

TOWN OF NEW WINDSOR

ZONING BOARD

February 13, 2012

MEMBERS PRESENT: PATRICK TORPEY, ACTING CHAIRMAN
 RICHARD HAMEL
 FRANCIS BEDETTI
 HENRY SCHEIBLE

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE

REGULAR ITEMS:

MR. TORPEY: I'd like to call to order the February 13,
2012 meeting of the New Windsor Zoning Board of
Appeals.

PRELIMINARY MEETINGS:

FRANK TEPEDINO (12-01)

MR. TORPEY: Preliminary meetings, first one on the agenda is Frank Tepedino. Did I say that right, Frank? Step right up. Frank, what we do here is we have two sessions. The first session you're going to come and tell her your name, your address, explain what you want to do and then, you know, everything gets voted done and then the second session you come in and we do it all over again with a public hearing and it all works out good.

MR. TEPEDINO: Frank Tepedino, 33 Willow Parkway. What I'm looking for is a variance on the kitchen that when I bought the house I didn't know that I needed one. It was there. So I'm looking for a variance on it.

MR. TORPEY: Interpretation for a second kitchen?

MR. TEPEDINO: Yes, yes, it's in the basement.

MR. TORPEY: How long ago did you buy the house?

MR. TEPEDINO: 1987 but I didn't know that I needed a permit for it. I figured everything was taken care of so I just never paid attention to it. And the reason that I'm using the kitchen downstairs, unfortunately, I just lost my wife in December and she liked to cook downstairs to keep the kitchen upstairs cleaner so that's what she did and I'd like to keep it if I can.

MR. TORPEY: So you're keeping the house?

MR. TEPEDINO: Yes, I am.

MR. TORPEY: And it's like--

MR. TEPEDINO: Up until this point, yes, I am.

MR. SCHEIBLE: Just curious, Frank, you said you moved in there in 1987?

MR. TEPEDINO: In '87 I bought the house.

MR. SCHEIBLE: What provoked this now? Why all these years and you're coming in looking for a permit?

MR. TEPEDINO: Because I had to get permits for an

outside deck and above-ground pool.

MR. SCHEIBLE: When was that, just curious?

MR. TEPEDINO: Just recently. And they looked downstairs and they saw that the kitchen is there and do you have a permit and I said no. Well, you're going to need one. That's what I'm, why I'm here.

MR. BEDETTI: Frank, do you live alone in the house now?

MR. TEPEDINO: Now I do, yes.

MR. BEDETTI: There's nobody renting or anything downstairs?

MR. TEPEDINO: No, sir.

MR. BEDETTI: Just you?

MR. TEPEDINO: Just me and my Yorkie. I have no intention of renting. I was a landlord once in my life, that did it.

MR. BEDETTI: This is your personal home so you live in it?

MR. TEPEDINO: Yes, I do.

MR. TORPEY: Just a small little kitchen?

MR. TEPEDINO: Yes, really just a little bigger than a gally type.

MR. SCHEIBLE: Kitchenette type of deal?

MR. TEPEDINO: Correct.

MR. SCHEIBLE: And you have no intention of selling this house right now?

MR. TEPEDINO: At this particular point, no. My daughters are pushing me but I'm not moving yet. I'm under a little pressure from them but I just don't want to leave yet.

MR. SCHEIBLE: Just tell them who the boss is.

MR. TEPEDINO: They are.

MR. TORPEY: So I'm going to ask you some real cute questions. But there's only one meter feeding the house?

MR. TEPEDINO: Yes, one meter, I took pictures of that also.

MR. TORPEY: Yes, I see that, I have to ask. No separate entrances, it's an open doorway, you can go right downstairs upstairs?

MR. TEPEDINO: From the kitchen right downstairs, I took pictures of that too also, I think.

MRS. PELESHUCK: He just has to ask the questions.

MR. TEPEDINO: Okay.

MR. TORPEY: Guys got any other questions, further questions?

MR. SCHEIBLE: Is that gas or electric stove?

MR. TEPEDINO: Electric.

MR. TORPEY: I have no further questions.

MR. BEDETTI: I have no other questions.

MR. HAMEL: I'll make a motion that we schedule a public hearing for Frank Tepedino for the variances requested.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. SCHEIBLE AYE

MR. BEDETTI AYE

MR. HAMEL AYE

MR. TORPEY AYE

MRS. PELESHUCK: I'll call you with the mailings.

MR. TEPEDINO: Okay, thank you very much.

MRS. PELESHUCK: Have a good night.

MR. TEPEDINO: Have a good night, thank you.

ROBERT D'JOVIN (12-02)

MR. TORPEY: Second is Robert D'Jovin request for existing side deck that doesn't meet the minimum 20' side yard setback. A variance of 5'1/2" for the side yard is required at 7 Ridgeview Road in an R-4 zone. Same thing, you have to give us your name and address.

MR. D'JOVIN: Robert D'Jovin, the address is 7 Ridgeview Road, Salisbury Mills, New York. In my packet, I have included a cover letter. Before I get into real deep about the cover letter, I'd like some consideration of this exception to side yard, just want to explain what I did. I got into the on-line E-Codes, I typed in the search block side yard setback for decks and up came one of the items 300-11 which is an exception to yards that says the decks and I have a copy of it here if you want to see it can be 10 feet. Okay, my whole story is we purchased the house in August of 1976 in the Windsor Hills section of New Windsor. At that time, there was a concrete patio that was raised up because the grade dropped off to the house and the previous owner had built this concrete patio that was about 12 x 21 feet. By the time we moved in it was 15 years old so in 1978, I covered directly onto that concrete deck with a pressure treated framing and decking material. The original concrete deck did not have any handrails and it dropped off at least 30 inches. We felt uncomfortable after two years so I put this deck on top of it. My error that I did not apply for a building permit when I did that, I assumed that I was overlaying a deck I was fine, I didn't need it, I was wrong, obviously. Fast forward to now we've had our house up for sale, we sold our home in nine days which was unheard of. The couple really wants to move into the house, their lawyer said are there any outstanding issues with the house? We said not with the pool, not with the deck, not with the fence, we straightened all that out. But I don't have a C.O. for the deck. So the closing which was scheduled February 10th has been postponed by the bank attorney and there's also the buyers' attorney they will not allow me to set a closing date subject to receiving a variance on this deck. I applied for a building permit a few days later. I got a letter saying the building permit was denied subject to the variance for the side lot clearance.

MR. TORPEY: You're learning the process pretty good.

MR. D'JOVIN: Well, I've been into the building department and they have schooled me on it, yes. So I was also told that the existing concrete deck that was there only required a 10 foot side lot setback. Once I changed the material to wood that went to 20 feet that was an R-4 bulk requirement and then--

MR. TORPEY: That wasn't a deck, it was just a patio?

MR. D'JOVIN: Yes.

MRS. PELESHUCK: The reason why it is 20 now is because it's attached to the house. If it was not attached to the house, I think Jen even told you it would be the 10.

MR. D'JOVIN: She said if you can step out at least one foot and it was totally separated. I have discussed attaching it to the deck, it's not physically attached to the deck as it's setting on the concrete slab so a technicality, I don't know how that works but they, Catch 22, they say it's, I felt geez, there's something wrong, that's when I got into the E-Codes, typed in the side yard setback, up came that exception to side yards or to yards I think it's called. And I have a copy if somebody wants to review that. I did not include that in the packet. So where we are today is like I said, I can't close on the house, I have a house in South Carolina that I'm paying on, I have a house here I'm paying on. The perspective, the buyer is, if it doesn't get resolved by March 1st will have to extend his rental for another month and that's my situation. And also on February 21st, his mortgage commitment runs out and he has to pay additional \$314 to extend it for another 10 days and there's no assurance that even after that 10 days which is going to be close to the first of March that this will be resolved and that we'll be able to have the closing and I can move out so he can move in. And plus I postponed my mover, there was no choice, I had no choice but I had to postpone it. So unless I'm forgetting something, that's my request for a variance to this side deck. And also in this packet, I drew some sketches and basically my property from my house to my property line is 27.29 feet, my deck is 12 foot 4 inches that equates to 12.33 and I'm 14 foot 11 1/2 inches away from my property line, photographs show that there is that space and I have a letter from my neighbor that's immediately adjacent to the deck saying he has no issue with it, actually it improves the view. So that's

about all I can present to the board.

MR. TORPEY: On the rear of the deck, is that a set of steps going up to the next deck or another set of steps coming down?

MRS. PELESHUCK: Sheet two of two, the last one.

MR. D'JOVIN: Two of two right in the very front you see this right here?

MR. TORPEY: Is that another step?

MR. D'JOVIN: That's right to grade, that's going right to a paver grade.

MR. TORPEY: You don't have a railing? They didn't say nothing about that?

MR. D'JOVIN: No.

MR. TORPEY: You can just walk off that.

MR. D'JOVIN: Safety Code says anything over 30 requires a rail. What I did on the plan I prepared the overall plan of the deck after the site surveys.

MR. TORPEY: That is another step you can walk down to the ground?

MR. D'JOVIN: On this plan, I'm showing that that's a seven inch riser and a seven inch riser and then what I did was I created a little circle and a number and that's the distance between the surface of the deck and grade and in no case was it over the 30 inches that requires a handrail. So I don't need a handrail at that location if that's what you're asking.

MR. TORPEY: Just checking, I couldn't see the picture, it kind of stopped. I have to ask you some good questions but in the building of the deck, you didn't remove any trees or vegetation?

MR. D'JOVIN: No, I did not.

MR. TORPEY: You didn't go across any easements, right-of-ways?

MR. D'JOVIN: Not at all.

MR. TORPEY: No complaints, formal complaints, no neighbors, nobody complaining?

MR. D'JOVIN: No.

MR. CHANIN: If I understand the chronology correctly the deck's been there for 34 years, is that correct?

MR. D'JOVIN: Correct, in 1978 I put the wood on top of the concrete on that east side of the house.

MR. TORPEY: And the deck is similar in size with all the neighbors?

MR. D'JOVIN: Well, the only difference is it's almost at grade where the other decks are all elevated so I guess the definition of a deck I was told once you put it in wood and everybody visualizes a deck as something raised but this is at grade, you can see on the plan it shows 16 inches, 14 inches because it's overlaid.

MR. TORPEY: You did it right. Any other questions?

MR. SCHEIBLE: In the past, have you put any additions on the house, anything like that?

MR. D'JOVIN: No.

MR. SCHEIBLE: Where you would have had a building inspector come out?

MR. D'JOVIN: No additions to the house. Building inspector Lou came out, my shed, I replaced the shed, he came out and reviewed the shed and also the pool, I have a C.O. for the pool.

MR. BEDETTI: Did the inspector comment on the structural integrity of the deck?

MR. D'JOVIN: No, the inspectors did not come out and look at the deck. When I put in the building permit they denied my building permit subject to this variance for the side lot clearance so I'm guessing that's the next step they would have to come out and look at it if they felt it was fine, if not, I would have to correct it then I would hopefully get a C.O.

MR. BEDETTI: No further questions.

MR. D'JOVIN: I'd really like to know if the inspectors

can come out in the interim, look at it, if there's something to be corrected, I need to correct it now. I guess it's not going to happen.

MR. TORPEY: You're good.

MRS. PELESHUCK: I'll ask them, I'm not sure.

MR. BEDETTI: You do understand we will not be voting on this tonight?

MR. D'JOVIN: Yeah, I'd like consideration of this side yard exception if it actually does apply. I won't be able to sell my house cause he wants this deck, I've offered to take it down and get back to 1978.

MR. TORPEY: You'll be all right. Make a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Robert D'Jovin for a deck that does not meet the side yard setback as requesting a variance of 5' 1/2" at 7 Ridgeview Road in an R-4 zone.

MR. SCHEIBLE: I'll second it.

ROLL CALL

MR. SCHEIBLE AYE
MR. BEDETTI AYE
MR. HAMEL AYE
MR. TORPEY AYE

MRS. PELESHUCK: I'll call you tomorrow with the mailings and we'll get you on for the next meeting.

MR. D'JOVIN: Thank you.

PAUL HENRY (12-03)

MR. TORPEY: Number three, Paul Henry. Step right up.

MR. HENRY: Paul Henry, address is 7 Schiavone Road, New Windsor, New York 12553. I'm proposing a two lot subdivision on existing one lot that I bought in 2009, one of the lots completely conforms to the bulk requirements of Rock Tavern. The second lot conforms to everything except the net area variance, net area of 80,000, so a variance is needed for a little over 19,000 square feet. And the reason for that I'm requesting this now, I'm trying to get a family member to move up here in the next couple years after they retire to live close to me.

MR. TORPEY: Are you on one of these lots right now?

MR. HENRY: No, it's all vacant land.

MR. TORPEY: Where do you live?

MR. HENRY: I live with my father-in-law.

MR. TORPEY: You want somebody to get into the one of the lots and you're going to get into the other one?

MR. HENRY: I'm going to build on one of the lots as quickly as possible and then the other lot would be actually for my mother in the next couple years.

MR. TORPEY: That's who you're trying to get up here?

MR. HENRY: Yes.

MR. TORPEY: Do you think this is going to do it?

MR. CHANIN: You have the right not to answer.

MR. SCHEIBLE: Sir, could you point out, I'm a little confused here, you have on this plan you have site and that's, this is the site you want to subdivide?

MR. HENRY: Yes.

MR. SCHEIBLE: Where it says site?

MR. HENRY: Yes, that's the one lot.

MR. SCHEIBLE: And do you have ownership for any of the

neighboring lots?

MR. HENRY: No.

MR. SCHEIBLE: Where it says 42.41?

MR. HENRY: No, that was a house that was actually just built six months ago.

MR. SCHEIBLE: You bought this what year?

MR. HENRY: January of 2009 I closed on it.

MR. SCHEIBLE: And you were aware of the size lot necessary to put a house on those days when you bought this?

MR. HENRY: Yeah, it was never my intention to subdivide but recent events deeming it somewhat necessary.

MR. TORPEY: Well, it's only one lot with the problem, right?

MRS. PELESHUCK: Yes.

MR. HENRY: It's one lot right now.

MR. TORPEY: Where on this paper are the lots, like do you have any neighbors?

MR. HENRY: This is the house that was actually just built, my lot is here, goes across and it comes down right at this area.

MR. TORPEY: What's this circle thing?

MR. HENRY: That's a track, some ATVs and hunters use this, my land to access the woods in the back. Those are all tire tracks. There's actual a typo on one of the lots, it's supposed to be proposed septic, my surveyor put proposed dwelling, it's just, so there's no confusion, I'm looking for two houses.

MR. BEDETTI: Say that again, proposed dwelling is really not a dwelling?

MRS. PELESHUCK: No, right here proposed dwelling is supposed to be the septic.

MR. BEDETTI: Okay.

MR. HENRY: Sorry.

MR. SCHEIBLE: What is the possibility of 60,000 on one 80,000 on the other which just barely makes it on the 80,000, divide it more evenly or is that impossible?

MR. HENRY: I don't think it's impossible but when I did an initial workshop with Mr. Edsall, he recommended that one be completely conforming and the other one with the remaining lot.

MR. BEDETTI: That makes sense.

MR. SCHEIBLE: That makes sense but asking nearly 20,000, that's a big number.

MR. HENRY: I actually have a, created a schematic of what the houses would look like.

MR. TORPEY: Which lot are you going to give your mom, the small one?

MR. HENRY: The small one, I'd be taking care of both of them anyway so--

MR. SCHEIBLE: So you're the owner of Beattie Associates?

MR. HENRY: No, I'm just the owner of 432 Beattie. Beattie Associates was the previous owner that I bought it from.

MR. TORPEY: You had this since '09?

MR. HENRY: Yeah.

MR. TORPEY: How are the neighbors?

MR. HENRY: Good, actually, the one the neighbor to the north is actually a fellow teacher of my wife at the Washingtonville School District so--

MR. TORPEY: Neighbors are good with everything?

MR. HENRY: Yeah, yeah, no complaints, I mean, it's just a vacant lot right now.

MR. TORPEY: Not going to be cutting down any trees,

vegetation, creating any water hazards?

MR. HENRY: There's no trees on the lot, no water at all.

MR. TORPEY: No easements, right-of-ways?

MR. HENRY: There's an easement on one of the, lot two there's a driveway easement that's really for if the 90 acres behind my piece of land ever gets developed, whatever driveway I have would have to be made into that road that would be a road 25 feet on my land and 25 feet to my neighbor to the north that would be made a road.

MR. TORPEY: Who owns the property in the back?

MR. HENRY: I think Beattie Associates, either them or it was sold a while ago but it's 90 acres I think they still own it.

MR. SCHEIBLE: When you come in off 207, how far in are you located in case I want to take a drive?

MR. HENRY: I'd say a little over a mile, it's really right in between 207 and Twin Arch Road.

MR. SCHEIBLE: Those neighboring lots where they're all undersized, are they developed right now, one right in that area there?

MR. HENRY: Yeah, I think one of them, I think.

MR. SCHEIBLE: That's probably back to the old original scheme of things, probably years and years ago.

MR. HENRY: Yeah, probably because the majority of the Beattie Road is less than an acre but like you said, it's probably back in the day.

MR. HAMEL: I think my only question is that on the subdivision notes on the last paragraph where it says no adjoining septic system or wells within 200 feet of the proposed septic is on the lot in question is about 115 feet on that one side and the other one is 110 feet which is probably not our business but, you know, it does mean the, what the code calls for.

MR. HENRY: This, I mean the septics can be changed, correct, I mean, this is really just an area for a

vacant lot.

MR. TORPEY: The health department comes in and they do a perc test and they check everything.

MR. HAMEL: It's the distance.

MR. TORPEY: It still has to be a certain distance from the well is what it is.

MR. HENRY: I see. Isn't it adjoining lots, isn't it the neighbors?

MR. HAMEL: I'm not sure exactly, I mean, all I can tell you is what I read it says 200 feet and according to this it's just what you have 200 feet to the septic and you have 185.

MR. TORPEY: No, no, no, there's no septic or wells within 200 feet of his, if you read that correctly, do you understand what I'm saying? Like the neighbors' wells and the neighbors' septic system have to be 200 feet from the, from where he wants to put his.

MR. HAMEL: Okay.

MR. TORPEY: And that we can't tell right now.

MR. HENRY: No, I don't know the placement of the neighbors but I think--

MR. TORPEY: But there's no adjoining septic systems or wells within 200 feet of the proposed septic system and the well's shown on the map, right?

MR. BEDETTI: Well, that's true except for the fact that now you're going to have two parcels there so they are now neighbors one to the other, I mean, at some point in time his mother comes up and now he sells that house to somebody else now there's the question of, you know, those wells need to comply, wells and septic systems need to comply between the two lots being subdivided. So it's not just, you know, it's not just other people, it's within those two lots have to be at least separated by 200 feet from each others', each septic system and the wells. You may still be able to place it so it meets that requirement.

MR. HENRY: I don't think that would really work because if you look at the two lots, 42.43 and 42.44--

MR. BEDETTI: There's no way for me to know whether those are owned by the same person even though the lot lines are there.

MR. HENRY: They are not and their total road frontage is about 400 feet.

MR. TORPEY: That could change any time when it gets tested, when the health department comes down.

MR. SCHEIBLE: What was the basis of, the idea of changing lot sizes in that area was basically the lack of water and lack of sewage to give yourself enough room to be able to build but I'm looking at this and I'm wondering is there enough room on a 60,000 piece of lot here 61,000, I don't know if that will fulfill the necessary space to have water and sewage right on that lot. That's my confusing thing right now.

MR. TORPEY: What size houses are they going to be, how many bedrooms?

MR. HENRY: Probably typically four bedroom, mine would be four bedroom.

MR. TORPEY: And the other house?

MR. HENRY: Smaller, I know there's a 1,700 square foot limit so it would probably be around there.

MR. SCHEIBLE: Now, you appeared before the planning board and they sent you back here?

MR. HENRY: Yes.

MR. SCHEIBLE: Are there any notes on the planning? I'd like to read those notes.

MRS. PELESHUCK: It was very cut and dry, deemed it incomplete and sent him here, basically, he was just there for the referral.

MR. TORPEY: Just doing a subdivision.

MR. BEDETTI: Now, when you bought this lot in 2009 you had no intention of subdividing at that point in time?

MR. HENRY: No.

MR. BEDETTI: I don't have any other questions.

MR. TORPEY: So what if you put the two houses together and made one big castle?

MR. HENRY: I wish she could be in the same house, I want her close but not that close.

MR. TORPEY: Any further questions?

MR. SCHEIBLE: Now after this, correct me if I'm wrong, Nicole, they have to go back to the planning board?

MRS. PELESHUCK: Absolutely.

MR. TORPEY: And they're going to pick him apart.

MR. SCHEIBLE: It's going to be up to them with the engineers to decide whether this can be accomplished.

MRS. PELESHUCK: Absolutely, I'll look through the notes from Mark to see if there was anything about that.

MR. SCHEIBLE: Yeah, I'm just curious.

MR. TORPEY: Motion?

MR. HAMEL: Yeah, I'll make a motion that we schedule a public hearing for Paul Henry for the variance as requested.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. SCHEIBLE AYE

MR. BEDETTI AYE

MR. HAMEL AYE

MR. TORPEY AYE

MRS. PELESHUCK: I'll call you with how many envelopes I need for the public hearing.

MR. HENRY: Thank you very much.

FORMAL DECISIONS

1. Mira Blythe
2. Corinne & Matthew Lynch
3. Richard and Rose Marie Road
4. Michael and Elaine Veneziali
5. Minuta Architecture for Tuzo

MR. BEDETTI: Are we taking them individually or in total?

MR. TORPEY: I think we can take them all in one shot, no?

MR. BEDETTI: Anybody got any questions about any one in particular?

MR. HAMEL: No.

MR. SCHEIBLE: No.

MR. BEDETTI: I'll make a motion we accept formal decisions as written for the variances for Mira Blythe, Corinne and Matthew Lynch, Richard and Rose Marie Rose, Michael and Elaine Veneziali and Minuta Architecture for Tuzo.

MR. HAMEL: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE

DISCUSSION - ZBA ATTORNEY

MR. TORPEY: We need to vote the attorney in, I don't know how we're going to go about that.

MR. SCHEIBLE: I haven't met the gentleman yet.

MR. BEDETTI: I have a question. You say we're voting him in and I don't know that we have, we don't have any authority to vote him out.

MR. CHANIN: Sure you do. The bottom line is that people in the State of New York and most other states that I know of have the right to have whatever attorney they want to have, as long as the attorney has minimum qualifications. Just so you know a little bit about me, my name Geoffrey Chanin. I have lived in Orange County for over 25 years. I have 16 years of experience in the County Attorney's Office, including as the County Attorney and the Chief Assistant County Attorney, was the Corporation Counsel for the City of Newburgh for almost seven years. In my travels, I have also worked for, gosh, I could run off a list of various towns and villages, planning and zoning boards, village boards. During the years that I was with the City of Newburgh, I was also the attorney for the City Planning Board and Zoning Board of Appeals, as well as other boards that they have, including the Board of Ethics, the Charter Revision Commission. I can, you know, run off a whole list of things. I helped co-author the Master Plan for the City of Newburgh. Prior to that, I helped co-author the Master Plan, that Master Economic Development Plan for the County of orange. I also helped write the Master Plan for the County Transportation Department. So I humbly and modestly suggest to you that I am qualified but that doesn't matter, actually, I mean, aside from the fact that you want to have somebody who's qualified, as I said in my opening statement, people are entitled to hire the attorney of their choice. Under the law of the State of New York, there are certain fields of business where that particular practice is not subject to public bidding. One of those categories that it is not subject to public bidding is called professional services and that includes attorneys, engineers, surveyors, all kinds of people who are licensed by the State of New York, as an attorney, I qualify in that regard. So the bottom line, the answer to your question that you can hire whoever you want, you can hire me, you can hire somebody else, it's entirely up

to you. You don't have to answer to anybody for it. I would say to you that whoever you hire, whether it's me or somebody else should be somebody on whom you all generally agree. And the reason is because in my experience, boards like this have to work very closely with their staff, including their attorneys. I know that you are all volunteers. I know that you are not doing this for the glory or the fame or the appreciation or the money. You're doing it because you care about your town. So you want to be assured that the people you rely on for your staff support and assistance are people that you have confidence in that you can trust. Basically, the way that that kind of trust develops is by people working with each other and getting used to each other and getting to know each other. I can certainly give you a list of references but that's basically my resume in a nutshell. And so it's entirely up to the board whether they want to retain me or anybody else as their attorney and I will live happily every after with whatever decision you make.

MR. TORPEY: So we still have to kind of vote you in in a way.

MR. CHANIN: Well, you can, if you wish, you can certainly just acknowledge that you want me to serve as your attorney if you want to do it in the form of a formal resolution, you can do that as well. If you do it in the form of a formal resolution, then you have that as a piece of paperwork that the town comptrollers would appreciate having a paper trail. You can simply discuss it amongst yourselves, you don't have to have me present if you want to discuss it in private. But when you discuss it, you can also simply authorize the chairman speaking on behalf of the board to write a letter saying we hereby appoint Johnny Jones to be our attorney. You can do it any number of ways, but it should be done at least in a formal manner so there's a trail of paperwork so that the annual audit when the state auditors come down and audit the town and audit your expenditures, the state auditor can say all right, this is how much the town zoning board is spending on their attorney. So you create a paperwork record. Because that's the way government works unfortunately it's a bureaucracy and you have to be able to keep track of things being done properly. You can make that record in the form of a resolution or authorize the chairman to write a letter.

MR. BEDETTI: The other reason I kind of ask the question to kind of get this thing started is is this our formal reorganization meeting? We really haven't had one.

MR. TORPEY: No, that's going to be next meeting.

MR. BEDETTI: This is going to be separate from our normal January reorganization meeting where we select a chairman?

MRS. PELESHUCK: As of right now, we kind of don't have an attorney until we -- is that right or wrong?

MR. CHANIN: Let me say this to you. My understanding, this is only my understanding because I'm not an employee of the town, my understanding is that the last attorney who provided legal services to this board who's a friend of mine, Andrew Krieger, I've known him for many, many years, he's a good guy, has been relieved of his duties as this board's attorney. I'm happy to be here tonight. I'm happy to help out whatever way I can. If this board decides to hire someone other than myself, I won't charge anything for tonight or for whatever else, I'm happy to do it for you. If you do retain me as I said before my suggestion would be that either in one way or another either by having a vote, by somebody making a motion, by somebody authorizing the chairman to send me a letter or passing a resolution however formal or informal you want to make it, you should just put on the record that you're retaining me or somebody else whoever it is to be the new attorney for the board because that way as I said government like it or not is a bureaucracy and you have created a record on paper that is the proper way for a board such as this to conduct its business.

MR. SCHEIBLE: Correct me if I'm wrong here but were you or were you not interviewed by the town board?

MR. CHANIN: I was.

MR. SCHEIBLE: Or whoever.

MR. CHANIN: We had a meeting in Town Hall here about two weeks ago I guess it was and present were Supervisor George Green, Mike Blythe, your able, your chairman who's not here tonight, Jen was there. I'm leaving somebody else.

MRS. PELESHUCK: I was.

MR. CHANIN: Nicole was there.

MR. TORPEY: I talked to Mike tonight and Mike told me if we want, if we could, he doesn't have a problem with it if we can vote a lawyer in or he doesn't, he'd like--

MR. CHANIN: It's up to you guys, if you guys want to wait, if you want to interview other people, that's a perfectly appropriate process.

MR. BEDETTI: No, that was not my motivation for asking the question. We normally have an organization meeting once a year at the beginning of the year where the chairman is acknowledged, new chairman.

MR. TORPEY: Do you want to do it next meeting the whole thing? I talked to Mike tonight, he told me if you can take care of it, go ahead.

MR. BEDETTI: Just do the attorney thing?

MR. TORPEY: We can do that.

MR. CHANIN: I don't, the one thing I don't want and I mean this very, very sincerely as I said I've been doing local lawyering for municipal governments for a long time in Orange County.

MR. SCHEIBLE: What you just read off there or had in your head you told us your credentials seem to be on the up and up I will say.

MR. TORPEY: Do you know every year we have to do like a four hour minimum or eight hour minimum training, he's going to do that for us too if we could, like instead of us running to Goshen or going to Syracuse or whatever the heck we have to go to do our training he can do that for us.

MR. CHANIN: If you want, if you guys want on request. Now, what your acting chair is talking about it's a separate subject from hiring an attorney but I guess it's one small part of it that connects the two issues together. As you all probably know, I'm guessing it was four or five years ago cause I remember I had to deal with it in the City of Newburgh.

MR. TORPEY: That's exactly correct.

MR. CHANIN: The State Legislature passed a law that said that members of boards who are appointed and I want to use that word very explicitly appointed town board members are not subject to this requirement because they are elected. But members of boards such as this one, the planning board, other boards that deal with let's say land use issues based on this new state law that was passed about five years ago are required, required to undertake at least four hours of training every year. The State Legislature wanted that requirement to apply to appointed, not elected, appointed members of boards such as this one because the state wanted people to satisfy these training requirements so at least the idea was, the hope was in Albany that there would be more uniformity. Because you have to remember there's 26 counties, okay, five of them are boroughs of the city, there's 57 counties not counting the five boroughs in the State of New York and in those counties are multiple towns and villages and some cities and all of those local municipalities have boards like this so the idea was that rather than having decisions that are all over the map, some places they appear to be very arbitrary and maybe the people who are appointed to the board, be they very, very well meaning and very intelligent and honest citizens but if they volunteer to do a good public service to help out their home community, the state wanted there to be a little bit more uniformity and a little bit more information and training available to the members of these boards because in fact what you're doing has a very, very significant legal impact, decisions that this board makes and that the planning board makes impact the way people can use their property. You don't want some stranger coming into town and telling you what you can and can't do with your property. But in effect, the legal system of the State of New York puts you guys in that position with respect to the people who come before you. So the state just as it did for engineers and medical people and lawyers and a lot of other people who are licensed by the state and the state required that those people have to have continuing education courses. Well, four or five years ago, the state passed a law that said members of these boards have to have four hours a year I think it is of training, each member has to and certify that they have taken their required four hours every year of training. Now there are plenty of places people can get that

training, you can get the training from the Planning Federation, you can get the training from the County Planning Department, you can get the training from on-line sources, which by the way many of them are free. So there's a multitude of ways that members of boards such as this can satisfy that training requirement. I am only offering one additional way at your option, at your pleasure if you want it, it's there, if you don't want it, you don't have to access it. And that is that, as long as I'm qualified to speak on a subject matter and I'm qualified to speak on a number of different subject matters that are applicable to the work of this board then I would be happy, no additional charge, don't worry about the money as I've done in the past. For example, in the City of Newburgh for members of those boards to provide you with some training to satisfy the training requirement and also even more importantly to give you that information that you may need and want and have and appreciate having, I could give you training in any number of subjects and I have done so already in other places. I can give you some training and some background on SEQRA, the State Environmental Quality Review Act. I can give you training on the Open Meetings Law and the Freedom of Information Law. I can give you training on rules of order and procedure about how meetings are run. I can give you training on the hierarchy that exists among the town board, the planning board and the zoning board. Any subject now if you ask me to train you in a different field and I'm not qualified I'll tell you I'm not qualified.

MR. TORPEY: But we need those four hours.

MR. CHANIN: Planning Federation and you don't have to prove it, you don't have to come in with a receipt showing that you did it, but you have to be able to sit down on a piece of paper and certify and sign your name and say this year I did my four hours of training. And I will conclude my remarks with one more statement and I had this conversation with your acting chair before we started tonight's meeting and believe me, I know this as an attorney who has worked for local governments for 25 years, you don't, I tell my clients this, my private clients, I say it's really, really easy to be the greatest lawyer in the world, the way that anybody can be the best lawyer in the world is to tell your client don't get out of bed in the morning. If he doesn't get out of bed, nothing bad is going to happen. But you can't live your life that way. And my

point is that it's a terrible way to exist but in government because everything that government does is so defined by rules and by statutes and by laws and by procedures because government is so strictly and rigidly defined, sometimes you have to prepare yourself to avoid something happening later. And one of the concerns and I'm not aware that it's ever happened in Orange County, I am aware that it has happened in other counties but not in my experience have I heard it happening in Orange County but if let's say hypothetically a board makes a decision on an application and somebody's not happy with the decision, either the applicant's not happy or the neighbor of the applicant is not happy, and if somebody is unhappy enough because they have either emotional or economic value at stake that they care enough about it then often, not often but sometimes decisions made by boards such as this can be challenged in court. One day, this is, you know, how I spend my time at night when I can't sleep, one day some attorney is going to be clever enough to say I'm filing a lawsuit to reverse the decision of the Zoning Board of Appeals of the Town of New Windsor for the following reasons, A, B, C, D and reason E is because two of the members on that board are not qualified to serve because they didn't complete their training.

MR. TORPEY: You're done.

MR. CHANIN: So in order to avoid that possibility, that embarrassing possibility it's important to me and I, this was the policy that I advocated in Newburgh was that every member make sure that they are aware of their obligation to get this training and to make it easier for you. In addition to all these other sources where you can get the training, I'm available if you want to take me up on that offer but that's entirely up to you.

MR. SCHEIBLE: Presently are you an attorney for any other zoning board in the area or the county?

MR. CHANIN: Not at the moment. Over the past as I said I ceased being Corporation Counsel for the City of Newburgh about two and a half years ago. In the intervening time, I have covered the meetings of the village boards of the Village of Harriman and the Village of Monroe, the Zoning Board of Appeals of the Village of Monroe, the planning board of the Village of Monticello, I'd have to go back and but, in other

words, what I'm telling you is that over the last two and a half years I haven't stayed home and done nothing, I have continued to represent municipalities.

MR. TORPEY: Those classes, they supply cookies and coffee.

MR. CHANIN: Well, given my lack of talent in the kitchen, it's an additional benefit to you that I will not do that. So in case anybody now or in the future, as a matter of fact, I will expand my offer, I will even improve it in case anybody in the future either wants to number one advance their training which is required by the statute or informally without making it a formal part of the training, if any of you have a question, hey, you know, something came up in conversation the other day, didn't even have to be in a meeting and I was wondering about such and such or so and so, call me up, I'll be glad to get back to you, I get back to my clients, I will always answer your questions. So if any of you ever have a question on something technical or something legal or something related to a meeting or something related to an application or something that may be tangential or something that may be almost distantly related if at all, please don't hesitate call me, you have my number, you have my home number, you have my cell number, call me, I'll be glad to get back to you.

MR. TORPEY: Do we need to vote?

MR. CHANIN: It's up to you guys.

MR. BEDETTI: Why don't we just vote on this tonight and if we're going to have an organization meeting at a later date we can do that.

MR. SCHEIBLE: I will make a motion that we appoint Geoffrey Chanin as our attorney for the Zoning Board for the Town of New Windsor effective this evening which is May, excuse me, February 13, 2012.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE

MR. CHANIN: Thank you, gentlemen, I will endeavor to fulfill your confidence in me. One other thing you should know it is the law of the State of New York and I unfortunately am very familiar with this law because it was very often a controversy that resulted in litigation, it's the law of the State of New York that anybody at any time has the right to fire their attorney for any reason or for no reason whatsoever just because you feel like it you can do that. So when you hire me, if you voted to hire me tonight, tomorrow, next week, next month, next year, whenever you want you can change your mind and you don't have to give anybody any reason for that. It's like you can choose what dentist you want to go to, you can choose what orthopedist you want to go to, you can choose what engineer you want to go to.

MR. TORPEY: It depends on the size of the cookies.

MR. CHANIN: You can hire and fire attorneys at will as well. Okay?

MR. TORPEY: Motion to adjourn the meeting?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE

Respectfully Submitted By:

Frances Roth
Stenographer