

Walter Russell, Chair of the Town of Peru Zoning Board of Appeals, called the meeting of October 21, 2009 to order at 7:03 pm.

**ROLL CALL:**

WALTER RUSSELL, CHAIRMAN	: PRESENT
LEON BLAIR, VICE CHAIR	: PRESENT
ROB BASHAW	: 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
CEO. PAUL BLAINE	: PRESENT

**APPROVAL OF SEPTEMBER MINUTES:**

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

**ALL SO MOVED.**

**MOTION APPROVED.**

**PUBLIC HEARING:**

**1. APPLICATION:**

RAYMOND DESSO  
Area Variance for a Garage at 15 Locust Dr.

Mr. Blaine stated that the application came before the board the previous month. Mr. Blaine stated that Mr. Desso is looking to place a garage on the left side of his parcel. Mr. Blaine stated that they are looking for a 5 ½ft. Area Variance from the 15ft. side set back and 3 ½ ft Area Variance from the 20ft front set back. Mr. Blaine stated that there is a 5ft. easement on the side lot line for the sewer line.

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

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

**MOTION CARRIED.**

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**2. APPLICATION:**                               **GEORGE KNIGHT**  
Special Permitted Use for a Multi-family Dwelling at  
2998 Main St.

Mr. Blaine stated that Mr. Knight had come before the board in September and the application was tabled. Mr. Blaine stated that a new application was submitted to the Clinton County Planning Board who referred back with approval and suggestions to the board. Mr. Blaine stated that Mr. Knight submitted a parking plan with 6 vehicles parking diagonally in the driveway and a turn around so vehicles will not have to back into the road. Mr. Blaine stated that the Clinton County Planning Board suggested having the vehicles park parallel instead of diagonally. Mr. Blaine stated that Mr. Knight also submitted a parking plan with 6 vehicles parked parallel. Mr. Blaine stated that a minimum of 6 vehicles are required for a 3 unit apartment building. Mr. Bashaw asked Mr. Knight how he would like his parking. Mr. Knight said either way is fine because it can be done both ways. Charles Dilzer, a neighbor, was present and stated that he believes Mr. and Mrs. Knight have done an immaculate job refinishing the home. Mr. Dilzer stated that he would like to congratulate the Knights on what they have done and if the board approves the application he also congratulates them.

**MOTION:** Mr. Bashaw made a motion to approve the application with the condition that Site Plan Review be done by the Planning Board. 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.**

**3. APPLICATION:**                               **KAREN DUVAL**  
Area Variance for a Proposed Subdivision on Red Fox Lane.

Mr. Blaine stated that Ms. Duval owns lot 31 and 32 and she is looking to adjust the boundary line of the parcels. Mr. Blaine stated that the lots were previously non-conforming and Ms. Duval is making the lots more conforming. Mr. Russell stated that the applicant is looking for a 2500sq. ft variance from a parcel that needs to be 37500sq. ft.

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

**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:**                               **ERIC DUQUETTE**  
Special Permitted Use for a Catering Business as a  
Home Occupation at 325 Rt. 22B

Mr. Blaine stated that the applicant did receive approval for Site Plan Review contingent on Zoning Board approval. Mr. Murnane stated that at the Planning Board meeting Mr. Duquette stated that the Outdoor Wood Boiler that is located on the property is going to be removed. Mr. Duquette stated that on the back part of the building, two apartments have been added on and they will also be removed so that the house will go back to its original look. Mr. Russell asked how many employees they planned to have. Mr. Duquette stated it

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would be all family and there would be about 5 employees. Mr. Russell stated that in the Zoning Ordinance, home occupations are only allowed 3 non-family member employees. Mr. Denchick asked if it was going to be used strictly as a catering business or if it was going to be a restaurant use as well. Mr. Duquette stated that it was going to be strictly catering. Mr. Murnane stated that at the Planning Board meeting, Ms. Duquette stated that she may teach a cooking class as well once a week for a few people but it will not be a lot of traffic.

**MOTION:** Mr. Fusco made a motion to approve the application. 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.**

**5. APPLICATION:** RALPH CIOCCA  
Area Variance for a Proposed Subdivision on Dashnaw Rd.

Mr. Blaine stated that Mr. Ciocca had received approval for a 3-Lot subdivision from the Planning Board with the condition on Zoning Board approval for an Area Variance. Mr. Blaine stated that the lots need 150ft of frontage being in an RL-1 zone, however they will only have 50ft of frontage along the road so Mr. Ciocca is looking for a 100ft Area Variance. Mr. Murnane asked Mr. Blaine what the zoning overlay of the parcel is. Mr. Blaine stated that the first 250ft along the road is RL-1 and beyond that is an IC zone. Mr. Bashaw stated that they should approve it with the stipulation that the area be used for a road. Mr. Murnane stated that the 2-Lots are legal, however, the 50ft in between leading to the larger lot is not and that is what is requiring an Area Variance.

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

**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.**

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

Mr. Blaine stated that Mr. Phung contacted him stating he was unable to make the meeting however he had hired someone to represent him, Marvin LaGrave, but he was not present. Mr. Russell stated that he would be comfortable tabling the application for one month only. Mr. Murnane stated that the applicant had come before the Planning Board at the October meeting and Mr. Phung was looking to add a new lot to the number of lots that had been previously approved. Mr. Murnane stated originally Mr. Phung had proposed a trailer be placed on the lot and be used as an office to meet with prospective tenants or other organizations. Mr. Murnane stated that when discussing the application, Mr. Phung stated that not only was it going to be used as an office, his permanent park manager was also going to reside there. Mr. Murnane stated that Mr. Phung needed to meet with the health department for approval as well as the planning board. Mr. Blaine stated that after the Planning Board meeting, Mr. Phung had met with Mr. Kanoza from the health department and he believes that the lot is now going to be used for an office only with no sewer hook up. Mr. Russell stated that the application should be tabled until further information is brought to the board and/or a representative is present.

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

**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. Bashaw asked if applications should be looked at by the Water and Sewer Superintendent to make sure there are no easements on the property. Mr. McBrayer asked if there were maps that showed the easements on the parcels in town. Mr. Murnane stated that there were not.

**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. Zalis. Second by Mr. Fusco. All so moved.

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