

Walt Russell, Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of January 16, 2008 to order at 7:00 pm

ROLL CALL:

WALTER RUSSELL, CHAIRMAN	: Present
MIKE FARRELL, VICE CHAIRMAN	: Present
ROB BASHAW	: Present
LEON BLAIR	: Present
FRANK DENCHICK	: Excused
TOM FUSCO	: Present
ROY ZALIS	: Present
JAMES FALVO (ALT)	: Present
ATTY. THOMAS MURNANE	: Present
CEO. PAUL BLAINE	: Present

APPROVAL OF DECEMBER MINUTES:

Mr. Blair moved for approval of the December minutes. Second by Mr. Falvo. All so moved.

MOTION CARRIED.

PUBLIC HEARING:

- 1. APPLICATION:** LEEWARD BUSHEY
Requesting a use variance for a single wide home on Lyons Rd.

Mr. Blaine stated that Mr. Bushey is seeking approval to install a singlewide trailer in a zone that permits doublewide homes only. Mr. Bushey stated that the approval would allow his family to live on the adjacent lot in a home they currently own so they can assist him due to his health issues. Mr. Bushey provided more information to Mr. Blaine the day before the meeting and tried to answer questions relating to financial hardship, which was provided to the board at the meeting. Mr. Bashaw pointed out that Mr. Bushey didn't answer any of the questions on the application to meet the criteria for a use variance. Mr. Murnane stated that prior to January's meeting, in December, Mr. Bushey did not meet all the criteria in the application for a use variance and that they asked Mr. Bushey to provide more information to the board. Mr. Bashaw pointed out that the application for a Use Variance is very clear on what is needed for approval of the Use Variance. Mr. Bashaw said that he paid \$1700 for the piece of property and the market value is worth \$17000 and this does not show a financial hardship. Mr. Russell states that the Board would need financial data showing the comparison of cost of care off the lot to moving onto the lot and prove that there is no other use for the property.

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Mr. Bashaw stated that he perceives that the granting of approval would be for more of a convenience to him rather than to ease a hardship. Mr. Murnane states that Mr. Bushey attempted to answer the first criteria for a variance but did not address all the criteria needed for a Use Variance. Mr. Murnane read each criteria and explained them to Mr. Bushey with examples. Mr. Bashaw states that due to the fact that his son only lives 4 miles away, granting approval would be a benefit to him but he did not perceive it a hardship. The Board suggested that Mr. Bushey could possibly sell his singlewide and purchase a doublewide to put on the lot. Mr. Bushey was given the option of tabling his application until next month and providing the board with more information, withdrawing his application, or moving forward with the vote on the use variance. Mr. Farrell asked if the single wide home could be placed temporarily on the lot the home is on. Mr. Blaine stated that the Zoning Ordinance does not allow more than one residence on a lot without a variance. Mr. Bushey requested his application be withdrawn.

MOTION:

Mr. Blair made the motion to accept the withdrawal of Mr. Busheys application. Second by Mr. Fusco.

ROLL CALL: Mr. Falvo - yes, Mr. Zalis - yes, Mr. Farrell - yes, Mr. Bashaw - yes,
Mr. Fusco -yes, Mr. Blair -yes, Mr. Russell -yes.

MOTION CARRIED.

MOTION:

Mr. Bashaw made the motion to reimburse Mr. Bushey's application fee. Second by Mr. Fusco.

ROLL CALL: Mr. Falvo - yes, Mr. Zalis - yes, Mr. Farrell - yes, Mr. Bashaw - yes,
Mr. Fusco -yes, Mr. Blair -yes, Mr. Russell -yes.

MOTION CARRIED.

- 2. APPLICATION:** LEEWARD LAMOY
 Requesting an Area Variance for frontage prior to subdivision
 on the Fuller Rd.

Mr. Lamoy is seeking variances for frontage prior to subdividing his parcel. Mr. Blaine explained that Mr. Lamoy has changed the frontage of the lots and he also made the lots 25ft deeper. The frontage for each lot has been changed to 134.88ft. The change to frontage for the four lot subdivision changes the variance request from one 90 ft. variance to four 15.12 ft. variances.

MOTION:

Mr. Farrell made the motion for approval. Second by Mr. Blair.

ROLL CALL: Mr. Falvo -yes, Mr. Zalis -yes, Mr. Farrell -yes, Mr. Bashaw -yes,
Mr. Fusco -yes, Mr. Blair -yes, Mr. Russell -yes.

MOTION CARRIED.

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ANY FURTHER BUSINESS:

Mr. Russell asked of Mr. Blaine why Mr. Chip Blair has trucks parked at Murphy's. Mr. Blaine explained that Mr. Blair was cited for operating the business in violation of zoning and the court dismissed the charges when the violation was removed and if the violation is recurring new charges can be brought.

CEO REPORT: PAUL BLAINE

Mr. Blaine announced that the board acted and approved the recommendation of Mr. Russell as Chairman, Mr. Farrell as Vice Chairman, the reappointment of Mr. Falvo for a 7yr term as an alternate and removed Mr. Lucia for inadequate attendance. Mr. Murnane related his research into the issue raised by the zoning board of appeals empowering the zoning enforcement officer to approve special use permits. Mr. Murnane's recommendation is for the approval to remain with the zoning board of appeals. Mr. Blaine read from his end of the year report that was given to the Town Board.

ADJOURNMENT:

Motion Made by Mr. Bashaw

Second by Mr. Falvo

All so moved.

Date filed with Town Clerk 1/22/08