

VAN DEWATER AND VAN DEWATER, LLP

COUNSELORS AT LAW

John B. Van DeWater (1892-1968)
Robert B. Van DeWater (1921-1990)
Gerard J. Comatos, Jr.
Kyle W. Barnett
Daniel F. Thomas III
Danielle E. Strauch

Rebecca S. Mensch

Sarah E. Ryan
Hannah L. Atkinson

85 CIVIC CENTER PLAZA, SUITE 101
P.O. BOX 112
POUGHKEEPSIE, NEW YORK 12601

(845) 452-5900
Fax (845) 452-5848

Noel deCordova, Jr. (1929-2013)
Edward vK Cunningham, Jr. (1935-2018)
Ronald C. Blass, Jr. (1951-2018)

John K. Gifford
James E. Nelson
Matthew W. Lizotte
Counsel

WEBSITE ADDRESS:
www.vandewaterlaw.com

GENERAL E-MAIL ADDRESS:
info@vandewaterlaw.com

August 6, 2025

Via email: Bill McKenna, Supervisor (supervisor@woodstockny.gov)
Town of Woodstock
45 Comeau Drive
Woodstock, New York 12498

Re: **Recommendation to Approve Tax Certiorari Settlement – *Rubenstein v. Town of Woodstock***
Property Address: 1835 Glasco Turnpike, Woodstock, NY

Dear Members of the Town Board,

I am writing to respectfully recommend that the Town Board approve the attached resolution authorizing the settlement of the pending tax certiorari matter entitled *Rubenstein v. Town of Woodstock*, concerning the property located at 1835 Glasco Turnpike.

The proposed settlement was reached with the assistance and input of former Assessor Kristin McDermott and is based upon a thorough analysis completed by the Town Assessor's office and an analysis provided by the property owner. The terms of the agreement reflect a fair and reasoned resolution of the assessment dispute and serve the best interests of the Town.

Importantly, as part of the settlement, the property owner has agreed to waive any claim for refund of overpaid Town *ad valorem* taxes, further supporting the fiscal soundness of the resolution.

I recommend approval of this settlement and the attached resolution. Should the Board require any further information or clarification regarding this matter, please do not hesitate to contact me.

Thank you for your attention and consideration.

Respectfully submitted,

VAN DEWATER & VAN DEWATER, LLP

BY:



KYLE W. BARNETT

Cc: Francis Hoffman, Assessor, Town of Woodstock

Resolution of the Town Board of Woodstock, New York

Resolution No. [Resolution Number]

Date: _____

Subject: Approval of Settlement in the Matter of Rubenstein v. Woodstock

WHEREAS:

1. The Town of Woodstock is a party to an Article 7 tax certiorari proceeding entitled Rubenstein v. Woodstock, bearing Index Nos.: EF2024-1843 and EF2025-2373, in the Supreme Court of the State of New York, County of Ulster; and
2. The parties have reached a settlement agreement, the terms of which are outlined in the attached consent judgment; and
3. The Town Board of Woodstock has reviewed the terms of the proposed settlement and finds them to be in the best interest of the Town and its taxpayers.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of Woodstock hereby approves the settlement of the Article 7 tax certiorari matter in the case of Rubenstein v. Woodstock, as set forth in the attached consent judgment.
2. Van DeWater & Van DeWater, LLP are hereby authorized and directed to execute any and all documents necessary to effectuate the settlement, including but not limited to the consent judgment, and to take any further actions required to finalize the settlement.
3. This resolution shall take effect immediately upon its adoption.

Adopted by the Town Board of Woodstock on _____.

Motion by: _____

Seconded by: _____

Vote:

Councilmember Bennet Ratcliff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain
Councilmember Maria-Elena Conte	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain
Councilmember Laura Ricci	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain
Councilmember Anula Courtis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain
Supervisor Bill McKenna	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain

Attachments:

- Consent Judgment in the matter of Rubenstein v. Woodstock, Index Nos.: EF2024-1843 and EF2025-2373.

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 _____, 2025.

PRESENT: Hon. Sharon Graff, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
In the Matter of the Application of
DANIEL E. RUBENSTEIN and
LEAH L. RUBENSTEIN,

CONSENT JUDGMENT

Petitioners,

Index Nos.: EF2024-1843
EF2025-2373

- against -

TOWN OF WOODSTOCK, a Municipal
Corporation, its ASSESSOR and its
BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of Certain Real
Property under Article 7 of the Real Property
Tax Law.

-----X
The above petitioners having heretofore served and filed Petitions and Notices to review the tax assessment fixed by the Town of Woodstock for the 2024 and 2025 assessment rolls, upon certain real property located in the Town of Woodstock, Ulster County, New York, and designated as Tax Map No. 27.2-6-2.100 (1835 Glasco Tpke) on the Official Assessment Map of the Town of Woodstock, and

The petitioners having appeared by Stenger, Glass, Hagstrom, Lindars & Iuele, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by Van DeWater &

Van DeWater, LLP, Kyle W. Barnett, Esq., Attorney 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 2024 and 2025 assessment rolls as follows:

DESCRIPTION (Tax Map No.): 27.2-6-2.100 (1835 Glasco Tpke)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2024	1,195,000	871,875	323,125
2025	1,195,000	871,875	323,125

, 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 petitioners hereby waive 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 petitioners by the County of Ulster, for Tax Map No. 27.2-6-2.100 (1835 Glasco Tpke), the amounts of County taxes and County Special District Taxes, if any, paid by the petitioners 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 petitioners by the Saugerties Central School District, for Tax Map No. 27.2-6-2.100 (1835 Glasco Tpke), the amount of school taxes paid by the petitioners 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 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 the Ulster

County Commissioner of Finance, Saugerties Central School District, and/or any of the various taxing authorities, be made by check or draft payable to the order of Stenger, Glass, Hagstrom, Lindars & Iuele, LLP, as attorneys for the petitioners, 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 the assessments as agreed upon by the parties for the 2024 and 2025 assessment rolls shall be subject to the terms of Real Property Tax Law §727 for the 2026, 2027, and 2028 assessment rolls, 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 valuations, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the property owners a new bill or bills, taxing said property owners on the basis of the final total assessed valuations 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: Kingston, New York
_____, 2025

ENTER,

HON. SHARON GRAFF, J.S.C.

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

STENGER, GLASS, HAGSTROM, LINDARS & IUELE, LLP

BY: _____

KAREN E. HAGSTROM, ESQ.
Attorneys for Petitioners
1136 Route 9
Wappingers Falls, NY 12590
(845) 298-2000 ext. 133
khagstrom@stengerglass.com

VAN DEWATER & VAN DEWATER, LLP

BY: _____

KYLE W. BARNETT, ESQ.
Attorney for Respondents
85 Civic Center Plaza, Suite 101
Poughkeepsie, NY 12601
(845) 452-5900
kbarnett@vandewaterlaw.com