

APPROVED

A public hearing before the Zoning Board of Appeals of the Town of Williamson was held on April 24, 2014, in the Town Complex meeting room at 7:00 PM.

The following members were present:

Present: Ernie Norton, Chairman
Bruce Akins
Timothy Gulick
Noah Knataitis
Chuck Monsees

Also present were Jason Sonneville, David Dorn, Dean Black, Vincent Poray, G. Elliott Warren, Doug Sonneville, Eric J. Miller, Bill DeFisher, Art Noger, Brian Noger, Robert Krochmalech, Heather Krochmalech, Tom DeMarree

The minutes of the March 27, 2014, meeting were reviewed for approval. A motion to approve was made by Chuck Monsees, and seconded by Noah Knataitis. With Tim Gulick abstaining, the board voted in favor of the motion.

Agenda items:

Notice of Action: Appeal No. 821: Timothy S. Gulick of 7740 Bear Swamp Road, Williamson, NY. For installation of a post frame building. Property is owned by applicant and is located at 7740 Bear Swamp Road, Williamson. Zoned A-1.

Motion made by Noah Knataitis to accept Notice of Action for Appeal No. 821, and seconded by Ernie Norton. With Tim Gulick abstaining, the board voted in favor of the motion.

Appeal No. 822: Jason Sonneville of 7373 Lake Ave, Williamson, NY. Applicant is requesting front and (north) side setback relief for the purpose of converting a single-family residence to farm labor housing. Property is owned by applicant and is located at 6737 Lake Avenue, Williamson. Zoned A-1 (Agricultural).

Ernie Norton explained that due to a clerical error, this appeal needs to be re-advertised and voted on in next month's meeting. The board will hear those present tonight, however.

Jason Sonneville wishes to convert an existing structure from a single-family residence to farm labor housing. Before the Planning Board can vote whether to approve the special use permit, setback relief from both the front and side (north side) property lines is needed. Jason said he does have someone interested in renting the house, stating that would be a year-round use, as compared to an 8-week residency of worker picking fruit.

His own family's home is within 100 feet of a farm labor camp owned by another farmer, and there has never been any issues or problems.

The structure is currently a 4 bedroom home. Jason intends to house a single gender of farm workers. The home has been inspected by the NYS Department of Health, which would allow up to 16 residents (in accordance with state regulations for sleeping space per person in a farm labor facility). As farm labor housing, the home would be inspected annually by the Department of Health.

Robert Kromalech asked Jason about housing families as opposed to a single gender of workers. Jason answered that it would be all men, and probably not families.

Vincent Poray presented a petition in opposition to this appeal, signed by 10 residents who live in the immediate vicinity of the property in question. He stated that if this appeal is approved, it will go against all that zoning is meant to accomplish. Changing the use of this property from a single-family dwelling to a farm labor camp would devalue the neighboring properties and change the character of the neighborhood, a concentrated area of single family homes. The hardship is not to the applicant, but only to the neighbors having safe, quiet enjoyment of their homes. In addition, a NYS inspection would not control the actions of the farm workers, as it only addresses the condition of the structure. He and others had to meet the code for their own new buildings or additions, modifying their plans in order to do so, and the same should be done here. He closed by saying that a special use permit to convert home on Ridge Rd to farm labor housing was denied in 2011, and this variance should likewise be denied.

Chuck Monsees asked Mr. Poray that if this building was within the setback required for farm labor housing, would he still be in opposition to it. Mr. Poray answered yes.

Robert Kromalech, whose property is adjacent to the south side of 6737 Lake Ave, spoke, explaining that he had asked realtor Robert Carr if this property being a farm labor camp would devalue neighboring properties. Mr. Carr told him it would; fewer buyers would be interested in a purchasing a house that adjoins a farm labor camp.

Jason Sonnevile explained that there is a 22-person labor camp 100 feet from his home, which houses only men. In the 10 years that Jason has lived there with his family (his wife and two young children), he has not had a single problem with the farm laborers. The stereotype of farm workers is false; they are here to work and make money, not to have parties. Jason also feels that having a group of male farm workers in the house for the season would be preferable to the neighborhood than having a year-round renter.

Ernie Norton asked Jason if he has other land that he farms. Jason answered, yes, about 200 acres, most of it leased.

For the record, this property is in the agricultural zone (A-1), and consists of 63 acres.

Tim Gulick stated that it is unfair to oppose something for fear of the unknown.

Vincent Poray stated that he speaks for himself and for the 10 who signed the petition. Some of Jason Sonnevile's points are good; however, it makes a big difference whether or not farm labor housing is on the same property as the "boss man's" house. Plus in the case of Jason's home, the farm labor housing was there before Jason moved in. But in this case, the structure was a single-family home first.

David Dorn said that farm labor should be housed in your own backyard, not someone else's.

Robert Kromalech asked if there is any screening for the farm workers who are hired. Jason explained that you use the documents you are given; Tim Gulick, who runs his own farm, concurred.

Chuck Monsees asked who recruits the crew. Tim explained that the crew boss does that; he is someone who has been around a long time.

Jason stated that the workers usually keep a low profile, in part due to fear of the Border Patrol. In addition, any inappropriate behavior on the part of his workers would be dealt with.

Tim Gulick, as "devil's advocate," explained that the US government has tightened the Mexican border quite a lot. In the past, if a worker was deported, he often would be back to the farm in 2-3 days. Now, they do not come back. This border tightening has brought about a change in the worker's mentality and behavior.

There were no further comments.

Tim Gulick encouraged those neighboring 6737 Lake Ave to speak with others who are neighbors to an existing farm labor camp before this appeal is reheard on May 22, 2014. Robert Kromalech stated he will also speak with the State troopers and County Sheriff deputies about any past problems with farm workers at labor camps. David Dorn stated that some camps have no neighbors.

Chuck Monsees clarified that if the Zoning Board of Appeals approves this variances, Jason Sonnevile has to then go to the Planning Board for a special use permit. If the variance is denied, the matter is closed.

In response to Tim Gulick's request, Tom DeMarree explained that special use permits are now reviewed by the Planning Board (and previously by the Zoning Board of Appeals) because most other towns have placed them under their planning boards. Under a previous Town code, any building (house) could be converted to farm labor housing. For that to happen now, the property must be at least 8 acres of currently farmed land owned by the farmer.

Tom also runs his family farm with two farm labor camps: one is located behind his home, and the other is located elsewhere on the farm. Over the last several years, things have gotten tighter; the workers better understand the need to “behave.” He feels this being a farm labor use at 6737 Lake Ave is acceptable. It isn’t much different than some of the housing in other areas of town, whether farm housing or not; it can be hard to tell which are which. He added that for the workers, following the farm rules is part of their employment.

Chuck Monsees read the list of other permitted uses in the A-1 zone from the Bulk & Use Table of the Town Code, to point out that this isn’t an issue limited to the use of farm housing.

Tim Gulick questioned whether it’s the job of this board to discuss and area variance or to discuss use. But they are hard to separate.

A motion to table Appeal No. 822 for further review on May 22, 2014 was made by Noah Knataitis and seconded by Tim Gulick. All voted in favor of the motion.

Ernie Norton and Chuck Monsees attended a seminar on SEQR and the new online application. Everything is now accessible via the internet, including maps and wetlands. The new system will be used for all SEQR paperwork, and is much simpler.

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

Respectfully submitted,

Christine Nagel
Secretary