

Walter Russell, Chair of the Town of Peru Zoning Board of Appeals, called the meeting of November 18, 2009 to order at 7:03pm.

ROLL CALL:

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

APPROVAL OF OCTOBER MINUTES:

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

ALL SO MOVED.

MOTION APPROVED.

PUBLIC HEARING:

1. APPLICATION:

TAM PHUNG
Expansion/Change of Non-Conforming Use for a
Park Office at 3691 Rt. 22

Sue Thew was present on behalf of Mr. Phung. Ms. Thew stated that Mr. Phung would like to have a park office at 3691 Rt. 22. Ms. Thew stated that previously Mr. Phung was going to have a water and sewer hookup on the parcel however he is now only going to have an electrical hookup. Mr. Bashaw asked if the office was going to be used as a residence as well. Ms. Thew stated that it will be used strictly as an office building; used for meetings only and possibly some storage. Mr. McBrayer asked if there is going to be regular office hours. Ms. Thew stated that there would not, it would only be used when people contacted Mr. Phung or the park manager. Mr. Falvo asked Mr. Blaine if they can have an office without having water or sewer facilities. Mr. Blaine stated that a business use has to meet certain requirements when being built and one of those is that an office does need facilities such as sewer and water. Mr. Blaine stated that Mr. Phung could however have a portable toilet and a bottled water dispenser which would meet the

**ZONING BOARD OF APPEALS
NOVEMBER 18, 2009**

requirements. Mr. Blaine stated that being the application is an Expansion of a Non-Conforming Use, conditions can be set by the board if the board chooses to approve the application. Mr. Denchick asked if the project met set backs. Mr. Blaine stated that the proposed project does meet set backs from all lot lines and does meet all other requirements.

MOTION: Mr. Bashaw made a motion to approve the application. Second by Mr. McBrayer.

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

MOTION CARRIED.

2. APPLICATION: SHERRY DEMARAIS
Area variance for storage shed at 763 Union Rd.

Mr. Blaine stated that the proposed shed is 10ft by 12ft. Mr. Blaine stated that the application was referred to the Clinton County Planning Board who referred back stating that it was a local issue. Mr. Blaine stated that the lot is about 67ft. wide which makes it difficult to place any structures on the property. Mr. Blaine stated that Ms. Demarais said she would like changes made to her plot plan. Ms. Demarais stated that she would like to move the existing shed parallel to where the proposed shed will be placed. Mr. Russell asked Ms. Demarais if both sheds would then be 25ft from the property line. Ms. Demarais stated that she would like the sheds as close to the property line as possible. Ms. Demarais stated that she believes the structure will be close to 10ft from her property line. Mr. Murnane asked Mr. Blaine if she is looking for 10ft from the back property line or 25ft. Mr. Blaine stated that Ms. Demarais had proposed 25ft from the back property line and now he believes that she would like 10ft. from the back property line to the shed. Mr. Bosley asked who owned the property behind Ms. Demarais. Mr. Blair stated that it was part of Irwin's farm and was used for a corn field and other farming needs. Mr. McBrayer stated that he drove by the parcel and the back of it drops down fairly quickly and he does not believe she can get very close to the lot line. Mr. Russell stated that Ms. Demarais is now looking at a 25ft Area Variance with a 10ft set back instead of a 10ft Area Variance and a 25ft set back.

MOTION: Mr. Bashaw made a motion to approve the application with the condition that the shed be no closer than 10ft from the lot line. Second by Mr. McBrayer.

ROLL CALL: Mr. Blair-yes, Mr. McBrayer-yes, Mr. Bashaw-yes, Mr. Denchick-yes, Mr. Bosley-yes, Mr. Falvo-yes, Mr. Russell-no because it is too substantial of a variance.

MOTION CARRIED.

3. APPLICATION: CLARA BRUCE
Area Variance for a Proposed Subdivision on Laphams Mills Rd.

Mr. Blaine stated that Ms. Bruce is looking for an area variance for a lot line adjustment. Mr. Blaine stated Ms. Bruce would like to take 30ft of frontage from the lot on the west and deed it to the property on the east. Mark Petrashune was present on behalf of the applicant. Mr. Petrashune stated that Ms. Bruce had been advised by her attorney to have her property surveyed. Mr. Petrashune stated that the first plan was to go down the center of the driveway then go to the right of the barn which would place the lot line at 8ft from the residence at 652 Lapham Mills Rd. Mr. Petrashune stated that he then placed new markers out to depict where the new property line would be which would make the lot line 18ft from the residence. Mr. Bashaw asked what the need for the variance was since it has been in existence since 1961. Mr. Petrashune stated that she would like to sell the home but still maintain the lawn between her residence and the other residence. Mr. Petrashune stated that it would also make a

**ZONING BOARD OF APPEALS
NOVEMBER 18, 2009**

non-conforming lot more conforming. Mr. Murnane stated that he does not believe moving the lot line would affect the front yard variance of the barn. Mr. Falvo asked where the septic and the water systems were located on the properties and if they would be affected by the subdivision. Mr. Bruce stated that on the property to the right the septic is located on the east side and the water is on the northern side. Mr. Bruce stated that at 652 Lapham Mills Rd. the septic is on the west side and the water is on the north eastern side. Mr. Russell stated that it is not going to be affected by the subdivision. Mr. Murnane stated that as long as there is a 25ft set-back from the north line to the barn then he does not believe there to be an issue. Mr. Falvo asked where Florence Powers lives. Mr. Petrashune stated that she is part owner of 652 Lapham Mills Rd. Mr. Russell read the letter submitted from Mrs. Powers that stated she had no objections with the lot line adjustment. Mr. Russell stated that the application was referred to the county who referred back stating that it was a local issue.

MOTION: Mr. Bashaw made a motion to approve the application with the condition that the north boundary line be no more than 25ft from the barn. Second by Mr. Denchick.

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

MOTION CARRIED.

ANY FURTHER BUSINESS:

Mr. Blaine discussed that Mr. Fusco's term was up and a letter had been sent to him asking if he would like to be reappointed. Mr. Blaine stated that at the December meeting there will need to be a nomination made for the Chair and Vice Chair positions.

CEO REPORT:

Mr. Blaine reviewed the CEO report with the board. There were 13 building permits issued in the month of October. Also, 6 Planning Board and 2 Zoning Board applications were submitted.

ADJOURNMENT:

Motion Made by Mr. Falvo. Second by Mr. Russell. All so moved.

Date filed with Town Clerk _____