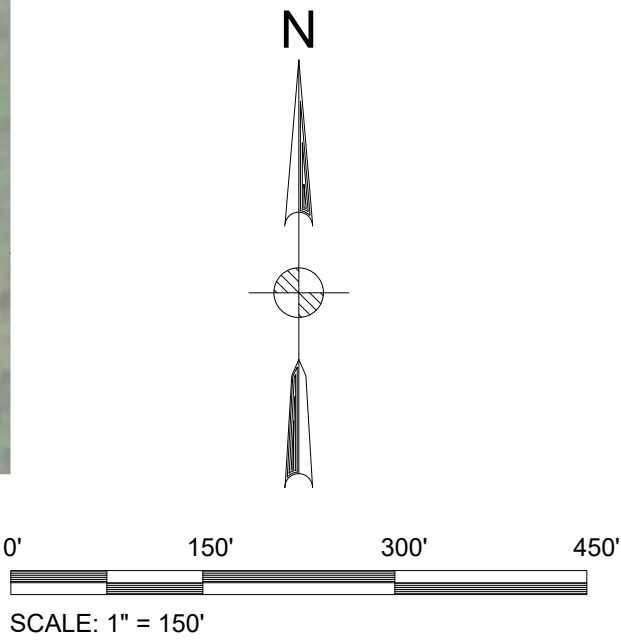
NY SOLAR 1001 LLC

Title

OLD MYERS SOLAR PROJECT
GENERAL ARRANGEMENT

	Designed	BG	Check	EMJ
	Drawn	BG	Approved	JAB
	Scale at ANSI D 1" = 150'		Date	Rev
	Drawing Number		06/24/2021	F
OLD MYERS -GA-001				

PRELIMINARY- NOT FOR CONSTRUCTION





Dutchess County Clerk Recording Page

Record & Return To:

Date Recorded: 7/10/2019
Time Recorded: 11:14 AM

VANDERWOUDE & ROMA PLLC
NEIL VANDERWOUDE
103 OLD ROUTE 52
STORMVILLE, NY 12582

Document #: 02 2019 4461

Received From: MAVEN ABSTRACT CORP

Grantor: HUMESTON ROGER JR
Grantee: THOMPSON SEAN

Recorded In: Deed
Instrument Type:

Tax District: Wappinger

Examined and Charged As Follows :

Recording Charge: \$335.00
Transfer Tax Amount: \$1,400.00
Includes Mansion Tax: \$0.00
Transfer Tax Number: 7675

Number of Pages: 8

*** Do Not Detach This Page
*** This Is Not A Bill

Red Hook Transfer Tax:

RP5217: Y
TP-584: Y

County Clerk By: jos
Receipt #: 20062
Batch Record: 149

Bradford Kendall
County Clerk



0220194461



7P 80
TWARD 255
1400
1735

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

THIS INDENTURE, made the 18th day of June, 2019

BETWEEN

Roger Humeston, Jr. of 6 Old Myers Corners Rd, Wappingers Falls, NY 12590

party of the first part, and

Sean Thompson of 22 Old Myers Corners Rd, Wappingers Falls, NY 12590

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars And 00/100 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 Wappinger ~~Falls~~, County of Dutchess, State of New York, described as follows: -

SEE SCHEDULE A
Tax ID: 6258-03-376432

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:

16/11/19
As Witness

Roger Humeston Jr.
Roger Humeston Jr.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Dutchess, ss:

On the 18th day of June in the year 2019 ,

before me, the undersigned, personally appeared Roger Humeston Jr 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.

Gina M. Ragusa
GINA M. RAGUSA
Notary Public, State of New York
No. 014600664
Qualified in Dutchess County
Commission Expires March 8, 2022

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year 2019 , before me, the undersigned, a Notary Public in and for said State, personally appeared

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/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year 2019 , before me, the undersigned, personally appeared

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.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

_____, County of _____, ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the _____ day of _____ in the year 2019 , before me, the undersigned, personally appeared

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), 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, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

**Bargain and Sale Deed
With Covenant**

Title
No. 135335

Roger Humeston, Jr
TO
Sean Thompson

SECTION: 6258

BLOCK: 03

LOT: 376432

COUNTY OR
TOWN: Dutchess

RETURN BY MAIL TO:

Neil VanderWoude
VanderWoude & Roma, PLLC
103 Old Route 52
Stormville, NY 12582





800 Westchester Avenue • Suite S340 • Rye Brook, NY 10573 • T (914) 381-6700 • F (914) 381-3131
275 Madison Avenue • Suite 826 • New York, NY 10018 • T (212) 432-3272 • F (800) 329-9398
30 West Main Street • Suite 302 • Riverhead, NY 11901 • T (631) 395-0500 • F (631) 405-3155

Title Number: 135335FA-D

SCHEDULE A

** WAPPINGER*

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of ~~Dutchess~~ and State of New York, filed in the Dutchess County Clerk's Office, August 9, 1939, known in Deed Book 576 and at Page 194, said parcel being further described as follows:

BEGINNING at a Hickory tree standing on the south side of the public road in the line of Milton Griffin's land and runs from;

THENCE (according to the deed given to James I. Montfort in 1828) along said Griffin's land, south 14 degrees east, twenty-eight chains to an old stump in a swamp;

THENCE along Montfort's land, north one degree east, fifteen chains, then north as the needle pointed in 1856, ninety-nine degrees 5 minutes east, three chains, 46 links;

THENCE north 44 degrees 35 minutes east, 13 chains and 44 links to the middle of said road;

THENCE south 84 degrees 5 minutes west, nine and one-half links;

THENCE north 14 degrees 30 minutes west, 9 chains 36 links;

THENCE south 69 degrees 45 minutes west, 7 chains and two links;

THENCE north 20 degrees 20 minutes west, 7 chains 43 links to the corner of Clapp's land, 79 links to a white Oak tree where there is a stone set in the ground;

THENCE along said Clapp's land, south 20 degrees 45 minutes east, 10 chains 96 links to a monument tree;

THENCE along Townsend's land, south 38 degrees 15 minutes west, six chains 90 links;

THENCE south 21 degrees 35 minutes east, 13 chains 81 links;

THENCE along Griffin's land, 86 degrees 10 minutes east, six chains and 53 links;

THENCE north 82 degrees 25 minutes east, 3 chains 52 links to the northeast corner of Van Wyck's land;



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SCHEDULE A (continued)

THENCE along Van Wyck's land, south 20 degrees 40 minutes east, six chains 12 links to the public road;

THENCE south 34 degrees 15 minutes west, 1 chain 54 links to the place of BEGINNING.

BEING the same premises which were conveyed by James C. Turner and Mary E. Turner to Ida Humeston by deed dated the 24th day of February, 1910 and recorded in the Dutchess County Clerk's Office on the 1st day of March, 1910, in Liber 363 of Deeds at page 527; and

ALSO all that tract or parcel of land, situate in the Town of Wappinger, County of Dutchess and State of New York, being on the north side of the road leading from Fishkill Plains to New Hamburg, bounded on the northeast by lands formerly of James I. Montford on south and west by lands formerly of John Culley, now Hilton Griffin's;

BEING the same premises conveyed which were conveyed by Allen E. Carter and Elizabeth W. Carter, his wife to Ida Humeston by deed dated the First day of December, 1913 and recorded in the Dutchess County Clerk's Office on the 12th day of December, 1913, in Liber 382 of Deeds at page 427.

EXCEPTING therefrom the following described parcels as conveyed by Deed recorded 3/24/47, in Liber 657 page 513, bounded and described as follows:

ALL those pieces or parcels of land, situate in the Town of Wappinger, County of Dutchess and State of New York, for the Reconstruction of the Meyers Corners Road described as follows:

PARCEL 'A'

BEGINNING at a point on the southerly boundary of the existing Meyers Corners Road at the intersection of the said boundary with the division line between the lands of Fenmore & Ruth Cody (reputed owner) on the west and the lands of Gordon Humeston (reputed owner) on the east, said point being 20 plus or minus feet distant southerly, measured at right angles from Station 101 plus 22 plus or minus of the hereinafter described survey base line of the proposed reconstruction of the Meyers Corners Road;

THENCE southeasterly along said division line, 21 plus or minus feet to a point, 40 feet distant southerly measured at right angles from Station 101 plus 12 plus or minus of the said base line;

THENCE on a curve to the right, radius of 443.34 feet, 227 plus or minus feet to a point, 33 feet distant southerly measured at right angles from Station 103 plus 69 of said base line;



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SCHEDULE A (continued)

THENCE north 80 degrees 37 minutes east, 55.9 plus or minus feet to a point on the southerly boundary of said existing road, the last-mentioned point being 23 feet distant measured at right angles from Station 104 plus 24 plus or minus of the said base line;

THENCE southwesterly along the last-mentioned boundary of said existing road, 284 plus or minus feet to the point of BEGINNING.

PARCEL 'B'

BEGINNING at a point on the northerly boundary of the existing Meyers Corners Road, said point being 25 plus or minus feet distant northerly, measured at right angles from Station 102 plus 50 of the hereinafter described survey base line of the proposed reconstruction of the Meyers Corners Road;

THENCE north 86 degrees 35 minutes east, 154.9 plus or minus feet to a point, 25 feet distant northerly, measured at right angles from Station 104 plus 00 of said base line;

THENCE north 88 degrees 13 minutes east, 100.1 feet to a point, 30 feet distant northerly, measured at right angles from Station 105 plus 00 of said base line;

THENCE south 85 degrees 06 minutes east, 150 plus or minus feet to a point on the northerly boundary of said existing road, the last mentioned point being 20 plus or minus feet distant, measured at right angles from Station 106 plus 50 of said base line;

THENCE westerly along the last mentioned boundary of said existing road, 405 plus or minus feet to the point or place of BEGINNING;

FURTHER excepting therefrom so much of the above described premises as was conveyed by Deed recorded 10/15/81, in Liber 1567 page 857, bounded and described as follows:

ALL that certain plot of land, situated in the Town of Wappinger, County of Dutchess, State of New York, bounded and described as follows:

BEGINNING at the intersection of the northerly boundary of Meyers Corners Road with the division line between the property of Mary E. Humeston on the east and the property of Pizzagalli Development Company on the west, being the southerly corner of the herein described parcel;

THENCE northerly and westerly along the division line (a stone wall), between said properties north 21 degrees 04 minutes 10 seconds west, 528.55 feet and north 86 degrees 37 minutes 30 seconds west,



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Title Number: 135335FA-D

SCHEDULE A (continued)

430.85 feet to the intersection of division lines between the property of Mary E. Humeston on the northeast, the property of Pizzagalli Development Company on the southeast and the property of Michael D. Cornell and Ronald R. Drake on the west;

THENCE northerly along the division line (a stone wall) between the property of Mary E. Humeston on the east and the property of Michael D. Cornell and Ronald R. Drake on the west, north 22 degrees 12 minutes 40 seconds west, 175.92 feet and north 20 degrees 28 minutes 10 seconds west, 129.76 feet to an intersection of stone walls, being the northwesterly corner of the herein described parcel;

THENCE easterly through the property of Mary E. Humeston (along a stone wall), north 73 degrees 47 minutes 00 seconds east, 188.59 feet and north 74 degrees 03 minutes 50 seconds east, 257.50 feet to a point, being the northeasterly corner of the herein described parcel;

THENCE southerly through the property of Mary E. Humeston, parallel with and 50.00 feet (perpendicular to) easterly of the first course hereto, south 21 degrees 04 minutes 10 seconds east, 952.84 feet to a point on the aforesaid northerly boundary of Meyers Corners Road, being the southeasterly corner of the herein described parcel;

THENCE westerly along said northerly boundary of Meyers Corners Road, south 46 degrees 30 minutes 20 seconds west, 54.11 feet to the point or place of BEGINNING.

FURTHER excepting therefrom so much of the above described premises as was conveyed by Deed recorded 3/12/82, in Liber 1575 page 583, bounded and described as follows:

ALL that triangular shaped parcel of land, situate in the Town of Wappinger, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly boundary of Meyers Corners Road, said point of beginning being distant north 46 degrees 30 minutes 20 seconds east, 54.11 feet from the intersection of the northerly boundary of Meyers Corners Road with the division line of lands of Central Hudson Gas and Electric Corporation to the east and lands of Pizzagalli Development Company to the west, said point of beginning also being the southeasterly corner of a 4.52 acre parcel of land conveyed by Mary E. Humeston to Central Hudson Gas and Electric Corporation by Deed dated October 14, 1981 and recorded October 15, 1981, in the Dutchess County Clerk's Office, in Liber 1567 of Deeds at Page 857;

THENCE along the easterly line of said 4.52 acre parcel of lands of Central Hudson Gas and Electric Corporation, north 21 degrees 04 minutes 10 seconds west, 276.64 feet to a point;

THENCE through lands of Humeston, south 42 degrees 14 minutes 00 seconds east, 253.05 feet to a



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SCHEDULE A (continued)

point on the northerly line of Meyers Corners Road; and

THENCE along the northerly line of Meyers Corners Road, south 44 degrees 56 minutes 13 seconds west, 100.00 feet to the point or place of BEGINNING.

FOR CONVEYANCING ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property. TOGETHER with all the right, title and interest of the party in the first part, or, in and to the land lying in the street in front of and adjoining said premises.