

Richard Williams, Vice Chair of the Town of Peru Planning Board, called the meeting of Wednesday, October 14, 2009 at 7:00 pm, to order.

ROLL CALL:

BETTY CORROW, CHAIR	: EXCUSED
RICHARD WILLIAMS, VICE CHAIR	: PRESENT
DALE HOLDERMAN	: PRESENT
MARK ROBINSON	: PRESENT
PETER TROUT	: PRESENT
BENJAMIN WRIGHT	: PRESENT
ERIC BLAISE	: ABSENT
ADELE DOUGLAS (ALT)	: PRESENT
JOHN KANOZA (ALT)	: PRESENT
ATTY. THOMAS MURNANE	: PRESENT @ 7:22
CEO: PAUL BLAINE	: PRESENT

APPROVAL OF SEPTEMBER MINUTES:

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

PUBLIC HEARING:

- 1. SUBDIVISION/MERGE & SEQR:** KAREN DUVAL
2-Lot Subdivision/Merge on Red Fox Lane

Mr. Holderman stated that Ms. Duval was present at the October meeting however the applicant needed an Area Variance from the Zoning Board of Appeals. Mr. Williams stated that at the previous meeting, the application was tabled until the applicant received approval from the Zoning Board. Mr. Holderman stated that in the past, approval has been done contingent upon Zoning Board approval. Mr. Blaine stated that more information has also been submitted by the applicant. Mr. Blaine stated that upon approval for the Area Variance from the Zoning Board of Appeals the lots will be more conforming with zoning.

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MOTION: Mr. Williams moved to declare this an unlisted action and name the Town of Peru Planning Board as lead agency. Second by Mr. Kanoza.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

MOTION: Mr. Holderman moved to declare this a negative declaration. Second by Mr. Kanoza.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

MOTION: Mr. Holderman made a motion to subdivide parcel 256.-3-32 contingent upon Zoning Board approval for an Area Variance and that the subdivided section be merged with parcel 256.-3-31. Second by Mr. Trout.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

**2. SUBDIVISION/MERGE
& SEQR:**

ROY BEDARD
2-Lot Subdivision/Merge on Winding Brook Rd.

Mr. Wright stated that Mr. Bedard is looking to subdivide a small section from lot 2 and merge it with lot 15. Mr. Wright stated that both lots will remain conforming.

MOTION: Mr. Trout moved to declare this an unlisted action and name the Town of Peru Planning Board as lead agency. Second by Mr. Wright.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

MOTION: Mr. Holderman moved to declare this a negative declaration. Second by Mr. Trout.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

MOTION: Mr. Wright made a motion to approve the subdivision of lot 2 and subdivided lands be merged with lot 15 with the condition that a copy of the new deed be provided to Mr. Murnane. Second by Mr. Trout.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

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3. SITE PLAN REVIEW:

ERIC DUQUETTE
Site Plan Review for a Home Occupation at 325 Rt 22B

Mr. Duquette stated that he would like to have catering services at their home. Mr. Duquette stated that there are two apartments in the back that have been added on and they will be removed. Mr. Duquette stated he plans to have the house looking the way it originally did. Mr. Robinson went over the Site Plan Review checklist with the board.

MOTION: Mr. Robinson made a motion to approve the application with the condition on approval from the Zoning Board of Appeals and the Health Department. Second by Mr. Trout.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

**4. SUBDIVISION
& SEQR:**

RALPH CIOCCA
Preliminary Approval for a 3-Lot Subdivision on Dashnaw Rd.

Mr. Blaine stated that lots 4 and 5 shown on the map are going to be subdivided from the parent parcel. Mr. Williams stated that Mr. Ciocca is also going before the Zoning Board of Appeals for a road frontage variance. Mr. Williams stated that lots 1, 2 and 3 were already previously subdivided from the parent parcel.

MOTION: Mr. Williams moved to declare this an unlisted action and name the Town of Peru Planning Board as lead agency. Second by Mr. Holderied.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

MOTION: Mr. Holderman moved to declare this a negative declaration. Second by Mr. Wright.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

MOTION: Mr. Holderman made a motion to approve the application with the condition on approval from the Zoning Board of Appeals. Second by Mr. Trout.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

5. SITE PLAN REVIEW:

TAM PHUNG
Site Plan Review for an Office at 3691 Rt. 22

Mr. Blaine stated that Mr. Phung is proposing to have an office for South Acres Mobile Home Park. Mr. Phung stated that he meets with the health department as well as other organizations and people at the mobile home park. Mr. Phung stated that he is looking to open one more lot in the front of the park so the park can be managed better and give the permanent park manager a place to stay.

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Mr. Phung stated that he would like to have the permanent park manager also reside where the office will be located because it is convenient for the park. Mr. Kanoza stated that the area where he would like to place the residence/office is not a designated lot for a residence at this time. Mr. Murnane stated that the park was approved for a certain number of lots by the Zoning Board of Appeals and adding another lot would exceed the amount of lots that Mr. Phung had been previously approved for. Mr. Murnane stated that Mr. Phung would need Health Department approval for one lot as well as approval for an Expansion of Non-Conforming Use from the Zoning Board of Appeals. Mr. Kanoza stated that he would have no problem with a small office but changing an office into a residence and office needs approval from the Health Department prior to getting approval from the Planning Board. Mr. Kanoza stated that on the application it stated that Mr. Phung is looking for an office not a residence and office. Mr. Phung stated that his current park manager had filled the application out, however his plan was for a residence and office not just an office. Mr. Kanoza stated that, that information should also be stated in the application. Mr. Phung stated that approving the application will help move toward a better park in the future. Mr. Murnane asked Mr. Phung to provide additional information on what he is looking to do with the property for the next meeting. Mr. Kanoza recused himself from the application.

MOTION: Mr. Holderman made a motion to table the application. Second by Mr. Williams.

ROLL CALL: Mr. Holderman – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

6. SITE PLAN REVIEW: WINFRIED HOLDERIED
Site Plan Review for Car Wash Addition at 4 Main St.

Mr. Trout stated that Mr. Holderied owns the plaza on Main St. Mr. Trout stated that Mr. Holderied was approved for the new pharmacy and a second access road had been put in. Mr. Trout stated that it had come to the board's attention that the bottom portion of the entrance was not owned by Mr. Holderied. Mr. Blaine stated that the newest survey map shows that the section is owned by the DOT and an older survey map shows that the section of land was deeded to the town. Mr. Holderied stated that in 1978 he bought the land from Charlie Barber who used the section as a driveway to his house. Mr. Murnane asked Mr. Blaine what the previous Site Plan had required. Mr. Blaine stated that the pharmacy was the most recent project and it had stated that the Planning Board had wanted barriers set in place for the new driveway which has yet to be done by Mr. Holderied. Mr. Blaine stated if the board wants to have the exit there then Mr. Holderied will have to get approval from the DOT but the previous motion from the Planning Board was to have that exit blocked off. Mr. Williams stated that he thought the north exit lane by the sign was suppose to be blocked off and the right would be used for the entrance and the new driveway would be the exit. Mr. Murnane stated that when reviewing the minutes from the prior Site Plan approval it was agreed that the exit and entrance would be from the main entrance and the other would be blocked off so no traffic can go in and out. Mr. Holderman stated that in the previous decision the new driveway was supposed to be an exit only with signs at the end and arrows. Mr. Trout stated that regardless of what people are using the driveway for, the driveway at this point is illegal because Mr. Holderied does not own it and he does not have DOT permission to be using it. Mr. McBrayer, a neighbor present at the meeting stated that he uses the new driveway as an exit because it is a convenience and easier to get out of. Mr. Murnane stated regardless of who owns the property, Mr. Holderied still needs DOT approval because it exits onto a state road. Mr. Murnane stated that the town needs to follow through with any Site Plan requirements. Mr. Murnane told Mr. Holderied that he is currently in violation and needs to get the new driveway blocked off as the Planning Board had previously requested be done. Mr. Murnane discussed that because the applicant has not complied with the direction that the board has

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given the applicant, there are liability issues the town and the applicant could be faced with. Mr. Holderied agreed to place a structure up to block out traffic from the new entrance. Mr. Holderied stated that he could place cedar trees in pots along the entrance so that nobody could use it. Mr. Holderman stated that Mr. Holderied could use the concrete barriers they use for traffic because they can be dropped off, put in place and easily moved.

MOTION: Mr. Trout made a motion to table the application and two barriers must be installed by October 31, 2009 with reflectors indicating there is no entrance. Second by Mr. Kanoza.

ROLL CALL: Mr. Holderman – yes, Mr. Kanoza – yes, Mr. Trout – yes, Ms. Douglas - yes, Mr. Robinson – yes, Mr. Wright - yes, Mr. Williams - yes.

MOTION CARRIED.

ANY FURTHER BUSINESS:

Mr. Robinson stated that he has noticed several outdoor wood boilers that have not gotten permits and asked if anything was going to be done to make them get a permit or have them removed from their properties. Mr. Blaine stated that they must get a permit by October 20, 2009.

CEO REPORT:

Mr. Blaine discussed the September CEO report. There were 16 building permits issued. Also 4 Planning Board and 5 Zoning Board applications were processed.

ADJOURNMENT:

Motion made by Mr. Williams.

All so moved.

Date filed with Town Clerk_____