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..... 1 DOTS Director

..... C.A.C.

..... A.R.C.

..... Applicant

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March 9, 2018

PS 9-99

MGS#2224.03

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

Re: **Application of Beaver Brook Cortlandt, LLC (formerly Furnace Dock, Inc.), 2/15/18**
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 twenty-five (25) ninety (90) day extensions of the conditional approval.

Due to the timing and current circumstances, we are respectfully requesting a twenty-sixth (26th) and hopefully final ninety (90) day extension.

Our client is actually anxious to get the plat filed and begin construction at this point. As we previously indicated, the revised and updated plat has been submitted to the Department of Health for re-approval. As you may recall the DOH previously signed the subdivision plat in 2011, but changes have been made at the request of the Town since that time. The DOH has requested updated "will serve" letters from the Town and the operator of the Baltic Estates Sewer Treatment Plant. We are still awaiting updated requests for payments from Jonas Bastys, Inc. in connection with issuing the updated "will serve" letter. Unfortunately there has been a change in ownership and attorneys over the last few months and we have had issues moving this forward, but are hopeful we will have the letter shortly.

As to the other remaining conditions to be satisfied, the client is prepared to provide the soil erosion and maintenance security, as well as the performance security. The payment of \$90,000 to the Town for the railroad pond property (condition 7d.) has already been paid by our

client, and the remaining payments are due pursuant to an agreed schedule relating to the issuance of building permits and certificates of occupancy, or in the case of the inspection fee, 60 days prior to the commencement of any work on the site. Lastly, easement documents have been prepared and were submitted to the Town Attorney for review.

We hereby request that this matter be put on your April 3, 2018 agenda, although it is possible we will have met the conditions prior to that time.

Thank you for your continued cooperation in this matter.

Very truly yours,



Linda B. Whitehead, Esq.

cc: Howard Blitman, P.E.
Cosmo Marfione, P.E.
Dan Ciarcia, P.E.

WHEREAS, an application for Planning Board approval of a Final Plat pursuant to Sections 276 and 277 of the New York State Town Law and Chapter 265 (Subdivision Regulations) of the Town of Cortlandt Code submitted by **Beaver Brook Cortlandt, LLC** for a 16 lot cluster subdivision of a 42.43 acre parcel of property as shown on a Final Plat entitled "Subdivision Plat for Furnace Dock, Inc" latest revision dated April 11, 2011 prepared by Scott B. Gray, L.S and on a 12 page set of improvement drawings entitled "Furnace Dock Subdivision" prepared by Dan Ciarcia PE, latest revision dated April 14, 2011 was approved by Planning Board Resolution 17-11 adopted on July 6, 2011, and

WHEREAS, the subject property is located on the north side of Furnace Dock Road, 1,500 feet east of Albany Post Road and is designated on the Town of Cortlandt Tax Maps as Section 55.19, Block 1, Lot 1, and

WHEREAS, by Resolutions 3-12, 11-12, 21-12, 29-12, 4-13, 15-13, 28-13, 42-13, 3-14, 12-14, 21-14, 29-14, 2-15, 6-15, 12-15, 16-15, 1-16, 11-16, 22-16, 3-17, 10-17, 25-17 & 1-18 the Planning Board previously granted twenty-five (25) 90-day time extensions the latest of which expired on March 11, 2018, and

WHEREAS, by a letter dated March 9, 2018 Linda Whitehead, Esq. requested the twenty-sixth (26th) extension of Final Plat Approval to satisfy conditions of said approval, and

WHEREAS, the Applicant is required to obtain coverage under SPDES General Permit for Stormwater Discharges from Construction Activity. The submitted and reviewed Stormwater Pollution Prevention Plan "SWPPP" was designed to meet the standards of an outdated New York State Department of Environmental Conservation Stormwater Design Manual. The NYSDEC, Division of Water published a Transition Policy (DOW –IGP 4: New York State Stormwater Management Design Manual Update) to provide guidance for construction activities seeking coverage to continue using the previous Design Manual in which a SWPPP was designed in conformance with.

NOW THEREFORE BE IT RESOLVED, that the request of Linda Whitehead, Esq. for the 26th 90-day time extension of the above mentioned Final Plat is **APPROVED** said extension to expire on June 9, 2018, subject to the following conditions and modifications:

(continued on page 2)

CONDITIONS AND MODIFICATIONS:

- 1) The Applicant must obtain and submit written correspondence from the New York State Department of Environmental Conservation (NYSDEC) Division of Water that their Transition Policy can be applied to the Storm Water Pollution Prevention Plan "SWPPP" on file as part of this Application.**

TO BE CONSIDERED FOR ADOPTION: APRIL 3, 2018