



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer
tpalmer@cuddyfeder.com

December 29, 2017

**BY FEDERAL EXPRESS
AND E-MAIL**

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Roseneth Estates, LLC
Premises: South Avenue, Beacon, New York
Preliminary & Final Subdivision Approval /
Quitclaim Deed Extension of Conditions of Sale

Dear Mayor Casale and Members of the City Council:

On behalf of Roseneth Estates, LLC and Rodney Weber (collectively referred to as the “Applicants”), I am writing to request an extension of the Conditions of Sale set forth in the Quitclaim Deed (the “Deed”), by and between the City of Beacon (“Seller”) and Roseneth Estates, LLC (“Purchaser”), dated January 10, 2014. Following the execution of the Deed, the City of Beacon Planning Board granted Preliminary and Final Subdivision Approval to the Applicants, which was adopted on November 12, 2014, and dated December 9, 2014 (the “Subdivision Approval”).

As you are aware, Condition I.(10) of the Conditions of Sale set forth in the Deed required the Purchaser to submit a complete building permit application for a single-family home within 45 days of the Final Subdivision Approval, which was signed by the Planning Board on August 11, 2015. Condition I.(12) of the Conditions of Sale set forth in the Deed requires the Purchaser to diligently pursue construction and obtain a Certificate of Occupancy for a preliminary dwelling within one (1) year of the date of issuance of the building permit. The Applicants subsequently obtained a building permit on October 12, 2016.

The Applicants have commenced and construction is well underway at the Premises, and the Applicants have been diligently working with the Contract Vendee toward obtaining a Certificate of Occupancy (“C.O.”). We understand that the Building Department will be on the Premises next week to see the continued progress as the building comes to completion. Pursuant to our conversation with City Administrator Ruggiero in September of this year, we provided this Council with a construction schedule that confirmed that the builder expected to be ready to obtain a C.O. by the end of January. While we understand that the builder still



December 29, 2017
Page -2-

anticipates to be ready to request for the issuance of the C.O. by the end of January 2018, in September of this year we had requested an extension until April in case of bad weather, winter storms or other unforeseen circumstances, so there was sufficient time to apply for the C.O. and obtain the same without requiring further extension. At that time, we were advised that we could appear again before this Council if any additional time was needed in order to obtain the C.O.

Given the Applicants' diligent efforts to date and the continued work at the Premises, it is the Applicants intent to complete construction and obtain the Certificate of Occupancy prior to the January 31, 2018 expiration date. However, the Applicants are respectfully submitting this request for one (1) 60-day extension, as authorized by Condition I.(14) of the Conditions of Sale set forth in the Deed, in advance of the pending expiration on January 31, 2018 in the event of any unforeseen circumstances. Should the Certificate of Occupancy be obtained prior to the January 31, 2018 expiration date, we will respectfully withdraw this request for a 60-day extension.

The Applicants appreciate the City Council's time and assistance with this matter and respectfully request that this extension request be considered at the City Council's next work shop meeting on January 8, 2018 so that the City Council can vote on the extension at its January 16, 2018 meeting. In the meantime, should the City Council, its consultants or City Staff, have any questions or comments, please do not hesitate to contact me.

Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Taylor M. Palmer', is written over a light blue circular stamp or watermark.

Taylor M. Palmer

cc: Nicholas M. Ward-Willis, City Attorney
Anthony Ruggiero, City Administrator
Roseneth Estates, LLC
Rodney Weber