

Right to Know/FOIL

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Town Supervisor

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MEMORANDUM

TO: Chairwoman & Members of the Planning Board
FROM: Thomas F. Wood
Town Attorney
RE: Abee Rose Acquisition Attempts
DATE: September 17, 2018

Copies 1. Planning Board
..... Thomas F. Wood
..... Town Board Town Attorney
..... tfwesq@aol.com
..... Zoning Board
..... MICHAEL J. CUNNINGHAM
..... Legal Dept. Assistant Town Attorney
..... mcunningham@townofcortlandt.com
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..... JOSHUA B. SUBIN
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..... jsubin@townofcortlandt.com
..... A.R.C.
..... Applicant

Sent 9/17/18

As you are aware this application has been before your board in various forms for over 20+ years.

The very first application was for some 41 lots and was modified but ultimately the application was denied. The board at that time felt that the requested number was too great.

During the pendency of the first application the Supervisor and Town Board worked with some area residents to attempt to acquire the entire parcel. At that time an appraisal was obtained and both NYC DEP and Scenic Hudson were approached to participate with the Town in acquiring it. Unfortunately despite great effort, acquisition funding was not attainable.

The application lay dormant for some time. During these years the taxes were unpaid. During this period of dormancy the property owner filed a tax certiorari proceeding to challenge his assessment. During this proceeding a value reduction was approved by the Supreme Court.

At this point the town then attempted to obtain the property by waiving the back taxes as consideration for a deed. Following negotiations a proposal came forth to allow the applicant to seek five (5) lots with the balance being dedicated to the town as open space. The Town Board was willing to pay an additional \$100,000 in addition to waiving the repayment of the back taxes.

When public opposition to the five (5) lots began, the Town then reached out again to attempt to acquire the parcel.



The current proposal resulted in the immediate acquisition of approximately 106 acres as open space. The applicant retained 26+ acres and agreed not to apply for more than three (3) lots (the current proposal). This modified proposal increased the cash payment to \$300,000. The Town Board, to acquire the large parcel and reduce the development, paid \$100,000 from the general fund, utilized \$200,000 which was the remaining balance of the open space fund and agreed to forgo approximately \$500,000 in back taxes.

During the pendency of the current application the town again met with the applicant but the applicant is not willing to sell or reduce his application any further.

I am told some concerns were raised about acquiring the property. I do hope this clarifies what the town has attempted to do. Should you have any other concerns, please advise.