

**Zoning Board of Appeals
August 20, 2008**

other employees. Mr. Timmons stated that he was going to be the only employee. Mr. Russell asked if he was going to have any signs. Mr. Timmons stated that he will have to comply with the state but he does not know if they require a sign and where it will be located but there will not be any advertising signs. Mr. Russell stated that he believed it to be a Home Occupation and asked the other Board members if they viewed it the same way. The Board members agreed that it should be viewed as a Home Occupation. Mr. Blaine stated that they could not make a vote on it because it was not advertised as a Home Occupation but they could table it until the September meeting. Mr. Russell asked Mr. Timmons if he would be willing to pull his application and re-submit it as a Home Occupation for the September meeting. Mr. Timmons agreed to change his application to a Home Occupation and table it until the September meeting.

MOTION: Mr. Bashaw made the motion to table the application. Second by Mr. Farrell.

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

MOTION CARRIED.

2. APPLICATION: TODD DEYO
Requesting a Special Use Permit on Sullivan Rd.

Mr. Blaine stated that the current parcel the applicant is mining is almost exhausted and he would like to now mine the adjacent parcel. Mr. Russell asked why the application was for a Special Use Permit when he did not see mining listed under Special Permitted Use in an RL-1 Zone. Mr. Blaine stated that the reason the application is for a Special Permitted Use is because the current mine was approved as a Special Permitted Use. Mr. Blair stated that being Mr. Smart was the owner at the time of approval for the current mine and now Mr. Deyo is the owner, if the approval went with the land and not the owner. Mr. Blaine confirmed that the approval went with the land and not the owner. Mr. Blair stated that he felt the attorney should be present for the application. Mr. Lashway stated that in section 318 of the Zoning Ordinance it identifies the excavation of materials from a property. Mr. Blaine passed around the original permit for the existing mine and stated that mining had been treated as if it were a Special Permitted Use when it was approved. Mr. Lashway stated that currently the DEC holds a permit granted for the existing mining operation and they also hold a reclamation bond for the current mine. Mr. Russell stated that he believes they should follow section 318 but it does not state which application should be used. Mr. Falvo stated that even if they follow section 318 in the Zoning Ordinance, they still need the information from the Town Engineer to make a decision on it. Mr. Falvo asked who would be the Lead Agency, the DEC or the town. Mr. Lashway stated that the DEC will send a letter to the town asking if they would like to be deemed Lead Agency and if they do not hear from the town within 30 days, the DEC assumes the town does not want to be Lead Agency and they will take the status but if the town would like additional stipulations to be put on the permit, the DEC will put them on.

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

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

MOTION CARRIED.

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ANY FURTHER BUSINESS:

Mr. Blaine stated that new contact sheets were handed out with the updated information. Mr. Farrell stated that next month might possibly be his last month because he is seeking election for Highway Superintendent.

CEO REPORT: PAUL BLAINE

Mr. Blaine stated that the total number of permits are down slightly from the previous year but the site built homes have doubled. Mr. Blaine stated that for the September Agenda there is an application for interpretation as to whether or not an Outdoor Wood Boiler is a structure and a Special Permit for telecommunication tower.

ADJOURNMENT:

Motion Made by Mr. Blair.

Second by Mr. Falvo.

All so moved.

Date filed with Town Clerk _____