

APPROVED

A public hearing before the Zoning Board of Appeals of the Town of Williamson was held on January 28, 2016, in the Town Complex meeting room at 7:00 PM.

The following members were present:

Ernie Norton, Chairman
Daniel DeCracker
Tim Gulick
Noah Knataitis
Chuck Monsees

Also present were Richard & Anne Smith, Donna Giardina, Jason Hinkelman, Peter Parts, Nancy Gowan (Town Councilmember), Joseph Maliga (Code Enforcement Officer), and Christine Nagel (Clerk).

The minutes of the December 10, 2015, meeting were reviewed for approval, and a correction made by Dan DeCracker. A motion to approve the minutes as corrected was made by Dan DeCracker and seconded by Tim Gulick. All voted in favor of the motion.

Notice of Action for Appeal No. 844: Florence Socci of 3525 Lake Rd, Williamson, NY and Susan Wilczewski of 11 Dewberry Dr, Rochester, NY. For use variance. Property is owned by Randall Williamson and located at 3505 Lake Rd.

A motion to accept Notice of Action for Appeal No. 844 was made by Tim Gulick and seconded by Dan DeCracker. All voted in favor of the motion.

Notice of Action for Appeal No. 845: Jean Davis of 2784 Ridge Rd, Williamson, NY. For area variance. Property is owned by George Rueger and is located at 2704 Ridge Rd.

A motion to accept Notice of Action for Appeal No. 845 was made by Dan DeCracker and seconded by Chuck Monsees. All voted in favor of the motion.

Notice of Action for Appeal No. 846: Jean Davis of 2784 Ridge Rd, Williamson, NY. For area variance. Property is owned by George Rueger and is located at 6116 Arbor Rd.

A motion to accept Notice of Action for Appeal No. 846 was made by Chuck Monsees and seconded by Tim Gulick. All voted in favor of the motion.

Notice of Action for Appeal No. 847: Jean Davis of 2784 Ridge Rd, Williamson, NY. For area variance. Property is owned by George Rueger and is located at 2700 Ridge Rd

A motion to accept Notice of Action for Appeal No. 847 was made by Dan DeCracker and seconded by Ernie Norton. All voted in favor of the motion.

Notice of Action for Appeal No. 848: Wilbert's U-Pull It of 4936 Route 104, Williamson, NY. For area variance. Property is owned by 4936 Route 104, LLC and located at 4936 Route 104.

A motion to accept Notice of Action for Appeal No. 848 was made by Dan DeCracker and seconded by Tim Gulick. All voted in favor of the motion.

Agenda Items:

Final Review of Appeal No. 841: Donna Giardiana of 3955 Route 104, Williamson, NY. Applicant is requesting a use variance to operate a day-care facility. Property is owned by Eugene & Florence VanKouwenberg and is located at 3955 Route 104, Williamson. Zoned C-1 (Commerical).

Public Hearing open at 7:02 PM

Ms. Giardina requests a variance to operate a day-care facility, as explained at the prior review of this appeal. The ZBA Clerk as received no correspondence whatsoever regarding this appeal.

Public Hearing closed at 7:04 PM

A motion was made by Dan DeCracker to approve Appeal No. 841 as submitted, granting a use variance to operate a day-care facility. The motion was seconded by Tim Gulick. All voted in favor of the motion.

Appeal No. 849: Jason Hinkelman of 6023 Route 21, Williamson, NY. Applicant is requesting a use variance to operate a landscaping company. Parcel is owned by The T&C Company LLC and is located at 4243 Ridge Rd, Williamson. Zoned MU-1 (Mixed Use).

Public Hearing open at 7:05 PM

Mr. Hinkelman wishes to purchase this property to operate his landscaping and snowplowing business and to be near his home on Route 21 in Williamson. The site would be used to store equipment and materials and to have office space for the business.

In response to Board's questions, Jason does not have a firewood business. He would be storing three to four trucks either inside the building or in the back. He is not likely to have any employees working day-long at that location. The property is approximately 7/8 of an acre. Jason intends to make repairs to the building. He lives in Williamson and intends to reside her for the long-term.

The ZBA Clerk has received no correspondence from the community for this appeal.

Public Hearing closed at 7:14 PM

A motion was made by Dan DeCracker to approve Appeal No. 849 as submitted, granting a use variance for a commercial enterprise. The motion was seconded by Tim Gulick. All voted in favor of the motion.

Appeal No. 850: Richard Smith of 3199 Lake Rd, Williamson, NY. Applicant is requesting setback relief in order to reconstruct a nonconforming structure. Property is owned by applicant and is located at 3199 Lake Rd, Williamson. Zoned L-R (Lakefront Residential).

Public Hearing open at 7:16 PM

Mr. Smith has resided at this location for over 40 years, and has had dogs there since 1980. He is requested a variance to construct a canopy over the existing dog kennel. He started the project last spring due to damage that occurred in a storm the prior winter. Mr. Smith was not aware that a permit was required.

Joseph Maliga, Code Enforcement Officer, showed pictures he had taken of the work being done as well as views of the property from Pictometry.

Anne Smith explained the history of the use as well as of conflicts with prior neighbors. The use as a kennel is grandfathered in because there were no Code requirements at the time the Smiths began the kennel. They currently have ten purebred dogs, ages 2 to 12.

Mr. Maliga explained about the complaint received earlier this year about the building project. He issued a Stop Work Order, but the work was continued. Next he issued appearance tickets, and the matter went to Town Court, where Mr. Smith was found guilty. In addition, he found the "Property under Review" sign had been covered by a towel.

In response to the Board's questions, the Smiths explained the first damage occurred to the structure in the winter of 2013-2014, and further damage took place during the winter of 2014-2015. Mr. Maliga explained that per Town Code, and confirmed by Amy D'Angelo, Wayne County Planning Board, this is considered a structure due to its size and elements.

Tim Gulick read Town Code §178-88 (C) Restoration of nonconforming uses. Any building or structure containing a nonconforming use, which is destroyed by fire or other causes, may be reused, reoccupied and/or reconstructed, provided that application for a building permit is made within six months of the destruction, as provided in Subsection A of this section.

The Board asked if the structure could be moved to a location that would meet the current Code requirements. Mr. Maliga stated that NYS DEC requirements regarding Coastal Erosion Hazard Area may also need to be considered.

Mr. Parts requested to speak. He lives at the next house east of the Smiths and says the issue is barking dogs, that the kennel and roof creates a “barking box” that amplifies the noise.

The Smiths explained the current layout of the building and kennel runs, and their desire to change the roof from a flat to a pitched roof to avoid future damage from the wind. There is a storage area (building) in the middle of the layout that is rotted at the roof and the floor that he plans to take down next year and rebuild. The Board concluded that since he will be taking that portion down, it could be rebuilt to meet current setback requirements.

Public Hearing closed at 7:54 pm

A motion was made by Noah Knataitis to approve Appeal No. 850 as submitted, granting 15’ of west side setback relief. The motion was seconded by Tim Gulick. With Chuck Monsees abstaining, all others voted against this motion. Motion is denied.

The Board explained to the Smiths that the building has to be moved 15’ from the lot line to bring the structure into compliance. The Board made clear that its decision was not related to the barking dogs; the decision is related only to the structure in relation to Code compliance.

Nancy Gowan spoke briefly to the Board as the new Town Board liason to the Zoning Board of Appeals.

The Board reviewed the list of proposed zoning changes.

There being no further business, a motion to adjourn was made by Dan DeCracker, and seconded by Tim Gulick. All voted in favor.

Respectfully submitted,

Christine Nagel, Secretary