

**MINUTES OF THE MEETING OF THE TOWN BOARD**  
TOWN OF RICHLAND  
1 BRIDGE STREET, PULASKI, NY

**DATE:** May 14, 2019

**KIND OF MEETING:** Regular Monthly Town Board Meeting

**PLACE:** Grand Jury Room, H. Douglas Barclay Courthouse Pulaski, NY

**BOARD MEMBERS PRESENT:** Supervisor Dan Krupke  
Councilman Kern Yerdon  
Councilman Allen Goodsell  
Councilwoman Sue Haynes  
Councilwoman Donna Gilson

**OTHERS IN ATTENDANCE:** DCO Elisa Dunn  
CEO/ZEO John Howland  
Highway Superintendent John Fox(absent)  
Town Attorney, Graham Seiter  
Town Clerk, Millie Newcomb  
Attendance Sign in Sheet will be attached to these Minutes

**CALL TO ORDER:** The meeting was called to order at p.m. with Supervisor Krupke leading in the Pledge of Allegiance.

**PUBLIC COMMENT:** Highway worker Zachary Rivers was here to speak to the Board about the possibility of living outside the Town while working for the Town of Richland Highway Department. Mr. Rivers emailed Supervisor Krupke and Mr Krupke advised him to come to the Board. Mr. Rivers was aware that in order to work for the Town Highway that he must live in the Town of Richland. At this time, he is having a hard time trying to find a home that he can afford in the Town. He is asking permission to look in neighboring Towns for something that he can afford in his price range. Mr. Rivers has 1 child, a one year old and 2 dogs. At this time, he is renting an apartment in the Village of Pulaski. In the last few years, the Town Board passed a Local Law that specified that anyone that worked for the Town of Richland must live in the Town. Mr Rivers said that he spoke to his Supervisor and Mr Fox explained the law and felt if he came to the Board and explained that he has been actively looking for a home in his price range in the Town and at this time, he isn't having any luck that he would like to look outside the

Town. Councilman Yerdon explains that no one wants to see anyone lose their job, but the Local Law was passed trying to keep people that pay taxes as a requirement to work for the Town. In Mr Yerdons opinion if he decided he wants to live outside the Town he is putting his job in jeopardy. Mr Yerdon feels there is a lot of homes for sale in the Town, and doesn't know what his price range but there are many homes For Sale in the Township. Councilwoman Gilson asked if there is a timeframe when he needs to be out of his home. A time frame for Mr. Rivers is as soon as possible. It's hard to live in an apartment with 2 dogs and a child. Councilwoman Gilson said that typically more homes come on the market in the summer. She also advised that if he keeps looking perhaps he may find a home he can afford. If not and he has to come back to the Board and she would not be opposed to consider him looking outside the town. Mr Yerdon says that he strongly agrees with the Local Law. Councilwoman Gilson said that if he put in a "good faith" effort she would not be opposed to revisiting this in the future.

**SOUTH RAINBOW SHORES ROAD:** Jamie Foster is requesting at the direction of the residents of South Rainbow Shores Road that the Town of Richland take over maintenance of the road. A packet was handed out to the Board with many "exhibits" to why the Town should be responsible for the maintenance of the Road. At the present time there is approximately \$3.5 million assessed value, \$21,710 paid to the Town, \$35,379 paid to the County, \$ 84,000 to the schools for a total of \$141,000 per year taxes paid on that road. There are 23 homes of which 17 are year round. The restaurant that has 17,000 people in 6 months. About 8500 cars if there were 2 people in each car, that is not including the Deer Creek Marsh Park or residents. His claims that the Town has owned the Road since 1926. All Mr. Fosters notes will be included with these minutes. Mr. Foster asked Town Attorney Seiter if the Abstract to the road has been ordered yet. Mr. Seiter explained the cost of an abstract, in his opinion, of this nature is a burdensome cost to the Town, and further research was needed before spending taxpayers money on this and that could be spent on other things in the town. At that point Mr Seiter was asked to do some more research by the Board. Mr. Foster asked what Attorney Seiter's determination was on South Rainbow Shores Road. Mr Seiter explained that his determination was South Rainbow Shores Road is not highway. Mr Seiter went on to explain that the Town does not have unlimited funds. If every single road that people travel on was called a highway, there would be no way any town could afford to keep up every single road as a highway. In case law, it doesn't say that just because it has a name that it must be a highway. It just doesn't work that way. Mr. Foster stated that when he talked to Supervisor Krupke, that he called Rainbow Shores an abandoned road. He would like that explained to the audience. Mr Krupke said that an abandoned road is one that is not maintained by the Town. Mr Foster claims that it is a maintained road because the Town puts street signs on it, occasionally dumps stone off and has water going down the road. Mr Krupke advised that he believes that many of the residents and the restaurant wanted the water. So water was put in per requests. Mr Foster goes back to consolidated law #9. Mr Seiter did some extensive research on the law, and in his legal opinion, this is not a highway. We can't even get into whether its abandoned or not, it's not a highway. The conversation continued under section 189 it's not a highway. You can read a

law all you want, it's about interpretation. The Courts interpret law. A road is access. But a highway and a road, what you are talking about is a road to get to, whether it be private drive or it be whether people use to get to their home. We don't want to have homes or sheds or whatever you have on your property ,in other words it doesn't necessarily mean its a town highway, A road can be a simple access to a home, it doesn't have to be a town highway. There are specific definitions of highway by use and its very well defined. Mr. Seiter stands behind his legal opinions to the Board and will leave it to that. CEO/ZEO John Howland stated that the Zoning Board of Appeals determined years ago, lets call it a road for example, the ZBA the zoning law says that you must have frontage on a public highway of 25ft. Everyone that owns property down on South Rainbow Shores Road has a deeded right of way down that road to get to there property from Rainbow Shores Road. The determination of the ZBA says that because everyone has a right of way from Rainbow Shores Road which is a Town public road to their property that is considered there 25 ft frontage. Mr Foster reiterated that his foil request has not been fulfilled or he would have had Mr Howlands explanation from the ZBA. It was in the understanding that a letter had been sent to Mr. Foster about the foil, but he claimed that he had not received the letter as of the meeting tonight. Mr. Foster wanted to know about Bishop Road and why it was oiled and stoned and not brought up to the Towns standards. He also wanted to know why Pine Grove Road was paved and it was a private road and paid by the Town residents. Both Councilman Goodsell and Councilwoman Gilson explained to Mr Foster that was not the case. When the Water lines were put through, the contractor for the project was to put the road back to the way the road was, which was oil and stone. The contractor opted for asphalt. No Town moneys were used in paving the road. After the conversation The Town Board agrees that Rainbow Shores Road South, is not a highway and therefore the Town is not responsible for the maintenance. Supervisor Krupke advised the audience that the Town does not have the money to bring the road up to the standards of the Local Law. Several Town residents made comments. from the Restaurant being a Historical Place, Liability concerns, to mail delivery, to DEC saying the residents cannot fill potholes. Prisoners have been seen working around the DEC Marsh area. A question is where has New York State was on the first ¼ of the road? Supervisor Krupke has been trying to talk to some people at the state level.He will keep the residents informed on how the talks with the State go.

**ZONING AND CODE REPORTS:** List of permits , violation letters and hopefully the spread sheet will be ready by the June meeting In 2007 the Town drafted a Law about storage containers. and when it was switched it over to the law. In the new laws, it doesn't say anything about tractor trailer bodies. Carl Falk states back when he was CEO/ZEO the tractor trailer boxes were considered part of the tractor. Once the tractor was not of use, the trailer was considered a junk vehicle. It was originally used across the road. Once it was of no use, it was a junk vehicle. Does the 2007 ordinance supercede the new zoning laws. CSX has partially cleaned up the railroad bed in Richland. Unsafe structures is next. No sense in sending to local court.

Recommendation from John Howland is Administrative Hearing is the shortest fastest and cheapest. The Board is Judge and Jury. Unsafe structure is best to send to State Supreme Court. Supervisor Krupke hopes that the County will look at the clean up fees that would allow the Town to put those fees on County taxes. It was very effective for the Towns to get unsafe property's cleaned up. The County took it away when some towns abused the service on June 23, 2013 or 2014.

**HAGER DRIVE UPDATES:** The Norfleets have agreed to a compromise. They want the Judge named owner of the road. The Judge wants to have all the people named and put on notice. They want them brought into the action and will not make his decision without doing this step. Mr Caracoli has to amend the initial summons and serve everyone of the people with an interest. The other agreement is that some kind of bench or barrier will have to be erected to keep people from driving on the beach area. A survey is in process now and will be completed soon. The judge wants this order to be completed in 60 days.

**DOG REPORT:** DCO Dunn was present to give her report. Copies were distributed to the Board. Things have been quiet so far. Councilman Yerdon asked about DCO's Deputy. Ann Derr has been her Deputy since 2014. Mr Yerdon is concerned that she is not covered by Town Insurance should anything happen. Mr Yerdon also would like to see if we can get an IMA agreement with the Town of Sandy Creek.

**WATER UPDATES:** Minutes are presented for review. Badger Meters are no longer being distributed by Norm from Blair. Councilman Yerdon has a letter from Norm that has a list of the new distributor of the meters.

**HIGHWAY REPORT:** Superintendent John Fox was absent from the meeting therefore, no report was given.

**SUPERVISOR REPORT:** Motion to accept the Supervisors report for January was made by Councilwoman Gilson and seconded by Councilwoman Haynes. *In a roll call vote, all were in favor with a vote of "AYE".*

**RICHLAND TOWN PARK:** Councilwoman Haynes will get a hold of Alycia Smith to see how she is coming along with things and get back with the board.

**HALDANE CENTER :** No updates but as soon as the Town gets a tentative start date he will keep the Board up to date.

**COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES:** Working on goal # 4 Hoping to finish it up this month. Making progress.

Meeting Thursday at 11:00 about Lighthouse. Discussion will be about the new configuration of the Road.

**JUSTICE REPORTS:** Justice Reports up next. A motion to accept the Justice Reports from Judges Conger and Ridgeway for the Month of April 2019 was made by Councilwoman Haynes and seconded by Councilwoman Gilson. ***With little discussion and in a roll call vote, all were in favor with a vote of "AYE"***. Also included with the Justice report was a Court Budget Analysis compiled by Special Projects Coordinator Robert North.

Judge Ridgeway wants to be clear on the Boards decision of having 2 - 30 clerks or if there is any wiggle room for the Court Clerks to be 3 clerks at 20 hours a piece. The Clerk is willing to stay and work 15 hours a week from this point on, with the understanding that there would be another clerk to come on and work the other 15 hrs. The Board voted to have 2 clerks with each working 30 hours per week and are firm on their decision. Councilman Yerdon would like the record to reflect, that until April no one from the Court let the Board know that there was an issue going on. The Board heard that the clerk only wanted to work 15 hours through the summer months. The clerk told a Board member that she had told the Judges that she wanted to cut back her hours in November of 2018. That was when the Board was working on the Budget. The clerk was told to put it in writing and give it to them in January. Nothing was mentioned to the Town Board until the April meeting. Councilman Yerdon just wants to make sure that everyone knows that the Board did not know anything was going on until April meeting. Judge Ridgeway wants to make sure that this is the Boards decision. If it's written stone Judge Ridgeway will come in the morning and tell the clerk of the board decision. ***A motion to go into Executive session to discuss salaries was made by Councilman Goodsell and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE" 8:28.pm A motion to come out of Executive Session was made by Councilwoman Haynes and seconded by Councilman Gilson. In a roll call vote all were in favor with a vote of "AYE". 8:48pm. The results of the Executive Session was that the Board wants the Clerk of the Court position to stay 2-30 hour positions.***

Update on the carpet to be installed on Wednesday May 29th. They will be here at 1:00. Judge Conger has coordinated with John Bucher at Oswego County. The Court has been notified about the computers and will be here on Friday Morning.

**WARRANT OF BILLS:** ***A motion to accept Abstract #5 was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE"***.

**TOWN BOARD MINUTES:** Town Board Minutes for March 12,2019 and April 9,2019 were presented to the Board. *With no questions or comments from the Board, a motion to accept the Minutes presented was made by Councilman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE"*

**TOWN CLERK REPORTS :** Motion to accept the Town Clerks reports was made by Councilwoman Gilson and seconded by Councilwoman Haynes. *In a roll call vote, all were in favor with a vote of "AYE"*

**CEMETERY UPDATES:** Tree has fallen on the fence near the back of the cemetery. Town Clerk Newcomb has called and filed a claim with the insurance.

**TOWN HISTORIAN REPORT:** No report at this time.

**LEGISLATIVE REPORT:** Residency Issue. NYS Public Officers Law. #3 Declining enrollment of Civil Service exams. Good debate on the residency. Local residents get first chance. Reappointments. Budgeted 900,000 for new equipment.

Paving Schedules are as follows. Paving (patching) Co Rt 62 Village Co Rt 60 Patching S. Jefferson St., Co Route 5 from Route 3 to Route 11. (Lake Street 3.1 miles)  
Richland Co Rt 48 from County Route 2-Sheepskin Road.  
State of Emergency has been declared for the waterfront properties . Supervisor Krupke had a meeting with a member from Gov. Cuomo's Office, Shawn Hennessy, Mike Kastler. NYS delivered sand bags to each one of the communities. Each received about 4000 sand bags each. Also available are pumps. The Town of Richland has distributed about 4000 to Lake area property owners. NYS will be up in the area in the next week or two. 100-150 National Guardsman have been deployed.

**MISCELLANEOUS BUSINESS:** Updated Emergency Plan. Letter to approve NO Parking along his property on Co rt 2A. Also Councilman Yerdon heard there may be a parking lot on the corner of State Route 13 and Co Rt 2A. Still in the works. A motion to enter into an agreement with Charter Communications was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE" Letter of thanks to Laird Petrie. A letter to IDA about Lehigh Road . Discussion about the new Court Clerk starting at \$27,500 and 6 month probation. The Justices will come back to the Town after 6 months. The Board feels that the Court should go ahead with interviewing candidates to get them to start asap. Get with Tammie to send applications to the people that sent in resumes. Discussion to make the Planning Board into an Advisory Board. Attorney Seiter will look into what the next step will be.

**NEXT TOWN BOARD MEETING:** June 11,2019 at 6:00pm

**MEETING ADJOURNED:** A motion to adjourn was made by Councilwoman Gilson and seconded by Councilman Goodsell. *In a roll call vote, all were in favor with a vote of "AYE" 9:35 pm*

Respectfully submitted by

Millie Newcomb  
Town Clerk

## MEETING ATTENDANCE SIGN-IN

Meeting Date May 14 2019  
 Committee/Board Iron Board

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

NAME

ADDRESS

<u>NAME</u>	<u>ADDRESS</u>
GREG WEST	18 Rainbow Shores Rd South
Gerald SHARV	85 Rainbow Shores Rd.
Cheryl Murphy	85 Rainbow Shores Rd
Peter LAUN	82 S RAINBOW SHORES Rd
Sandy LAUN	82 S RAINBOW SHORES Rd
Jean Jamroz	24 S. Rainbow Shores Rd
STEPHEN JAMROZ	24 S. RAINBOW SHORES Rd.
John Howland	Sandy Creek
Jane Heunes	Pool
RONA D BESIO	128 Rain Sh South
Walter Foster	S. Rainbow Shores Rd
Elena D'Nieu	30 S. Rainbow Shores Rd
Clare Rauhertz	42 S. Rainbow Shores Rd
Dirk Forbes	Home Dr
DIANA FORBES	28 S. Rainbow Shores Rd
DIRK FORBES	28 S. Rainbow Shores Rd
MARC HUTCHINS	114 S. RAINBOW SHORES RD.
Loch River	4864 N. Jefferson St
DAVID REAL	60 S. RAINBOW SHORES RD
KEVIN DALY	26 S. RAINBOW SHRS RD
DIANE CHAPPELL-DALY	26 S. RAINBOW SHRS RD.
Tamie Foster	70 S. Rainba shore rd.
DAVE KOHR	3379 MAPLE AV., PLASKI
Paty Kohr	" " " "
Melinda	70 S. Maple Rd
Shannon Hutchins	114 S. Rainbow Shores



Janet Halstead Pulaski  
Carolyn Deary Petrocci "

Timothy + Renee Ojard  
Melissa Cyrenal

Pykes Riggs John Rym

Kyle Hughes

Marie Renbolt

Jan Redgeway

Judy Conner

Nancy Heywood  
Dean Campbell

# South Rainbow Shores Road Facts

---

May 14, 2019 Town of Richland Board Meeting

- Exhibit 1 - *South Rainbow Shores Taxes* – Fact sheet showing taxes collected from property owners on South Rainbow Shores Road in 2018
- Exhibit 2 – *Deeds 304* – Several references are made to South Rainbow Shores Road being a “highway” (references are highlighted in yellow)
- Exhibit 3 – *Tryon Survey Map from 1917* – South Rainbow Shores Road was previously known as “Lake Street” (road is outlined in yellow)
- Exhibit 4 – *Rainbow Shores First Subdivision Map 1926* – shows the “old road” and the “New Road,” which is the current “South Rainbow Shores Road” (this document is recorded in the Oswego County Clerk’s Office).
- Exhibit 5 – *New York State Consolidated Law §189* – *All lands that have been used by the public as a highway for a period of ten years or more, shall be a highway* (South Rainbow Shores Road has been open and used by the public for at least 92 years, to include being utilized by patrons of the former golf course and White Sands Beach Campground and its use today by visitors to Rainbow Shores Restaurant and the Department of Environmental Conservation Park).
- Exhibit 6 – *New York State Consolidated Law §205* – *Abandoned Highways* – *Every highway that shall not have been opened and worked within six years from the time it shall have been dedicated to the use of the public, or laid out, shall cease to be a highway* (South Rainbow Shores Road has been open and used by the public for at least 92 years).
- Exhibit 7 – *New York State Consolidated Law §280* – This law indicates *no permit for the erection of any building should be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan.*

## South Rainbow Shores Road Taxes

Total Assessment:	\$3,496,993 (without two new houses built in 2018)
Total Town Tax:	\$21,710.16
Total County Tax:	\$35,379.52
Total School Tax:	\$84,463.36
Total Taxes:	\$141,553.04

23 Homes - 17 year around

1 Restaurant - 17,000 patrons in 6 months

New York State Department of Conservation (DEC) Park

and William M. Woods, Superintendent of Highways of said Town, of the first part, and Milford O. Tryon and Nellie E. Tryon, his wife, of the Town of Richland, Oswego County, N. Y., of the second part, Witnesseth, That the said party of the first part, in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, exchange of lands paid by the said parties of the second part, does hereby remise, release and forever Quit-Claim unto the said parties of the second part, their heirs and assigns forever, ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate in the Town of Richland, County of Oswego, and State of New York, bounded and described as follows: Commencing on the South line of the twenty acre lot conveyed by Sarah A. Clark to said Milford O. Tryon and wife, by deed dated November 16th, 1907, and recorded in Oswego County Clerk's Office, on the 14th day of January, 1909, in Book 264 of Deeds at page 467, at a point where said South line intersects the shore line of Lake Ontario; running thence Northerly along said shore line of Lake Ontario about 575 feet to the South margin of the Sandy Creek Town Line road and continued in the same course to the center of said road; thence Easterly along the center of said road 40 feet; thence Southerly and parallel with said Lake shore line about 575 feet from said South margin of said Sandy Creek line road to the place of beginning, containing all the land within said bounds. This grant is intended to convey a portion of the old highway along the shore of Lake Ontario in said Town of Richland in exchange of and for another strip of land three rods wide about 67 1/2 feet Easterly therefrom, for the purposes of a new highway in place and stead of said old highway, which old highway is hereby declared abandoned, all of which is designated on Map made by Charles E. Briggs, surveyor, August 22nd, 1917, and filed in Oswego County Clerk's Office. Together with the appurtenances; and all the estate and rights of the said party of the first part in and to said premises.

----- To Have and to Hold the above granted, bargained and described premises unto the said parties of the second part, their heirs and assigns forever. In Witness Whereof, The said party of the first part has herunto set its hand and seal the day and year first above written, by its said officers.

In Presence of

John W. Parkhurst L. S.

as Supervisor of the Town of Richland.

Wm. M. Woods L. S.

as Superintendent of Highways of the Town of Richland.

State of New York, County of Oswego. SS. On the 15th day of September, in the year One thousand nine hundred and seventeen, before me, the subscriber, personally appeared John W. Parkhurst Supervisor, and William M. Woods, Superintendent of Highways of the Town of Richland, Oswego County, N. Y., to me personally known to be the same person described in and who executed the foregoing instrument, and they severally acknowledged to me that they executed the same respectively as supervisor and superintendent of highways. Freelon J. Davis, Notary Public. Recorded Oct. 1, 10:04 A. M., 1917.

Freelon J. Davis Clerk.

Emery Tryon & W.  
To  
Town of Richland,

This Indenture, Made the 14th day of September, in the year One thousand nine hundred and seventeen, Between Emery Tryon and Lorette Tryon, his wife, both of the Town of Richland, Oswego County, N. Y., of the first part, and the Town of Richland, a municipal corporation, located in the County of Oswego and State of New York, of the second part, Witnesseth, That the said parties of the first part, in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, paid

paid by the said party of the second part, do hereby remise, release and forever Quit-Claim unto the said party of the second part, its successors and assigns forever, ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate in the Town of Richland, County of Oswego, and State of New York, bounded and described as follows: Commencing at an iron stake on the South line of the twenty acre lot conveyed by Sarah A. Clark to Milford O. Tryon and Nellie E. Tryon by deed dated November 16th, 1907, and recorded in Oswego County Clerk's Office, on the 14th day of January, 1909, in Book 264 of Deeds at Page 487, about 127  $\frac{1}{2}$  feet Easterly from the Lake Ontario Shore Line and at the Southwest corner of a strip of land this day conveyed by said Milford O. Tryon and wife to the said Town of Richland for a new highway; running thence Easterly along said Tryon's said South line three rods; thence southerly parallel with the shore line of Lake Ontario three rods; thence Westerly and parallel with said Milford O. Tryon's said South line eight rods and 15  $\frac{1}{2}$  feet to the highway; thence Northerly along the East margin of said highway three rods; thence Easterly along said South line of said Milford O. Tryon's land to the place of beginning, containing all the land within said bounds, all of which is designated on Map made by Charles E. Briggs, surveyor, August 22nd, 1917, and filed in Oswego County Clerk's Office. Together with the appurtenances; and all the estate and rights of the said parties of the first part in and to said premises. To Have and to Hold the above granted, bargained and described premises unto the said party of the second part, its successors and assigns forever. In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Emery Tryon L. S.

Lorette Tryon L. S.

State of New York, County of Oswego. SS. On this 14th day of September, in the year One thousand nine hundred and seventeen, before me, the subscriber, personally appeared Emery Tryon and Lorette Tryon, his wife, to me personally known to be the same persons described in and who executed the foregoing instrument, and they severally acknowledged to me that they executed the same.

Freslon J. Davis, Notary Public.

Recorded Oct. 1, 10:05 A. M., 1917.

*Freslon J. Davis* Clerk.

Milford O. Tryon & W.  
To  
Town of Richland.

This Indenture, Made the 14th day of September, in the year One thousand nine hundred and seventeen. Between Milford O. Tryon and Nellie E. Tryon, his wife, of the Town of Richland, Oswego County, N. Y., of the first part, and the Town of Richland, a municipal corporation, located in the County of Oswego, and State of New York, of the second part, Witnesseth, That the said parties of the first part, in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and exchange of lands, paid by the said party of the second part, do hereby remise, release and forever Quit-Claim unto the said party of the second part, its successors and assigns forever, ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate in the Town of Richland, County of Oswego, and State of New York, bounded and described as follows: Beginning at an iron stake on the South margin of a twenty acre lot conveyed by Sarah A. Clark to said Milford O. Tryon and wife by deed dated November 16th, 1907, and recorded in Oswego County Clerk's Office, on the 14th day of January, 1909, in Book 264 of Deeds, at Page 487, which stake is about 127  $\frac{1}{2}$  feet Easterly from the shore line of Lake Ontario; running thence Northerly parallel with said shore line of Lake Ontario about 575 feet to the South margin of the Sandy Creek Town Line Road and continued in the same course to the center of said road; thence

Easterly along the center of said road 51 feet; thence Southerly parallel with said Lake shore line about 575 feet to said South line of said Milford O. Tryon lot; thence Westerly along the same to the place of beginning, containing all the land within said bounds. The above granted premises are conveyed in exchange of and for a strip of land of the same length and lying West of the above described land, constituting a portion of the old Highway along the shore of Lake Ontario in said Town of Richland, all of which is designated on Map made by Charles E. Briggs, surveyor, August 22nd, 1917, and filed herewith in Oswego County Clerk's Office. Together with the appurtenances; and all the estate and rights of the said parties of the first part in and to said premises. To Have and to Hold the above granted, bargained and described premises unto the said party of the second part, its successors and assigns forever. In Witness Whereof, The said parties of the first part have herunto set their hands and seals the day and year first above written.

In Presence of

Milford O. Tryon L. S.

Nellie E. Tryon L. S.

State of New York, County of Oswego. SS. On this 14th day of September, in the year One thousand nine hundred and seventeen, before me, the subscriber, personally appeared Milford O. Tryon and Nellie E. Tryon, his wife, to me personally known to be the same persons described in and who executed the foregoing instrument, and they severally acknowledged to me that they executed the same. Freelon J. Davis, Notary Public.

Recorded Oct. 1, 10:05 A. M., 1917.

*Freelon J. Davis* Clerk.

Milford O. Tryon & W.

To

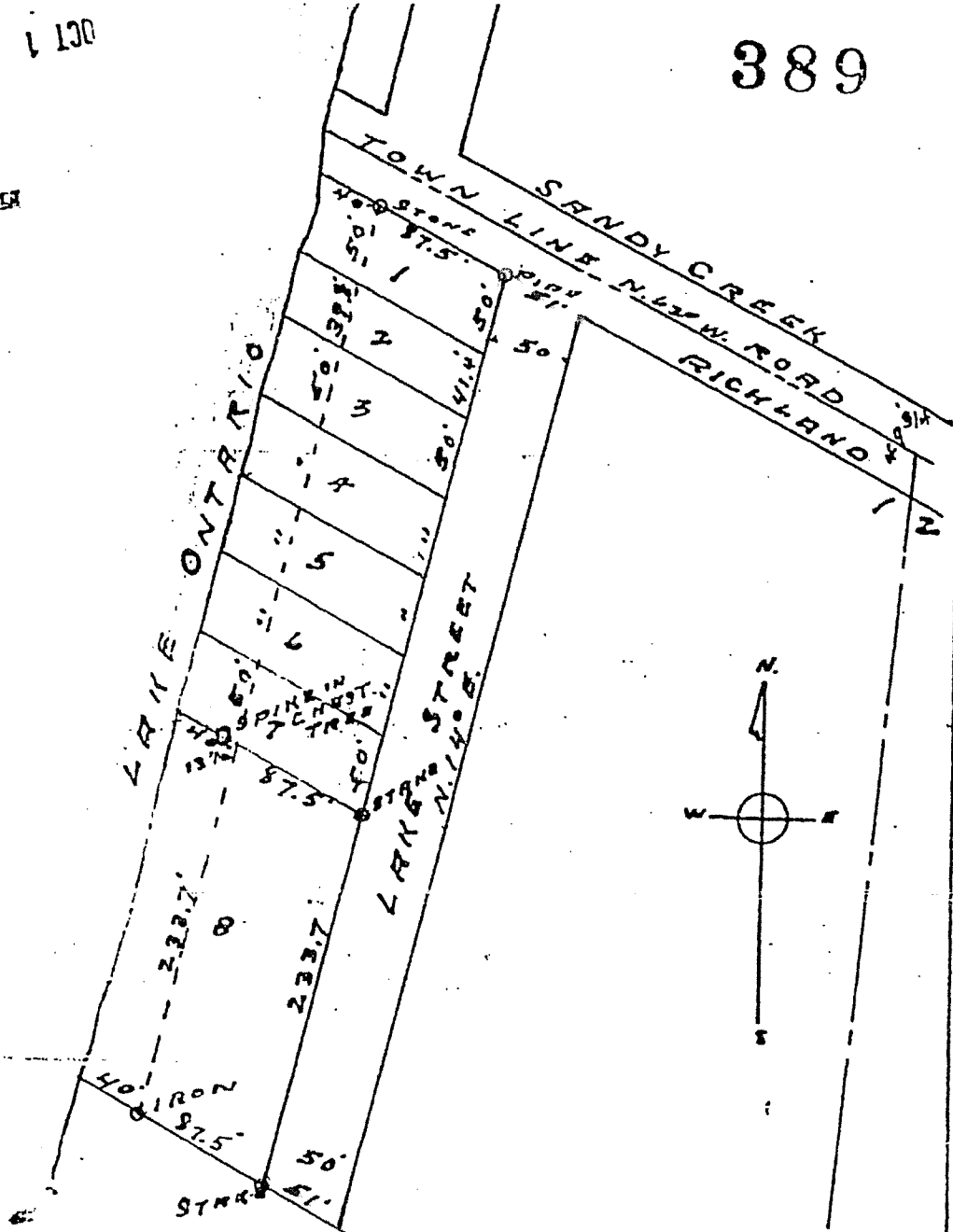
William J. Peach

This Indenture, Made the 14th day of September, in the year One thousand nine hundred and seventeen. Between Milford O. Tryon and Nellie E. Tryon, his wife, of the Town of Richland, Oswego County, N. Y., of the first part, and William J. Peach of the Village of Pulaski, N. Y., of the second part, Witnesseth, That the said parties of the first part, in consideration of the sum of Two Hundred Dollars (\$200.00), lawful money of the United States, paid by the said party of the second part, do hereby grant and release unto the said party of the second part, his heirs and assigns forever, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Richland, County of Oswego and State of New York, bounded and described as follows: Beginning at an iron stake on the South margin of a twenty acre lot conveyed by Sarah A. Clark to said Milford O. Tryon and wife by deed dated November 16th, 1907, and recorded in Oswego County Clerk's Office, on the 14th day of January, 1909, in Book 264 of Deeds, at Page 457, which stake is about 127½ feet Easterly from the shore line of Lake Ontario; running thence Northerly parallel with said shore line of Lake Ontario and along the West margin of the new highway conveyed September, 1917, by said Tryon to said Town of Richland, 233.7 feet; thence Westerly parallel with said South margin line of said Milford O. Tryon's 20 acre lot, 127.5 feet to said shore line of Lake Ontario; thence Southerly and parallel with said Lake Shore line 233.7 feet; thence Easterly 127.5 feet and along said Milford O. Tryon's said South line to the place of beginning, containing all the land within said bounds, all of which is designated on the map made by Charles E. Briggs, surveyor, August 22nd, 1917, and filed in the Oswego County Clerk's Office. This conveyance is made subject to the restriction that the party of the second part agrees not to permit any hotel, boarding-house or boat livery business to be conducted on the above described premises and that this covenant shall apply to and bind the heirs and assigns of said party of the second part. Together with the appurtenances;

OCT 1 10 04 AM 1917

389

3



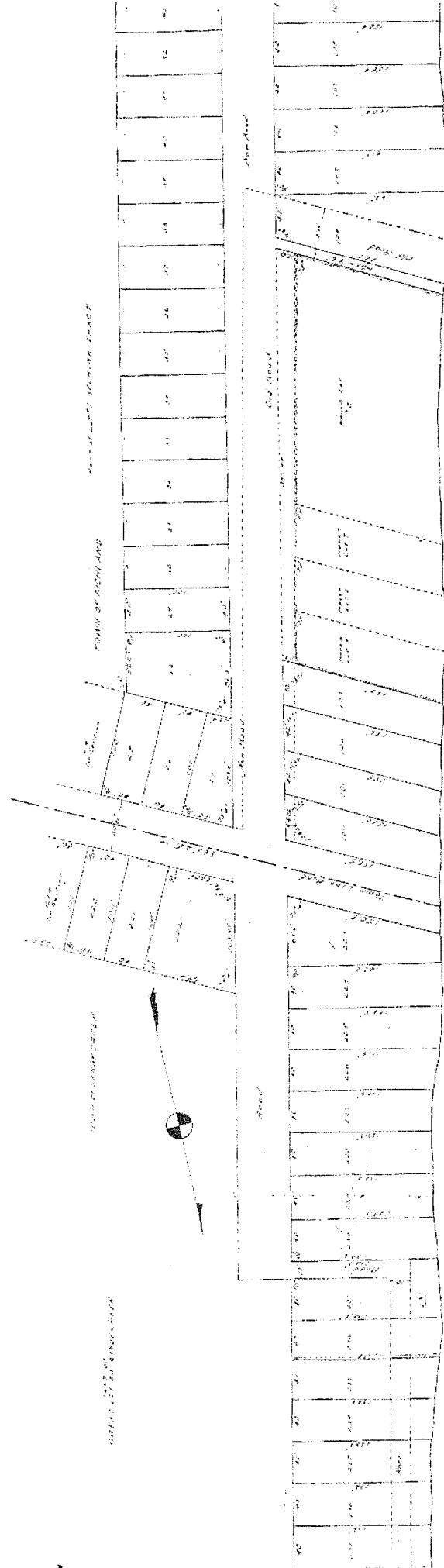
MILFORD AND NELLIE  
 E. TRYON'S FIRST SUB-DIVISION  
 OF LOT NPI, SELKIRK TRACT  
 TOWN OF RICHLAND, OSWEGO CO.  
 N.Y., SURVEYED AUG. 22, 1917  
 BY CHAS. E. BRIGGS, PULASKI, N.Y.  
 SCALE 1" = 100'

**FILED OCT 1 1917**

# RAINBOW SHORES FIRST SUBDIVISION

## SECTION 2

1900-1901

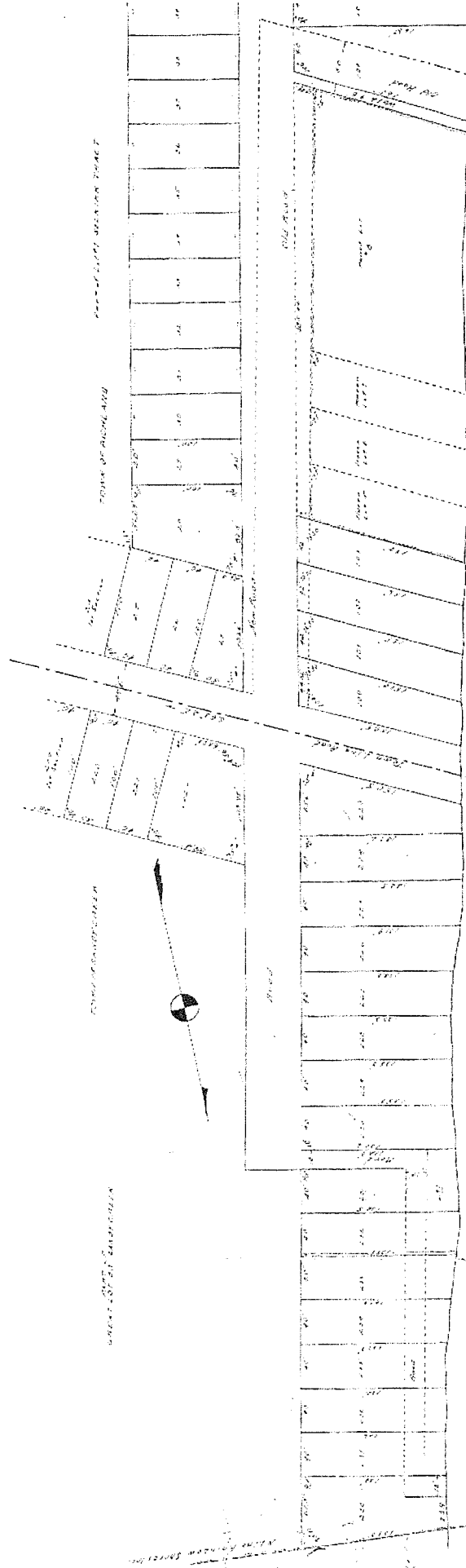




# RAINBOW SHORES FIRST SUBDIVISION

## SECTION 2

PLAT 100



EAST 100TH STREET

WEST 100TH STREET

OLD ROAD

PLAT 100



RAINBOW SHORES FIRST SUBDIVISION

# RAINBOW SHORES FIRST SUBDIVISION

SECTION 3  
SCALE 1" = 40'

SECTION 3

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----



PLAT 11 LINE 81

PLAT 11 LINE 81

PLAT 11 LINE 81



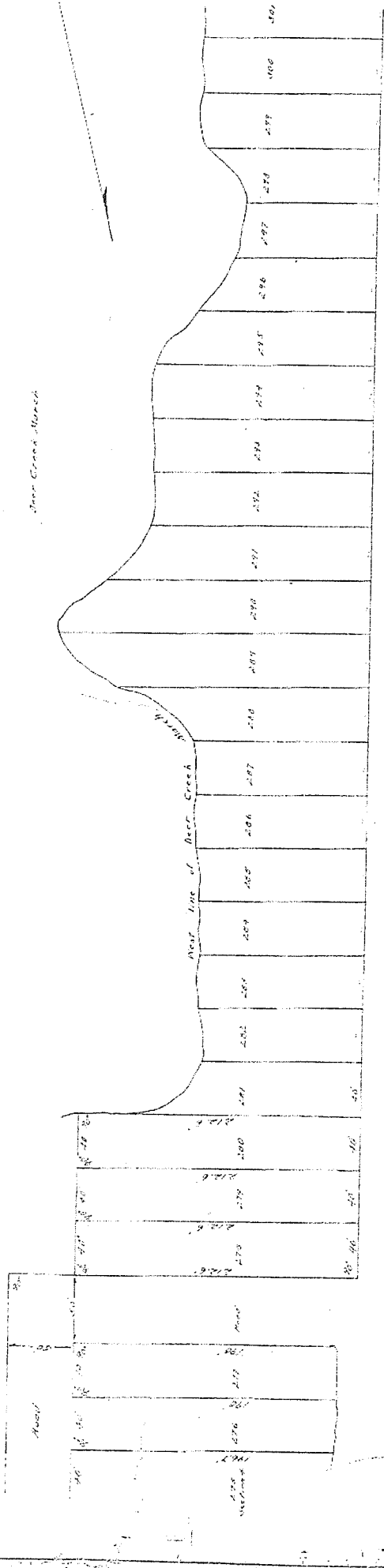


# RAINBOW SHORE

SEC  
 The map of 40 acres  
 was then divided into  
 lots of 1/20 acre each  
 and all lots were  
 sold to the following  
 persons as indicated  
 on the attached map.

Part of Lots 1 and 2 of the Rainbow Shore

Inner Grand Marsh



SCALE BAR

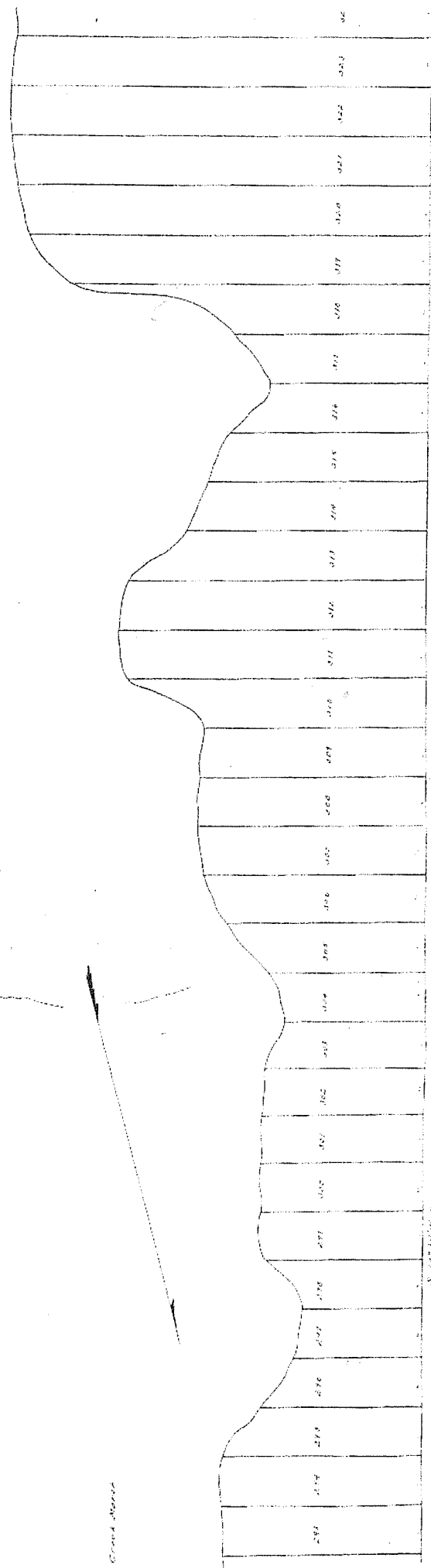
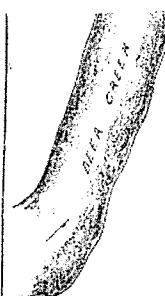
1. The map of 40 acres was then divided into lots of 1/20 acre each and all lots were sold to the following persons as indicated on the attached map.

# RAINBOW SHORES FIRST SUBDIVISION

## SECTION 5

As shown on the plat, the right of way for the road is 20 feet wide and the easement for the utility is 10 feet wide. The easement for the utility is 10 feet wide and the easement for the road is 20 feet wide. The easement for the utility is 10 feet wide and the easement for the road is 20 feet wide. The easement for the utility is 10 feet wide and the easement for the road is 20 feet wide.

June 1, 1964



Map of the Rainbow Shores First Subdivision  
 0 1 2 3  
 100 200 300 400 500 600 700 800 900 1000  
 Public Survey of the State of California

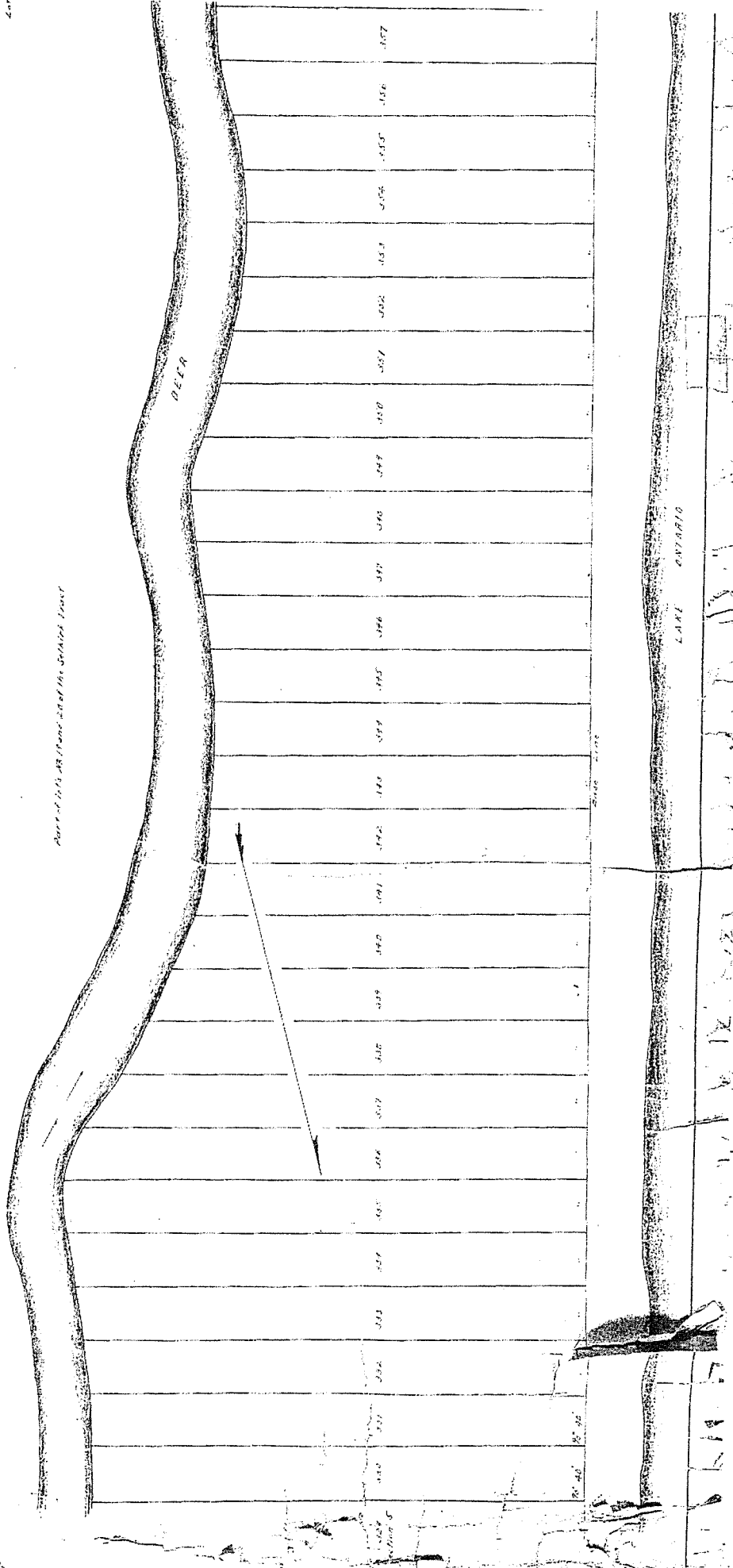
Plot II Line 100

# RAINBOW SHO.

200

MAP OF THE DISTRICT OF THE QUINCY TOWNSHIP

# 20-6

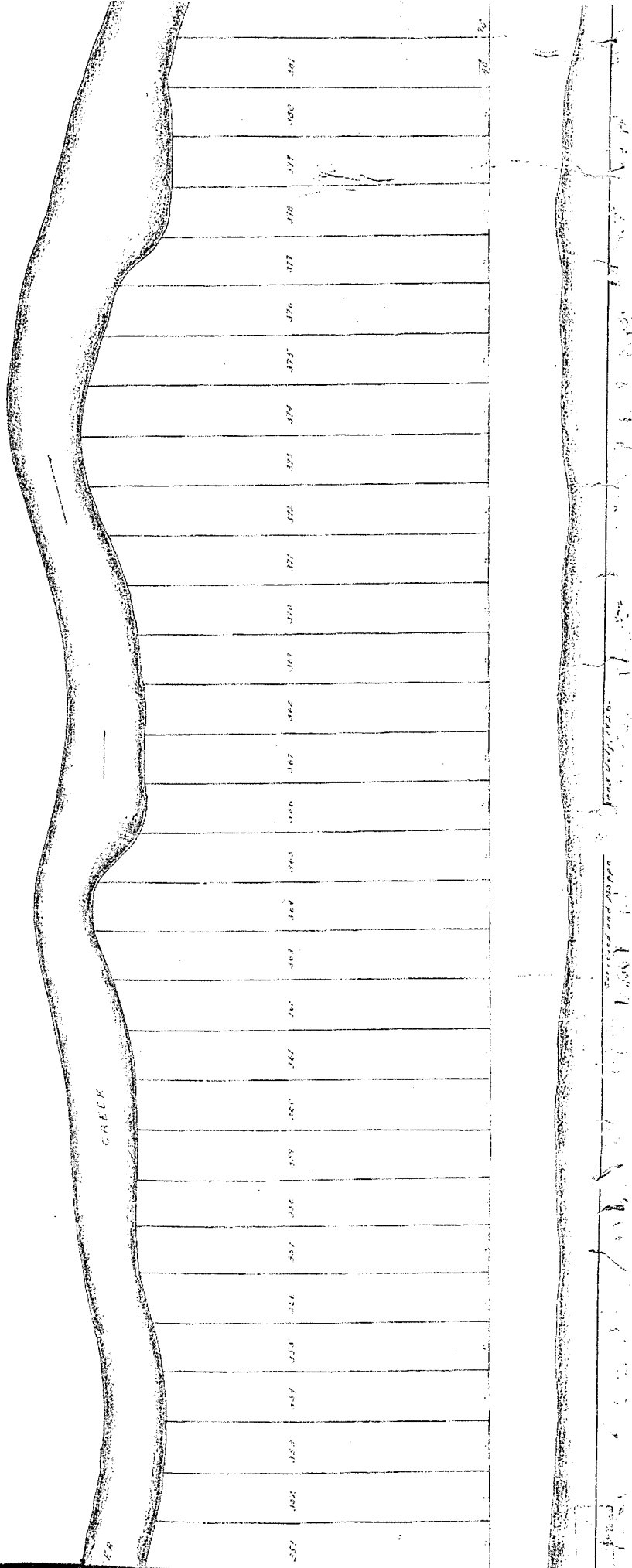


180 181 182 183 184 185 186 187  
188 189 190 191 192 193 194 195  
196 197 198 199 200 201 202 203  
204 205 206 207 208 209 210 211  
212 213 214 215 216 217 218 219  
220 221 222 223 224 225 226 227  
228 229 230 231 232 233 234 235  
236 237 238 239 240 241 242 243  
244 245 246 247 248 249 250 251  
252 253 254 255 256 257 258 259  
260 261 262 263 264 265 266 267  
268 269 270 271 272 273 274 275  
276 277 278 279 280 281 282 283  
284 285 286 287 288 289 290 291  
292 293 294 295 296 297 298 299  
300 301 302 303 304 305 306 307  
308 309 310 311 312 313 314 315  
316 317 318 319 320 321 322 323  
324 325 326 327 328 329 330 331  
332 333 334 335 336 337 338 339  
340 341 342 343 344 345 346 347  
348 349 350 351 352 353 354 355  
356 357 358 359 360 361 362 363  
364 365 366 367 368 369 370 371  
372 373 374 375 376 377 378 379  
380 381 382 383 384 385 386 387  
388 389 390 391 392 393 394 395  
396 397 398 399 400 401 402 403  
404 405 406 407 408 409 410 411  
412 413 414 415 416 417 418 419  
420 421 422 423 424 425 426 427  
428 429 430 431 432 433 434 435  
436 437 438 439 440 441 442 443  
444 445 446 447 448 449 450 451  
452 453 454 455 456 457 458 459  
460 461 462 463 464 465 466 467  
468 469 470 471 472 473 474 475  
476 477 478 479 480 481 482 483  
484 485 486 487 488 489 490 491  
492 493 494 495 496 497 498 499  
500 501 502 503 504 505 506 507  
508 509 510 511 512 513 514 515  
516 517 518 519 520 521 522 523  
524 525 526 527 528 529 530 531  
532 533 534 535 536 537 538 539  
540 541 542 543 544 545 546 547  
548 549 550 551 552 553 554 555  
556 557 558 559 560 561 562 563  
564 565 566 567 568 569 570 571  
572 573 574 575 576 577 578 579  
580 581 582 583 584 585 586 587  
588 589 590 591 592 593 594 595  
596 597 598 599 600 601 602 603  
604 605 606 607 608 609 610 611  
612 613 614 615 616 617 618 619  
620 621 622 623 624 625 626 627  
628 629 630 631 632 633 634 635  
636 637 638 639 640 641 642 643  
644 645 646 647 648 649 650 651  
652 653 654 655 656 657 658 659  
660 661 662 663 664 665 666 667  
668 669 670 671 672 673 674 675  
676 677 678 679 680 681 682 683  
684 685 686 687 688 689 690 691  
692 693 694 695 696 697 698 699  
700 701 702 703 704 705 706 707  
708 709 710 711 712 713 714 715  
716 717 718 719 720 721 722 723  
724 725 726 727 728 729 730 731  
732 733 734 735 736 737 738 739  
740 741 742 743 744 745 746 747  
748 749 750 751 752 753 754 755  
756 757 758 759 760 761 762 763  
764 765 766 767 768 769 770 771  
772 773 774 775 776 777 778 779  
780 781 782 783 784 785 786 787  
788 789 790 791 792 793 794 795  
796 797 798 799 800 801 802 803  
804 805 806 807 808 809 810 811  
812 813 814 815 816 817 818 819  
820 821 822 823 824 825 826 827  
828 829 830 831 832 833 834 835  
836 837 838 839 840 841 842 843  
844 845 846 847 848 849 850 851  
852 853 854 855 856 857 858 859  
860 861 862 863 864 865 866 867  
868 869 870 871 872 873 874 875  
876 877 878 879 880 881 882 883  
884 885 886 887 888 889 890 891  
892 893 894 895 896 897 898 899  
900 901 902 903 904 905 906 907  
908 909 910 911 912 913 914 915  
916 917 918 919 920 921 922 923  
924 925 926 927 928 929 930 931  
932 933 934 935 936 937 938 939  
940 941 942 943 944 945 946 947  
948 949 950 951 952 953 954 955  
956 957 958 959 960 961 962 963  
964 965 966 967 968 969 970 971  
972 973 974 975 976 977 978 979  
980 981 982 983 984 985 986 987  
988 989 990 991 992 993 994 995  
996 997 998 999 1000



# RAINBOW SHORES FIRST SUBDIVISION

SECTION 6  
 1/2 Acre Tracts  
 Located in the City of...  
 State of...



Plot # Line 34

100 60 80 20 30 50 70 90 100  
 0 1 2 3

**NY CLS High § 189****Copy Citation**

Current through 2019 released Chapters 1-29, 50-58

[New York Consolidated Laws Service](#) [Highway Law \(Arts. I -- XIII\)](#) Article  
[View Down Highway \(SS, L 1936, ch 63\)](#)

**§ 189. Highways by use**

All lands which shall have been used by the public as a **highway** for the period of ten years or more, shall be a **highway**, with the same force and effect as if it had been duly laid out and recorded as a **highway**, and the town superintendent shall open all such **highways** to the width of at least three rods.

**History**

Add. L 1936, ch 63, with substance transferred from § 209; amd, L 1959, ch 548, § 1; L 1963, ch 993, eff Sept 1, 1963.

## NY CLS High § 205

### Copy Citation

Current through 2019 released Chapters 1-29, 50-58

New York Consolidated Laws Service Highway Law (Arts. I -- XIII)  
Article VIII Town Highways (§§ 170 -- 218)

### § 205. Highways abandoned

1. Every **highway** that shall not have been opened and worked within six years from the time it shall have been dedicated to the use of the public, or laid out, shall cease to be a **highway**; but the period during which any action or proceeding shall have been, or shall be pending in regard to any such **highway**, shall form no part of such six years; and every **highway** that shall not have been traveled or used as a **highway** for six years, shall cease to be a **highway**, and every public right of way that shall not have been used for said period shall be deemed abandoned as a right-of-way. The town superintendent with the written consent of a majority of the town board shall file, and cause to be recorded in the town clerk's office of the town a written description, signed by him, and by said town board of each **highway** and public right-of-way so abandoned, and the same shall thereupon be discontinued.

2. There may also be a qualified abandonment of a **highway** under the following conditions and for the following purposes, to wit: Where it appears to the town superintendent and said town board, at any time, that a **highway** has not become wholly disused as aforesaid, but that it has not for two years next previous thereto, been usually traveled along the greater part thereof, by more than two vehicles daily, in addition to pedestrians and persons on horseback, and it shall also appear to the superintendent of **highways** of the county in which such town is situate that a qualified abandonment of such **highway** is proper and will not cause injustice or hardship to the owner or occupant of any lands adjoining such **highway** after such superintendent shall have held a public hearing thereon upon giving at least twenty days' written notice to such owners and occupants of such lands of the time and place of such hearing, they shall file and cause to be recorded in the town clerk's office a certificate containing a description of that portion of the **highway** partly disused as aforesaid and declaring a qualified abandonment thereof. The effect of such qualified abandonment, with respect to the portion of said **highway** described in the certificate, shall be as follows: It shall no longer be worked at the public expense; it shall not cease to be a **highway** for purposes of the public easement, by reason of such suspension of work thereon; no persons shall impair its use as a **highway** nor obstruct it, except as hereinafter provided, but no persons shall be

required to keep any part of it in repair; wherever an owner or lessee of adjoining lands has the right to possession of other lands wholly or partly on the directly opposite side of the **highway** therefrom, he may construct and maintain across said **highway** a fence at each end of the area of **highway** which adjoins both of said opposite pieces of land, provided that each said cross fence must have a gate in the middle thereof at least ten feet in length, which gate must at all times be kept unlocked and supplied with a sufficient hasp or latch for keeping the same closed; all persons owning or using opposite lands, connected by such gates and fences, may use the portion of **highway** thus enclosed for pasturage; any traveler or other person who intentionally, or by wilful neglect, leaves such gate unlatched, shall be guilty of a misdemeanor, and the fact of leaving it unlatched shall be prima facie evidence of such intent or wilful neglect. Excepting as herein abrogated, all other general **laws** relating to **highways** shall apply to such partially abandoned **highway**. This section shall not apply to **highways** less than two rods in width unless it shall appear to the town superintendent at any time that such a **highway** has not, during the months of June to September inclusive of the two years next previous thereto, been usually traveled along the greater part thereof by more than ten pedestrians daily.

Any action or proceeding involving the abandonment or qualified abandonment of a **highway** made pursuant to this section must, in the case of abandonment, be commenced within one year from the date of filing by the town superintendent as provided in subdivision one of this section.

## History

Add, L 1936, ch 63, with substance transferred from § 234; amd, L 1937, ch 475; L 1966, ch 506, § 1, eff Sept 1, 1966; L 1971, ch 1110, § 108, eff July 2, 1971; L 1988, ch 161, § 1, eff June 27, 1988.

Current through 2019 released Chapters 1-29, 50-58

**New York Consolidated Laws Service > Town Law (Arts. 1 — 19) > Article 16 Zoning and Planning (§§ 260 — 285)**

**§ 280-a. Permits for buildings not on improved mapped streets**

1.No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan, or if there be no official map or plan, unless such street or highway is (a) an existing state, county or town highway, or (b) a street shown upon a plat approved by the planning board as provided in sections two hundred 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 of 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 two hundred sixty-seven-b of this chapter, 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.