

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

----- X
In the Matter of :

SHORE ACRES PROPERTY OWNERS :
ASSOCIATION, by DANIEL S. NATCHEZ, its :
President, BENNETT W. GOLUB, and CYNTHIA R. :
GOLUB, :

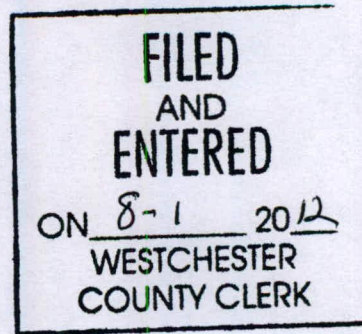
Petitioners, :

For a Judgment Pursuant to CPLR Article 78 :

-against- :

THE VILLAGE OF MAMARONECK PLANNING :
BOARD; ROBERT GALVIN, as Chair of the Village of :
Mamaroneck Planning Board in his official capacity; :
LEE WEXLER, INGEMAR SJUNNEMARK, and :
MICHAEL IANIELLO, as Members of the Village of :
Mamaroneck Planning Board in their official capacities; :
THE VILLAGE OF MAMARONECK HARBOR AND :
COASTAL ZONE MANAGEMENT COMMISSION; :
CARL BIRMAN, as Chair of the Village of :
Mamaroneck Harbor and Coastal Zone Management :
Commission, in his official capacity; JIM BILOTTA, :
PETER JACKSON, LAURA SCHNEIDER, BERT :
SIEGEL, and CARY SLEEPER, as Members of the :
Village of Mamaroneck Harbor and Coastal Zone :
Management Commission, in their official capacities; :
MAMARONECK BEACH & YACHT, LLC, :
MAMARONECK BEACH AND YACHT CLUB, INC., :
and TAYLOR POINT ASSOCIATES, INC. :

Respondents. :
----- X



Index No. 30925-10

**SO ORDERED
STIPULATION**

**Judge Assigned:
Hon. Joan B. Lefkowitz, J.S.C.
Environmental Claims Part**

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for all of the
parties to the proceedings consolidated under the above caption and index number as follows:

WHEREAS, all of the parties to these consolidated proceedings wish to provide for a reasonable opportunity to reach a mutually satisfactory settlement of all outstanding matters, if at all possible.

NOW therefore:

1. All stays in all the consolidated proceedings previously so ordered by this Court are continued until October 15, 2012. Counsel for all parties are directed to appear for a conference with the Court at 2:30 P.M. on that date.

2. Respondents John Winter ("Winter") and Lloyd T. Wright ("Wright") and the Mamaroneck Beach & Yacht Club, LLC, Mamaroneck Beach & Yacht Club, Inc. and Taylor Point Associates, Inc. (collectively, the "MBYC Parties") hereby withdraw, without prejudice to their renewal as set forth below, their pending motions to dismiss the consolidated proceedings against Winter (Index No. 11000/2011) and Wright (Index No 12540/2011).

3. On or before October 1, 2012, the Shore Acres Property Owners Association and Bennett and Cynthia Golub (collectively, the "SAPOA/Golub Parties") and the MBYC Parties shall notify counsel for Winter and Wright in writing whether they have reached a settlement of their differences, subject to any required approvals from Village of Mamaroneck, other governmental bodies or the court. In the event that counsel for Winter and Wright does not receive written notice of such a settlement on or before October 1, 2012, Winter, Wright and the MBYC Parties shall be entitled to renew their motions to dismiss by notice of motion, upon 8 days or more notice to the remaining parties, along with a copy of this Stipulation.

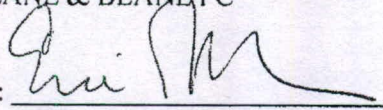
4. In the event of any such renewal of such motions, (a) the pleadings, briefs, affidavits, affirmations and other submissions heretofore submitted to the court by the parties to such proceedings (including the items listed in Schedule A hereto) shall be deemed resubmitted for such consideration as the Court shall deem appropriate; (b) recent correspondence listed in

Schedule B that has heretofore been submitted to the Court in response to its request for information concerning other agency actions need not be resubmitted (however, Winter, Wright and the MBYC Parties believe such correspondence is not relevant to such proceedings, is not part of the record thereof and should not be considered by the Court in determining the motions, while the SAPOA/Golub Parties believe it is relevant to such proceedings); (c) no further pleadings, briefs or legal argument in the form of affirmations or affidavits shall be submitted on such motions unless authorized by the Court; and (d) all parties agree to waive any and all objections to such motions which might arise by virtue of the foregoing withdrawal of such motions pursuant to this Stipulation.

5. This Stipulation may be executed in one or more counterparts, each of which taken together shall constitute one and the same document. This Stipulation may be executed via facsimile or electronic signature, which shall constitute original signatures.

Dated: July 27, 2012
White Plains, New York

KEANE & BEANE PC

By: 
Eric L. Gordon, Esq.
Attorneys for Respondents
MAMARONECK BEACH & YACHT,
LLC, MAMARONECK BEACH &
YACHT CLUB, INC. and TAYLOR POINT
ASSOCIATES, INC.
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601
(914) 946-4777

Dated: July __, 2012
New York, New York

CARTER LEDYARD & MILBURN LLP

By: _____
Stephen L. Kass, Esq.
Attorneys for Petitioners
SHORE ACRES PROPERTY OWNERS
ASSOCIATION by Daniel S. Natchez, its
President, BENNETT W. GOLUB AND
CYNTHIA R. GOLUB
2 Wall Street
New York, New York 10005
(212) 732-3200

Schedule B that has heretofore been submitted to the Court in response to its request for information concerning other agency actions need not be resubmitted (however, Winter, Wright and the MBYC Parties believe such correspondence is not relevant to such proceedings, is not part of the record thereof and should not be considered by the Court in determining the motions, while the SAPOA/Golub Parties believe it is relevant to such proceedings); (c) no further pleadings, briefs or legal argument in the form of affirmations or affidavits shall be submitted on such motions unless authorized by the Court; and (d) all parties agree to waive any and all objections to such motions which might arise by virtue of the foregoing withdrawal of such motions pursuant to this Stipulation.

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Dated: July ____, 2012
White Plains, New York

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By: _____
Eric L. Gordon, Esq.
Attorneys for Respondents
MAMARONECK BEACH & YACHT,
LLC, MAMARONECK BEACH &
YACHT CLUB, INC. and TAYLOR POINT
ASSOCIATES, INC.
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601
(914) 946-4777

Dated: July 27, 2012
New York, New York

CARTER LEDYARD & MILBURN LLP

By: Stephen L. Kass (ES)
Stephen L. Kass, Esq.
Attorneys for Petitioners
SHORE ACRES PROPERTY OWNERS
ASSOCIATION by Daniel S. Natchez, its
President, BENNETT W. GOLUB AND
CYNTHIA R. GOLUB
2 Wall Street
New York, New York 10005
(212) 732-3200

Dated: July __, 2012
White Plains, New York

Date: July 27, 2012
Tarrytown, New York

WORMSER KIELY GALEF & JACOBS SILVERBERG ZALANTIS LLP
LLP

By: _____
Lester D. Steinman, Esq.
Attorneys for Respondents
VILLAGE OF MAMARONECK ZONING
BOARD OF APPEALS, and ROBERT
MELILLO, Building Inspector of the
Village of Mamaroneck in his official
capacity, (Index No. 2335-12),
399 Knollwood Road, Ste. 205
White Plains, New York 10603
(914) 997-0900

By: _____
Steven M. Silverberg, Esq.
Attorneys for Respondents
VILLAGE OF MAMARONECK ZONING
BOARD OF APPEALS, LLOYD T. WRIGHT,
as VILLAGE OF MAMARONECK TAX
ASSESSOR, JOHN WINTER, as VILLAGE OF
MAMARONECK BUILDING INSPECTOR,
VILLAGE OF MAMARONECK PLANNING
BOARD, ROBERT GALVIN, as Chair of the
village of Mamaroneck Planning board in his
official capacity, LEE WEXLER, INGEMAR
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Members of the village of Mamaroneck Planning
Board in their official capacities, THE VILLAGE
OF MAMARONECK HARBOR AND
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the Village of Mamaroneck Harbor and Coastal
Zone Management Commission, in his official
capacity, JIM BILOTTA, PETER JACKSON,
LAURA SCHNEIDER, BERT SIEGAL, and
CARY SLEEPER, as Members of the village of
Mamaroneck Harbor and Coastal Zone
Management Commission, in their official
capacities
220 White Plains Road, 5th Floor
Tarrytown, New York 10591
(914) 682-0707

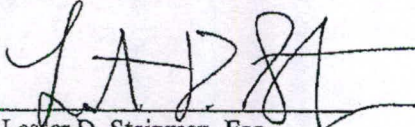
So Ordered:
July __, 2012

Hon. Joan B. Lefkowitz, J.S.C.

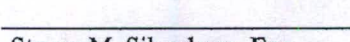
Dated: July 27, 2012
White Plains, New York

Date: July , 2012
Tarrytown, New York

WORMSER KIELY GALEF & JACOBS LLP SILVERBERG ZALANTIS LLP

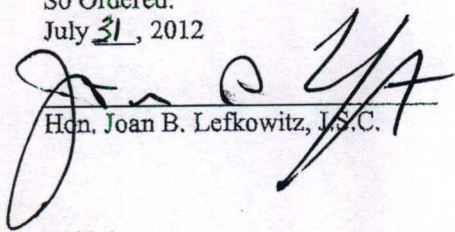
By: 
Lester D. Steinman, Esq.

Attorneys for Respondents
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By: 
Steven M. Silverberg, Esq.

Attorneys for Respondents
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ASSESSOR, JOHN WINTER, as VILLAGE OF
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LAURA SCHNEIDER, BERT SIEGAL, and
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Mamaroneck Harbor and Coastal Zone
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capacities
220 White Plains Road, 5th Floor
Tarrytown, New York 10591
(914) 682-0707

So Ordered:
July 31, 2012


Hon. Joan B. Lefkowitz, J.S.C.

Schedule A

SAPOA, et al. v. Winter, Original Index No. 11100/2011

1. August 22, 2011, Notice of Amended Verified Petition, (Petitioners/Carter Ledyard & Milburn s)
2. August 22, 2011, Verified Amended Petition, (Petitioners/Carter Ledyard & Milburn s)
3. October 3, 2011, Notice of Motion to Dismiss Amended Petition (Village Respondents/Silverberg Zalantis)
4. October 3, 2011, Affirmation of Steven Silverberg (Village Respondents/Silverberg Zalantis)
5. October 3, 2011, Memorandum of Law in Support of Motion to Dismiss (Village Respondents/Silverberg Zalantis)
6. October 28, 2011, Notice of Motion to Dismiss Verified Amended Petition, (Club Respondents/Keane & Beane)
7. Oct. 28, 2011, Affirmation of Joel H. Sachs In Support of Motion to Dismiss Verified Amended Petition, (Club Respondents/Keane & Beane)
8. Oct. 28, 2011 Memorandum of Law in Support of Respondents Mamaroneck Beach & Yacht, LLC, Mamaroneck Beach and Yacht Club, Inc. and Taylor Point Associates, Inc.'s Motion to Dismiss the Verified Amended Petition, (Club Respondents/Keane & Beane)
9. Nov. 23, 2011, Petitioners' Memorandum of Law in Opposition to Respondents' Motion to Dismiss the Amended Petition (Petitioners/Carter Ledyard & Milburn)
10. Dec. 21, 2011 Reply Memorandum of Law In Support of Motion to Dismiss, (Village Respondents/Silverberg Zalantis)
11. Dec. 22, 2011 Respondents Mamaroneck Beach & Yacht, LLC, Mamaroneck Beach and Yacht Club, Inc. and Taylor Point Associates, Inc.'s Reply Memorandum of Law In Further Support of Motion to Dismiss Amended Petition, (Club Respondents/Keane & Beane)

SAPOA et al. v. Wright, original index no. 12540-2011

1. August 22, 2011 Notice of Verified Amended Petition (Petitioners/Carter Ledyard & Milburn)
2. August 22, 2011, Verified Amended Petition (Petitioners/Carter Ledyard & Milburn)
3. August 19, 2011, Memorandum of Law in Support of Amended Verified Petition (Petitioners/Carter Ledyard & Milburn)
4. August 19, 2011, Affirmation of Elizabeth Black (Petitioners/Carter Ledyard & Milburn)
5. October 3, 2011, Notice of Motion to Dismiss Amended Petition (Village Respondents/Silverberg Zalantis)
6. October 3, 2011, Affirmation of Steven M. Silverberg in support of motion to dismiss (Village Respondents/Silverberg Zalantis)
7. October 3, 2011, Memorandum of Law in Support of Motion to Dismiss (Village Respondents/Silverberg Zalantis)
8. August 23, 2011, Affidavit of Respondent Lloyd T. Wright in Support of Motion to Dismiss (Village Respondents/Silverberg Zalantis)
9. October 28, 2011, Notice of Motion to Dismiss Verified Amended Petition (Club Respondents/Keane & Beane)
10. October 28, 2011, Affirmation of Eric Gordon (Club Respondents/Keane & Beane)
11. October 28, 2011, Memo of Law (Club Respondents/Keane & Beane)
12. November 23, 2011, Petitioners Memorandum of Law in Opposition to Respondents' Motions to Dismiss the Amended Petition (Petitioners/Carter Ledyard & Milburn LLP)
13. December 21, 2011, Reply Affirmation of Steven M. Silverberg in further support of Tax Assessor's Motion to Dismiss (Village Respondents/Silverberg Zalantis LLP)
14. December 22, 2011, Respondents Mamaroneck Beach & Yacht, LLC, Mamaroneck Beach and Yacht Club, Inc. and Taylor Point Associates, Inc.'s Reply Memo of Law in Further Support of Motion to Dismiss (Club Respondents/Keane & Beane)
15. Dec. 22, 2011, Affirmation of Eric L. Gordon In Reply to Opposition to Motion to Dismiss Amended Petition (Club Respondents/Keane & Beane)

Schedule B

Recent correspondence regarding all proceedings:

1. June 5, 2012, Email from Stephen Kass to Albert Degatano responding to Court's June 5, 2012 request for information (Petitioners/Carter Ledyard & Milburn)
2. June 6, 2012, Email from Stephen Kass to Albert Degatano forwarding letter from New York State Office of General Services (Petitioners/Carter Ledyard & Milburn)
3. June 6, 2012, Email from Eric Gordon to Albert Degatano responding to Court's June 5, 2012 request for information (Club Respondents/Keane & Beane)
4. June 29, 2012, Email from Stephen Kass to Albert Degatano forwarding letters from New York State Department of State and New York State Department of Environmental Conservation regarding the "Otter Creek Parcel" (Petitioners/Carter Ledyard & Milburn)
5. July 12, 2012, Letter from Joel Sachs to Hon. Joan B. Lefkowitz re status of application filed with New York State Office of General Services (Club Respondents/Keane & Beane)