

APPROVED

A Public Hearing before the Zoning Board of Appeals of the Town of Williamson was held on April 23, 2009, in the Town Conference Room at 8:00 P.M.

The following members were:

Present: Jay Peters, Chairman
Leigh Furnal
Bruce Akins
Ernie Norton

Absent: Kurt Allman

Also in attendance: Adam Peters, Kurt Mangos and Stephen Haywood, Assessor/Zoning Officer.

The minutes of the March 26, 2009, meeting were submitted for approval. A motion was made by Bruce Akins and seconded by Ernie Norton to approve the minutes as submitted. Motion carried.

The minutes of the April 9, 2009, Special Meeting were submitted for approval. A motion was made by Bruce Akins and seconded by Leigh Furnal to approve the minutes as submitted. Motion carried.

The following Notice of Action was submitted for approval:

Appeal No. 752 – Nanette Hance. A motion was made by Leigh Furnal and seconded by Bruce Akins to approve as submitted.

Agenda Items:

Continuation of 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.

No one was present to address the Board for this Appeal on their behalf. Steve Haywood indicated that he went to Mitchell Auto to inspect the kitchen and while he was there he was informed by Joe Mitchell that Joi Ann Kinley was out of town and would not be present at the meeting and asked to continue the matter until next month's meeting. Mr. Mitchell also indicated that he hasn't been able to get a certification on the septic system as of yet.

The Board had concerns about the disposition of this matter. After deliberation, the Board decided to continue the matter until the May meeting. Leigh Furnal made a motion to continue Appeal No. 748 until the May 28, 2009, meeting directing that a letter be sent to Joi Ann Kinley stating that Ms. Kinley must be present at the meeting to present positive feedback to the Board on this matter, or the request for the special use permit would be

dismissed. Bruce Akins seconded the motion. Upon roll call vote all voted in favor of the motion.

Appeal No. 750 - Jay Peters of 7295 Lake Avenue, Williamson. A request for a special use permit for a roadside farm stand. Property is owned by applicant and is located at 6587 Lake Avenue, Williamson. Zoned R-1/Comm/Ind. Chairman Peters recused himself from voting in this matter.

The Board discussed their prior interpretation made at the February 26, 2009, meeting, at which the Board concluded that a farm stand is a permitted use in this zone. Bruce Akins made a motion to approve Appeal No. 750 for a special use permit. Leigh Furnal seconded the motion. Upon roll call vote, the following members voted:

Bruce Akins: No
Ernie Norton: No
Jay Peters: Recused
Leigh Furnal: No

The motion was denied.

Appeal No. 751 - Ron Brugge, of 5392 Franklin Road, Williamson. A request for a special-use permit for a farm labor camp. Property is owned by applicant and is located on Franklin Road, Town of Williamson. Zoned A-1.

This matter was sent to the Planning Board for their review. The Planning Board had concerns regarding the unsuccessful perk test and their minutes indicated that the engineer recommended that he wait until late April or early May to re-perk the property, at which point Mr. Brugge will come back to the Planning Board.

Steve Haywood spoke on Mr. Brugge's behalf. He indicated that Mr. Brugge was having a difficult time getting the property to perk at the current location as specified on the site plan. Haywood also indicated that Mr. Brugge would be moving the labor facility further to the north where he may be able to get a better perk test. Bruce Akins asked if a new site plans would be submitted to the Zoning Board. Any updated site plan will require Planning Board review. Ernie Norton made a motion to grant Appeal No. 751 for a special use permit pending all approvals. Leigh Furnal seconded the motion. Upon roll call vote, the following members voted as follows:

Ernie Norton: Yes
Jay Peters: Yes
Leigh Furnal: Yes
Bruce Akins: No

Motion passed.

Appeal No. 753 – Appeal No. 753: Kurt and Katie Mangos, of 3145 Kenyon Road, Williamson. A request for sideline setback relief for installation of an aboveground pool. Property is owned by applicant and is located at 3145 Kenyon Road, Williamson. Zoned A-1.

Kurt Mangos was present to address the Board. He stated that he wishes to install an aboveground pool. The current setback in this zone is 25 feet from the side lot line. Mr. Mangos stated that he wishes to place the pool directly behind his garage and 10 feet from his west property line. He is unable to place his pool in the center of his yard because of the location of the sanitary absorption system. The only other location would be in the rear of his property, which would be quite a ways from the house. Mr. Mangos indicated that the pool would have 54-inch walls. The pool will be installed to all applicable current codes. Chairman Peters asked Mr. Mangos if the neighbors to the east and west were opposed to this project. Mr. Mangos stated that there was no opposition. Bruce Akins asked Mr. Haywood if a pool was considered an accessory structure. He indicated that it was. Bruce Akins made a motion to grant Appeal No. 753 with 15 foot of relief on the west side. Ernie Norton seconded the motion. Upon roll call vote, all voted in favor of the motion.

Chairman Peters advised that the motion on Appeal No. 750 should be re-worded to make it less confusing. After a lengthy discussion, Leigh Furnal made a motion to rescind the motion for Appeal No. 750 due to clarification. Bruce Akins seconded the motion. Upon roll call vote, the following members voted:

Jay Peters: Recused
Leigh Furnal: Yes
Bruce Akins: Yes
Ernie Norton: Yes

Motion passed.

Bruce Akins motioned on Appeal No. 750 that a Special Use permit and variance are not required and a permit should be issued. Leigh Furnal seconded the motion. Upon roll call vote, the following members voted:

Leigh Furnal: Yes
Bruce Akins: Yes
Ernie Norton: Yes
Jay Peters: Recused

Motion passed.

There being no further business, a motion was made by Ernie Norton to adjourn the meeting. Leigh Furnal seconded the motion. The meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Paula Datthyn
Secretary
Zoning Board of Appeals