

APPROVED

A public hearing before the Zoning Board of Appeals of the Town of Williamson was held on February 26, 2015, in the Town Complex meeting room at 7:00 PM.

The following members were present:

Present: Noah Knataitis, Acting Chairman
Daniel DeCracker
Chuck Monsees

Absent: Ernie Norton
Tim Gulick

Also present were Megan Dildine, Tessa Robinson, Nicholas Liddle, Ben Reid, Mark Saile, Tom Saile, Kendrick W., Miranda Mingillo, Selena Robledo, Lupe V., Samantha Mayo, Jena Eaton, Taylor McCall, Brendon Barnes, Zach O’Neil, Jason Sonneville, Morgan Manktelow, Alea Thompson, Chase McCarthy, Brody Wilson, Ben Henner, Jon Burnett, Ciara Chelini, Griffin Lange, Bobbi Goodness, Sarah Swingly, Matt Spew, Jesus Flores, Alea Cook, Anna Kostakis, Sam Kuhl, Beth Kuhl, Robert Krochmalech, Shane Bixby, and Joseph Maliga, Code Enforcement Officer.

The minutes of the January 22, 2015, meeting were reviewed for approval. A motion to approve the minutes as submitted was made by Daniel DeCracker and seconded by Chuck Monsees. All voted in favor of the motion.

Agenda item:

Appeal No. 833: 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).

Noah Knataitis explained to the students that Mr. Sonneville had first applied for this variance in April 2014, when it was denied. Mr. Sonneville appealed to the NYS Department of Agriculture and Markets, who determined that residential setbacks should be applied when deciding setbacks for farm labor housing.

Noah Knataitis referred to a letter written by Michael Latham of the Department of Agriculture and Markets, specifically reading from the last paragraph on page one: “*Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous, to each other.* Based upon information received, and a site investigation, the Department has determined that Lakeville Orchards is a farm operation for purposes of AML §305-a.” Right-to-farm does apply to the parcel in question, and the Department of Agriculture and Markets stated the setbacks which should be followed. Noah also read from the fourth paragraph on page two: “Minimum setbacks from front, back and side yards for farm buildings have not been viewed as unreasonably restrictive unless a setback distance is unusually long.... According to the

Town of Williamson Zoning Code Bulk and Use Table for the A-1 Agriculture District, single-family dwellings have a 40 feet setback from the front and 15 feet from the side yard. Setbacks that coincide with those required for other residential structures have, in general, been viewed by the Department as reasonable. In this instance, in the Department's view, the Town's residential setback should be applied to the farmworker housing. As a consequence, Mr. Sonneville would only need a *de minimus* variance to meet the 15 feet side yard setback; as the existing structure is 14.5 feet from the side property line."

One local resident, Virginia Dorn, sent a letter stating her opposition to the variance; the clerk read the letter aloud. There were no other comments from the public or from the applicant.

The Board confirmed with Mr. Sonneville that the Department of Health would allow up to 16 residents. He explained that was correct, though at this point his intention is to house 8 to 10 workers; the number may increase as his operation expands. He is erecting no additions to the structure, but using it as is.

Chuck Monsees summarized the letter from the Department of Agriculture and Markets as saying that NYS AML §305 trumps any Town Code for any property in an [County] Agricultural District, and therefore the Board must approve this application.

A motion was made by Chuck Monsees to approve Appeal No. 833 as submitted, granting 6" of setback relief on the north side, the distance based on residential side setbacks as required by Agriculture and Markets Law. The motion was seconded by Dan DeCracker. All voted in favor of the motion.

Noah Knatiatis explained the purpose of Zoning Code and the Zoning Board of Appeals to the students, pointing out that any variance is granted to the property (as opposed to the person who owns the property) and as such, the variance stays with the property. A brief question and answer session followed.

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

Respectfully submitted,

Christine Nagel
Secretary