

TOWN OF NEW WINDSOR

ZONING BOARD

February 27, 2012

MEMBERS PRESENT:       MICHAEL KANE, CHAIRMAN  
                              FRANCIS BEDETTI  
                              RICHARD HAMEL  
                              PATRICK TORPEY

ALSO PRESENT:   GEOFFREY CHANIN, ESQ.  
                              ZONING BOARD ATTORNEY

                              NICOLE PELESHUCK  
                              ZONING BOARD SECRETARY

ABSENT:               HENRY SCHEIBLE

**REGULAR MEETING:**

MR. KANE:   I'd like to call to order the February 27,  
2012 meeting of the New Windsor Zoning Board of  
Appeals.

APPROVAL OF MINUTES DATED 12/12/11, 1/9/12 & 2/13/12

MR. KANE:   Motion to accept the minutes of December 12,  
2011 January 9, 2012, February 13, 2012 as written

MR. BEDETTI:   So moved.

MR. HAMEL:    Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. HAMEL	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

B & S FELLER ENTERPRISES - TRUE VALUE HARDWARE (12-4)

MR. KANE: Tonight's first preliminary meeting B & S Enterprises, True Value Hardware Price Chopper Plaza. Anybody here for that? Come on up. In New Windsor, we hold two meetings, a preliminary meeting so we can get a general idea of what you want to do and make sure that you have the right information to give us to present us so we can make a good decision. All our decisions are made in a public hearing. Some other towns run one show, if you come in, you're not prepared you lose. So that's why we do two meetings. So the public hearing will be very similar to what we do here now except the public will be involved. Tell us your name, address, speak loud enough for that young lady over there to hear you and tell us exactly what you want to do.

MR. FELLER: Stephen Feller, address in terms of the location?

MR. KANE: That's fine.

MR. FELLER: I don't know the address, 1115 Temple Hill Road, New Windsor. We're building a True Value store in the Price Chopper Shopping Center. We're now going to the board asking for a variance on our sign.

MRS. PELESHUCK: Three signs.

MR. FELLER: For three signs. We think the signage is not something that's out of the ordinary for what the town has approved in the past. We think it will be an asset to the shopping center and I think it's a very professional, neat sign. It will help our business and help us grow as we come into town. It's a new, young start-up business.

MR. KANE: The signs themselves illuminated in any fashion?

MR. FELLER: The main one.

MR. KANE: And what type of illumination?

MR. FELLER: Well, it's--

MR. KANE: All non-flashing?

MR. FELLER: There's goose neck lamps on top and the True Value will be neon.

MR. KANE: Non-flashing?

MR. FELLER: Non-flashing, yeah.

MR. KANE: In looking at it the two extra facade signs I can see don't cause too much of an issue as far as I'm concerned. I think they fit in there okay. For the public hearing, do you know about how many feet from Route 94 the front of your building is? You'll want that for the public hearing.

MR. FELLER: From 94?

MR. KANE: Yes.

MR. TORPEY: Probably about 3 or 400 feet.

MR. FELLER: Okay.

MR. KANE: Other questions from the board?

MR. HAMEL: So the sign is not backlit, it's only lit from the front?

MR. FELLER: I'm sorry?

MR. HAMEL: The sign is not backlit the main sign?

MR. FELLER: It's neon lighting the sign, yes.

MR. HAMEL: It will be okay.

MR. TORPEY: So he's facing 94?

MR. KANE: Right.

MR. TORPEY: So what's the rule with the distance from the roadway? There is no--

MR. KANE: No, but in the public hearing if we want to show that there's a substantial distance from the road like we've done with every other business.

MR. TORPEY: That will mean he needs a bigger one.

MR. KANE: No, that will help him get the one he wants.

MR. FELLER: I've just got to measure the parking lot.

MR. KANE: Any other questions?

MR. TORPEY: No, I'm good.

MR. BEDETTI: I've got one. How much of the store is going to be the hardware store where you've got the paint and hardware? I assume that's also your store, is that correct?

MR. FELLER: Yes.

MR. BEDETTI: So it's not just this?

MR. FELLER: We have the two stores that were there before, I think.

MR. KANE: There was a hardware store.

MR. FELLER: And Sleepy's, we've taken over both stores.

MR. KANE: I'll accept a motion for public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for the B & S Feller Enterprises True Value Hardware for a variance, three variances for facade signs located at 115 Temple Hill Road in a C zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MRS. PELESHUCK: These are the next steps for public hearing mailings. If you have any questions, call or come see me tomorrow.

MR. FELLER: Thank you.

MR. KANE: Take care.

PUBLIC HEARINGS:

FRANK TEPEDINO (12-01)

MR. KANE: Tonight's first public hearing Frank Tepedino, excuse me if I don't pronounce your name correctly. Request for interpretation for a single family dwelling with two kitchens or two-family dwelling located at 33 Willow Parkway in an R-4 zone. How you doing, sir?

MR. TEPEDINO: How are you?

MR. KANE: Name, address, speak loud enough for the young lady over there to hear you.

MR. TEPEDINO: Frank Tepedino, 33 Willow Parkway, New Windsor.

MR. KANE: So you have two kitchens?

MR. TEPEDINO: Yes, sir.

MR. KANE: In your home?

MR. TEPEDINO: Yes, sir.

MR. KANE: The other kitchen is located?

MR. TEPEDINO: In the basement.

MR. KANE: Is that a separate living condition in the basement?

MR. TEPEDINO: No, sir.

MR. KANE: The electric and gas coming into your home all on one meter?

MR. TEPEDINO: One meter.

MR. KANE: Good picture. Your intention is to use this always as a single-family home with two kitchens?

MR. TEPEDINO: Correct.

MR. KANE: You have no intention of making a two-family home or any rental space down below?

MR. TEPEDINO: None whatsoever.

MR. KANE: Further questions from the board? How long has the kitchen been in existence down there?

MR. TEPEDINO: Since we moved there.

MR. KANE: Should I ask how long ago that was?

MR. TEPEDINO: 1987.

MR. KANE: Not that long.

MR. TEPEDINO: But I didn't know that I needed a permit, I thought, you know.

MR. KANE: Growing up we had a second kitchen and a lot of people had it.

MR. TEPEDINO: I thought it was just there and just legal.

MR. KANE: And what they try to do with the building department now is when they run into those situations we want to make sure everything is done properly and safely so there's no issues and there are people that would put a rental.

MR. TEPEDINO: I understand.

MR. BEDETTI: You're the only one living in the house you and your family?

MR. TEPEDINO: I'm the only one living there, yes, sir.

MR. KANE: I will open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing.

MR. SMITH: Says on here that we just got on Friday that it was a single-family dwelling or a two-family dwelling.

MR. KANE: That's what they're here for is an interpretation on whether the use of that second kitchen is going to be a single family or if they're trying to make it a rental condition down below. And what we do is we get them on record right in here stating that the use as I asked him is going to be strictly a single-family home, no other people moving

into there and we do have it on record that if there becomes a situation later on the building department can go after them. So our vote here will decide whether we're going to find that interpretation that it is a single-family home with two kitchens in it or vote against it because we think they're using it as a two-family home or something along those lines. For instance, if there was no access from upstairs to downstairs, only a lockable door from outside to get in the question is how do you use that in your own particular home. That's what we look for. Questions, sir?

MR. MALICH: Charlie Malich, 19 Willow Park Lane, New Windsor. So, for the record, Mr. Tepedino is going to be the only resident of this house?

MR. KANE: It's a single-family house, that's right, it's not going to be used as a two-family home.

MR. TEPEDINO: No, absolutely not.

MR. KANE: No rental?

MR. TEPEDINO: Absolutely not.

MR. TORPEY: One meter?

MR. KANE: We insist on these things, one gas meter, one electric meter coming into the home, not anything divided. So yes, he's on record as stating that's his intended use.

MR. TEPEDINO: Absolutely.

MR. KANE: Any further questions? We'll close the public portion of the meeting, bring it back to the board for further questions. If no further questions, I'll accept a motion. We have to read our mailings.

MRS. PELESHUCK: On the 16th day of February, 2012, we mailed out 58 addressed envelopes and had no written response back.

MR. KANE: Okay, so now any further questions? I'll accept a motion.

MR. BEDETTI: I'll make a motion, go ahead.

MR. HAMEL: I'll make a motion that we grant Frank

Tepedino the variance as requested.

MR. TORPEY: I'll second that.

MR. KANE: I think we need to change the verbiage on that a little bit. What you want to do is you want to find that we have an interpretation that the use of this is a single-family home with two kitchens only, a single-family home with two kitchens, no attempt to use it as a multi family or rental.

MR. BEDETTI: I'll second that motion.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MRS. PELESHUCK: That's just your next steps but you're good.

MR. TEPEDINO: Thank you very much, gentlemen.

MR. KANE: You have a good day, sir.

MR. KANE: Tonight's next public hearing Robert D'Jovin request for an existing side deck that doesn't meet the minimum 20 foot side yard setback. A variance of 5' 1/2" per side yard is required at 7 Ridgeview Road in an R-4 zone.

MS. FERIGNO OHM: Hello, Rebecca Ferigno Ohm on behalf of property owners, Robert and Bonnie D'Jovin. I have filed previously with the board in the package before the board it previously included my appearance authorization in the original submittal package.

MRS. PELESHUCK: Yes, I have it.

MR. KANE: Tell us exactly what you want to do.

MS. FERIGNO OHM: My clients have requested a variance to allow a previously pre-existing concrete patio to now be considered a deck with the addition of the wood and therefore be granted a variance in the side setback requirements.

MR. TORPEY: It was a cement patio and he covered it with wood so it looks like a deck.

MS. FERIGNO OHM: Right.

MR. KANE: Certain questions I have to ask. To your knowledge, cutting down any trees or substantial vegetation in the building of the deck?

MS. FERIGNO OHM: No.

MR. KANE: Creating any water hazards or runoffs with the building of the deck?

MS. FERIGNO OHM: No.

MR. KANE: Any easements running through where the deck is?

MS. FERIGNO OHM: Absolutely not.

MR. KANE: The size of the deck is?

MS. FERIGNO OHM: Definitely been submitted to the board.

MR. KANE: Is the deck itself similar in size and

nature to other decks that are in that neighborhood, not overly large?

MS. FERIGNO OHM: Yes.

MR. KANE: Has there been any complaints formally or informally about the wooden deck?

MS. FERIGNO OHM: No. In fact, this has been in existence for I believe approximately 30 years in its current form with the wood on top of the cement patio for 30 years.

MR. KANE: Bring it back to the board for anymore questions?

MR. TORPEY: No.

MR. BEDETTI: What's the height of the deck from the ground level, less than three feet?

MS. FERIGNO OHM: It varies because the side area, yes, sir, quite low.

MR. BEDETTI: The side yard?

MS. FERIGNO OHM: I believe it's less than three feet.

MR. KANE: Yeah, but I think since it's all connected you go with the highest point in consideration of that.

MR. BEDETTI: The violation apparently is only on the side right, this is like a wraparound type deck.

MS. FERIGNO OHM: The only violation is the location to the side yard, correct, from the property line the setback.

MR. BEDETTI: I've got a question. Can I go on?

MS. FERIGNO OHM: Sorry.

MR. BEDETTI: I have a question because there's a section of the code that indicates that this is really not a violation.

MR. TORPEY: Yeah, because if it's a cement patio--

MR. BEDETTI: If I may, I'd like to read it, Mr. Chairman.

MR. KANE: Yeah, I'm reading it.

MR. BEDETTI: 311-C-E.

MR. KANE: Yes, that's the one.

MR. BEDETTI: I read this over a number of times, I spoke to the building department and I'm still of the opinion that there's not a violation here.

MS. FERIGNO OHM: I agree with you.

MR. BEDETTI: I'm only one member of this board.

MS. FERIGNO OHM: I was informed that the bulk tables applied in this particular zoning district therefore the side setbacks vary.

MR. TORPEY: I've got no further questions, Mike.

MR. KANE: I can definitely see what you're saying but we don't have an exact measurement on how far that deck comes off the ground which means to do that we would have to put the meeting on hold to get that information in here so that we can make a good decision on that.

MRS. PELESHUCK: It's in here in the minutes from last time, I just have to find it.

MS. FERIGNO OHM: And there's been sketches with measurements.

MR. KANE: Excuse me, this is the public hearing, that information has to be here now so we need to find it so that we can put it into the record.

MRS. PELESHUCK: It's less than 30 inches off the ground in any high point because it does not require handrails.

MR. KANE: And it doesn't require handrails.

MRS. PELESHUCK: No, and the building inspector actually went out there and looked before this.

MR. TORPEY: Yes, at the last meeting the owner was here and he explained it all to me at the time.

MS. FERIGNO OHM: I was informed that if the, if we

were granted a variance that there are no violations and the building department will be issuing us a Certificate of Compliance or Occupancy immediately.

MRS. PELESHUCK: That's correct.

MR. KANE: See that's more my point is expediting it for the young lady or making sure we have, it doesn't hurt her to get a variance on it at this point if everybody votes that way, not saying they're going to.

MR. BEDETTI: Well, that's the risk, you know, my interpretation says based on what I read here it says number one, if there isn't even a violation then how can we vote, failure to pass.

MS. FERIGNO OHM: Because the building department refuses to--

MR. TORPEY: We'll vote against it, we can't vote for it, we have to vote--last meeting there was something with the railings because we talked about this last meeting. I think the railings made it a deck not a cement patio, it was a deck so we had to treat it as if it was a natural deck.

MRS. PELESHUCK: Wood on anything is a deck.

MR. BEDETTI: Yeah, but this permitted obstruction includes decks.

MR. TORPEY: But in the last minutes of the first meeting he had all the measurements, he had everything cause he was here himself.

MR. BEDETTI: She's got them.

MRS. PELESHUCK: Yeah, I just told you.

MR. KANE: I can understand what you're saying totally I can but I'm thinking here that if it's leading to a situation of confusion just amongst us right in here and if the house goes to get sold somewhere down the line why not clean everything up and make it definitive.

MR. CHANIN: Mr. Chairman, when you missed last time's meeting, it was disclosed to the board by the applicant who appeared in person, that the reason he's coming before the board is because he has the house sold but

had a closing postponed because of this issue, couldn't clarify title.

MRS. PELESHUCK: He actually moved already.

MR. KANE: Right.

MR. CHANIN: From the applicant's point of view not from the board's point of view but from the applicant's point of view this is an urgent matter.

MR. KANE: And by us deciding that, you know, there wasn't a violation isn't saving her any money, she's already spent all the money to be here so why not make sure that the property has been handled correctly as long as it's in front of us. I mean, if there's a question here--

MR. BEDETTI: I understand that. My only reason for bringing it up is to remove the risk of her losing if there's no violation.

MS. FERIGNO OHM: I'm hoping I'm not going to lose.

MR. CHANIN: No one will predict what the board is going to do but there's also a risk of not acting and costing them more time and money. Would that be correct? I don't want to put words in your mouth.

MS. FERIGNO OHM: It is, should the board vote for this variance, the property will be transferred this week.

MR. KANE: Okay, let me open it up to the public, ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion, bring it back to Nicole, find out how many mailings we had.

MRS. PELESHUCK: On the 16th day of January, 2012, the applicant and I mailed out 55 addressed envelopes and received no written response back.

MR. KANE: Okay, bringing it back to the board. My feeling is that we go ahead and vote on this as a variance or interpretation and get it on the record.

MR. BEDETTI: Variance or an interpretation?

MR. KANE: Well, you can interpret that it is, depends on how you feel, like in your situation if you want

that you would say that there's an interpretation, that there is not a violation here, therefore, there's no variance needed, I think that's chance.

MRS. PELESHUCK: Then it won't get a certificate from the building department.

MR. KANE: Right.

MR. TORPEY: I'm ready.

MR. KANE: I'll accept a motion whichever way you want to go.

MR. BEDETTI: I'll make a motion that we grant the variance with the interpretation, I don't even know if we need the variance, but interpretation that this existing deck complies with the exception to the rule that allows this deck to be within 10 feet of the property line at 7 Ridgeview Road in an R-4 zone.

MR. TORPEY: I'll second that.

MRS. PELESHUCK: You do?

MS. FERIGNO OHM: I was slightly confused. I was just slightly confused by that motion. I don't know if it's my place or not but may I ask for it to be reread so I could just write it down better?

MR. CHANIN: The discussion last week, the reason why the variance is needed is because the 20 foot setback requirement applies because it's attached to the house.

MR. KANE: I think we proceed as a variance.

MR. BEDETTI: That's not what this exception--

MR. TORPEY: I argued that last meeting, that's why, remember?

MR. BEDETTI: Well, I went to the planning board and discussed it with the planning board and their interpretation and again they're not here.

MR. KANE: Planning board has nothing to do with the zoning board.

MRS. PELESHUCK: Building department.

MR. BEDETTI: Excuse me, I spoke to the people in the building department and their interpretation was that that permitted obstruction refers to only front porches or decks or paved terraces but the law does not say that.

MR. KANE: Then make your presentation on how you want to vote. If you want us to vote that there is no variation here then you make that and everybody will vote on it and that's the way it's going to go or you can just vote to give the young lady a variance or not, you know, depending on how the vote goes. I think you're gambling but that's up to you, I mean, to me this is an easy way to do it.

MR. CHANIN: I would suggest, I don't want to speak on behalf of counsel or her client, but if the purpose for their appearance here in the first place is to clarify title so the transaction can go through if and again nobody's predicting or influencing the board on how you're going to vote, but if the purpose to be served is to clarify title to allow these people to get on with their lives, the cleaner way to do it is to treat it as a request for a variance and not leave open the question of a legal interpretation of the statute which ultimately could be up to the town board to clarify since the statute originates with them.

MR. TORPEY: I second that.

MR. CHANIN: I don't mean to intrude.

MR. KANE: That's why you're here. How do you want to proceed? I'll accept a motion once again.

MR. BEDETTI: Well, I'll make the motion that we grant the variance to Robert D'Jovin for an existing side deck that does not meet the required setback at 7 Ridgeview Road in an R-4 zone.

MR. HAMEL: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MRS. PELESHUCK: You're all done.

MS. FERIGNO OHM: Thank you.

MRS. PELESHUCK: These are the next steps.

MS. FERIGNO OHM: I have another authorization to hand you for the real estate agent to move on from tomorrow. Thank you.

PAUL HENRY (12-03)

MR. KANE: Tonight's last public hearing Paul Henry request for proposed house on vacant lot that doesn't meet the minimum lot area of 80,000 square feet. A variance of 19,079 square feet is required at 432 Beattie Road in an R-1 zone. Mr. Henry?

MR. HENRY: Yes. Paul Henry, home address is 9 Schiavone Road, New Windsor, New York 12553.

MR. KANE: Tell us exactly in your own words what you want to do.

MR. HENRY: I'm requesting a lot area variance for a proposed two lot subdivision. One of the lots is completely in compliance with the zoning requirements, the other lot is in complete compliance with the exception of the lot area which is 19,000 square feet short.

MR. CHANIN: And Mr. Henry, correct me if anything I say is incorrect, but when you were here two weeks ago you told the board that this property was purchased in the year 2009?

MR. HENRY: Yes.

MR. CHANIN: And that at the time you purchased it, you had no intention of subdividing it?

MR. HENRY: Correct.

MR. CHANIN: Because of various changes in family circumstances, it was your intent now if you got the variance to build a second home on the non-conforming lot and that would have been for your mom if I recall?

MR. HENRY: Exactly.

MR. CHANIN: So that's the background, introductory background which explains your appearance here tonight?

MR. HENRY: Yes.

MR. CHANIN: Thank you.

MR. HENRY: You're welcome.

MR. KANE: Cutting down substantial trees or

vegetation?

MR. HENRY: No.

MR. KANE: Creating any water hazards or runoffs?

MR. HENRY: No.

MR. KANE: Any easements going through the area?

MR. HENRY: There is a driveway easement to the right of the non-conforming lot.

MR. KANE: But not on your property?

MR. HENRY: It's not on the property, there's 50 foot between my property and my neighbor's, it's not on my property.

MR. TORPEY: The developer owns the whole back couple hundred acres.

MR. HENRY: It's like 98 acres.

MR. KANE: At first honestly 25 percent is kind of scary, it's a large thing but in looking at the way the lot, you split the lot the one fits, the other is short, it's tough.

MR. HENRY: If I may, the way the land surveyor mapped out two lots he tried to make the non-conforming lot as wide as possible so that it doesn't, it gives the appearance of being a similar size lot to the conformance rather than having it having the width not be as large.

MR. KANE: Let's do it this way. Anybody in the audience for this particular hearing? Nobody, so we'll close the public portion of the meeting and ask you how many mailings we had. Let's get that out of the way.

MRS. PELESHUCK: On the 16th day of February, 2012, the applicant and I mailed out nine addressed envelopes with no response back.

MR. KANE: Questions from the board?

MR. BEDETTI: Those two lots, 42.43 and 42.44, there's no dimensions on that, are they conforming lots do you know?

MRS. PELESHUCK: That was an old subdivision that was approved.

MR. BEDETTI: My question is whether 42.43 and 42.44 meet the current two acre code.

MR. HENRY: They do. I know that for a fact, yes.

MR. KANE: But they're not on a two acre lot.

MR. HENRY: No, I think they're each two acres or maybe 1.8, around there.

MR. TORPEY: But they're long slices instead of--

MR. HENRY: Yeah, they extend far into the woods.

MR. HENRY: The three across the street are 60,000 square foot lots.

MR. BEDETTI: So this one doesn't show whether they're conforming.

MR. KANE: No.

MR. TORPEY: One house is going to be your mom's, one house is going to be yours?

MR. HENRY: Correct.

MR. KANE: You're going to be using septic and well?

MR. HENRY: Yes.

MR. KANE: And no other septic or well within 200 feet?

MR. HENRY: Well, of course not but I think the drawings would have to be modified.

MR. HAMEL: Yeah, I brought that up last time.

MR. KANE: It's already in, okay.

MR. TORPEY: I think the planning board and the health department takes care of that.

MR. CHANIN: Orange County Division of Environmental Health checks to make sure there's no danger of contamination.

MR. TORPEY: Or he gets a permit.

MR. KANE: Well, yeah, you can see he did a good job dividing it, I mean, the frontage on the one that qualifies is 175 feet and there's 301 on the one that doesn't qualify, much bigger front yard so you're right visually it's going to look--

MR. HENRY: Yes.

MR. TORPEY: Normal. How did you put the houses on there like that?

MR. HENRY: Photoshop, yeah.

MR. KANE: If there are no further questions, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Paul Henry the variances as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	NO
MR. TORPEY	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MRS. PELESHUCK: You have to go back to the planning board now.

MR. HENRY: I can call your office with any questions?

MRS. PELESHUCK: Yeah, absolutely.

MR. KANE: Thank you. Have a good evening.

## DISCUSSION

MR. KANE: We don't have a full board and you know with the injury over here, my intention is to run for chairman. We need to take care of this. So what I'm going to do is have Nicole send out an e-mail, whoever wants to, if anybody else is looking to run for the position just let her know and we'll have a vote done by e-mail. Again, I think it's the fastest way to do it.

MR. BEDETTI: You don't want to do it tonight?

MR. KANE: We need to hear from everybody. So what we'll do is just do it like we did last year as far as the board and chairman and that kind of stuff you took care of.

MR. CHANIN: Mr. Chairman, at the last meeting, I introduced myself to the board members, I gave them a very brief verbal account of my checkered history and the only member of the board who was not present last time was yourself. And you and I met separately. But I said then and I will emphasize again now under the law of the State of New York anybody, whether it be a municipal board or a private individual has the right to hire and fire their attorneys completely at will. So now and until the foreseeable future, I continue to serve at your pleasure and you can make a change or whatever decision you want to make at any time.

MR. KANE: If you got through the first meeting without me being here we're keeping you.

MR. TORPEY: If we have to do so many hours in a course and he wants to train the course and do it, we have to do it either way, can we do that, does it have to be like one, how much, how many does it have to be?

MR. CHANIN: The other topic of discussion briefly that the board and the staff and I engaged in at the last meeting was my offer at no charge, I'll put that there again, but it goes without saying that because of a law passed by the State Legislature I'm guessing in 2007, 2008, all members of planning and zoning boards are required to have no less than four hours per year of training. There are many, many sources of that training, there's the internet, there's the Planning Federation, there's the Association of Towns and lots of others besides. However, it's also acceptable and

certifiable that you can satisfy your obligation to take that training if you get training from somebody who's qualified to give it. And I have in fact given such trainings to board members in the past. I will not offer to train you in something which I'm not thoroughly familiar but I am familiar with a number of things over the course of my career in land use, including SEQRA and the Open Meetings Law and all those kinds of interesting things that qualify as training for board members. So if any of you individually or collectively want to take me up on my offer I'll be glad at any time to do so.

MR. TORPEY: How many hours do we have to have in?

MR. CHANIN: My understanding is four per year.

MR. TORPEY: Can we break them up or do we have to do four in one shot?

MR. CHANIN: No, you can divide them any way you want.

MR. TORPEY: Say every meeting we did a half hour and we built up our four hours.

MR. CHANIN: The answer to that question is yes, as long as it's properly documented, number one, as long as its subject matter is arguably relevant to your responsibilities as a board.

MR. TORPEY: If we do four hours, you have to get cookies and donuts.

MR. KANE: I was going to say if we want to do this in maybe hour or two hour increments, I don't have any problem with having everybody over for coffee and donuts.

MR. CHANIN: It can be broken up any way you wish as long as it's documented and you meet your requirement. You know, again, training is good and consistency of understanding across the state on these topics is a very good thing but and again, it's a shame to live your life this way, but also when you work for a municipality, you learn that you want to prevent problems before they occur. And representing boards like this one as long as I have as I shared with you last time my recurring nightmare which happily has never happened but might one day someone unhappy with the board decides to challenge it legally because one

or more of the members are not in compliance with the training requirements so I just want to close that area of vulnerability just in case.

MR. KANE: We're going to definitely do that, we'll get that done this year and like I said, we can do it, I offer my home, we can get together for an hour or two hours, I think that's a better way than an extra half hour here, go through the training, do a little talking.

MR. CHANIN: Let the chairman know. As a matter of fact what I will do if you wish just as a kind of a Chinese menu I'll give you a sample of topics and you can let the chairman know which ones if any you would like me to speak about, including handouts and we'll schedule it at a convenient time.

MR. KANE: If you can e-mail that to Nicole and she'll mail it out to everybody.

MR. CHANIN: I'll be glad to do that.

MR. BEDETTI: I just want to comment on the earlier issue regarding the variance with the interpretation, the building department is looking for some direction as to the questioning relative to their interpretation of it only being a front porch requirement as opposed to the other ones so they're looking for some direction because they claim that the violation exists, it may not.

MR. KANE: We have run through that over the years I've been here, we've had a couple of those instances when we used to have the building department here and we've run into that and I think that honestly the ideal way to work it out is right in here with each unique situation. I don't think there is a way to say that, I'd have to reread that because to me the way I read that front thing on the front going to the front wall that the measurement had to equal the distance from the road but I want to reread it cause I read it kind of quick here.

MR. CHANIN: These boards, the planning board, zoning department, everybody in town, private engineers and attorneys ultimately have to get their guidance as to what the statute, the local statute means from the town board.

MR. TORPEY: It's better to get it out in the open and get it done instead of saying I didn't have to, he did it better, to just do it and be done and everything's clean.

MR. CHANIN: We just handle the applications.

MRS. PELESHUCK: Two of the inspectors both said that that was only for a front porch, it doesn't have anything to do with the side, only if the front porch extended around the house, they were going to the road, not to the side yard, only if that extended passed the--

MR. TORPEY: But they still built the deck and connected it.

MR. BEDETTI: Understand it doesn't say that.

MR. KANE: That's why I said I didn't disagree with you.

MR. BEDETTI: In fact to the contrary to that if you look at the height requirements in this town relative to the code they generally take the front of the building and reference the heights even of sections of the building off of that as the reference point which I interpret they were doing here relative to the height of that deck, right. And further the question of that interpretation was that it offers distances other than 10 feet, it offers 15 feet, one condition 10 feet on other property lines, okay, so how can it only refer to the front porch?

MR. KANE: Right.

MRS. PELESHUCK: Front, if the front porch was there and continued on the side of the house that's where you've got that 10 foot from the side property, if it was continued to the side of the house.

MR. BEDETTI: Understand the law does not say a front porch.

MR. KANE: Okay, but we--

MR. BEDETTI: Says sidewalks, decks.

MR. KANE: Subject to interpretation, you know, again, it's something that the town board makes the laws,

there's no way for us to.

MR. BEDETTI: I'm only bringing it to this board's attention, they're looking for some direction and, you know, they seem to think that we would make that interpretation because we do, we don't make the law but we do interpretations to that law.

MRS. PELESHUCK: Jen specifically gave me this to hand out and said that the building department sees that as being a front porch or deck, that code was for the front porch or deck, that's what Jen said. She didn't, she interpreted it and so did the other building inspector.

MR. KANE: And the reason they were here was because it wrapped around from the front porch.

MRS. PELESHUCK: This has nothing do with the front, it's on the back and side.

MR. KANE: But that particular thing is for the front deck.

MRS. PELESHUCK: Thank you. And if this was the front of the house and this porch was there and wrapped around then the 10 foot would apply.

MR. KANE: Okay, that's the way they're interpreting it. Motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. HAMEL	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer