

APPROVED

A Public Hearing before the Zoning Board of Appeals of the Town of Williamson was held on September 25, 2008, in the Town Conference Room at 8:00 P.M.

The following members were:

Present: Jay Peters, Chairman	Absent: None
Kurt Allman	
Bruce Akins	
Leigh Furnal	
Ernie Norton	

Also in attendance: John Walker, Randy Peck, Rick Hannan, Joyce Blik, Carleen Frost, Connie Myers, Mike Parks, and Stephen Haywood, Assessor/Zoning Officer.

The minutes of the August 28, 2008, meeting were submitted for approval. A motion was made by Ernie Norton and seconded by Bruce Akins to approve as submitted. Motion carried.

There following Notice of Actions were submitted for this month:

Appeal No. 742: Zenith Carol Devico, a motion was made by Ernie Norton and seconded by Kurt Allman to approve as submitted. Motion passed.

Appeal No. 743: Donald Schwab, a motion was made by Bruce Akins and seconded by Ernie Norton to approve as submitted. Motion passed.

Agenda Items:

Appeal No. 741 – Continuation John Walker special use permit for wind-power generator. Mr. Walker addressed the Board and submitted a map of the adjoining property owners as requested by the Planning Board. There are 3 lots portrayed on the map. The Walker property is Lot 2; Lot 1 to the west is owned by Andrew Petrosky; and Lot 3 to the east owned by Randall Williamson. There is no house on Lot 3. Mr. Walker also presented sound data to the Board as required by the Planning Board. Mr. Walker also presented digital photos showing the wind tower superimposed on the property at different locations, which would depict what the tower, would look like to neighboring property owners. Mr. Walker explained that he is proposing a shorter tower than originally planned. The tower will be 36 feet to the hub with a 7-foot blade. The unit is fixed to fall north and south.

Kurt asked if the tower could be moved to the west. Mr. Walker stated they would lose the wind power if they did, especially in light of shortening the height of the tower.

There was discussion of relief sought.

Ernie Norton made a motion to grant Appeal No. 741 for a special use permit with 18 feet of relief for sideline setback. Bruce Akins seconded the motion. Upon roll call vote, the following members voted:

Leigh Furnal – No
Kurt Allman – No

Bruce Akins – Yes
Ernie Norton – Yes
Chairman Jay Peters – Yes

The variance was granted.

Appeal No. 744 – Old Dutch Development. Variance for extension to pre-existing non-conforming use 6556 Lake Avenue owned by James and Laura Peters.

Chairman Peters recused himself from participating in this Variance request since his brother is the current owner of the park. Randy Peck addressed the Board on behalf of Mr. Hannan, the proposed buyer of the park. He presented the Board with a survey map and indicated that Mr. Hannan's intentions are to tear down the existing barn at the rear of the park and replace it with two manufactured homes. With the addition of the two manufactured homes, they will be closer to the south and east lot lines than zoning requires.

Steve Haywood questioned Mr. Hannan if the homes would be owned by the individuals or rented. Mr. Hannan replied that they would be rented. Ernie Norton raised a question to Mr. Hannan if he would be living in the park. Mr. Hannan stated that he would not be living there but there was a possibility that one of the tenants had an interest in overseeing the park. Mr. Norton made reference to a prior variance that was granted on this property in 1993 in which one of restrictions for the variance was that the Park had to be owner occupied. Subsequently, the owners appealed in 1994 to have that restriction removed by the Board, which was denied.

The current owners of the property do not live in the park and was an oversight that there was a variance with the owner occupied restriction when it was transferred to them one year ago.

Steve Haywood questioned if the units being replaced by the barn would be new or used. Mr. Hannan said they would be used but in good condition. Mr. Hannan explained that he and the bank would have a vested interest in the property and would like to improve the park. Mr. Haywood stressed that permits would be required for any new units.

Discussion ensued about distance needed from lot lines.

Leigh Furnal questioned how the Board should remove the owner occupancy requirement and thought this should be part of the motion. After discussion, the Board decided to do two motions under this Appeal.

Leigh Furnal made a motion to remove the owner occupancy requirement as previously granted in Appeal No. 413. Kurt Allman seconded the motion. Upon roll call vote, the following members voted:

Bruce Akins – Yes
Kurt Allman – Yes
Leigh Furnal – Yes

Ernie Norton - Yes
Chairman Jay Peters – Abstained

Leigh Furnal made a motion to grant **Appeal No. 744** to extend the pre-existing non-conforming use with 35 feet of relief on the south and east lot lines with the stipulation that no manufactured homes be placed closer than 15 feet on the south and east lot lines. Bruce Akins seconded the motion. Upon roll call vote, the following members voted:

Kurt Allman – Yes
Ernie Norton – Yes
Chairman Jay Peters - Abstained

Leigh Furnal - Yes
Bruce Akins - Yes

Next item on the agenda:

Appeal No. 745 – First Presbyterian Church of Williamson. A request for a special use permit to operate a non-for-profit youth coffee house. Property owned by Charles Murzin and located at 4074 Ridge Road.

Connie Myers spoke on behalf of the Presbyterian Church. It is the intention of the Church to operate a safe place for teens to gather after school hours. The Church will offer games and serve coffee, tea, juice, water and light snacks. There will be no food preparation. All food will be pre-packaged. It is the Church's intention to have the teens operate it through volunteer work with adult supervision. Chairman Peters asked Mr. Haywood for the record why a special use permit was required in this case. Steve Haywood replied that zoning requires it because it was likened to an eating and drinking establishment. Leigh Furnal asked about hours of operation. Tentatively, they wish to operate Mon-Thurs 2:30-4:30; Fri 2:30-8:00; Sat. 12-4.

Serving area is 20' x 18'. Occupant load would be determined by Fire Code of New York State.

Chairman Peters asked if everything would be operated on the first floor and the Ms. Myers's replied it would be.

Ernie Norton motioned to refer Appeal No. 745 for a special use permit to the Planning Board for approval. Bruce Akins seconded the motion. Upon roll call vote, all voted to refer said variance to the Planning Board.

Note: **Appeal No. 746** was withdrawn by appellant prior to meeting.

Chairman Peters asked other Board members if they had received a letter from the Wayne County Planning Board on training. No one had except Steve Haywood, Zoning Officer.

There being no further business, a motion was made by Kurt Allman 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