

APPROVED

A Public Hearing before the Zoning Board of Appeals of the Town of Williamson was held on January 22, 2009, in the Town Conference Room at 8:00 P.M.

The following members were:

Present: Jay Peters, Chairman
Kurt Allman
Ernie Norton
Bruce Akins

Absent: Leigh Furnal

Also in attendance: Marko Disisto, Jack Moore, Joi Ann Kinley, Joe Mitchell, Michael Bixby, Town Councilman, Roger Vanderbrook, Joyce Blik, Scott Utley, Les Cole, Larry Fisher, Kirk Bauer and Stephen Haywood, Assessor/Zoning Officer.

The minutes of the December 18, 2008, meeting were submitted for approval. A motion was made by Kurt Allman and seconded by Ernie Norton to approve the minutes as submitted. Motion carried.

There were no Notice of Actions for this month.

Agenda Items:

Continuation of Appeal No. 747 – First Presbyterian Church of Williamson. A request for a special use permit to operate a not-for-profit youth coffee house. Property owned by Donald Camp, Paula Priest and Raymond Luke Cino and located at 4100 Ridge Road.

Joyce Blik addressed the Board. She stated that at the Zoning Board of Appeal's November meeting, the Board had a concern about handicapped accessibility, which at that time the matter was referred to the Planning Board for review. Mr. Haywood had a concern because the Church wishes to change the use from a business occupancy to an assembly occupancy and it being on the second floor; Code requires a sprinkler system to be installed. Mrs. Blik indicated that she didn't think the Church would be able to afford to put one in and they would have to approach the owner of the property to see if they would be willing to install one. They wished to keep the issue open at this point and asked the Board if they could have some additional time to look into this further. The Board agreed. Kurt Allman motioned to table Appeal No. 747 until the February, 2009, meeting, Ernie Norton seconded the motion. Upon roll call vote, all voted in favor of the motion.

Appeal No. 748 – Joi Ann Kinley of Mitchell Auto Brokers Inc. A request for a special use permit for a clubhouse use in a C-2 zone. Property is owned by Corner Quick Stop, Inc. and is located at 4346 Route 104, Williamson.

At last month's meeting the Board referred this matter to the Planning Board for their review. The Board reviewed the Planning Board's recommendations and concerns. Kurt Allman asked Ms. Kinley if she knew the size of the septic tank and how many leach lines the septic system had. She indicated that she did not know. He was concerned whether the system was capable of handling the amount of people they wished to have gathered there at any given time. The Board indicated that they would like to have a report from an engineer regarding the septic system that it is functional for the intended use.

Mr. Haywood questioned Ms. Kinley when and how the shed was converted into a kitchen. Ms. Kinley indicated that it was approximately 3 months ago and that a stove, sink, drains, plumbing and electrical were installed. Mr. Haywood indicated that a commercial permit was necessary for this kind of work done and should have been obtained.

Chairman Peters asked Mr. Haywood what the primary use would be. Mr. Haywood indicated that the primary use is the used car business with the "clubhouse" as a secondary use. Mr. Haywood read the definition of the term "clubhouse" to the Board.

Chairman Peters asked Mr. Haywood if there was a difference in the permit for the kitchen as to whether it should be for a residential or commercial. Mr. Haywood stated there was and he reiterated that the commercial one was needed in this case. One of the Planning Board's recommendations and concerns was the intended "Gateway" project to be constructed within the next 3-5 years and the appropriateness of the clubhouse in a commercial location at the start of the Gateway entrance. Mike Bixby, Williamson Town Board Councilman, explained to the Board and the audience what this project was about. Chairman Peters asked Mr. Bixby if the Zoning Board had to follow any rules regarding this project. Mike Bixby said it would only affect Planning Board decisions.

Ernie Norton motioned to table Appeal No. 748 until the February, 2009, meeting pending the Board's receipt of an engineer's report of the sewer system and the permit for kitchen. Bruce Akins seconded the motion. Upon roll call vote, all voted in favor of the motion.

Appeal No. 749 Williamson Reformed Church. A request for front setback relief for an extension on existing front porch. Property is owned by applicant and is located at 6197 Bennett Street. Zoned R-1.

Roger Vanderbrook addressed the Board on behalf of the Church. He indicated the church wishes to add a 4-foot by 9-foot addition on to the existing front porch for the installation of a chairlift for their handicapped parishioners. The addition would include two 36" doors large enough to accommodate a casket. The sketch of the proposed addition shows that the addition would be 17+- feet to the front lot line.

There is concern that the existing building is already sticking out further than the rest of the buildings on the street and that with the addition people would be too close to the road when coming in and out of the entrance.

Discussion ensued as to placing the addition at alternate locations. Unfortunately, because of the close proximity to property lines and other factors, this is not possible.

Ernie Norton motioned to grant Appeal No. 749 with 23 feet of front setback relief and that the addition would be no larger than 4 foot by 9 foot as set out in the sketch submitted with the application. Bruce Akins seconded the motion. Upon roll call vote, the following members voted:

Kurt Allman – No
Jay Peters – Yes

Ernie Norton – Yes
Bruce Akins – Yes

The variance was granted.

There being no further business, a motion was made by Kurt Allman to adjourn the meeting. Bruce Akins seconded the motion. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Paula Dathyn
Secretary
Zoning Board of Appeals