

RESOLUTION FOR RELEASE OF SECURITY RE:
NEW PALTZ VIEWS, LLC

At a _____ meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held at the Town Hall, in New Paltz, New York, in said Town on the _____ day of _____, 2015, at _____ o'clock P.M., Prevailing time.

The meeting was called to order by Supervisor Zimet, and upon roll being called, the following roll was taken:

	<u>PRESENT</u>	<u>ABSENT</u>
Supervisor Susan Zimet	_____	_____
Council Member Jeffrey Logan	_____	_____
Council Member Marty Irwin	_____	_____
Council Member Kevin Barry	_____	_____
Council Member Daniel Torres	_____	_____

The following resolution was offered
by _____ who moved its adoption, seconded by _____, to wit:

WHEREAS, on April 1, 2005, there was filed in the Office of the Clerk of the County of Ulster a map constituting a subdivision plat more particularly designated as "Subdivision Prepared for David Lent," situate in the Town of New Paltz, County of Ulster and State of New York filed in the Ulster County Clerk's Office as filed map #05-287A-I and 05-288; and

WHEREAS, as a condition precedent to final subdivision approval of such plat by the Town of New Paltz Planning Board, the original subdivider (hereinafter referred to as "LENT") entered into a Subdivision Improvement Agreement, dated March 24, 2005 which provided in its pertinent parts that the original subdivider, LENT, would build and dedicate the new roadways

shown on the filed subdivision map and designated as "Waring Lane" and as "Lent Drive," as same extend generally northerly from the intersection of Waring Lane with the northerly side of Henry W. DuBois Drive in the Town of New Paltz to its intersection with the aforesaid Lent Drive northerly to the division line of lands currently of Kingston Regional Senior Living Corp. (currently "Woodland Pond"); and

WHEREAS, on or about the 15th day of March 2005 the original subdivider, LENT delivered to the Town of New Paltz as security for the faithful performance of the original subdivider's obligations under the Subdivision Improvement Agreement a Letter of Credit, dated March 15, 2005 issued by Empire State Bank in the original sum of \$506,250.00; and

WHEREAS, LENT thereafter obtained the consent of the Town Board to the assignment by LENT of the Subdivision Improvement Agreement to LENT'S contract vendee, New Paltz Views, LLC (hereinafter referred to as "NEW PALTZ VIEWS") which consent to such assignment was conditioned upon the acceptance by NEW PALTZ VIEWS, LLC of performance of all of the terms and provisions of the aforesaid Subdivision Improvement Agreement and conditioned further upon the continuing deposit by NEW PALTZ VIEWS with the Town of New Paltz of security for the completion of all of the work to be performed in the sum of \$506,250.00; and

WHEREAS, NEW PALTZ VIEWS thereafter entered upon the lands within the subdivision and has constructed according to town specifications roadways designated on the aforesaid subdivision plat as Waring Lane and Lent Drive to a point at a temporary cul-de-sac shown upon the aforesaid subdivision plat as lying generally between Lot No. 19 and Lot No. 20; and

WHEREAS, on the 12th day of June 2007, the Planning Board of the incorporated Village of New Paltz, Ulster County, New York granted to the owners of Kingston Regional Senior Living Corp. approval for the construction of a senior living community known as “Woodland Pond”; and

WHEREAS, one of the conditions of approval for the aforesaid project provided for the construction of that portion of the aforesaid Lent Drive as it extends generally southerly from the southerly boundary of the lands of Kingston Regional Senior Living Corp. to its intersection with the aforesaid cul-de-sac on Lent Drive, which said roadway has been completed, dedicated and accepted as a town highway; and

WHEREAS, an additional condition of the approval of the aforesaid Woodland Pond project was the installation of sewer and of water improvements along and contiguous with the improved and non-improved portions of the roadways within the subdivision so as to furnish municipal water and sewer to the senior living community known as Woodland Pond,, which said improvements have also been completed; and

WHEREAS, as the result of such approval and the planning with respect to such water and sewer improvements, the Town Board of the Town of New Paltz adopted on the 20th day of November, 2008 an Order Establishing Extension No. 3 of Town of New Paltz Sewer District No. 1; and

WHEREAS, on or about the 20th day of November, 2008, the Town Board of the Town of New Paltz duly adopted an Order Establishing an Extension of Area B of Town of New Paltz Water District No. 1; and

WHEREAS throughout the aforesaid periods of construction, the escrow deposit of New Paltz Views, LLC has earned certain amounts of interest and the Town Board has authorized a

series of reductions of the original security amount such that their remains on deposit as of the date of this resolution the sum of \$50,010.27 which said amount has been held as security for the reimbursement to the Town of the following responsibilities of New Paltz Views, LLC which remain unpaid as of the date of adoption of this resolution: a) Planning Board Escrow Amount (PB 11-13) in the amount of \$11,390.7; b) the developer's Recreation Trust Fund Fee in the amount of \$5,500.00 (for reconfiguration of Lot 8 and Lot 8A); and c) the sum of \$4,489.00 for replacement of certain street trees in accordance with a proposal, dated August 18, 2015 of Maseo Landscape, Inc., a copy of which is attached hereto; and

WHEREAS, the Town Board has been advised by and through the County of Ulster that at the time that it accepted the deed to the roadways in 2014 and at the time of the conveyance by New Paltz Views, LLC of one of the lots within the subdivision which was reconfigured as the result of a lot line revision by a previous owner, there remained open of record the unpaid 2013 General Taxes (including all relevies, interest and penalties thereon) in the current unpaid amount of \$6,017.40 due prior to September 30, 2015; and

WHEREAS, the Town has received from attorney, Stanley Schutzman, Esq., on behalf of his client, New Paltz Views, LLC the consent of New Paltz Views, LLC to the payment from the amounts remaining on deposit with the town for the benefit of New Paltz Views, LLC the foregoing amounts in full and complete satisfaction of the responsibilities of New Paltz Views, LLC with respect to all matters recited in the within resolution;

NOW, THEREFORE, based upon all of the foregoing, the Town Board of the Town of New Paltz, with the consent of New Paltz Views, LLC, approves and authorizes the following payments from the amounts held on deposit for the benefit of New Paltz Views, LLC:

a) Planning Board Escrow Amount (PB 11-13) in the amount of \$11,390.71;

b) the developers Recreation Trust Fund Fee in the amount of \$5,500.00 (for reconfiguration of Lot 8 and Lot 8A);

c) the release of the sum of \$4,489.00 for the replacement of certain street trees in accordance with a proposal, dated August 18, 2015 of Maseo Landscape, Inc., a copy of which is attached hereto;

d) payment to the "Ulster County Commissioner of Finance" in the sum of \$6,017.40, same to be delivered for delivery to the commissioner to: Titleworks Services, Inc., 270 Fair Street, Kingston, NY 12401 subject to the condition that such title company furnish to the Town of New Paltz proof of payment within five (5) business days next following delivery to the commissioner; and

e) payment of the balance remaining in the amount of \$22,613.16 (plus any accrued interest to the date of payment) to "Stanley Schutzman, Esq.", which said payment shall be delivered to Joseph M. Moriello, Esq., attorney for the town, for delivery to Stanley Schutzman, Esq.; and it is further

RESOLVED that the appropriate personnel employed by the town for such purpose be and is authorized and directed to issue as "pre-pays" promptly following adoption of this resolution the payments directed above to the "Ulster County Commissioner of Finance" in the amount of \$6,017.40 and to "Stanley Schutzman, Esq." in the amount of \$22,613.16.

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Susan Zimet	_____	_____	_____
Council Member Jeffrey Logan	_____	_____	_____
Council Member Marty Irwin	_____	_____	_____

Council Member Kevin Barry

Council Member Daniel Torres

The resolution was thereupon duly adopted.

675x3 2025
 675x2 1350

 3375
 @ 33% 1114

 \$ 4489



August 18, 2015

Town of New Paltz
 Attn: Stacy Delarede, Building Inspector
 P.O. Box 550
 New Paltz, NY 12561
 Tel: 845-255-0102
 Fax: 845-255-7870
 Email: sdelarede@townofnewpaltz.org

Landscape Estimate

1. Installation of three 2"-2 1/2" caliper Red Oak trees, inclusive of labor, material and delivery of all materials needed to plant and maintain tree. Trees under warranty for 1 year from planting date. \$675.00 per tree.

1. Installation of two 2"- 2 1/2" caliper Pin Oak trees, inclusive of labor, material and delivery of all materials needed to plant and maintain tree. Trees under warranty for 1 year from planting date. \$675.00 per tree.