

# VAN DEWATER AND VAN DEWATER, LLP

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James E. Nelson  
Jeffrey S. Battistoni  
Counsel

July 29, 2022

**Via Email: [supervisor@woodstockny.org](mailto:supervisor@woodstockny.org)**

Bill McKenna Supervisor  
Town of Woodstock  
45 Comeau Drive  
Woodstock, New York 12498

Town of Woodstock Town Board  
Town of Woodstock  
45 Comeau Drive  
Woodstock, New York 12498

RE: Koulajian v. Town of Woodstock  
Index No. EF2021-2029

Dear Supervisor McKenna and Town Board Members:

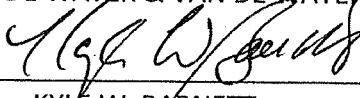
As you will recall the petitioner, Nigol Koulajian has filed a tax certiorari proceeding for 2021. The property is located at 140 Walton Road, Woodstock, New York. The current assessment of the property is \$875,000.

The subject property is a contemporary residential home consisting of 2,072 square feet on 30.77 acres. An appraisal was performed on the subject property with a market value of \$380,000. After consultation with the Assessor, the Petitioner agreed to a reduction with an assessed value of \$380,000.

Enclosed for your consideration is a proposed Resolution. Also enclosed is a copy of the proposed Consent Judgment. By copy of this letter to the Town Clerk, I request that she advise me as to what action was taken.

Thank you.

Very truly yours,  
VAN DE WATER & VAN DE WATER, LLP

BY:   
KYLE W. BARNETT

KWB/lac  
Enclosures

cc: Jackie Earley, Town Clerk  
Kristin McDermott, Town Assessor  
Pamela Boyle, Town Bookkeeper

**RESOLUTION**

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Consent Order and Judgment in the form attached, settling the tax certiorari proceedings brought by Nigol Koulajian, against the Town of Woodstock for the tax year 2021 and to sign such other and further papers as are necessary to effectuate the said settlement.

Dated: Woodstock, New York  
\_\_\_\_\_, 2022

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

At an IAS Term of the Supreme Court of  
the State of New York held in and for the  
County of Ulster, at 285 Wall Street,  
Kingston, New York on the \_\_\_\_ day of  
\_\_\_\_\_, 2022.

PRESENT: Hon. Kevin R. Bryant, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS

-----X  
In the Matter of the Application for a Review under  
Article 7 of the Real Property Tax Law and under  
Article 78 of the Civil Practice Law and Rules by  
NIGOL KOULAJIAN,

**CONSENT JUDGMENT**

Petitioner,

Index Nos.: EF2021-2029

- against -

ASSESSOR OF THE TOWN OF WOODSTOCK,  
THE BOARD OF ASSESSMENT REVIEW OF THE  
TOWN OF WOODSTOCK and THE TOWN OF  
WOODSTOCK, ULSTER COUNTY, NEW YORK,

Respondents.

-----X

The above petitioner having served and filed Petitions and Notices to review the tax assessments fixed by the Town of Woodstock for the 2021 assessment roll, upon certain real property located in the Town of Woodstock, Ulster County, New York, and designated as tax map No: 37.2-1-19 (140 Walton Road) on the Official Assessment Map of the Town of Woodstock, and

The petitioner having appeared by McCabe & Mack, LLP, Daniel C. Stafford, Esq.,

and the respondents having appeared by Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., Attorneys for the Town of Woodstock, and the parties having made their settlement, it is hereby

ORDERED, that the assessment on the property referred to herein, be and the same is hereby reduced, corrected, and fixed for the 2021 assessment rolls as follows:

DESCRIPTION (Tax Map No.): 37.2-1-19 (140 Walton Road)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2021	\$875,000	\$380,000	\$495,000

, and it is further

ORDERED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that petitioner hereby waives the right to all refunds of Town and Town Special District taxes and any other Town ad valorem taxes, if any, against the original assessments, in excess of what said taxes would have been if said assessments had been made as determined, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioner by the County of Dutchess, for tax map No: 37.2-1-19 (140 Walton Road), the amounts of County taxes and County Special District Taxes, if any, paid by the petitioner as taxes against the

said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Onteora Central School District, for tax map No: 37.2-1-19 (140 Walton Road), the amount of school taxes paid by the petitioner as taxes against the said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondents, the Ulster County Commissioner of Finance, Onteora Central School District, and/or any

of the various taxing authorities, be made by check or draft payable to the order of McCabe & Mack, LLP, as attorneys for the petitioner, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, and it is further

ORDERED, that to the extent any taxes or assessments are unpaid and have already been billed for the Town, School, County, and special districts in accordance with the original assessed valuation, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioner a new bill or bills, taxing said petitioner on the basis of the final total assessed valuation as stipulated herein, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

Dated: Poughkeepsie, New York  
\_\_\_\_\_, 2022

E N T E R ,

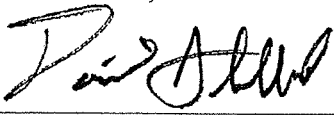
\_\_\_\_\_  
HON. Kevin R. Bryant, J.S.C.

Signing and entry of the within  
Order is hereby Consented to:

VAN DEWATER & VAN DEWATER, LLP

BY: \_\_\_\_\_  
KYLE W. BARNETT, ESQ.  
Attorneys for Respondents  
85 Civic Center Plaza, Suite 101  
Poughkeepsie, NY 12601  
(845) 452-5900  
[kbarnett@vandewaterlaw.com](mailto:kbarnett@vandewaterlaw.com)

McCabe & Mack, LLP

BY:  \_\_\_\_\_  
DANIEL C. STAFFORD, ESQ.  
Attorneys for Petitioner  
63 Washington Street, P.O. Box 509  
Poughkeepsie, New York 12602  
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