

**ZONING BOARD OF APPEALS MEETING
WEDNESDAY, JANUARY 19, 2022**

Sean Lukas, Vice Chairman of the Town of Peru Zoning Board of Appeals, called the meeting of **Wednesday, January 19, 2022** at 7:00pm to order.

PLEDGE OF ALLEGIANCE.

ROLL CALL:

JAMES AKEY	:PRESENT
TERRY AUBIN JR.	:PRESENT
JAMES FRANCESCONI	:PRESENT
SEAN LUKAS, VICE-CHAIR	:PRESENT
JAMES FALVO, CHAIR	:EXCUSED
BOB GUYNUP, CEO	:PRESENT

APPROVAL of Wednesday, October 20, 2021 minutes

Mr. Lukas shared with the Board the minutes from the October meeting. He asks if anyone has any changes, corrections, deletions or additions.

MOTION: Mr. Aubin made a motion to approve these minutes

SECOND: Mr. Francesconi

ROLL CALL: Mr. Akey~yes; Mr. Aubin ~ yes, Mr. Francesconi~yes, Mr. Lukas~yes,

MOTION CARRIED.

APPROVAL OF Wednesday, November 17, 2021 minutes

Mr. Lukas shared with the Board the minutes from the November meeting. He asks if anyone has any changes, corrections, deletions or additions.

MOTION: Mr. Aubin made a motion to approve these minutes

SECOND: Mr. Akey

ROLL CALL: Mr. Akey~yes; Mr. Aubin ~ yes, Mr. Francesconi~yes, Mr. Lukas~yes,

MOTION CARRIED.

PUBLIC HEARING:

Mr. Lukas opens the floor to public hearing. We have 2 applications this evening. He informs everyone that we are a 5 member board and 4 are present. Mr. Lukas reminds the public that the open floor is for items on tonight's agenda.

5 people have signed in to speak tonight about the first application of Ryan Darby.

Judy talks about the neighborhood and how she enjoys taking walks there. She thinks a business in her neighborhood would bring big trucks and neon lights and does not want this to happen.

Larry says that road has a weight limit for half of the year and he also feels like the business would change the neighborhood in a negative way.

Velma also lives in this neighborhood and she loves that it is residential with no businesses and would like it to stay that way.

Janine also believes there is a weight limit on the roads seasonally. She thinks this business would change the entire neighborhood's atmosphere.

Garrett is here in support of small business. He has been to Mr. Darby's other facility and says it is clean and neat. He believes Mr. Darby to be a realist and also supports this business being an asset to the Town of Peru.

Mr. Guynup calls Mr. Farrell to check on weight limit of road, Mr. Farrell says there is NO weight limit.

APPLICATIONS:

1. Ryan Darby
Use Variance Warehouse/Distribution
258.-1-18
Rock Rd
Z2021-060

This application was tabled at the October meeting, to give the applicant time to gather data.

Ryan and Paige Darby are present.

The Darbys go through the Use Variance Criteria, starting with the inability to realize a reasonable return on the property as used for residential, agricultural, hobby farm, essential use/service or park/playground. They argue that the hardship is unique and does not apply to a substantial portion of the district or neighborhood, and the requested use would have minimal disruption to the surrounding area. The Darby's argue that the alleged hardship has not been self-created as they have not yet purchased the lot. The owner purchased this lot prior to the creation of a zoning ordinance in the Town of Peru. Zoning restrictions did not exist and thus was not self-created. Additionally the current owner has made a significant effort to sell the property for over 5 years. The Darbys state that they believe they have met the criteria to have this variance approved.

There is discussion between the Board members about noise from railroad and airport making the noise complaints moot. Some businesses are permitted in this zone, including an auto body shop. The requested warehouse would cause less disruption to the neighborhood than an auto body shop.

A major concern of the Board is whether or not this is a self-created hardship. Mrs. Darby cites a lot of New York State Court cases to prove that this is not a self-created hardship. The Board members discuss whether or not this is a self-created hardship, for the Darbys or for the current owner.

No further questions from the Board

MOTION: Mr. Lukas makes the motion to approve this application with these stipulations:

- Business Hours limited to between 7am and 6pm Monday through Friday
- Limit of three(3) business owned DOT registered vehicles in operation
- No Signage
- No drive-up or walk-up business
- APA standard colors on building
- Site Plan Review for the building will come from the Town of Peru Planning Board and will include landscaping and lighting requirements.

SECOND: Mr. Aubin

ROLL CALL: Mr. Akey~yes, Mr. Aubin ~ no, Mr. Francesconi~yes, Mr. Lukas~yes

MOTION CARRIED.

2. Z2021-063
Area Variance
Jeff LaValley
89 Bear Swamp Rd
281.-2-2

Mr and Ms. LaValley are present.

This was tabled at our November meeting. The application was sent to the Clinton County Planning Board, and they decided that this is a local issue.

Mr. Guynup explains the application. A Hobby Farm is permitted in this district, but the applicant doesn't meet lot requirements, 3 acres are needed for a Hobby Farm and Mr. LaValley has just over 1 acre. Mr. LaValley is asking for an area variance to keep his chickens.

The coop has been moved to meet all setbacks.

MOTION: Mr. Lukas makes the motion to approve this application with these stipulations:

- No roosters
- No more than 10 chickens
- Chicken coop/run will be no more than 100 square feet and will meet
All setback requirements

SECOND: Mr. Aubin

ROLL CALL: Mr. Akey~yes, Mr. Aubin ~yes, Mr. Francesconi~yes, Mr. Lukas~yes

MOTION CARRIED

Further Business

Board Elections

MOTION: Mr. Aubin makes the motion to reappoint Jim Falvo as Chairman of the Town of Peru Zoning Board of Appeals.

SECOND: Mr. Francesconi

ROLL CALL: Mr. Akey~yes, Mr. Aubin ~ yes, Mr. Francesconi~yes, Mr. Lukas~yes

MOTION CARRIED.

MOTION: Mr. Aubin makes the motion to reappoint Sean Lukas as Vice Chairman of the Town of Peru Zoning Board of Appeals.

SECOND: Mr. Francesconi

ROLL CALL: Mr. Akey~yes, Mr. Aubin ~ yes, Mr. Francesconi~yes, Mr. Lukas~yes

MOTION CARRIED.

ADJOURNMENT:

MOTION: Mr. Aubin

SECOND: Mr. Francesconi

VOICE VOTE: ALL AGREED

Meeting adjourned at 9:18pm