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July 13, 2023

Via Email

Town of New Paltz Town Board
Town Hall
52 Clearwater Road
New Paltz, New York 12561

**RE: Net-Zero Development, LLC v. Town of New Paltz
2021/2022 Assessment Rolls
Index Nos. EF2021-2099 & EF2022-1396**

Dear Supervisor Bettez and Town Board Members:

I am pleased to advise you that with the able assistance of Shannon Harris, Town Assessor, we have reached a tentative settlement of the tax certiorari proceedings involving Net-Zero Development, LLC. I'm also happy to report that as part of this settlement, the Petitioner is waiving all Town and Special District refunds.

The tentative settlement is as follows:

DESCRIPTION (Tax Map No.): 86.26-1-14.112 (87 N. Chestnut Street)

Assessment Roll	Original AV	Original Taxable AV	Settlement AV	Settlement Taxable AV	Amount of Reduction
2021	5,656,630	5,656,630	3,200,000	3,200,000	2,456,630
2022	7,030,383	6,882,748	5,000,000	4,852,365	2,030,383

This settlement is recommended by Shannon Harris, Town Assessor.

Enclosed for your consideration is a resolution which, if adopted, will authorize the settlement of this matter.

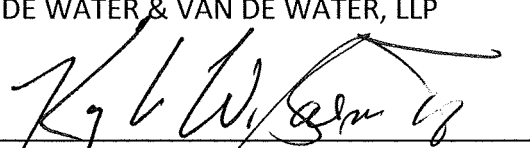
By copy of this letter to the Town Clerk, I request that she advise me of the action of the Town Board when it is considered. If there are any further questions, please feel free to contact me.

Thank you for referring this matter to me.

Very truly yours,

VAN DE WATER & VAN DE WATER, LLP

BY:



KYLE W. BARNETT

KWB/tg

Enclosures

cc: Shannon Harris, Town Assessor
Rosanna Mazzaccari, Town Clerk

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 _____, 2023.

PRESENT: Hon. James Gilpatric, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
In the Matter of the Application of
NET-ZERO DEVELOPMENT, LLC,

CONSENT JUDGMENT

Petitioner,

Index Nos.: EF2021-2099
EF2022-1396

- against -

TOWN OF NEW PALTZ, 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 petitioner having heretofore served and filed Petitions and Notices to review the tax assessments fixed by the Town of New Paltz for the 2021 and 2022 assessment rolls, upon certain real property located in the Town and Village of New Paltz, Ulster County, New York, and designated as tax map No: 86.26-1-14.112 (87 N. Chestnut Street) on the Official Assessment Map of the Town of New Paltz, and

The petitioner having appeared by Stenger, Diamond & Glass, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., Attorneys for the Town of New Paltz, and the parties having made their settlement, it is hereby

ORDERED, that the assessments on the property referred to herein, be and the same are hereby reduced, corrected, and fixed for the 2021 and 2022 assessment rolls as follows:

DESCRIPTION (Tax Map No.): 86.26-1-14.112 (87 N. Chestnut Street)

<u>Assessment Roll</u>	<u>Original AV</u>	<u>Original Taxable AV</u>	<u>Settlement AV</u>	<u>Settlement Taxable AV</u>	<u>Amount of Reduction</u>
2021	5,656,630	5,656,630	3,200,000	3,200,000	2,456,630
2022	7,030,383	6,882,748	5,000,000	4,852,365	2,030,383

, and it is further

ORDERED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessment 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 the assessment for tax map No: 86.26-1-14.112 (87 N. Chestnut Street), shall not be changed for the next three (3) succeeding assessment rolls prepared on the basis of the three (3) taxable status dates next occurring on or after the taxable status date of the most recent assessment under review, for the 2023, 2024 and 2025 tax rolls, pursuant to § 727(1) of the Real Property Tax Law of the State of New York; and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the County of Ulster, tax map No: 86.26-1-14.112 (87 N. Chestnut Street) for 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 New Paltz Central School District, for tax map No: 86.26-1-14.112 (87 N. Chestnut Street), 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 there shall be audited, allowed and paid to the petitioner by the Village of New Paltz, for tax map No: tax map No: 86.26-1-14.112 (87 N. Chestnut Street), the amount of Village taxes and Village 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 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 Dutchess County Commissioner of Finance, New Paltz Central School District, Village of New Paltz, and/or any of the various taxing authorities, be made by check or draft payable to the order of Stenger, Diamond & Glass, 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, Village 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 petitioner a new bill or bills, taxing said petitioner 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: Poughkeepsie, New York
_____, 2023

E N T E R,

HON. JAMES GILPATRIC

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

VAN DEWATER & VAN DEWATER, LLP

BY: _____

KYLE W. BARNETT, ESQ.
Attorneys for Respondents
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KBarnett@VanDeWaterLaw.com

STENGER, DIAMOND & GLASS, LLP

BY: _____

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