

Mike Farrell, Vice Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of May 21, 2008 to order at 7:05 pm

ROLL CALL:

WALTER RUSSELL, CHAIRMAN	: Excused
MIKE FARRELL, VICE CHAIRMAN	: Present
ROB BASHAW	: Excused
LEON BLAIR	: Present
FRANK DENCHICK	: Present
TOM FUSCO	: Present
ROY ZALIS	: Present
JAMES FALVO (ALT)	: Present
ATTY. THOMAS MURNANE	: Present at 7:20
CEO. PAUL BLAINE	: Present

APPROVAL OF APRIL MINUTES:

Mr. Blaine stated that last month the Board approved changes of the March minutes, however, in review of the tape, the change that Mr. Bashaw requested to be placed in the minutes was not during the meeting so there was no change to the March minutes.

MOTION: Mr. Denchick made a motion to approve the April minutes. Second by Mr. Falvo.

ALL SO MOVED.

MOTION CARRIED

PUBLIC HEARING:

Before the applications were heard, Mr. Farrell announced that there was not a full board and if the applicants would like to have there application tabled until the following month, they could do so. All applicants wished to proceed.

- 1. APPLICATION:** EDWARD WEBB
Requesting an Area Variance at 3815 Rt. 22

Mr. Blaine stated that the lot in which they are seeking a variance on was to be subdivided further, which is why there is 50ft of frontage provided for a road. The applicant has decided to place a single-family home on the parcel instead of subdividing it, which would require an Area Variance for frontage. Mr. Blaine stated that the

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application was referred to the Clinton County Planning Board who referred back stating that it was a local issue and provided comments. Mr. Webb stated that the only thing that they would like to do is place a driveway in the middle of the fifty feet and then place a single family home on the lot.

MOTION: Mr. Zalis made the motion to approve with the stipulation that it will be a single-family residence only. Second by Mr. Fusco.

ROLL CALL: Mr. Fusco-yes, Mr. Blair-abstained, Mr. Denchick-yes, Mr. Falvo-No, Mr. Zalis-yes, Mr.- Farrell- yes.

MOTION CARRIED.

2. APPLICATION: DARRELL ALTIZER

Requesting a Special Permit for a Home Occupation at 2982 Rt. 22.

Mr. Blaine stated that Mr. Altizer would like to put a wood working business behind his home, which they also referred to the Clinton County Planning Board who referred back stating that it was a local issue. Mr. Fusco asked if there would be any deliveries made to his home. Mr. Altizer stated that there would be no deliveries made, there would not be any extra traffic, and he is not selling anything from his home but taking them to craft fairs etc. Mr. Denchick asked him about the hours and if he would be getting up fairly early to work on his projects. Mr. Altizer stated that he was not going to start early in the morning but the hours may go to 10:00 at night. Mr. Fusco asked if there were neighbors near by. Mr. Altizer stated that he had neighbors on both sides but he has been doing craft work for about 10years and there have not been any complaints.

MOTION: Mr. Blair made the motion to approve. Second by Mr. Falvo.

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

MOTION CARRIED.

3. APPLICATION: COURTNEY TETRAULT

Requesting an Area Variance at 23 Locust Dr.

Mr. Blaine stated that Mr. Tetrault changed the size of his building to 24x24 so there will not need to be a 2ft variance for set back from Locust Dr. but they will still need the 5ft variance from Maiden Lane.

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

ROLL CALL: Mr. Fusco-yes, Mr. Blair-abstained, Mr. Denchick-yes, Mr. Falvo-yes, Mr. Zalis-yes, Mr.- Farrell- yes.

MOTION CARRIED.

4. APPLICATION: DENNIS MASON

Requesting an Area Variance at 625 Fuller Rd.

Mr. Farrell stated that Mr. Falvo has a conflict with the applicant and has to step aside for the vote. Mr. Blaine stated that Mr. Mason submitted the Area Variance for a pre-existing structure.

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Mr. Mason stated that the shed itself is built into a hedgerow. Mr. Mason also stated that if the law does not pass for citizens to have a wood burning stove, he would take down the shed leaving him with just the shed. Mr. Mason stated that he came up with the original plan to build a shed and did not need a building permit for it, however, he did not ask and was not aware of the variances that were needed. Mr. Mason stated that he is looking for a variance for the shed and not anything for the Wood Boiler. Leeward Lamoy, a neighbor, stated that where the shed is set up, it is in a hedgerow, which is about 30ft wide and he does not see a problem with where it is located. Glenn Lamoy, the neighbor on the side, which is in question, stated that neither of him or Leeward Lamoy have any problems with where the shed is located.

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

ROLL CALL: Mr. Fusco-yes, Mr. Blair-yes, Mr. Denchick-yes, Mr. Falvo-abstained, Mr. Zalis-yes, Mr.- Farrell- yes.

MOTION CARRIED.

ANY FURTHER BUSINESS:

Mr. Blaine stated that Stephen Wills brought in an application but was received late and could not be placed on the agenda; however, the applicant was having a hardship and would like to be heard. Mr. Murnane stated that they can look it over but they cannot make a decision because there was no notice. Mr. Blaine stated that it was a previous subdivision that had been made, in which was claimed to be an RL-1 zone when in fact it is an RL-3 zone. Mr. Blaine stated that the applicant is looking for a special permitted use because in an RL-3 zone, only farms are permitted, however, the lot does not meet zoning regulations either but it was approved by the Planning Board. Mr. Blaine said that the definition of a farm states that it has to be a profitable enterprise of around \$10,000 a year. Mr. Murnane stated that he does not believe there is anything that they can do about it because the Planning Board approved it at the time even though it should not have been. Mr. Murnane stated that he did not see where it would be an issue and suggested to bring the application back in June. Mr. Blaine stated that he talked to the Town Board in regards to returning the fee to Mr. Bushey and the board denied the return. It was also suggested to place on the application that once the fee is filed, money cannot be returned. Mr. Fusco stated that maybe it should be mentioned to the Town Board to make him an alternate and Mr. Falvo full time. Mr. Falvo said that he did not have a preference whether it is brought to the Town Board or not. It was decided not to bring it in front of the board at this time.

CEO REPORT: PAUL BLAINE

Mr. Blaine stated that in the month of April there were 7 Building Permits issued for homes and there have been about 50 permits issued so far for the year.

ADJOURNMENT:

Motion Made by Mr. Blair.

Second by Mr. Zalis.

All so moved.

Date filed with Town Clerk _____

