

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

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In the Matter of the Claim of

SUSAN L. WINE & ROBERT RANSOM,
Claimants,

-against-

NOTICE OF CLAIM

TOWN OF NEW PALTZ, ZONING BOARD OF
APPEALS OF THE TOWN OF NEW PALTZ and
TOWN OF NEW PALTZ BUILDING
INSPECTOR,

Respondents.

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To: Town of New Paltz
1 Veterans Drive
New Paltz, New York 12561

PLEASE TAKE NOTICE that Susan L. Wine and Robert Ransom (hereinafter “Claimants”) hereby make claims against the Town of New Paltz (hereinafter the “Town”) for damages sustained by Claimants as a result of the acts and omissions of the Town, the Zoning Board of Appeals of the Town of New Paltz (hereinafter “ZBA”) and the Town of New Paltz Building Inspector (hereinafter “Building Inspector”). In support of this claim, the Claimants state as follows:

1. Claimants are individuals residing at 507 Albany Post Road, New Paltz, New York 12561.
2. Claimants are represented by the law firm of Keane & Beane, P.C., 445 Hamilton Avenue, Suite 1500, White Plains, New York 10601.
3. Said claim involves two (2) parcels of land in the Town of New Paltz, New York, designated on the Town of New Paltz Tax Map as SBL 86.1-1-37.11 and SBL 86.1-1-

37.12 and real property on said parcel owned by Claimants. The claim relates to damage resulting from the wrongful restriction of intended use of two (2) parcels of land, owned by the Claimant, particularly, the property costs, expenses and opportunity costs incurred by the Claimants' as a result of such restriction.

4. Said claim arose on or about December 18, 2007.

5. The Manner in Which the Claim Arose is as follows: On December 18, 2007, the ZBA, upheld an interpretation of the Building Inspector, dated July 26, 2007, that the proposed operation of a New York State farm winery by Claimants on lands owned by Claimants does not constitute an agricultural use pursuant to the Zoning Ordinance of the Town of New Paltz and the Agriculture and Markets Law of the State of New York.

6. The nature of this claim is to recover damages sustained, along with continuing damages incurred, by Claimants as a result of the ZBA's and Building Inspector's unlawful, arbitrary and capricious decision to deny the Claimants its rightful and intended use of the two (2) parcels of land, owned by the Claimants.

7. The Claimants claimed damages, as well as continuing damages include, but are not limited to: legal fees, property purchase costs, property expenses, renovation/construction costs and equipment costs. Furthermore, the ZBA's and Building Inspector's unlawful, arbitrary and capricious decision to restrict the intended use of Claimants property has an opportunity cost and a lost profit cost by which the Claimants are perpetually damaged.

8. The conduct which forms the basis for this claim consists of the acts and omissions of the Town of New Paltz, the ZBA and the Building Inspector as set forth in Paragraphs "5" and "6" above.

WHEREFORE, Claimants Susan L. Wine and Robert Ransom demand to be compensated by the Town of New Paltz for damages which Claimants have incurred and continue to incur as a result of the aforementioned conduct.

Dated: White Plains, New York
March 14, 2008

KEANE & BEANE, P.C.

By: _____

Joel H. Sachs
Attorneys for Plaintiffs
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601
(914) 946-4777