

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND**

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**K. GRAEFE AND SONS CORP., d/b/a NORTH RIVER  
SHIPYARD, and VAN HOUTEN HOLDING CORP.,**

Index No. 035433/2022

*Plaintiffs,*

- against -

VILLAGE OF UPPER NYACK,

*Defendant.*

**STIPULATION**

*Assigned Judge:*  
Hon. Amy Puerto

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**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned attorneys for the parties to the above-captioned matter as follows:

1. Defendant’s time to Answer or move shall be extended to March 1, 2023.
2. Defendant will refrain from taking further enforcement action on the expiration of the North River Shipyard’s 2015 Special Use Permit on the condition that **Plaintiffs agreed to and do make an application to the Upper Nyack Planning Board for a reissuance of the above-referenced special use permit on or before April 1, 2023** and diligently pursue such approval in good faith thereafter.

Dated: White Plains, New York  
January 18, 2023

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January 18, 2023

*Noelle C. Wolfson*

*Lawrence A. Garvey*

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