

From: Ellen Casciaro <ellencasciaro@woodstockny.org>
Sent: Tuesday, August 28, 2018 3:54 PM
To: Marcel Nagele
Subject: FW: MHS Holdings

Ellen Casciaro
Woodstock Building Inspector
Code Enforcement Officer
(845) 679-2113 X13

From: "Rod Futerfas, Esq." <RFuterfas@wapnerlawfirm.com>
Date: Tuesday, August 28, 2018 at 3:02 PM
To: Ellen Casciaro <ellencasciaro@woodstockny.org>
Cc: Bill McKenna <supervisor@woodstockny.org>
Subject: FW: MHS Holdings

Ellen and Bill: This is the email sent to Jeff Siegel.

From: Rod Futerfas
Sent: Tuesday, August 28, 2018 3:02 PM
To: 'Jeffrey Siegel' <jeff@jpsiegel.com>
Subject: MHS Holdings

Jeff: Your letter of August 27 addressed to Ellen Casciaro has been referred to me for response. We disagree with your conclusion that the activities undertaken do not fall within the purview of the CEO.

Preliminarily it is noteworthy that your client's activities having been undertaken in violation of the zoning code if left uncorrected will result in no certificate of occupancy being granted. This of course represents a serious impediment to the future sale and financing of your client's property. Before bringing your threatened lawsuit, which will only result in a counterclaim for a declaratory judgment and a permanent injunction, I suggest you consider the following:

Your client's property represents a non-conforming use in its location. Parking lots are not a permitted use in this district and the expansion of same is problematic. The Ulster County ViewFinder does not support your position that this is nothing more than work on "a long-existing parking area". In 2016 the area in question was lawn; it is now gravel.

Under 260-99 the CEO is to issue a building permit for the construction, alteration or addition to a parking lot. Prior to the issuance of building permit the Zoning Enforcement Officer "shall require the preparation of a site plan." 260-74A. It is

apparent your client's resources would be better applied to conforming to the law rather than bringing unnecessary and ultimately unsuccessful litigation.

Rod Futerfas
Wapner Koplovitz & Futerfas
PO Box 3268
Kingston, NY 12402
Tel: (845) 331-0100