

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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GREENTREE REALTY, LLC,

Petitioner/Plaintiff,

Index No. 05-11872

- against -

NOTICE TO ADMIT

THE VILLAGE OF CROTON-ON-HUDSON, THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE :
OF CROTON-ON-HUDSON, THE VILLAGE OF :
CROTON-ON-HUDSON ZONING BOARD OF :
APPEALS, and DANIEL O'CONNOR, in his official :
capacity, as the VILLAGE BUILDING INSPECTOR, :

Respondents/Defendants.

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PLEASE TAKE NOTICE that, pursuant to CPLR 3123(a), petitioner/plaintiff Greentree Realty, LLC ("Greentree") by its undersigned attorneys, hereby demands that the respondents/defendants, the Village of Croton-on-Hudson, the Village Board of Trustees of the Village of Croton-on-Hudson (the "Village Board"), the Village of Croton-on-Hudson Zoning Board of Appeals (the "ZBA"), and Daniel O'Connor, as Village Building Inspector (collectively, the "Village defendants") admit the truth of the following matters:

1. That from 1960 through 2005, the premises located in Westchester County, New York, known as 1A Croton Point Avenue, Croton-on-Hudson, New York. (Westchester County, Village Tax Map as Section 78.16, Blocks 2, Lots 1 and 2)(the "Property") was used as a construction and demolition debris processing facility and transfer station.

2. That Louis Milano, Angelo Milano, Milano Brothers, Inc., and/or A. Milano & Sons used the Property as a construction and demolition debris processing facility and transfer station.

3. That Robert V. Liguori used the Property as a construction and demolition debris processing facility and transfer station.

4. That Industrial Recycling Systems, Inc. used the Property as a construction and demolition debris processing facility and transfer station.

5. That Harmon Recycle & Rail, Inc. (or Harmon & Rail, Inc.) used the Property as a construction and demolition debris processing facility and transfer station.

6. That Greentree Realty, LLC used the Property as a construction and demolition debris processing facility and transfer station.

7. That Metro Enviro, LLC used the Property as a construction and demolition debris processing facility and transfer station.

8. That Allied Waste Industries, Inc. used the Property as a construction and demolition debris processing facility and transfer station.

9. That Metro Enviro Transfer, LLC used the Property as a construction and demolition debris processing facility and transfer station.

10. That, as of April 30, 1999, the Property was in full compliance with the then-current Village Code, including but not limited to §§ 230-18(B)(2); 230-18(B)(4); 230-18(G)(1); 230-37; 230-47; and 230-54 of the Code.

PLEASE TAKE FURTHER NOTICE that each of the matters set forth above, to which an admission is requested shall be deemed admitted unless within twenty (20) days after service hereof the Village defendants serve upon counsel for Greentree a sworn

statement either denying specifically the matters of which these admissions are requested or setting forth in detail the reasons why the Village defendants cannot truthfully admit or deny these matters.

PLEASE TAKE FURTHER NOTICE that Greentree hereby demands that, with respect to each and every matter set forth above for which the Village defendants deny the truth of, the Village defendants produce any and all documents that substantiate the Village defendants' denial of the truth of the matter.

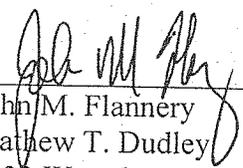
PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 3123(c), if the Village defendants do not admit the truth and/or stipulate to the admissibility of the foregoing matters and documents within twenty (20) days, and Greentree is forced to prove and does prove the truth thereof at trial, in addition to such other liability as may be established, the Village defendants will be liable to Greentree for the reasonable expenses incurred in making such proof, including reasonable attorney's fees.

Dated: White Plains, New York
January 15, 2014

Yours, etc.

WILSON, ELSER, MOSKOWITZ
EDELMAN & DICKER LLP
Attorneys for Petitioner/Plaintiff

By: _____


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