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ADMITTED IN NY & CT

January 4, 2022

Aaron Schmidt  
Deputy Commissioner of  
Community Development & Conservation  
Town of Greenburgh  
177 Hillside Avenue  
White Plains, New York 10607



Re: Matter of Gannett Ries, et al  
32,34,36,38,40,42,44,48 & 50 Beaver Hill Road  
Elmsford, New York 10523

Dear Mr. Schmidt:

I am writing this letter on behalf of the captioned homeowners, whose lots front on the southern portion of Beaver Hill Road, an east-west running public road in the North Elmsford section of Town. I will refer to them as the neighbors.

Abutting the southern portion of these parcels is a parcel of land that had been designated on subdivision maps in the Town as a right of way for a future road. The parcel or paper street runs parallel to Beaver Hill Road and measures approximately 57' wide by approximately 550' in length. Many of the parcel owners had been utilizing a portion of the paper street. I have visited the area in question and on many lots, it is not clear where the lots end and where the paper street begins.

The paper street had been taken over by the Town pursuant to an in rem tax foreclosure sale in the 1950's. The paper street was advertized for sale by auction by the Town in November 2017 and March 2018. There are various issues about how the auction was conducted, whether the neighbors were given proper notice and whether the Town could even sell the paper street. In any event, on June 27, 2018 the paper street was sold to CJKRE LLC for just under \$5,000.00 according to the Town's records.

The purchaser took various steps towards securing a building permit, including filing a Slope Clearance Form and a Wetland/Watercourse Clearance Form. It also sent threatening letters to various neighbors that they must remove any structures because CJKRE would be clearing the paper street in preparation to develop it.

In October 2019 I brought an action in State Supreme Court against CJKRE and the Town seeking, among other things, a declaratory judgment that the parcel in question was a paper street and consequently the abutting neighbors had certain rights that would preclude CJKRE or anyone else from building on the parcel. I applied for and was granted a preliminary injunction, prohibiting CJKRE and the Town from taking any further action in pursuit of a building permit.

Rather than pursue the litigation, which would be costly and time-consuming especially under the circumstances for nearly the past two (2) years, the parties decided to settle. The neighbors and the Town will tender certain sums to CJKRE. In return the neighbors will obtain portions of the paper street that abuts their respective properties.

Although the named plaintiffs were Gannett & Mary Reis (36 Beaver Hill), Alexander Mujica (42 Beaver Hill), Jimmy Manimala (38 Beaver Hill) and Robyn LaGuardia (48 Beaver Hill), I believe that all of the abutting neighbors are on board.

We have met with various Town officials on a number of occasions since the end of 2020. Our surveyor has been to the parcel and has located various utility lines. We have reached a preliminary agreement that the neighbors will take title to just less than half of the northern portion of the paper street. Their respective side yard lots lines will be extended accordingly. They will legalize any structures that might encroach into the current paper street. The town will take southern portion due to the presence of or the potential presence of utility lines.

Pursuant to the agreement the Town will consider granting subdivision approval and formally de-mapping the paper street.


I am enclosing a subdivision map, which depicts the paper street, that was approved by the Planning Board of the Town of Greenburgh in 1946 and filed in the Westchester County Clerk's office, as well as the proposed subdivision map prepared by Ward Carpenter Engineering.

We would like to get this on the Planning Board's agenda as soon as possible so that we can finalize the settlement.

Thank you for your kind attention to this matter.

Should you have any questions or comments, please don't hesitate to contact me.

Very truly yours,



Phillip A. Grimaldi Jr.

AMENDED SUBDIVISION  
SECTION NO. 1  
BEAVER HILL PARK  
TOWN OF GREENBURGH  
WESTCHESTER CO.  
Scale: 1"=50'

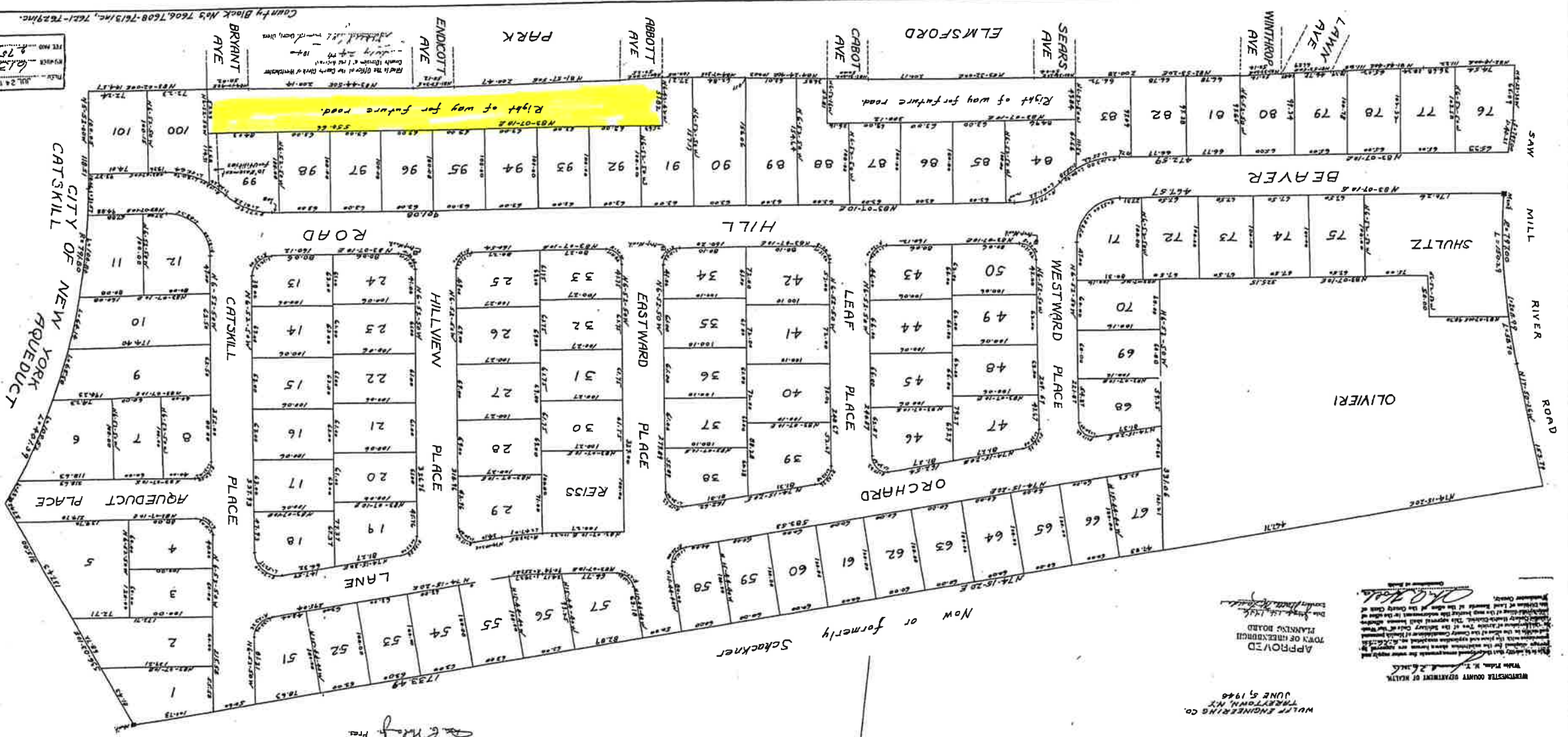
WULF ENGINEERING CO.  
TRAFFORD, N.Y.  
JUNE 5, 1948

WESTCHESTER COUNTY DEPARTMENT OF HEALTH  
Walter P. ...  
APPROVED  
TOWN OF GREENBURGH  
PLANNING BOARD  
JUNE 15, 1948

Now or formerly  
Schaekner

We the Wulf Engineering Co. makers of this map hereby certify that the number of the parcels is the same as shown on the plan. Section No. 1, Beaver Hill Park, made by this Company, from 1945 and filed at the West Co. Clerk's Office, Division of Land Records, at New York, with the acceptance of parcels -- the New River Road, and the State of New York for the widening of Shirley-Elmsford-5th Avenue, Albany, and property of property of Elmsford, New York, and property of the City of New York, and that this map was completed June 5, 1948.

Wulf Engineering Co.  
Fred



DATE: JUL 24 1948  
SCALE: 1"=50'  
PRICE: \$75.00  
REVISIONS: 6/25/48

County Block Nos 7606, 7608, 7613, Inc., 7621-7629, Inc.