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November 20, 2018

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- Copies 7. Planning Board
- Town Board
- Zoning Board
- Legal Dept.
- DOTS Director
- C.A.C.
- A.P.C.
- Applicant
- _____
- _____

MGS#2224.03

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

PB 9-94

**Re: Application of Beaver Brook Cortlandt, LLC (formerly Furnace Dock, Inc.), 11/2/18
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-eight (28) ninety (90) day extensions of the conditional approval.

Due to circumstances beyond our client's control, as described below, we are respectfully requesting a twenty-ninth (29th) and again 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 Sewage Treatment Plant.

As we advised you in our May 2018 extension request letter, in the course of discussions with Jonas Bastys, Inc., the owner/operator of the Baltic Estates Sewage Treatment Plant, to obtain merely an update of the letter they previously provided, we became aware of the fact that NYSDEC has required certain work to be undertaken by Jonas Bastys, Inc. at the Baltic Estates Sewage Treatment Plant. Due to this, they have indicated they are unable to give us an updated "will serve" letter at this time and we have been advised they cannot allow any new connections

until the work is complete. Our efforts to meet with them and try to assist with getting the work done to obtain the letter have been unsuccessful. The only information we have gotten, which we have been unable to confirm, is that they have been undertaking the work and are close to completion. Hopefully they really are close to completion and will then provide the necessary letter. We have had conversations directly with DEC and the Department of Health to try to reach resolution of this matter. Without the letter, DOH will not sign the updated plat. As you can see, this is completely beyond my client's control.

As we previously indicated with respect to the remaining conditions, 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 December 4, 2018 agenda for consideration.

Thank you for your continued cooperation in this matter.

Very truly yours,


Linda B. Whitehead, Esq.

cc: Chris Munch
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, 9-18 & 15-18 the Planning Board previously granted twenty-eight (28) 90-day time extensions the latest of which will expire on December 6, 2018, and

WHEREAS, by a letter dated November 20, 2018 Linda Whitehead, Esq. requested the twenty-ninth (29th) extension of Final Plat Approval to satisfy conditions of said approval, and

WHEREAS, the applicant has advised the Town that they are working with the County Health Department on issues associated with the required approvals for sewage disposal which may take additional time to complete, and

WHEREAS, the Planning Board has serious reservations regarding the number of extensions that have been granted for this project and hereby warns the applicant that additional time extensions may not be granted unless in the opinion of the Director of Technical Services and the Town Legal Department specific measurable progress has been made in meeting the remaining conditions of the final approval.

NOW THEREFORE BE IT RESOLVED, that the Planning hereby grants **approval** for two, the 29th and 30th, 90-day time extensions for the applicant to coordinate required approvals with the County Health Department said time extensions will expire on June 4, 2019.

TO BE CONSIDERED FOR ADOPTION: DECEMBER 4, 2019