

McGULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

FRANK S. McCULLOUGH, JR.
JAMES STAUDT
LINDA B. WHITEHEAD
SETH M. MANDELBAUM

AMANDA L. BROSY
EDMUND C. GRAINGER, III
PATRICIA W. GURAHIAN
MEREDITH A. LEFF
MORGAN H. STANLEY
KEVIN E. STAUDT
STEVEN M. WRABEL

CHARLES A. GOLDBERGER
COUNSEL

10605

(914) 949-6400

FAX (914) 949-2510

WWW.McGULLOUGHGOLDBERGER.COM

FRANK S. McCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2005)

October 21, 2020

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

Re: Application of AJ Cortlandt, LLC (formerly Furnace Dock, Inc.), 16 lot cluster
subdivision, Furnace Dock Road

Dear Chairperson Taylor and Members of the Planning Board:

As you will recall, by Resolution No. 17-11 dated July 6, 2011, the Planning Board granted conditional final plat approval for the above referenced application. You have previously granted thirty-four (34) extensions of the conditional approval. In May the Planning Board voted to extend all current extensions due to Covid 19.

Our client has still not been able to meet the conditions of the final subdivision approval, due only to issues with Jonas Bastys, Inc., the owner of the sewage treatment plant. The owner and operator had been issued violation by the Westchester County Department of Health and New York State DEC which prevented additional connections until certain repairs and improvements were completed. This has been going on for several years and our client has been trying for several years to work with the owner to assist with the repairs. In the mean time the owner has been unable to issue an updated "will serve" letter as required by the Westchester County Department of Health before DOH will re-sign our subdivision plat. You will recall that DOH had previously signed the plat but due to some changes requested by the Town and the passage of time the plat has been revised and must be re-signed.

In just the last two weeks our client has finally been able to again reach the owner who has indicated he has just one additional repair to be completed to have the violations lifted. Despite having an agreement already in place, our client has also agreed to amend that agreement to provide for payment of an additional connection fee. We hope this matter will now move forward and that we will shortly have the will serve letter.

We understand this is very unusual request and situation, but unfortunately the delay has been completely beyond our client's control and we have had no choice and no other alternative way to move forward and meet the conditions. Due to these circumstances which are clearly beyond our client's

control, we are respectfully requesting a thirty-fifth (35th) and again hopefully final ninety (90) day extension. We

We hereby request that this matter be put on your next available agenda for consideration. Thank you for your continued cooperation in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Linda B. Whitehead". The signature is fluid and cursive, with a large initial "L" and "W".

Linda B. Whitehead, Esq.