

Walter Russell, Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of June 17, 2009 to order at 7:00 pm.

**ROLL CALL:**

WALTER RUSSELL, CHAIRMAN	: Present
ROB BASHAW	: Present
LEON BLAIR	: Present
FRANK DENCHICK	: Present
JAMES FALVO	: Present
TOM FUSCO	: Present
ROY ZALIS	: Present
LAWRENCE BOSLEY (ALT)	: Present
DON MCBRAYER (ALT)	: Present
ATTY. THOMAS MURNANE	: Present at 8:15
CEO. PAUL BLAINE	: Present

**APPROVAL OF MAY MINUTES:**

**MOTION:** Mr. Fusco made a motion to approve the May minutes. Second by Mr. Denchick.  
**ALL SO MOVED.**  
**MOTION APPROVED.**

**PUBLIC HEARING:**

**1. APPLICATION:** SAXTON SIGNS CORP.  
Requesting an Area Variance for a Sign at 3384 Rt. 22

Mr. Blaine stated that the application was referred to the Clinton County Planning Board who referred back stating it was a local issue. Ray Devins was present representing Saxton Signs. Mr. Devins stated that they would like to keep the existing sign that has been installed that extends 2 feet over the canopy.

**MOTION:** Mr. Bashaw made a motion to approve the application with the stipulation that it go in front of the Planning Board for Site Plan Review. Second by Mr. Fusco.  
**ROLL CALL:** Mr. Blair- yes, Mr. Fusco- yes, Mr. Bashaw- yes, Mr. Denchick- yes, Mr. Zalis- yes, Mr. Falvo- yes, Mr. Russell- yes.  
**MOTION CARRIED.**

**ZONING BOARD OF APPEALS  
JUNE 17, 2009**

**2. APPLICATION:** STEVEN LABOUNTY  
Area Variance for a Shed at 22 Moore Dr.

Mr. Blaine stated that although there was a shed on the property that Mr. Labounty is replacing, it was not there prior to zoning therefore it is not a non-conforming use. Mr. Blaine stated that Mr. Labounty would need a 12ft Variance from each side of the parcel because it does not meet the 15ft setback.

**MOTION:** Mr. Bashaw made a motion to approve the application. Second by Mr. Falvo.  
**ROLL CALL:** Mr. Blair- yes, Mr. Fusco- yes, Mr. Bashaw- yes, Mr. Denchick- yes, Mr. Zalis- yes, Mr. Falvo- yes, Mr. Russell- yes.  
**MOTION CARRIED.**

**3. APPLICATION:** RICHARD MILLER  
Area Variance for a Subdivision at 443 Telegraph Rd.

Mr. Blaine stated that Mr. Miller is looking for a 30ft. front yard variance and a 7ft side yard variance prior to subdivision on Telegraph Rd. Mr. Miller stated that he would like to subdivide his parcel and give his daughter  $\frac{3}{4}$  of an acre to place a house on. Mr. Russell asked if the bank would allow them to split the parcel to the back property line. Ms. Miller stated that she believed that the smaller the parcel, the easier it would be for the bank to allow the subdivision but the variance needed to be approved first. Mr. Falvo stated that he did not understand where the variance was needed on the sides. Mr. Blair stated that the side variance was for the where the pool is located. Mr. Blair asked if they could put a stipulation on it about moving the line to the back property line to make the lot more square.

**MOTION:** Mr. Zalis made a motion to approve the application for the 30ft front and 7ft side area variances with the recommendation to the Planning Board that the lot line be extended to the back property line. Second by Mr. Denchick.  
**ROLL CALL:** Mr. Blair- yes, Mr. Fusco- yes, Mr. Bashaw- yes, Mr. Denchick- yes, Mr. Zalis- yes, Mr. Falvo- yes, Mr. Russell- yes.  
**MOTION CARRIED.**

**4. APPLICATION:** ELMORE SPCA, Inc.  
Expansion of a Nonconforming Use at 556 Telegraph Rd.

Mr. Blaine stated that George Rosenvold and Mrs. Solarie-Rusco were present representing the SPCA. Mr. Blaine stated that the SPCA is looking for an Expansion of Non-Conforming Use to continue the use. If it is not continued in one year than it would no longer be considered an Expansion of Non-Conforming Use. Mr. Rosenvold stated that the shelter was closed temporarily and a new shelter was built so renovations could be done to the building. Mr. Rosenvold stated that they may need to come before the Board again in the future for an Area Variance. Mr. Russell stated that if the expansion were to be approved then the area variance would be approved as well. Mr. Blair stated that the variance would be done in phase two. Mr. Bashaw stated that they could approve the 10ft variance for side set-back as well so that they do not have to reappear in front of the board.

**ZONING BOARD OF APPEALS  
JUNE 17, 2009**

**MOTION:** Mr. Bashaw made a motion to approve the application for the expansion and a 10ft area variance with the stipulation that it go in front of the Planning Board for Site Plan Review. Second by Mr. Fusco.

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

**MOTION CARRIED.**

**5. APPLICATION:** LINDA McCASLAND  
Area Variance for a Single Family Home on Lapham Mills Rd.

Mr. Blaine stated that the parcel does have 100ft of frontage however the Zoning Ordinance requires 150ft of frontage. Mr. Blaine stated that the proposed home to be placed on the parcel is 28ft by 55ft so it will not meet setbacks. Mr. Carter who was present on behalf of the applicant stated that where they propose to place the home, its set back would roughly be 110ft. Mr. Russel read a letter that had been submitted by a neighbor stating that she did not have anything against Ms. McCasland placing a home on the parcel however she was concerned about the culvert near the road and would like it not to be blocked because of water drainage. Mr. Bashaw asked Mr. Carter how long Ms. McCasland owned the parcel. Mr. Carter stated that Ms. McCasland has owned the parcel since December 2008.

**MOTION:** Mr. Zalis made a motion to approve the application. Second by Mr. Denchick.

**ROLL CALL:** Mr. Blair- yes, Mr. Fusco- yes, Mr. Bashaw- no because its to substational of a request, it will change the appearance of the area because of the amount of variance on either side, and the property on the west is for sale and it would have an impact on that, Mr. Denchick- yes, Mr. Zalis- yes, Mr. Falvo- no because it is to substantial of a variance, Mr. Russell- no because the variance is to substantial.

**MOTION CARRIED.**

**6. APPLICATION:** RICK QUERO  
Special Permitted Use for a Touch-Less Car Wash on Bear Swamp Rd.

Mr. Blaine stated that Mr. Quero would like a touch-less carwash on Dashnaw Rd. and being it is in an IC zone it does require a special permit. Mr. Blaine stated that the lot has been cleared in hopes for future development. Mr. Blaine stated that it had been referred to the Clinton County Planning Board who voted for disapproval due to lack of information. Mr. Russell stated that due to the disapproval by the Clinton County Planning Board, 5 votes are now required instead of 4 for approval. Jane Alexander asked what kind of vegetation would be on the property. Mr. Falvo stated that his biggest concern is that he cleared the parcel of the trees and plants and he is only going to be using a quarter of the property. Mr. Murnane stated that he recalled Mr. Quero talking about doing something else with the parcel as well in the future. Mr. Gordon stated that in the future they planned to place a franchise on the back part of the property.

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

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

**MOTION CARRIED.**

**ZONING BOARD OF APPEALS  
JUNE 17, 2009**

**7. APPLICATION:** DONALD THEW  
Special Permitted Use for an Auto Repair Shop at 3458  
Route 22

Mr. Blaine stated that Donald Thew would like an Auto Repair shop on Rt. 22 in front of the fitness center. Mr. Blaine stated that the application was referred to the Clinton County Planning Board who did refer back with disapproval. Mr. D. Thew stated that he would like to place a car shop on the property to repair vehicles. Mr. D. Thew stated that they would either be using the existing garage or build a new garage. Mr. Blair asked what they would do with the house. Greg Thew stated that they would probably demolish the house along with the existing garage. Mr. Murnane asked if anyone currently lived in the house. Mr. D. Thew stated that nobody is residing in the house. Mr. Blair asked what type of repairs would be done, body or mechanical. Mr. G. Thew stated that it would be strictly mechanical repairs. Mr. McBrayer asked what Greg Thew would be doing with the older vehicles. Mr. G. Thew stated that there would not be any junk cars lying around and that the property would be kept very clean. Mr. Harrell was present and stated that he has never seen a car repair shop that is clean. Mrs. Harrell stated that they live next door to the parcel in question and they would prefer not to have an auto repair shop next door. Mr. Falvo stated that what has been discussed and what has been proposed on paper are two dramatically different plans. Mr. Falvo stated that the neighbors have expressed their opinion that they like the neighborhood with the houses so if the house was left and the garage was built behind the house and leaving the hedge line, not many people would know there was an auto repair shop. Mr. Falvo stated that more information needs to be presented to the board to make a decision. Mr. Bruce read items of concern from a prepared list including the above mentioned and the hours of operations, additional traffic, signage, noise levels, a state license, lighting at night, indoor and outdoor air quality, emissions standards, having it conform to NYS DEC standards, ambient and stagnant air quality, and how the business will effect the residential property value. Mr. Bruce stated that he feels all of the items mentioned should be considered because the proposed business is in close proximity to a residential area. Mr. Murnane stated that because the project has been disapproved by the Clinton County Planning Board, the application may only be approved now with the majority of the board plus one instead of just majority. Mr. Murnane stated that there is more information that needs to be submitted to the board such as where parking will be, what lighting will there be, etc. Mr. Murnane stated that auto repair is a Special Permitted Use in that area which means it is allowed if the applicant can meet certain standards that the Zoning Board puts in place. Mr. Murnane informed Mr. G. Thew and Mr. D. Thew that they do need more information for the board to be able to act on it and if they would like they could submit a new application which would be resubmitted to the Clinton County Planning Board for approval again or have the application tabled. Mr. Russell asked Mr. G Thew and Mr. D. Thew if they would like to have their application tabled. Mr. D. Thew stated that they would like to have the application tabled.

**MOTION:** Mr. Falvo made a motion to table the application. Second by Mr. Bashaw.  
**ROLL CALL:** Mr. Blair- yes, Mr. Fusco- yes, Mr. Bashaw- yes, Mr. Denchick- yes,  
Mr. Zalis- yes, Mr. Falvo- yes, Mr. Russell- yes.  
**MOTION CARRIED.**

**ANY FURTHER BUSINESS:**

Mr. Russell asked if anybody had any recommendations for the information that had been submitted to them by Mr. Covell regarding Todd Deyos mining operation. Mr. Russell

**ZONING BOARD OF APPEALS  
JUNE 17, 2009**

stated that he believes everything had been covered by the DEC. Everyone agreed that they felt it had been covered and had no suggestions.

**CEO REPORT:**

Mr. Blaine stated that housing starts are down for the year compared to 2008.

**ADJOURNMENT:**

**Motion Made by Mr. Fusco.**

**Second by Mr. Falvo.**

**All so moved.**

*Date filed with Town Clerk \_\_\_\_\_*