

TOWN OF WEST SENECA



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TOWN ATTORNEY
jfenz@twsny.org

TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

TO: The Honorable Town Board

FROM: John J. Fenz, Esq.
Town Attorney

DATE: June 16, 2016

RE: 1956 Ridge Road, Assessment Challenge
Request for Authority to Stipulation of Settlement

Kindly approve and authorize the Town Attorney to execute the Stipulation of Settlement to resolve the real property tax assessment challenge commence by the owners of the above-referenced Property.

This is a matter involves an application of an owner of commercial property in the Town to have his assessment reduced.

After deliberation with counsel and the Town Assessor, it has been determined that it is in the best economic interest of the Town to resolve this litigation pursuant to the terms of the attached consent order.



STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

DANIEL C. LAI and JOSEPH M. GRIMALDI,

Petitioner,

vs.

**STIPULATION OF
SETTLEMENT**

**ASSESSOR FOR THE TOWN OF WEST SENECA,
NY, BOARD OF ASSESSMENT REVIEW FOR THE
TOWN OF WEST SENECA, NY and THE TOWN OF
WEST SENECA, NY,**

Index No. 808119/2015

Respondents.

Address: 1956 Ridge Road, West Seneca, NY

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto that a proposed Order, a copy of which is attached hereto, shall be made and entered, discontinuing the above entitled tax certiorari proceeding to review the assessment regarding certain real property located at 1956 Ridge Road West Seneca, NY (SBL Number 143.06-4-21.11) for the taxable status date for the year 2015 (Final Roll: July 1, 2015) and that said assessment be corrected and reduced as set forth herein.

IT IS FURTHER STIPULATED AND AGREED, that the assessment of Petitioner's property under SBL Number 143.06-4-21.11 be corrected and reduced to **\$210,000.00** in assessed value for the taxable status date for the year 2015 (Final Roll: July 1, 2015).

IT IS FURTHER STIPULATED AND AGREED, that the assessment of Petitioner's property under SBL Number 143.06-4-21.11 be set to **\$200,000.00** in assessed value for the taxable status date for the year 2016 (Final Roll: July 1, 2016).

IT IS FURTHER STIPULATED AND AGREED, that there shall be audited, allowed and paid by the Town of West Seneca, West Seneca School District, County of Erie, and all special districts to the Petitioner the amounts, if any, paid by said Petitioner its agents or representatives, as Town of West Seneca, West Seneca School District, County of Erie, and its special districts taxes, levies and payments against the said original assessment of Petitioner's property located at 1956 Ridge Road West Seneca, NY (SBL Number 143.06-4-21.11) in excess of what the taxes, levies and payments should have been if the said assessment had been as reduced herein, and such refunds shall be without interest if paid within thirty (30) days of service of notice of entry of this Order with a demand to audit, and such refunds shall be made payable to "**MJI CONSULTING GROUP LLC, as AGENT FOR LAI and GRIMALDI**" and mailed to **Bruce S. ZefTel, Esq.**, 4043 Maple Road, Suite 104B, Buffalo, New York 14226-1057.

IT IS FURTHER STIPULATED AND AGREED, that the officer or officers having the custody of the assessment roll upon which the above-mentioned and taxes levied thereon are entered, should correct the said entries in conformity with this Order.

IT IS FURTHER STIPULATED AND AGREED, that these proceedings are discontinued, without costs or disbursements, except that the Court shall retain jurisdiction to enforce the terms of this Stipulation and Order.

IT IS FURTHER STIPULATED AND AGREED, that §727 of the Real Property Tax Law of the State of New York does not apply to this settlement as the Property is under contract to be sold.

IT IS FURTHER STIPULATED AND AGREED, that this Agreement may be signed in counterpart.

Dated: _____ 2016

LAW OFFICE OF BRUCE S. ZEFTEL

By: _____
Bruce S. ZefTEL, Esq.

Attorneys for Petitioner
4043 Maple Road - Suite 104B
Buffalo, New York 14226-1057

Dated: _____ 2016

COLE, SORRENTINO, HURLEY, HEWNER & GAMBINO

By: _____
Richard H. Cole, Esq.

Attorneys for Respondent Town
37 Franklin Street
Buffalo, New York 14202

Dated: _____ 2016

HARRIS BEACH PLLC

By: _____
J. Ryan White, Esq.
Nathan J. Geary, Esq.

Attorneys for Respondent School District.
726 Exchange Street, Suite 1000
Buffalo, New York 14210

Dated: _____ 2016

WEST SENECA SCHOOL DISTRICT

By: _____
Janice Lewandowski

Assistant Manager, Finance & Computer Services

Dated: _____ 2016

TOWN OF WEST SENECA

By: _____
John J. Fenz, Esq.

West Seneca Town Attorney

At a Motion Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, on the ___ day of _____, 2016

PRESENT: HON. SHIELA A. DiTULLIO A.J.S.C.
Judge Presiding

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

DANIEL C. LAI and JOSEPH M. GRIMALDI,

Petitioner,

vs.

ORDER OF SETTLEMENT

Index No. 808119/2015

**ASSESSOR FOR THE TOWN OF WEST SENECA,
NY, BOARD OF ASSESSMENT REVIEW FOR THE
TOWN OF WEST SENECA, NY and THE TOWN OF
WEST SENECA, NY,**

Respondents.

Address: 1956 Ridge Road, West Seneca, NY

The Petitioner having commenced this proceeding under Article 7 of the Real Property Tax Law to review the assessment of certain real property located at 1956 Ridge Road West Seneca, NY (SBL Number 143.06-4-21.11) for the taxable status date for the year 2015 (Final Roll: July 1, 2015) and the parties having proposed that this proceeding be settled upon the terms and conditions set forth in the annexed Stipulation of Settlement entered into between the attorneys for the respective parties; and upon reading said Stipulation of Settlement, it is

ORDERED, that the settlement as set forth in the Stipulation of Settlement executed by the attorneys for the respective parties is hereby approved and the parties are directed to abide by the terms of the Stipulation of Settlement and that RPLT Section 727 shall not apply to this Settlement.

DATED: _____, 2016
Buffalo, New York

HON. SHIELA A. DiTULLIO, A.J.S.C.