

**APPROVED**

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

The following members were present:

Present: Ernie Norton, Chairman  
Noah Knataitis  
Daniel DeCracker  
Chuck Monsees

Absent: Tim Gulick

Also present were Tedd Smith, Keith Snyder, Vincent Bortle, Mathew Bialynski, Adrianna Palmer, Madison Thomson, Tyler Spence, Liam Miller, Nick Hubbard, Spencer Smith, Carl Ashlaw, Peter Kotvis, Sean Lorah, Samantha Zimmerman, Tom Bloss, Emily Piazza, Ashley Meyer, Amber Sarquist, Dennis Mowers, Collin Post, Josh Dorfner, Caleb Cook, Zack Guerra, Brandon Jock, Gene Clifford, Lauren Marshall, Jean Jones Dobson, John B Dobson, Kennedy Markko, Molly DeFisher, Dan Kruger, Joey Mohr, Jacob Willis, Cam Kerr, Devon Traas, Noah Avery, Reilly Carlson, Hannah Seniuk, Christine & Kurt Catalano, Cody VanKouwenberg, Felecia Jones, Donovan Ferguson, Bea Lenner, Corey Cristales, Will Sackett, and Joseph Maliga, Code Enforcement Officer.

The minutes of the February 26, 2015, meeting were reviewed for approval. Following a brief discussion, a motion to approve the minutes as corrected was made by Noah Knataitis and seconded by Chuck Monsees. All voted in favor of the motion.

**Agenda item:**

Final Review of Appeal No. 828: Christine Catalano of 2847 White Birch Cove, Williamson, NY. Applicant is requesting front setback relief in order to construct a post-frame building. Property is owned by applicant and is located at 2847 White Birch Cove, Williamson. Zoned L-R (Lakefront-Residential).

Mrs. Catalano has submitted three engineered plans for the location of her proposed garage, labeled *Option A*, *Option B*, *Option C*, which is also the order of their preference. Joe Maliga, Code Enforcement Officer, read an email received from Beth Coddington of the DEC, stating that any structure erected within four feet of the top of the bank of the creek would “most likely be in a floodplain [which] would require the building to have flood insurance, and be flood-proofed or elevated above the Base Flood Elevation (BFE).” Next, Ernie Norton read the Town of Williamson Code regarding Flood Damage Prevention, specifically Article IV, Provisions for Flood Hazard Reduction, §92-29 (Residential construction) and §92-30 (Nonresidential construction). Lauren Marshall submitted a photograph of the flooded creek, near the area of proposed construction for *Option A* and *Option C*, taken in the spring approximately three years ago. The consensus was reached that these two options are in the floodplain and, therefore, not a reasonable place to erect a structure.

Dan DeCracker read Per Town of Williamson Code, Chapter 178, Article III, Regulations Applicable to All Districts, §178-25, specifically focusing on paragraph B (3), “Accessory structures must be located equal to or behind the setback of the principal structure.” So while *Option B* is located 40’ from the front lot line, it is clearly set in front of the primary structure and would require a variance.

Gene Clifford read from the Code, §178-6 the definitions for “Setback, front yard,” for “Lot line, front,” and for “Right-of-way.” He stated that therefore, the setback of the garage in *Option B* had to be measured from the northern edge of the deeded right-of-way, instead of the Catalano’s southern property line.

Lauren Marshall submitted a packet of information including a letter from the Town of Williamson Water Utilities Department that the water main is right beneath the location of the garage in *Option B*. To construct the building somewhat north in this scenario still leaves it above the water main, or so close as to inhibit any future access to the main. The Zoning Board agreed that no building should be constructed above the water main, which eliminates Option B as submitted.

Dan DeCracker asked the applicant if they had considered attaching the proposed garage to the east side of the house, where it would be possible to observe the required 15’ side setback. Attaching the new construction to the existing structure makes it a part of the primary structure and would therefore require a 40’ front setback from the northern edge of the road, as per the Bulk and Use Table for the L-R zone.

The Zoning Board came to the consensus that all three options are not viable due to the location of the flood plain and the location of the water main. Christine Catalano then formally withdrew her application for this variance.

Appeal No. 834: East Williamson Free Methodist Church of 4984 Ridge Rd, Williamson, NY. Applicant is requesting setback relief and a variance for impervious surface coverage to reconstruct their facilities. Property is owned by applicant and located at 4984 Ridge Rd, Williamson. Zoned R-1 (Residential).

Keith Snyder explained that in rebuilding the church following the December 2013 fire, they wish to build closer to the eastern lot line than allowed by Code, as well as requesting a small increase in the allowed amount of impervious surface coverage. In addition, though the submitted site plan calls for a distance of 36.6 feet from the east lot line, they have increased the width of the canopy on that side of the building by 18 inches, making the distance from the proposed building to the east lot line 35.1 feet instead.

Dan DeCracker noted how the new plan opens up the southeast corner of the intersection, from both Ridge Rd and East Townline Rd and that the project actually makes the building more conforming except for the impervious area. “Is it possible,” he asked, “to cut 4.9 feet from the width of the building and therefore negate the need for the setback variance?” Mr. Snyder answered that doing so wouldn’t work very well.

It was determined that this corner lot has its rear lot line on the east side and its side lot line on the south side.

The Zoning Board calculated the excess impervious surface area to equal 463.2 square feet, or 0.95%.

A motion was made to approve Appeal No. 834, granting five feet of setback relief on the east (or rear) lot line and 1% lot coverage relief for impermeable surface, by Noah Knataitis. The motion was seconded by Dan DeCracker. All voted in favor of the motion.

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