

Walter Russell, Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of March 18, 2009 to order at 7:05 pm.

ROLL CALL:

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

APPROVAL OF DECEMBER/FEBRUARY MINUTES:

MOTION: Mr. Bosley made a motion to approve the December minutes. Second by Mr. Blair.

ALL SO MOVED.

MOTION APPROVED.

MOTION: Mr. Denchick made a motion to approve the February minutes. Second by Mr. Fusco.

ALL SO MOVED.

MOTION APPROVED.

PUBLIC HEARING:

John Ryan was present at the meeting and stated that he has been trying to keep up on the Covell zoning issues. Mr. Ryan stated that he has driven by Mr. Covell's property and it appears to him that the business is still operating, yet to his understanding; Mr. Covell does not have a Certificate of Occupancy and was wondering what the status on that is. Mr. Blaine stated that an occupancy permit has not been issued yet and there have been several letters written to the Covell's with items that need to be addressed. Mr. Murnane stated there has been a recent inspection done on the property and there were a couple of issues that need to be addressed. Mr. Ryan asked if as far as Mr. Murnane is concerned, if Mr. Covell should not be operating. Mr. Murnane stated he believes there to be an issue with that and technically he should not be. Mr. Murnane stated that essentially they are trying to get him to comply with the building code issues and if he addresses those then he can probably get a Certificate of Occupancy. The Certificate of Occupancy for the

**Zoning Board of Appeals
March 18, 2009**

building will be for an agricultural use which is what was approved. As far as other uses there, he will have to come back in front of the board and with talking to his attorney; he believes that they are going to do that.

1. APPLICATION:

JAMES MASTIC

Requesting a Special Permitted Use at 248 Patent Rd.

Mr. Blaine stated that this application was placed on the agenda for the last meeting however no action could be taken. Mr. Blaine stated the property is located on the Patent Rd. near the intersection of Mannix Rd. and it is a 5 acre parcel. Mr. Blaine stated that there is an existing residence on the site with a garage which was converted to a two-family dwelling. It did receive a special permit from the Zoning Board of Appeals in 2002 and it was supposed to be converted back to its normal use as a garage once certain conditions were met and Mr. Mastic is coming back before the board to request it be converted back into a two-family residence. Mr. Blaine stated that the APA has called and stated that there was a permit that had been issued for the property so changing it back to a two-family dwelling probably would require a permit or at least reviewed by the APA and if the board does look favorably for the project, then they may want to place a condition upon receiving the approval from the APA. Mr. Blaine stated that there are some wetlands on the property and the Department of Health called with some concerns with the location of the septic system. Mr. Mastic stated that there will not be an entire family living there; it would just be his mother. Mr. Murnane asked if he was going to be residing in the home. Mr. Mastic stated that yes, he would be living in the home and his mother would be living in the apartment. Mr. Bashaw stated that the Zoning Board has the authority to place stipulations on approval and one of them would be that in the event that Mr. Mastic moves from the property, the apartment would revert back to a garage and that Mr. Mastic would inform the town of that.

MOTION: Mr. Bashaw made a motion to approve the application with the condition that if Mr. Mastic's mother moves out of the residence or if the residency changes or the ownership of the property changes hands, then the permit ends at that time and Mr. Mastic will report back to the town to inform them of this and with the condition of APA approval. Second by Mr. Bosley.

ROLL CALL:

MOTION CARRIED.

2. APPLICATION:

SCOTT BAZZANO

Requesting an Area Variance at 2931 Main St.

Mr. Blaine stated that the application is for two front variances for Mr. Bazzano's property. Mr. Blaine stated that when looking at the survey map which had been done after the building was erected, the side closest to Union Rd. requires a 15.2ft variance and on the side next to Rt. 22B requires a 6ft. variance. Mr. Blaine stated that the project was referred to the Clinton County Planning Board and they have responded stating that it is a local issue. Mr. Bashaw stated that he does not know why it is just being noticed now that the building needs a variance. Mr. Blaine stated that the plot plan for the project was very unclear and when the foundation was put in, it was clear that it was not in the setback area and it was only with an accurate survey that that could be determined. Mr. Bashaw asked if in the future the information that had been given to them now could be given to the board. Mr. Blaine stated that the only way to do that would be to have it surveyed before the project is done which adds immensely to the cost of the project but it is something that could be put in.

**Zoning Board of Appeals
March 18, 2009**

MOTION: Mr. Denchick made a motion to approve the 6 foot variance on Rt. 22B. Second by Mr. Fusco.

ROLL CALL: Mr. Blair- yes, Mr. Fusco- yes, Mr. Bashaw- yes, Mr. Denchick- yes, Mr. Zalis- yes, Mr. Bosley- yes, Mr. Russell- yes.

MOTION CARRIED.

MOTION: Mr. Bashaw made a motion to approve the 15.2 foot variance on Union Rd.. Second by Mr. Bosley.

ROLL CALL: Mr. Blair- yes, Mr. Fusco- yes, Mr. Bashaw- yes, Mr. Denchick- yes, Mr. Zalis- yes, Mr. Bosley- yes, Mr. Russell- yes.

MOTION CARRIED.

3. APPLICATION: SANDRA LEDWITH
Expansion of a Non-Conforming Use at 275
Dashnaw Rd.

Mr. Russell stated that this application has been withdrawn.

ANY FURTHER BUSINESS:

Mr. Blaine stated that there is some training that has been scheduled. One has been scheduled specifically for the Planning and Zoning Board which will be on April 29, 2009 at 6:00pm. Nan Stolzenburg who is working with the Comprehensive Planning Committee will be giving some direction to the Planning and Zoning Boards and the training will last between 2-3 hours. Also, on March 31, 2009 there will be a large land owners meeting which will help the Comprehensive Planning Committee. The large land owners have been invited to come to view what the committee is looking to have in place for zoning to get there input on how they feel about it. The meeting will be held at 5:00pm with an open space presentation at 7:00pm. Mr. Blaine stated that there were quite a few other comments made at the previous meeting and if anybody would like to meet with him and discuss any projects that are before the town, he will give any information that he has available.

CEO Report

Mr. Blaine stated that February had only 5 building permits issued and the Planning Board has been very slow. Mr. Blaine stated that there is one application to go in front of the Planning Board in April and one application for the Zoning Board in April.

ADJOURNMENT:

Motion Made by Mr. Zalis.

Second by Mr. Blair.

All so moved.

Date filed with Town Clerk _____