

From: Marcel Nagele <marcelnagele@hotmail.com>  
Sent: Tuesday, August 28, 2018 8:43 AM  
To: Bill McKenna; lorinrose@woodstockny.org;  
rheppner@woodstockny.org; Laura Ricci; Reginald Earls  
Cc: Ellen Casciaro  
Subject: The lodge

To the Town Board,

Attached is my most recent letter sent to Ellen Casciaro and Bill McKenna. This email in totality continues as my personal opinion generated through the powers of diligent observation. As I'm writing I hear heavy equipment operating on The Lodge property.

I am appealing to you and reminding of the administrative responsibility of a municipality to enforce all Building and Zoning codes and laws. The taxpayer pays their taxes and in exchange is expected to receive services not limited to enforcement of codes and laws for their protection. While certain discretion of enforcement is required, so should discretion be applied as to if the case can realistically be won in court. I believe undoubtedly the scope of work already completed and currently underway at The Lodge property is of a substantial nature and warrants legal action, definitively and especially due to continual defiance of Stop Work Order issued. This is without consideration of work that will continue, or work contained in The Lodge site plan submissions which are clearly being implemented in stages apparently without approvals or permit. Building Inspector Ellen Casciaro has done her part in issuing the Stop Work Order and I expect her efforts toward compliance will be continual and aggressive. Certainly all efforts will be greatly appreciated as always.

The town attorney has stated he believes this case can be successfully argued. However, my opinion is its not acceptable for the town attorney to advise or determine if the financial expense of enforcement is worthwhile as he has done. My opinion is the eye of law relative to a municipality does not allow for this determination. Legal expense to protect taxpayers and citizens after prudent

evaluation and determination falls under requirement of administrative responsibility and is not discretionary.

Additionally, proper site plan approvals and building permits are critical to the assessment and levy of future taxes to be received from taxing entities in perpetuity. When building permits and Certificate of Occupancy's are properly issued this gives the assessor the opportunity to adjust the assessed value of a property. Developers and business persons seldom invest substantial amounts of money unless they are adding substantial value to their real estate holdings. An increase in assessed value will generate additional tax dollars in perpetuity, this increased tax amount generated will offset any legal expense over time and reap additional benefit to the community also in perpetuity.

Of further concern would be any appearance of selective enforcement of law and code. The Bradley Meadow Shopping Center, Waterfall Way, and the bagel shop/wine bar at 45 Mill Hill Road, all commercial endeavor, had to undergo extensive, time consuming, and costly site plan review and process to seek site plan approval and necessary building permits in advance of construction. This process is critical to protecting the neighbors of each project. What element of law allows for the town to hold these aforementioned entity's to a higher standard of compliance while The Lodge property knowingly and continually is allowed to continue construction in defiance of all process?

Your anticipated evaluations, determinations, prudent direction, and action are all appreciated, expected, and required.

Respectfully,

Marcel Nagele