

Walter Russell, Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of November 19, 2008 to order at 7:05 pm.

ROLL CALL:

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

APPROVAL OF OCTOBER MINUTES:

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

ALL SO MOVED.

MOTION CARRIED.

PUBLIC HEARING:

1. APPLICATION:

SCOTT BAZZANO

Requesting a Special Permit for a Restaurant at 2937 Rt. 22

Mr. Blaine stated that Mr. Bazzano would like to expand his building by placing the Take Out and Delivery service in the other building that is currently on the property. Mr. Blaine stated that the Planning Board has approved Mr. Bazzano for Site Plan Review conditioned on obtaining approval of the Zoning Board of Appeals. Mr. Bazzano stated that there is a hairdresser in 1/3 of the building and he will be using the other 2/3 of the building as his take out and delivery service.

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

ROLL CALL: Mr. Blair- yes, Mr. Fusco- yes, Mr. Bosley- yes, Mr. Denchick-yes,

Mr. Russell-yes.

MOTION CARRIED.

2. APPLICATION:

JOHN PRONDECKI

Requesting an Area Variance at 19 Port Jackson Way

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 Mr. Prondecki wishes to add on an addition to his home however the parcel is located in an H-4 zone, which requires a 100ft.

**Zoning Board of Appeals
November 19, 2008**

setback from the water. Mr. Blaine stated that Mr. Prondecki is requesting to have a 39ft. Area Variance. Mr. Prondecki stated that he would like to add a Sun Room to his home.

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

ROLL CALL: Mr. Blair- yes, Mr. Fusco- yes, Mr. Bosley- yes, Mr. Denchick-yes,
Mr. Russell-yes.

MOTION CARRIED.

3. APPLICATION:

TODD DEYO

Requesting a Use Variance for a Mining Operation on Sullivan Rd.

Mr. Blaine stated that there was a new narrative submitted and also a letter in support of the mine by local farmers. Mr. Lashway stated that he believes with the expenses that would be incurred to subdivide and sell 6 lots from the property there would not be a fair amount of return. Mr. Fusco asked Mr. Rulfs, a local farmer, what the sand is used for. Mr. Rulfs stated that they used the sand for bedding because it has no stones, its soft, and it is hard to find. Mr. Blair asked Mr. Lashway what the size of the current mine is. Mr. Lashway stated that the mine is 23.4 acres. Mr. Blair asked if that parcel is now exhausted. Mr. Lashway stated that it is not exhausted yet but it is fairly close. Mr. Blair asked how many acres the proposed mine is going to be. Mr. Lashway stated that the proposed mining area would be about 10.8 acres. Mr. Blair asked Mr. Rulfs where they would get their sand if the application did not get approved. Mr. Rulfs stated that the other mines that he is aware of do not carry the type of sand needed for bedding so he wouldn't know where to go. Mr. Murnane stated that there have not been any complaints about the mine. Mr. Murnane stated that the DEC is looking at the permit as an expansion to the current mine however the Zoning Board is looking at it as a separate permit. Mr. Blair asked why the applicant is mining on Sunday mornings. Mr. Deyo stated that there is one farm that requests to get their sand on Sundays. Mr. Deyo stated that depending on the time of the month depends on how many loads of sand are taken and that it could be anywhere from 4-6 loads a day. Mr. Murnane asked if the one farm was the only farm that he delivers to on Sundays. Mr. Deyo stated that it was the only farm and it takes about 1-2 hours per load. Mr. Murnane asked Mr. Lashway what the hours are for the mine that have been submitted to the DEC. Mr. Lashway stated that the hours that have been submitted to the DEC are Monday-Friday 7-5 and Saturday-Sunday 7-1. Mr. Russell stated that there is proof of a financial hardship, it was not self-induced, and it is unique therefore Mr. Deyo has met all of the conditions needed for a Use Variance.

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

ROLL CALL: Mr. Blair- yes, Mr. Fusco- yes, Mr. Bosley- yes, Mr. Denchick-yes,
Mr. Russell-yes.

MOTION CARRIED.

ANY FURTHER BUSINESS:

Mr. Farrell was present and thanked everyone for allowing him to be apart of the Board. Mr. Blaine stated that after the meeting he would like to take a picture of all of the Zoning Board Members to place on the new website.

**Zoning Board of Appeals
November 19, 2008**

CEO REPORT: PAUL BLAINE

Mr. Blaine stated that there have been several Outdoor Wood Boiler permits issued and more pending.

ADJOURNMENT:

**Motion Made by Mr. Fusco.
Second by Mr. Denchick.
All so moved.**

Date filed with Town Clerk ____