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Copies.....⁷ Planning Board
 Town Board
 Zoning Board
 Legal Dept.
 DOTS Director
 C.A.C.
 A.R.C.
 Applicant

 Sent 4/27/20

April 24, 2020

By Email

Hon. Loretta Taylor
Chairperson of the Town of Cortlandt Planning Board
and Members of the Planning Board
Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

**Re: Kirquel Development, Ltd. (PB No. 13-05)
Request For Additional Extension of Final Plat Approval**

Dear Chairperson Taylor and Members of the Planning Board:

We hope that you and your families are safe and well.

As you know, we represent Kirquel Development, Ltd. in connection with its residential subdivision located at the south end of Mill Court Crossing. The Planning Board granted Final Plat Approval by Resolution No. 10-16, adopted on March 1, 2016.

The Applicant respectfully requests an additional 90-day extension of Final Plat Approval, and asks that this matter be placed on the Board's May Agenda.

The Applicant is in contract with a potential developer of the property, and requests additional time for the contract-vendee to pursue its development approvals for a proposed solar project. The contract-vendee has already exercised two options on its Contract of Sale. The contract-vendee has been actively working on its proposal and was anticipating submitting a formal application, but has been delayed due to COVID-19. The Applicant desires to maintain its approvals for the residential Mill Court Crossing Subdivision while the contract-vendee continues to pursue its application.

We also wish to remind the Board of the legal standard that an extension request shall be granted where, as here, there have not been changed circumstances that require further subdivision or environmental review.¹

Thank you for the Board's attention.

Respectfully submitted,

ZARIN & STEINMETZ

By: Brad Schwartz

Brad Schwartz

cc: Mr. Michael Sheber
Tim Cronin, III, PE
Thomas F. Wood, Esq./Michael J. Cunningham, Esq.
Chris Kehoe, AICP
Michael Preziosi, PE

¹ See Allegany Wind, LLC v. Planning Board of the Town of Allegany, 982 N.Y.S.2d 278, 279 (4th Dep't 2014) ("the applicant 'must be afforded an opportunity to show that circumstances have not changed, and a denial of [an] extension will only be sustained if proof of such circumstances is lacking'"); see also Dil-Hill Realty Corporation v. Schultz, 385 N.Y.S.2d 324, 327 (2d Dep't 1976) ("[t]he purpose for imposing a time limitation . . . is to insure that in the event conditions have changed at the expiration of the period prescribed[,] the board will have the opportunity to reappraise the proposal").