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June 30, 2017

Hon. James Sheers, Chair
And Planning Board Members
City of Beacon Planning Board
City Hall
1 Municipal Square
Beacon NY 12508

Re: Beacon 248: request for extension of subdivision approval

Dear Chairman Sheers and Planning Board members:

On behalf of the Applicant, I am writing to request a further extension (two extensions of 90 days each) of the above subdivision approval. The Board previously extended the former January 2017 deadline to present the final plat by two 90 day extensions at its December 2016 meeting.

The “subdivision” in this case is actually the combination of two parcels so as to make the property larger than it was initially, rather than the usual subdivision which creates smaller parcels out of a larger one.

The applicant has been working diligently on the conditions that were outstanding as of the date of the last extension. The Corrected Second Amendment to Indenture relating to the MTA crossing has been recorded. Larry Boudreau of Chazen Engineering has prepared the proposed final plat responding to the previous engineering comments of Lanc & Tully and the previous planning comments by Frederick P. Clark Associates.

However, there is one condition that the Planning Board imposed that the applicant is still working on: the requirement that the applicant provide emergency access to its adjoining property owner (the “Sisters” property) through its property, which includes a minor relocation of the existing easement path to align with the proposed site plan layout, and then extend through the Central Hudson property. This agreement is necessary to allow Larry Boudreau to provide the final plat to the City consultants for final review. The applicant has been negotiating



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with Sisters since early February 2017, and has discussed a number of alternatives. While progress has been made in the negotiations, the applicant has not yet been able to attain a final agreement with Sisters. This is a factor beyond the applicant's control. The finalization of this information is necessary for Chazen to finalize the plat.

The applicant has also worked diligently during this extension period to resolve the concerns relating to the Greenway Trail easement that the City has required. The applicant participated very actively in the Council's legislative process in revising the City's Trail Law. The amended law was adopted on April 3, 2017. Based upon the enactment of the law, the applicant is continuing to work on finalizing the language of the Greenway Trail Easement document. The adoption of the City's law was a key element in resolving the issues, but there are a number of additional issues for the easement document. Since a number of property owners have Greenway Trail easements in their developments, the agreement that the City makes will become a prototype for many properties, and requires due consideration and involvement of a number of people.

Under the circumstances, we believe that the applicant has shown due diligence in furtherance of the approvals, and that two 90-day extensions are warranted. The applicant respectfully requests that the Planning Board grant a further extension consisting of two (2) 90 day extensions, extending to December 31, 2017 the date by which all items in Condition A above must be certified as completed and the Final Plat submitted for endorsement by the Planning Board Chair.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "JL Van Tuyl", is written over a light blue circular stamp.

Jennifer L. Van Tuyl

Cc: Jennifer Gray, Esq.
Pete DeRosa
Larry Boudreau