

APPROVED

A public hearing before the Zoning Board of Appeals of the Town of Williamson was held on May 22, 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 Vincent Poray, Dean Black, David Dorn, Paul & Nancy Monachino, Jason Sonneville, Doug Sonneville, Tim Wozniak, and Robert Krochmalech.

The minutes of the April 24, 2014, meeting were reviewed for approval. A motion to approve was made by Ernie Norton, and seconded by Bruce Akins. All voted in favor of the motion.

Agenda items:

Final Review of 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).

The building office has received no communication from the public regarding this application since before the April 24, 2014, ZBA hearing.

Vince Poray explained how he drove around the area, taking note of the density of homes per mile. East Townline Rd, Bear Swamp Rd, and Church Rd all numbered between 14 and 20, while Lake Ave south of Pound Rd is 57 homes per mile. Vince feels that is too high a housing density in which to place a labor camp. Jason Sonneville asked Vince how many labor camps he noticed on those same roads. Vince stated he saw about 3. Jason said there are more than three.

Chuck Monsees spoke to clarify the purpose of the ZBA review. The Planning Board would be the one to approve the use; it would be up to the Zoning Board only whether to allow setback relief. The Zoning Board would not be hearing this appeal if the structure was within the setbacks required by Town Code for a farm labor camp.

Tim Wozniak, Town Planning Board chair, felt it would be appropriate for the Zoning Board to review the guidelines for special use in considering this appeal because if it is granted by this Board, then the Planning Board feels that the special use guidelines are pretty straightforward. The special use guidelines don't address the opinions of the

neighbors, the density of single family homes, etc., and the Planning Board is not allowed to take into consideration any facts beyond what is listed in the guidelines.

In response to a question from Ernie Norton, Jason explained that if the labor camp use is denied, he would then rent the house - probably to a member of the Mexican community. He is not being discriminatory, but based on the condition of the house, that is most likely the only source of interested tenants.

Following an exchange of questions and answers between Mr. Poray and Mr. Sonnevile, Vince asked Jason why not put the labor camp on land he already farms, and/or on which there are existing labor camp(s), rather than disturb another neighborhood. Jason explained that he would rather use an existing structure and not construct a new building.

Tim Wozniak explained further the farm labor camp use, the A-1 zone, and “right to farm.”

Bruce Akins quoted from the Town Code: Article VII, Chapter 178, Paragraph 93, Section B (2) – “Proper location placement of all buildings, facilities and landscaping to provide for future growth and development as well as harmony and compatibility with surrounding uses.” He also noted that in denying a similar application in October 2011, the ZBA (which was responsible for issuing special use permits at that time) was concerned about a farm labor camp being located in predominantly residential area and about the potential for setting such a precedent.

Tim Wozniak pointed out that in spite of the residential density of this area, there is a trucking company across the road from the property in question.

After Bob Krochmalech stated that the code requires the proper facilities (plumbing, sewer/septic) to house 16 people, Jason explained that the NYS Department of Health certificate would allow a maximum of 16 workers in this building, so the number of residents would be *up to* 16. He did not know what would be allowed until the DOH did their inspection and sent him notification of their decision. To build an equivalent facility would be very expensive. He understands the neighbor’s concerns, but reminded them that the workers would be living there for just 8 weeks a year; the house would be vacant the rest of the time. In addition, we don’t know how many people are living in the other homes between the property in question and Route 104.

In response to Tim Gulick’s question about any existing farm labor camps in the area, Vince Poray and Bob Krochmalech said there are two on the Verbridge farm a little to the south that are far back from the road.

Vince Poray expressed his concern that approving this application would set a precedent of allowing farm labor camps in residential areas, which could include the hamlets of East Williamson and Pultneyville. He read the definition of a farm from the Town Code: a minimum of 8 acres, with total sales of \$10,000 or more in each of the last two years.

Chuck Monsees commented that no other home in the area would house 16 individuals, and that this would affect the character of the neighborhood. Can the ZBA limit the number of people in this setting to lessen the potential impact? He proposes a “middle ground” 8-person occupancy limit. Bruce Akins stated that such a limit would become the town’s responsibility to enforce, and enforcing it would be difficult.

Jason asked to keep the DOH-allowed 16-person occupancy to allow for future use, though there wouldn’t be that many residents now.

Neighbors expressed concern of this situation repeating itself with another Lake Ave home with an elderly owner and high farmer-interest. They are also concerned about the well-being of the neighborhood and property values in the area. Bob Krochmalech stated he was agreeable to the presence of this requested farm labor camp until/unless there is a problem.

Tim Gulick read from the minutes of the October 2011 ZBA hearing for Appeal No. 789, when during the discussion, “Kurt Allman indicated that if the Appeal were granted it could be brought back to the Board for an annual review and could be looked at as a case-by-case basis.” Tim Wozniak explained that future review is already built-in by a regular review, every 1-3 years, of a special use permit. Chuck read from § 178-93 (H) of the Code, “Once the site plan review is satisfactory to the Planning Board and the Planning Board unconditionally approves the issuance of a special use permit, the permit shall be valid for a period of one year from the date of approval of the issuance of the permit. Upon application, the Planning Board may extend the validity period for a year at a time, but for no more than two years.” Discussion of term limits on special use permits followed.

In response to Tim Gulick’s question, Bob Krochmalech said he had spoken with law enforcement, who told him that while farm labor camps were a problem many years ago, nowadays, the rate of calls is no different than that of the general population.

A motion was made by Tim Gulick to grant Appeal No. 822 to Jason Sonnevile of 7373 Lake Ave, Williamson, NY for the structure at 6737 Lake Ave, Williamson, NY, granting 11 feet (north) side setback relief and 4 feet front setback relief with no other restrictions for the proposed use as a farm labor camp. Motion was seconded by Bruce Akins.

Chuck Monsees moved to amend the motion, limiting the occupancy to 8 residents. Discussion ensued. Chuck Monsees withdrew his motion to amend.

Roll call vote: Noah Knataitis	No
Bruce Akins	No
Tim Gulick	Yes
Chuck Monsees	Yes
Ernie Norton	No

Variance is denied.

Appeal No. 823: Paul & Nancy Monachino of 4408 Pearsall Rd, Williamson, NY. Applicants are requesting an area variance for the purpose of creating a 4.034 acre residential parcel. Property is owned by applicants and is located at 4408 Pearsall Rd, Williamson. Zoned A-1 (Agricultural).

Paul Monachino explained the reason for this application. He owns two adjoining lots at 4408 Pearsall Rd and 4424 Pearsall Rd, the first being his residence. He wishes to build a garage on the east side of the driveway at 4408 Pearsall, and needs to adjust the lot lines between the two parcels in order to meet the required setbacks. The lot created for 4408 Pearsall Rd would be larger than the 3-acre maximum allowed by zoning, so Mr Monachino needs a variance.

Currently, the lot at 4424 Pearsall Rd is 1.24 acres and the lots at 4408 Pearsall Rd is 3.79 acres. This adjustment would result in the first lot being 1.006 acres and the second being 4.034 acres.

No communication has been received from the public regarding this appeal.

A motion was made by Chuck Monsees to grant Appeal No. 823 as requested, and seconded by Ernie Nortion. All voted in favor of the motion.

Ernie Nortion has spoken with Jim Hoffman about the ZBA's wish to meet with the Town Board about the maximum lot sizes. A meeting would have to be on a Tuesday evening, and following discussion, Ernie will ask for June 17.

Tim Gulick attended the Spring Government Workshop on May 15, 2014, and told the board about one workshop that discussed the move toward Form-Based zoning and away from Euclidian-Based Zoning, which is more common and is in use here in Williamson. Form-Based Zoning attempts to "put the fabric of the community together similar to 'old-fashioned' neighborhoods."

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

Respectfully submitted,

Christine Nagel
Secretary