

Walter Russell, Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of April 29, 2009 to order at 6:03 pm.

ROLL CALL:

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

PUBLIC HEARING:

1. APPLICATION: JAMES CARTER
Requesting a Use Variance on Blaine Rd.

Mr. Blaine stated that Mr. Carter approached him about creating a pond on Blaine Road behind his residence. Mr. Blaine stated that it is going to be a 2 acre pond which will require 30,000 yards of material to be removed. Mr. Blaine mentioned that the farm ponds are regulated under section 314 of the Zoning Ordinance and that the Board may want to review this section of the Ordinance. Mr. Blaine stated that whether the board determines the application to fall under section 314 or 318, he believes it would still need a Use Variance. Mr. Petrashune stated that they feel the project is a permitted use because it is an agricultural pond and agricultural uses are permitted but it is also an excavation which is not a permitted use. Mr. Russell stated that it would be considered a farm pond. Mr. Bashaw stated that he does not feel that it needs a Use Variance. Mr. Denchick stated that he believes the application to fit under section 314. Mr. Bosley asked if the pond would gradually go down 10ft or automatically drop off to 10ft. Mr. Carter stated that it would gradually become 10ft deep. Mr. Falvo asked how many truck loads there would be. Mr. Blair stated that it would depend on the size of the truck but an average truck would hold about 14 yards, so roughly 2000 truck loads. Mr. Blair asked what the time frame would be for the project. Mr. Petrashune stated that it could possibly take a month because if it rains, they won't be able to move the clay. Mr. Blair stated that they should ask the highway superintendent to look at the road before the trucking is started and after it is finished. Mr. Bosley asked if they could place a stipulation on it stating that there be no more than 2 acres of land dug. Mr. Petrashune stated that if they hit pockets of sand then they will have to dig more. Mr. Russell asked if 2.5 acres would be enough. Mr. Petrashune stated that 2.5 acres would be fine. Mr. Falvo asked if they should stipulate which roads will be used. Mr. Blair stated he would suggest using Blaine Rd. and Lyons Rd. Mr. Petrashune asked that if the highway superintendent

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feels that the Robins Rd. is a better route to take can they use that route. Mr. Falvo asked if they could let the highway superintendent determine which route Mr. Carter should take. Mr. Denchick stated that if there is a week of rain then that holds them back at least 2 weeks. Mr. Falvo stated to have the end date be September 1, 2009.

MOTION: Mr. Bashaw made a motion to approve the application as being a permitted use with the following conditions:

- The highway superintendent is to be contacted prior to construction and after construction
- Any damage caused to Town roads by trucking the soil to be resolved by the Highway Superintendent
- The Highway Superintendent shall determine the route for the trucks
- Excavation area to not exceed 2.5 acres
- The project to be completed by September 1, 2009. Second by Mr. Blair.

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

MOTION CARRIED.

ANY FURTHER BUSINESS:

Mr. Blaine stated that Nan Stolezenburg was present for training.

ADJOURNMENT:

Motion Made by Mr. Falvo.

Second by Mr. Fusco.

All so moved.

Date filed with Town Clerk _____