



VAN LIEW REAL ESTATE ADVISORS, INC.

P.O. BOX 570
ST. JAMES, NEW YORK 11780

Website: www.vanliewrealestateadvisors.com

Email: vanliewrealestateadvisors@gmail.com

Cell Phone: (516) 983-7864

AUGUST 19, 2023

The Village of Head of The Harbor
500 North Country Road
St. James, New York 11780

ATTENTION: THE HONORABLE DOUGLAS DAHLGARD, MAYOR,
AND MEMBERS OF THE BOARD OF TRUSTEES

SUBJECT: SAINT DIONYSIOS MONASTERY, LOCATED AT 481
NORTH COUNTRY ROAD, ST. JAMES, NEW YORK 11780,
APPLICATION FOR CONSRUCTION OF A “WORSHIP
BLDG.” ON A PORTION OF THE PRESERVED HISTORIC
SITE (“TIMOTHY HOUSE”)

Dear Ladies and Gentlemen:

During the summer of 2021 Doug Dahlgard, knowing that my family had owned “Timothy House” since 1943, and I had inherited it in 2004, fully restored it and its surrounding land in 2004 & 2005, and sold it to Gillian Stewart in 2006, who in turn sold it to the Saint Dionysios Monastery in 2018, told me that the village had received subject application, and he thought I would like to rebut same. His assumption was correct.

On October 13, 2021, I submitted to you, via Ms. Margaret O’Keefe (Village Administrator/Clerk), a comprehensive bound rebuttal to subject application one month following the date the village planning board voted unanimously to disapprove subject application (after reviewing that same comprehensive bound rebuttal).

In that bound rebuttal was, among other things, a Chicago Title Company title report on “Timothy House”, which included two recorded “Historic Place and Open Space Easement Deeds”, by and between Barbara Ferris Van Liew, Grantor and the Incorporated Village of Head-of-The-Harbor, Grantee. One was dated April 30, 1973, and one was dated November 5, 1997. The germane essence of both those Easement Deeds that affect the monasteries ability to build a “church” on the field contiguous to historic Route 25 A (North Country Road) are:

1. “Now, therefore, in recognition of the forgoing and in consideration of the sum of one (\$1.00) dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee an easement in the structure referred to in the preambles hereto (hereinafter called the “House”) and in the parcel of land, consisting of 4.609 acres, on which the house is located (hereinafter, collectively with the house, called the “property”).”
2. “Whereas the property is located on the historic North Country Road, Town of Smithtown, County of Suffolk and State of New York, the character of which it is desirable to preserve as a historic resource.”
3. “Whereas the Grantor and the Grantee wish to preserve the environment in which the historic structure on the property now exists so as to realize its great educational and cultural value, and wish to prevent any unsightly developments that will tend to mar or to detract from such environment which would materially affect the historic value of said structure or of historic North Country Road, by altering its surroundings.”
4. “The open space and natural character of the Property shall be maintained as a landscaped environment so as to enhance the setting of the house as a historic landmark ...”.
5. “If at any time, the Grantee shall cease to exist, then on the happening of such event, this easement and the rights and privileges by this instrument granted and given to Grantee shall cease and determine to the same effect as though this instrument has never been executed by the Grantor”.

On August 15, 2023, Troy & Linda Rosasco submitted to the Village of Head of The Harbor Board of Trustees a letter of support for subject application. In that letter of support the Rosasco’s said the following:

1. “There is no legal doubt that as elected Village Trustees you have the vested authority and power to approve this application should you wish.”

2. “Should all current and future residents of our Village expect that Mrs. Van Liew’s “covenants and restrictions” (already over 50 years old) tie the Village’s hands “forever” as the opponents claim?”
3. “In fact, there is an excellent and persuasive argument (made in the Church’s Post-Hearing Legal Brief and by one of the speakers who actually knew Ms. Van Liew) that given the choice today, Ms. Van Liew may have desired the long-standing good stewardship of Timothy House that the Monastery has shown to date and assured the Village they will supply over the entire property in the future”.
4. “The opponents have not disputed the fact that after the property sat vacant on the market for over 5 years before the Monastery bought it ...”.
5. “In addition, the opponents frequently refer to Timothy House and the property as if it were a 233-year-old untouched historic structure and property that must not be disturbed. This is not true. The truth is that the structure of Timothy House itself has been substantially modified by past owners. In 1903 an entirely new wing was added to Timothy House.”
6. “In addition, the property upon which Timothy House sits has been sliced and diced over many years by numerous different owners according to their own specific needs.”

Before I respond to the above excerpts from the Rosasco’s letter, I would like to quote what my brother (Alfred B. Van Liew II of Middletown RI), at the request of Leighton Coleman – Village of Head of The Harbor historian, had to say regarding Mr. Rosasco’s statement that ... “this is what Barbara Van Liew would have wanted” ... “Our mother in my earliest memories respected that she owned architecturally and historically important buildings. She felt strongly that the open land, between Timothy House and it’s out buildings to 25 A, was a prime component of its whole being. She was thrilled that the village of Head of The Harbor accepted responsibility for protecting this historic asset.”

The following are my responses to the above 6 excerpts from the Rosasco’s letter:

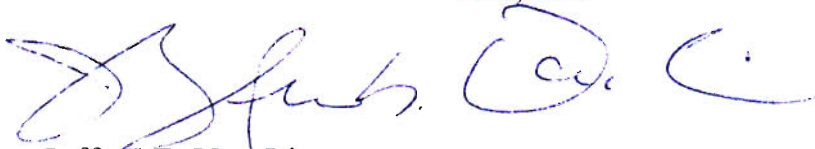
1. That statement is false.
2. Yes, see Easement Deed excerpts 1 through 5 above.

3. True, if they honored the terms and conditions of the recorded “Historic Place and Open Space Easement Deeds” they accepted through escrow when they purchased the property from Gillian Stewart.
4. False, the property was not vacant for five years after Gillian Stewart purchased it. She spent all weekends and holidays at Timothy House until the date she sold it. She also maintained the house and the grounds meticulously.
5. Timothy House is on the National and State Registers of Historic Places. It is listed in the Library of Congress. Any modifications to the structure over its history are noted by the historical authorities (if not it could not be on those registries). In 1903 Lawrence Butler moved the house back 400 ft. from North Country Rd. (25 A). At that time he did add the West side of the house (from the front entrance West).
6. False, the “property” (the 4.69 acres described in both “Historic Place and Open Space Easement Deeds”), and the property purchased by the Monastery, has been that size for over 25 years.

At the moment the Timothy House estate, as described in the two recorded and legally binding “Historic Place and Open Space Easement Deeds”, is the monasteries “church”. Should they require additional facilities and accommodations they should enter into an “adaptive redevelopment” program, with the cooperation of a qualified developer and the Village of Head of The Harbor (the “Grantee/Lessees”), to create those additional accommodations in such a manner that the terms and conditions of both Historic Place and Open Space Easement Deeds are not violated (the re-developed site would look exactly as it does now).

Very truly yours,

Van Liew Real Estate Advisors, Inc.

A handwritten signature in blue ink, appearing to read "Jeffere F. Van Liew". The signature is stylized and cursive.

Jeffere F. Van Liew
Chairman