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MEMORANDUM

TO: Chairwoman Taylor & Members of the Planning Board

FROM: Michael J. Cunningham, Esq.
Deputy Town Attorney

RE: PB 2022-3: Application of James Connolly for Preliminary & Final Subdivision approval for a 2-lot minor subdivision of an approximately 1.49-acre parcel of property located at 49 Dutch Street

DATE: August 29, 2022

I. Ability to Subdivide

Due to the prior history of the other lots on Sycamore Court being created pursuant to a subdivision, as long as the dimensions of the proposed lot to be subdivided can comply with the Town Code, I believe that the Planning Board has the authority to approve a subdivision for the Applicant.

II. Rights to Sycamore Court

As part of the Application, the Applicant proposes installing infrastructure in the roadway of Sycamore Court. The Applicant has obtained two separate opinions from Title Companies, one from 2004 and one from 2022, which both have determined that Sycamore Court is owned by the "heirs at law of Edward J. McManus..." If the Planning Board votes to approve this subdivision, it would need to be conditioned upon the Applicant obtaining approval from the heirs at law of Edward J. McManus to install infrastructure within the roadway.

III. Road Maintenance Agreement

After review, it appears to be that the terms of the Road Maintenance Agreement are part of a private agreement outside of the Planning Board's jurisdiction. While there could be a private cause of action by the other owners who are parties to this agreement, renegotiating the terms of the agreement is outside of the Planning Board's jurisdiction.