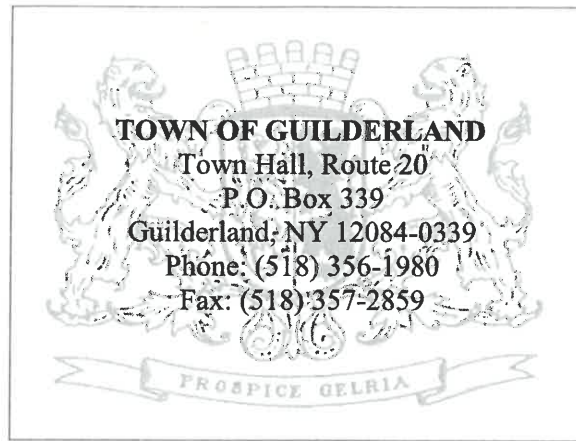


AGENDA ITEM#2

**PETER G. BARBER
SUPERVISOR**



**STEPHEN J. FEENEY
CHAIRMAN
PLANNING BOARD**

MEMORANDUM

TO: Peter G. Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP

DATE: May 19, 2023

SUBJ: Consideration of Acceptance of a Waterline Easement – West Old State Road

In June 2020 the Planning Board approved a 5 lot major subdivision at 7168 NYS Route 158. Three of the 5 lots are accessed from West Old State Road. There is an existing water line located on West Old State Road, which will provide water service to Lots 1-3 accessed from West Old State Road. The proposed waterline will extend from Route 158 to the east, and terminate at the driveway for Lot 1. During the Planning Board's review of the subdivision the Town Water/Wastewater Department requested a 30' wide easement be provided across the width of Lot 1 to the western boundary of the property and terminating at the property line with Lands N/F of Crouse. The purpose for this is if lands to the east of the subdivision are ever subdivided in the future the Town would have the necessary easement in place to make a connection to the proposed waterline that will terminate at the Lot 1 driveway.

Enclosed are the following documents for review by the Town Board and for consideration of acceptance of the easement:

1. Completed TP584
2. 30' wide waterline easement description
3. Exhibit map showing the waterline easement

Once accepted it will be the responsibility of the applicant for the previously approved subdivision to record the easement with the Albany County and provide filing receipts to the town once recorded.



Department of Taxation and Finance

TP-584 (9/19)

Recording office time stamp

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

Form with sections for Grantor/Transferor and Grantee/Transferee, including checkboxes for entity types and fields for name, address, and identification numbers.

Location and description of property conveyed

Table with 5 columns: Tax map designation, SWIS code, Street address, City, town, or village, and County.

Type of property conveyed (mark an X in applicable box)

Form with checkboxes for property types (1-9), date of conveyance (month/day/year), and percentage of real property conveyed.

Condition of conveyance (mark an X in all that apply)

Form with checkboxes for various conditions of conveyance (a-s) such as fee interest, controlling interest, and syndication.

Table for recording officer's use with columns for Amount received, Date received, and Transaction number.

Schedule B – Real estate transfer tax return (Tax Law Article 31)

Part 1 – Computation of tax due

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) **Exemption claimed**
- 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)

1.	0
2.	0
3.	0
4.	0
5.	0
6.	0

Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

- 1 Enter amount of consideration for conveyance (from Part 1, 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))

1.	
2.	
3.	

Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark an X in all 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, New York State, 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) a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- 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 f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- 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..... i
- 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..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) k

* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. 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 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule C – Credit Line Mortgage Certificate (Tax Law Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

This is to certify that: (mark an X in the appropriate box)

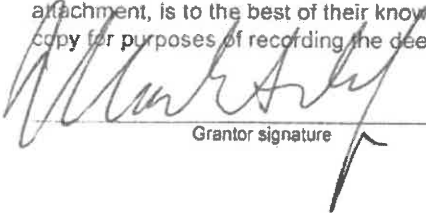
1. The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2. The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a. The transfer of real property 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.
 - b. 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).
 - c. The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d. The maximum principal amount secured by the credit line mortgage is \$3 million 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.

Note: for purposes of determining whether the maximum principal amount secured is \$3 million 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.

- e. 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. A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b. A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's 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 _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

Signature (both the grantors and grantees 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 their 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	President _____ 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 marked 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? If no recording is 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 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 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 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

Part 1 – New York State residents

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller 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, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

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 § 685(c), but not as a condition of recording a deed.

Part 2 – Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (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 § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, 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 Form TP-584-I, page 1.

Exemption for nonresident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (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 § 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 New York State, 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

Stephen P. Walrath, L.S.

**Land Surveying & Land Use Planning
Environmental Mapping**

**P.O. Box 381
122 Main Street
Altamont, NY 12009
518-986-0125
email: spwalrath3@gmail.com**

**SUGGESTED DESCRIPTION
30' Wide Waterline Easement to be granted to
Town of Guilderland by M.A. Schafer, Inc.**

All tract, piece or parcel of land situate in the Town of Guilderland, County of Albany and State of New York lying northerly of West Old State Road and being more particularly bounded and described as follows:

Beginning at a point on the northerly highway boundary line of West Old State Road at its intersection with the division line between the lands now or formerly of M.A. Schafer Construction, Inc. (Instrument No. R2021-19364) on the east and the lands of the party of the first part on the west and running thence the following two (2) courses and distances along said northerly highway boundary line:

1. N 56°00'28" W 122.04 feet to a point; and
2. N 54°01'54" W 243.37 feet to a point at its intersection with the division line between the lands now or formerly of Gordon John Crouse (Book 3121 of Deeds, Page 941 - Parcel 2) on the west and the lands of the party of the first part on the east; running thence N 50°23'56" E 30.98 feet, along said division line, to a point; running thence the following two (2) courses and distances through the lands of the party of the first:

1. S 54°01'54" E 235.13 feet to a point; and
2. S 56°00'28" E 107.08 feet to a point on the first mentioned division line between the lands now or formerly of M.A. Schafer Construction, Inc. (Instrument No. R2021-19364) on the east and the lands of the party of the first part on the west; running thence S 8°17'37" W 33.29 feet, along said division line, to the point of beginning.

LANDS N/F
GORDON JOHN CROUNSE
BOOK 3121, PAGE 941
PARCEL 2

WATERLINE EASEMENT - BOOK 906, P.341 TO BECKMANN

LANDS N/F
BERNARD & MARY L. BECKMANN
BOOK 2347, P.693

APPROXIMATE LOCATION OF WATERLINE TO BECKMANN

30' WIDE EASEMENT TO BE CONVEYED TO THE TOWN OF GUILDERLAND FOR FUTURE MUNICIPAL WATER LINE

WOOD FRAME HOUSE

3.51± ACRES
2203 W. OLD STATE ROAD

①

10' WIDE WATERLINE EASEMENT - BOOK 2342, P.451 TO DELLA ROCCO

WELLS

40' WIDE COMMON EASEMENT FOR LOTS 2 & 3 FOR INGRESS, EGRESS AND UTILITIES

LANDS N/F
M.A. SCHAFER CONSTRUCTION, INC.
R2021-19364

LANDS N/F
ROBERT H. VADNEY
BOOK 2874, PAGE 537
LOT 1 ON MAP REFERENCE NO. 2

POND

WOOD FRAME HOUSE

SHED

HYDRANT & WATER VALVE

EXISTING WATERLINE

LANDS N/F
MICHAEL J., III &
JULIANNE DELLA ROCCO
BOOK 2342, PAGE 453

N56°00'28"W 77.64'
N56°00'28"W 22.20'
N56°00'28"W 22.20'

S87°17'37"W 107.08'
S87°17'37"W 155.69'
S87°17'37"W 164.92'
S87°17'37"W 174.14'
S87°17'37"W 33.29'

S10°34'13"W
S10°34'13"W
S10°34'13"W



STEPHEN P. WALRATH, L.S.

MAP SURVEYING & LAND PLANNING
22 MAIN STREET P.O. BOX 381
ALTAMONT, NY 12009
TEL: 518-986-0125

N.Y.S. LIC. NO. 49,678

DATE: JULY 14, 2022

MAP SHOWING WATERLINE EASEMENT TO BE GRANTED BY
M. A. SCHAFER CONSTRUCTION, INC.
TO THE TOWN OF GUILDERLAND

COUNTY OF ALBANY
TOWN OF GUILDERLAND
STATE OF NEW YORK

PROJECT NO: FILE JOBS 1999\ 99504EASEMENT MAP
SCALE: 1" = 100'

DWG. NO. 99504-2022-E1 SHEET 1 OF 1