

Leon Blair, Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of February 18, 2009 to order at 7:00 pm.

ROLL CALL:

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

APPROVAL OF DECEMBER MINUTES:

Mr. Murnane stated that a quorum is not available for approval of the minutes and they will not be approved this evening.

Mr. Murnane stated that the Zoning Board and Planning Board members had not taken an oath within 30 days of being appointed so they cannot act on any applications. The Board members will be reappointed and take an oath as soon as possible.

1. APPLICATION:

James Mastic
Requesting a Special Permitted Use for a 2-Family
Residence at 348 Patent Rd.

Mr. Blaine stated that the property being discussed is located on Patent Road. The parcel contains approximately 5 acres with 385ft. of road frontage. Mr. Blaine stated that in his research he found that there had been a previous approval with conditions for a 2-family home granted by the Zoning Board of Appeals. This approval had expired however and the property had reverted back to the permitted use as a Single Family home. Mr. Mastic's application is seeking approval to convert it back into a 2-family home. Mr. Blair read a letter that had been submitted by Richard Darling stating that he is against the request to have a permit for a 2-family home. Mr. Mastic stated that he is looking to have his mother stay in the apartment, not have another family living in the apartment. Ms. Lahart stated that she does not have a problem with the Board granting permission for Mr. Mastic to have his mother live in the apartment, however she is concerned about future owners who will have non family members living in the apartment and

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the property depreciating the value of her home. Due to the appointment and oath issue there was no action taken on the application.

ANY FURTHER BUSINESS:

Mark Cowen stated, "I am an attorney for Mrs. Covell of Frosty Springs. It seems as though the writing is on the wall as far as the Zoning Board being able to make any determinations as of this evening in regard to our application that was submitted. However, I would request that at the next meeting that is scheduled that we be placed on the agenda. We did put in a timely appeal form of determination that Mr. Blaine has made. I've had some discussions with Mr. Murnane today about the crux of the issue which is essentially that the fire at Frosty Springs about 2 years and 10 days ago has still not been given a certificate of occupancy. It was substantially completed in June of 2008. Since June 5th which is the last time Mr. Blair (Blaine) was on the property there have been several attempts to have Mr. Blaine come there and complete the process and grant the certificate of occupancy. I have received correspondence from Mr. Murnane in September following up on some correspondence that I had sent and that Mrs. Covell had sent in I believe July 24, 2008 and to date we still do not have a certificate of Occupancy or final inspection. I spoke with Mr. Blair, excuse me, Mr. Blaine today and Mr. Blaine indicated that he would be available to inspect the premises as early as tomorrow. We would like to be placed on the agenda for next month so that in the event that there is some sort of issue that needs to be ironed out following Mr. Blaine's inspection over the next couple of days, that that would be an opportune time to discuss the matter in a timely fashion. Essentially what it boils down to is that we are appealing the determination that Mr. Blaine has made to essentially not complete the process and grant the certificate of occupancy. If that is something that is remedied prior to your next meeting, then that is something that will obviously be moot and we will withdraw the application. If you have any comment to that we will be more than happy to listen and if possible, I know you are in an interesting position concerned with the oaths but if you can make a commitment to placing us on the agenda for next month it would be greatly appreciated. Thank you."

Mr. Blair stated, "I just don't know where we have jurisdiction over the code guy. This is zoning its all about land and stuff like that...."

Mr. Murnane stated, "We did receive an application from Mrs. Covell. It looks like its dated January 14, 2009. The reason for application, and I am looking at it right here, it says, 'failure of Zoning Officer to grant Certificate of Occupancy/allow bottling at Frosty Springs'. Here's the application right here, that's what it says. So when I got this, and I talked to Paul about it and we've had some ongoing conversations about the Covells project and what they were doing and we had exchanged some letters but essentially I would say this is not something she is requesting something that the Zoning Board has authority to take any action on. If you look under section 705 of the Zoning Ordinance in particular its 705.2 it talks powers of duties of the Board of Appeals and we do have the authority to interpret any provision of this Zoning Ordinance including determination of the exact location of the district boundaries, and it talks about special permits, and variances and things of that nature. In some of the letters that we sent to the Covells we have indicated that we have some questions whether or not they need to get some Use Variances with respect to maybe some things they're doing there. We've asked for some sort of clarification and we haven't really gotten clarification on that but in particular this request is asking us to review or somehow overturn Paul's decision not

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to give a Certificate of Occupancy and that's not something we have jurisdiction over. That's a building code issue. And I am happy to hear that an inspection hopefully will be done tomorrow, or the next day, or hopefully within the next couple of days but essentially if they want us to review Paul's interpretation that they need to get a Use Variance for a particular thing, sure, we can do that. If they want us to review..."

Mr. Covell stated, "Here's the question Tom, I think you're losing track. First thing was, we had a fire February 3rd. In 1990 we received a Building Permit for an agricultural building and I got the state of New York you probably contacted them also and got what the laws are for an agricultural building. We've been bottling water there, we've ran a business there since '68, anywhere from doing the trees, we've dug trees, sold them, and all these other things. I know that over the last three years since I recommended hiring Paul and was the supervisor, that we've had a lot of conflicts here. I think there's too much political nonsense going on in this deal and nobody wants to get involved and I know politically you're involved from the stand point of our previous attorney for the town sat. The thing that I am saying to you is we came to this Board and asked for a determination, she did, to rebuild her building. There's three factors she should have been given a permit. In 205(2005) over half that building was built under a permit with a store in the front and offices overhead. When she went to get the permit Mr. Blaine said, well you can't have a store in the front, you can't have the offices overhead, you can't have the self service, I'm not going to give you a permit. What actually transpired was, we never, never argued with him, we did what we needed to do because we needed to get back operating before we'd go bankrupt from this business. We came before you, you reinstated the determination of the Zoning Board that said that that building when I owned it was agricultural in 1980(1990). That was the interpretation. We've got a letter from May 16. I think you had some good wording to it in that regard. The letter we drafted and sent to Linda and in that letter it said number one, it was pre-existing, then the second word that was left in there was a Use Variance and Paul had pushed for a Use Variance all along. Agricultural businesses do not require a Use Variance. It's not in the law under Ag and Markets and Mr. Sumner in Albany would be more than happy to explain that to anybody that doesn't understand that. We should have been able to build right off the same prints that we burned from because we built the same identical building only one used to be shorter and four foot lower. This has become a very stupid joke and a very mean attempt to financially destroy a family business that's been here for years. It'd be no different then going down and Mr. Blair's building burning down and saying well 'he can't have that there. I don't care if they gave you a permit in 1990 or 1985 or whatever it is.' When we try to abide, when my wife, and I work basically through Tom Murnane(Tom Labombard) I said 'Tom, I want you to work this through with Linda because I am the supervisor and it makes it very challenging. I don't see where the hardship is. Agricultural and if you'd like to read it, and here's a copy that was sent to Mr. Blaine that the state sent me and it says, 'Dear Mr. Covell, we address you concerning...' and here's another one, the sugar house. She went in back in '07 to put a sugar house up on a 650 acre parcel of land he would not accept the application and said we had to have it surveyed. We spent \$7,000 surveying it then he wanted DEC to do the next segment of it and come in and make sure it wasn't in any wetlands. We did the nonsense with DEC. Then he wanted to make sure that the sugar house wasn't going to be in the APA which he has no jurisdiction over, but, rather than fight with him we spent the extra surveying money and spent another \$4,000 for survey lines. We took the application back in, in September, we've wasted all the way through spring all the way to September to get all these little jobs done but we did do them, we're respecting Paul. At that point...We have three buildings on our property; Frosty Springs owns Covells Tree Farm and Covells Sugar Operation. I did maple sugar there when I was in high school, 1964. Never, never gave us the permit for the sugar house. Never gave us

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the operating permit. We're all approved by the state. I don't know if you realize what it cost to go through the state of New York and have people come from Albany to inspect you and the \$11,000 of water testing that you have to do that cost you about \$1,000 a month which is just sitting there after you've done all this testing and you cannot use the facility. I've said to Linda, 'I'm not sure if this is a political game or a way for people to realize to maybe get a bargain on buying or selling. But, no matter what the theory is it, I don't think it would be fair to you and I don't think its fair to me. If you remember back CJ one time sent you a letter saying because of the conflicts between me and Mr. Blaine which I don't really have a conflict with him other than when he has problem with other personnel. (Mrs. Covell aside to Mr. Covell "be quiet") I, you know, I thought it would be appropriate to get Don Lee or one of the other inspectors to come in and inspect the building to meet those codes because under agricultural and if you read it, unless they rewrote the law in the last few weeks, farm operation is the land on farm, buildings, equipment,...etc. etc. including maple sugar. It also stated in here, you know you get ten year property exemption and any questions regarding building permit...the energy codes and the building codes for an agricultural building do not fall under commercial public building."

Mr. Murnane stated, "But there are still building codes that have to be met."

Mr. Covell stated, "No there's not. You got to be 100 feet from your line to meet town law."

Mr. Blaine stated, "I know that you probably have a lot to say but if I could just say, there's a lot of statements that are inaccurate, but to the issue of the agricultural building; there's a number of agencies that have jurisdiction over this project. Mr. Covell's saying it's agricultural; this board's determined it's agricultural. I have no problem with that. If it's agricultural, that's great but this building is not considered agricultural by the APA, by the department of Ag and Markets, by the building codes, none of them consider it agricultural. I have a letter that says, from Ag and Markets, this is not an agricultural building according to them. So, if it was simply an agricultural building, it'd be exempt from the building code and it wouldn't even need a building permit. He wouldn't have gotten one because he wouldn't have needed one. There wouldn't have been any inspections. So, this building is not agricultural except for the Zoning for the Town of Peru."

Mr. Murnane stated, "For the type of use that it is, but not under building code."

Mr. Blaine stated, "And as to needing surveys and things, there are a lot of inaccurate statements, but there are wetlands on the property. There are a number of issues. For any project that is brought before my office, there's a number of things I have to look for. I'm here to protect the town. There's laws that are adopted by this town, I'm in charge of enforcing them. This board is the one that provides relief from the Zoning, the decision of the Zoning Officer, which I am. I never have a problem with having my decisions interpreted according to Zoning if this Board wants to hear that. However the application that I received in January did not ask for an interpretation of a decision about Zoning. No individual decision, simply it really did not ask for an interpretation of the Zoning decision so it wasn't appropriate for this board to hear the application. If the applicant simply wants to amend that application or put in a new application stating that they want an interpretation of one of those zoning determinations, I would gladly forward it to this board for their review."

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Mr. Covell stated, "And I don't disagree with you, the problem you got is, we're doing exactly what we've done for the last 20 some odd years there. Where do we have to write a new law?"

Mr. Cowen stated, "If I could ask for clarification from Mr. Blaine. Is, Mr. Blaine, is what your telling me is that the sole issue with the issuance of the Certificate of Occupancy, for that building is something that has to do with New York State Building Code and nothing to do with Zoning?"

Mr. Blaine stated, "That's not true."

Mr. Murnane stated, "That's not true because in the letter that I sent to you back in January we had some questions about the sugar house. We had some questions about what else might be being sold I think from this building that may not be agricultural in nature. So we wanted to get some more information in respect to that. But even in the letter I sent to you in January I said Paul would still be happy to go out there and inspect it to at least address whatever building code issues there were but we still had, there still may be other issues that need to be addressed. And if Mr. and Mrs. Covell wanted to appeal those interpretations of Paul dealing with 'I think you need a Use Variance because you're selling this which isn't agricultural or you're doing this which isn't agricultural' that's fine. I mean if they want to file an application and ask the Zoning Board to review that under the Zoning Ordinance that is absolutely appropriate."

Mr. Covell stated, "After going through all summer, after going through all summer, I wanted to put a little sugar house up for \$1000 sugaring operation that I bought from Highland Farms and did the wetlands and all this other nonsense to prove that the land wasn't in the Adirondack Park. And while we're trying to build the building outside the park which he finally gave us a permit for November 5th. These two buildings are within sight of each other. We needed to get this equipment off the trailer per se. In September he finally took the permit application. When I suspended him from his job and could not find somebody else to fulfill that position"

Mr. Cowen stated, "Do not talk about that at all, do you understand?"

Mr. Covell stated, "This is the picture that was in the file that two weeks later he sent us a denial of that sugar house."

Mr. Blair stated, "Mr. Cowen, again what you are asking the Board was to address his not issuing a building, or certificate, is it because of building codes, or zoning?"

Mr. Cowen stated, "That was my question. Apparently there are issues that go to Zoning as well as code. If that's the case then...."

Mr. Blair, stated "In lieu of everything and with utmost respect to everybody out here, you know, we're just going around in circles again and I know Don, obviously we can't act on nothing. I don't think anything as far as building codes, we got anything over that; to make him change his mind or make him give a certificate of occupancy. But, you got to decide if you're going to come to us to ask for clarifications on the Zoning issues only and we can listen to those."

Mr. Covell stated, "If you read the Ag and Markets law, all the things that they're saying about the building..."

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Mr. Blair stated, "But it's nothing we can rectify tonight Mr. Covel"

Mr. Covel stated, "It's all covered under dairy. You can sell sugar out of the building. It's not different then Bob Rulf selling pressed apples."

Mr. Blair stated, "You and your attorney need to address it"

Mr. Murnane stated, "The inspection may go a long ways to answer some of these questions that we have and, at least addressing the building code questions and if Paul can go through there and take a look at the building"

Mr. Covel stated, "June 5th, in April when we brought Paul back, and I know Paul's a smart person in a lot of this and I respect him from that end even though I have some questions in other regards..."

Mr. Cowen stated, "Do not talk about that"

Mr. Covel stated, "But on June 5th, after the Town Board asked Mr. Blaine to review all the applicants and applications and approvals that I had done, he did go to Frosty Springs on June 5th. I came to the next Board meeting or two later, he denied being there."

Mr. Blaine stated, "I never denied being at Frosty Springs on June 5th, I was at Frosty Springs on June 5th and that day, there's been statements made about that day that aren't true."

Mr. Covel stated, "Like what Paul"

Mr. Blaine stated, "Like you said there's only a few items that remain, that wasn't true. I made Mrs. Covel aware of what issues I was aware of that day."

Mr. Covel stated, "What were those issues?"

Mr. Blaine stated, "In the letter of January 14..."

Mr. Covel stated, "You never sent us a letter."

Mr. Blaine stated, "It was sent to your attorney."

Mr. Bashaw stated, "Let me be the one to interrupt here, all correspondence should be directed to the chairman."

Mr. Murnane stated, "But again it just goes to speak that we're talking about building code issues that again, have nothing to do with this board. This Board does not have appellate jurisdiction over building code issues that Mr. Blaine, or determinations that he makes. There is a separate form to do that to the state of New York but that's not through this board. This board deals with appeals of Paul's decisions on Zoning issues or interpretations of the Zoning Ordinance which this is not one of those instances. Unless, again, through the inspection there are things that come up and through the letter that I sent previously there are things that come up we're saying okay this is something that's separate from an agricultural use that we did determine and Mr. Covel correctly points out, the watering facility is an agricultural use but again, Paul needs to go back out and inspect it for building code and inspect to see if there's other uses going

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on there beyond what was granted as far as an agricultural use and then we'll see where we go from there. But that's the first step is getting the inspection going and then we see where we go."

Mr. Covell stated, "In your letter what were you referring to that you sent to us saying that we sell coffee, do water coolers..."

Mr. Murnane stated, "Correct, I mention that there was coffee being sold, coffee machines, water coolers, and perhaps other items. The prior approval was for bottling of water as an agricultural use, not the sale of these other items. And that was both the original decision and the second decision. I had a question about the Outdoor Wood Boiler at the property and then I had a question about the sugar house because there is a differential between if I think you're making syrup for yourself as compared to selling it for retail sale. It still could come under an agricultural use but there still might be building code issues that need to be addressed with that. Again, one of Paul's responsibilities is to make sure that, if there's electrical hook ups or whatever else there may be that they're safe and they meet code."

Mr. Covell stated, "Tom, if you and your firm would like to buy my business, and I think that's what you've been trying to do for the last few years, would you make me an offer"

Mr. Murnane stated, "As far as I know we're not interested."

Mrs. Duquette stated, "Tom, I have a question, my name is Cindy Duquette. I have a very simple question; I'm hearing agricultural, manufacture, all these different terminologies being thrown around. Is there some place that as people in Peru, we can see which part, because apparently there is controversy as to what's agricultural as far as Mr. Covell's whole plan is as to what's not? Can you answer that for me?"

Mr. Murnane stated, "Mr. Covell's bottling facility..."

Mrs. Covell stated, "It's not Mr. Covell, it happens to be Linda Covell"

Mr. Murnane stated, Mrs. Covell; I'm sorry, the Bottling facility was previously determined to be an agricultural use by the zoning board and then it was being, I think this board reaffirmed it, somewhat time later after it was being moved I think from the original location to a different location, and the board reaffirmed that the water bottling facility was an agricultural use by definition under the Zoning Ordinance and under general definitions. So it's going to be an agricultural use but there's a difference between agricultural, under building code what an agricultural use might be or an agricultural building might be"

Mrs. Duquette stated, "Tom just to save you, I know all that part but I'm trying to figure out the lay of the land. I know what has had happened. I know the whole permit process it's been through just to get the building permit. What I'm trying to find out is, is there somewhere, and I'm going to direct it to Mr. Blair, is there somewhere that we can see on a map that shows what is agricultural and what is not as far as this property that we're talking about?"

Mr. Blair stated, "Our zoning districts will show you that. That's laid out for the Town of Peru."

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Mrs. Duquette stated, "So my understanding, just so everybody understands the questions and concerns, is that the permit that they're questioning and wanting to get a certificate of occupancy is based on a property that is located in an agricultural district."

Mr. Murnane stated, "No."

Mr. Covell stated, "Yes it is."

Mr. Blaine stated, "Part of it."

Mr. Covell stated, "No all of it is."

Mr. Blair stated, "There were issues with that."

Mrs. Duquette stated, "But because of the type of business that is being done the zoning laws don't allow that without a..."

Mr. Blair stated, "A special use permit or a variance."

Mrs. Duquette stated, "Special use permit. So, did they and, did they ever apply for one? Did they ever get one?"

Mr. Blair stated, "For the bottling, yes."

Mrs. Duquette stated, "For the bottling and I'm sure..."

Mr. Blair stated, "But again, not to confuse it, I don't want you to go too far into this."

Mrs. Duquette stated, "I'm looking at the zoning issue to make sure that everything is what..."

Mr. Blair stated, "Again some of this is, like I'm not familiar with the maple and the other buildings so..."

Mr. Murnane stated, "You're talking about an Ag district as compared to a Zoning Agricultural Zone."

Mrs. Duquette stated, "No I'm talking about for zoning purposes or which..."

Mr. Murnane stated, "There is no Zoning District that says it's an agricultural Zone. There are Ag districts."

Mrs. Duquette stated, "We have ag districts in our area."

Mr. Blaine stated, "We have an agricultural use which is permitted where Frosty Springs is located. This board determined that it was in RL-1 which is agricultural permitted."

Mrs. Duquette stated, "So with that being said on a permit should it be stated, should it be, agriculture for zoning or is it manufactured for zoning?"

Mr. Blaine stated, "On a building permit..."

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Mrs. Duquette stated, "I'm talking to, please."

Mr. Murnane stated "It depends on the use. If someone's going to apply to the town for a business they come and see Paul. It all starts with the Code Enforcement Officer and they say this is what we want to do, this is where it's going to be, does it fall within a criteria that's a permitted use or not a permitted use or whatever. Paul makes that initial interpretation. He makes that call initially. If the person doesn't agree with what Paul's interpretation is then they have a right to appeal it with the zoning board to make that determination. Now if Mr. Covell came in and said I want to apply for a sugar house to be located on this property. I'm just saying for example, Paul would look at it and say okay, if it's going to be for your own personal use or whatever, maybe it's an agricultural use and that's okay or whatever the case may be. If it's being sold for retail, you may say well it's more manufacturing maybe its, I'm not going to say it's agricultural. Well then, which I think is somewhat similar to what happened way back at the very beginning of the water bottling facility where I think Mr. and/or Mrs. Covell didn't agree with the initial interpretation, whoever the code enforcement officer was at that time and they appealed it and the Zoning Board said okay, its an agricultural use. Boom, okay, answered the question, done. So, that's the process that's followed. If they want to say it's an agricultural use, that's fine. Paul may agree, Paul may disagree, if he disagrees they have a right to appeal it and it comes to us. So it doesn't come to us first it goes to Paul first."

Mrs. Duquette stated, "I understand that part but I think the confusion that I have, and I know most of you here, that if your filling out an application and you put on it what it is and the board, when you come for a request, says ag, alright use, cause that's what it was zoned for, he has the power to change that? I mean can he change it from an ag to a manufactured."

Mr. Murnane stated, "No, no."

Mrs. Duquette stated, "Ok, that's all I want to know. Thank you."

Mr. Murnane stated, "Say someone gets an approval for an Ag use and all of a sudden, the person, gets approval, but all of a sudden they want to expand and they want to make it bigger and they want to make it better and they say I can make money, I want to do this, I want to do that. Well that may be at some point beyond what the initial approval was which would again require them to come back in front of the board for maybe further approval or an expansion of what they're doing, or whatever the case may be."

Mrs. Duquette stated, "And I understand that. That's why I was clarifying, and just to let everybody know, I went through the process, the last half of the process to get the building permit. I can tell you, I have never in my life jumped through so many hoops, and I did every single thing because I knew, and I worked hard at it didn't I Paul?"

Mr. Duquette stated, "Mr. Blair, I am Bob Duquette and I am Cindy's husband, some of you probably know, I'm a citizen of this town and I have some really serious concerns

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about this whole process. I spent five years on our Planning Boards so I know the process probably more than the average person. There are some things that have really hit me during this ordeal that Mr. and Mrs. Covell have gone through. And Mr. Blaine may sit over there with a grin on his face and think it's funny but that's okay..."

Mr. Blaine stated, "No I don't, I think it's tragic."

Mr. Duquette stated, "I, listen, I don't need any comments from you sir. I'm talking to the Board."

Mr. Blair stated, "Just direct it to us please."

Mr. Duquette stated, "So, you know, let me just ask you a couple questions. One, does our Zoning Ordinance have a clause in it, a section that says that if you have a fire, that you have the right to rebuild without going through any Use Permit Application process. Can you answer that for me? Is it section 25 or 29 perhaps or 205? I've read it. It's been some time. I just wanted to confirm that everyone here knows it."

Mr. Blair stated, "Well, I remember hearing it on this particular case. I'm sure I sat in on it that's why I remember it. What you're asking, there is a thing and I remember going through it with the Covells and stuff but you know, just because his business burnt and yes he should be entitled or however we feel, you feel and everybody else feels that he should be able to rebuild. The building still has to be rebuilt within the building codes of the existing stuff."

Mr. Duquette stated, "Mr. Blair, I am glad that you said that because you made my point exactly. I heard tonight and for two years now that these people have been asked to come to this board for Use Permits, Special Use, Interpretations of the Zoning Ordinance and they've gone through hell. Okay and everybody in this town knows it. This board made an interpretation that that was a special, or, a permitted use for that project to continue. And the only thing, and I heard it said again tonight, the only thing that these business people had to do was have that man issue a building permit, which my wife just told you, was helping them with, and jumped through hoops that you would not believe, what, six months, a year ago, more than that, I don't know what it was. It's been going on forever, and to this day, over two years later, they still have not been able to go through the building permit process and get their certificate of occupancy and I want to know why because I tell you, I'm a tax payer here, I know all these people are and when we turn around and we have public officials, who are administering our laws, who are going to turn around and make people go through hell, when they don't have to and our law says they don't have to, there's something wrong here. And if this board and the rest of the Boards in this town don't stand up and start cleaning things up and saying 'Hey, we want businesses in this town, we want people to prosper, we want people to be successful, instead of saying, we want to destroy him. We want to financially destroy this business, there's something wrong in this town and it's got to change. And it's got to change starting with you sir, you, you, all of you. And you Mr. Murnane above all who knows the law, and knows that what this man is doing is bull crap. Now you may be able to sit here and say oh, we don't have the authority and we can't do this, we can't do that but the fact remains here is that a building permit

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which was duly applied for was delayed for months, years, and that guy and his wife, still don't have their business running and you all have to take responsibility for it. All of you. Thank you."

Mr. Blaine stated, "Can I please just give a response?"

Mr. Blair stated, "I'm about ready to close this meeting."

Mr. Blaine stated, "This matter isn't going to be settled here. But I'll tell you, from the beginning, I've documented every meeting that I've had. Believe me, I've tried to do the very best I can for Mrs. Covell to get her business reestablished. They can make all the allegations they want, they're not true. To this day, I've said I'll go up and inspect if you want me to. I'll do whatever you want. I've responded to numerous applications, numerous letters. I've been threatened with lawyers almost every time that they've approached my office. It's been incredible, this process. And for someone to stand up, a resident of this town, that wasn't here for all those meetings and say that it's been bullshit isn't appropriate. So this matter won't be settled. I wish the board would just close the meeting but I just want to let you know, I support the laws of this town, I'm in charge of enforcement, I do the best that I can."

Mrs. Covell stated, "Mr. Blaine?"

Mr. Blair stated, "Folks, we're closing the meeting, this, again, we can't act on nothing, and the decisions done."

Mrs. Covell stated, "On June 5th, Mr. Blaine called...."

Mr. Don Covell Jr., "Are you laughing at me!?"

Mrs. Covell, "No, you be quiet."

Mr. Don Covell Jr., "He don't own me. I pay taxes. I pay your salary!"

Mrs. Covell, "No, you be quiet. On June 5, Mr. Blaine came, called that morning on June 5. Do you remember this Mr. Blaine? You called and asked if, the board had directed you to come up and do a final inspection. Am I correct?"

Mr. Blaine stated, "Yes."

Mrs. Covell, "Okay. I agreed to it. You came up and we did the final, and you told me, when you left, that you saw nothing wrong."

Mr. Blaine stated, "That's not true."

Mrs. Covell, "Yes that is true. That within two days, I would be getting my occupancy."

Mr. Blaine stated "Mrs. Covell that's not true."

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Mrs. Covell, "Yes it is true Mr. Blaine. I am very sorry but it is true. We also have our, we have all our, everything. The only thing we need now is our occupancy permit and we can start bottling."

Mr. Murnane stated, "We're hoping Mrs. Covell Mr. Blaine can go up and inspect everything tomorrow or whenever is convenient, and everybody agrees on the date."

Mrs. Covell stated, "I will be honest with you here. I feel, I cannot be, I need someone. I actually asked Mr. Blaine to reclusify himself, because I felt he needed too to be honest with you. I felt there was a conflict or something okay. I asked if, and I received no response on this. I, if at all possible, I would like someone else to come and inspect the property from another area, town, if that's possible. If not, I'm going to have to have our lawyer there. I'd like you there if that's possible, along with Mr. Blaine. We need to get bottling."

Mr. Murnane stated "We and I think, our intention Mrs. Covell is trying to bring this to a conclusion. And we're trying to bring this to a conclusion and that's why we're trying to get this inspection scheduled."

Mrs. Covell stated, "But, you know too Mr. Murnane, we have not done anything different than we did before. So I don't know. When we had our fire two years ago, we came in for this permit, and I thought that's what we needed was a building permit. It's reinventing the whole structure all over again. And I tell you, I don't know how many plans, I can't count how many plans that Mr. Labombard, our engineer, and all the added things, and we tried very, very hard to please Mr. Blaine."

Mr. Murnane stated, "Well, if I can certainly be there for the inspection, I'll try to be there."

Mr. Cowen stated, "I'll see what I can do to arrange a proper time for Mr. Murnane."

Mr. Murnane stated, "I don't have any problem, if it's okay with you, for me to be there. I have no problem being there. I'll try to make my time to be there."

Mrs. Covell stated, "We need to get bottling."

Mr. Murnane stated, "I understand, I understand. We need to just, go through the steps and make sure everything complies with code and hopefully it does and we'll move forward."

Mr. Covell stated, "When AP Hood gets a license from New York State to bottle milk, their restrictions are the same level as ours. In the state of New York, it comes from Albany, and we sit with, in that operation with a permit to bottle and they're the most restrictive of any to get approval."

Mr. Murnane stated, "I'm sure that's true, I'm sure that's true."

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Mrs. Lamountain stated, "My name is Lynda Lamountain. I'm not taking sides. I'm here on my own because I feel that this town needs a shake down and that, practice selective Zoning. And we have run into that as well, besides the Covels and whoever else, and it doesn't seem to get any better. And, from the state department, there is a publication that states, that falls under agricultural, maple syrup and Christmas trees. They're farmers. Now, we've had problems with zoning as well and we've been here for 23 years and it's still not resolved. They like to throw away our paperwork. I also have a grievance in that, until recently Mr. Murnane, I think that it's a very big conflict of interest that you are in Dennis Curtins Law Office and you are representing this towns Planning and Zoning. I'm not on anyone's side, I'm on the Lamountains side. I'm on the honesty and integrity side and we better start seeing some very soon from every member of every town board."

Mr. Duquette stated, "I think we're all looking just.....here, honesty, integrity. You know. We don't feel like we are getting it."

Mrs. Lamountain stated, "No, we're not getting it. We don't feel like it, we know we're not getting it. And don't tell me like the others, oh, I'll see you in court, and you can have your attorney talk to me anytime you want. Yes we could have done that very often along time ago with article 78's but we haven't yet."

Mr. Murnane stated, "If there's a problem, Mrs. Lamountain, if there's a problem with zoning in the town, again, this board, all this board has the power to do is to interpret and to comply with the laws given to this board in the zoning ordinance. We don't have the power to change the Zoning Ordinance. We don't have the power to change Zoning Laws. We don't have the power to make laws with this board."

Mrs. Lamountain stated, "But one thing you do think that you have the power to throw away complaints, the formal complaints and also the request for information given under foil in all public records. I guess that you also feel that you have that power and that's wrong."

Mr. Murnane stated, "I don't believe I've ever rendered an opinion on any type of foil application Mrs. Lamountain so I don't know what you're talking about with respect to that but with respect to applications to this board, this board under the zoning ordinance and under state law, has the authority only to take, to take certain actions. There's only certain actions they have jurisdiction over and that's what the law says. So, I'm not trying to make it up, the Zoning Ordinance says it, the state law says it. We can only do what we are empowered to do with this board."

Mrs. Lamountain stated, "Well I'm wondering how come, that they can't proceed for some local zoning something or other when the local law in Ag districts certainly would supersede anything on the local level in fact and there in the APA so there would be jurisdictional inquiry maybe or something along those lines that could be clarified. And all of us need better zoning, better addressing zoning issues from you guys."

Mr. Covell stated, "I would like to read one thing that I took notice that..."

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Mr. Blair stated “I’m going to make an adjournment to close the meeting.”

Mr. Covell stated, “We had a meeting on May 16. One of the big Zoning Board meetings we attended and Mr. Zalis says, ‘as long as Mr. Blaine is dealing with this, he will throw every road block up there is against the Covells.’ And I think we thought about that for along time. We talked to CJ and Mark in regards to that. Way back in June my wife wrote a letter, Tom Murnane got a copy, Biggs (Donald Biggs, Town Attorney) got a copy, everybody got a copy. All of you people got a copy requesting somebody else to come do the final inspection in farness to this operation.”

Mr. Blair stated, “Ok, I’m closing this to public comment.”

Date filed with Town Clerk _____