

## APPROVED

A Public Hearing before the Zoning Board of Appeals of the Town of Williamson was held on September 24, 2009, in the Town Conference Room at 8:00 P.M.

The following members were:

Present: Jay Peters, Chairman  
Leigh Furnal  
Bruce Akins  
Ernie Norton  
Kurt Allman

Absent: None

Also in attendance: Paul Winslow, Jennifer Wiltsie, Mike Orr and Stephen Haywood, Assessor/Zoning Officer.

The minutes of the August 27, 2009, meeting were submitted for approval. A motion was made by Ernie Norton and seconded by Kurt Allman to approve the minutes as submitted. Motion carried.

The following Notice of Actions were submitted for approval:

**Appeal No. 761 – John Savory.** A motion was made by Ernie Norton and seconded by Leigh Furnal to approve the Notice of Action as submitted.

**Appeal No. 762–Jacqueline White.** A motion was made by Kurt Allman and seconded by Bruce Akins to approve the Notice of Action as submitted.

**Appeal No. 763–Roger and Theresa Baker.** A motion was made by Ernie Norton and seconded by Kurt Allman to approve the Notice of Action as submitted.

### **Agenda Items:**

Appeal No. 764: Paul Winslow of 5988 Russell Road, Williamson, NY 14589. Applicant is requesting a commercial use variance to operate a business in an A-1 zone. Property is owned by applicant and is located on Russell Road, Williamson, NY. Zoned A-1.

Paul Winslow addressed the Board and indicated that we wishes to build a 32' x 48' structure and he would rent out part of that building to Mike Orr where he would operate a detail (wash and wax) shop in conjunction to Mr. Winslow's present body shop business and also generate some income from the property. Presently, Mr. Orr operates a detailing business here in Town but has outgrown its present location.

There was discussion regarding Mr. Winslow's present body shop business and the fact a variance was previously granted with restrictions. The Board had concerns and discussed with Mr. Winslow what the hardship would be for the granting of a use variance.

Mr. Haywood indicated that a neighbor of Mr. Winslow, David Brayer, had indicated to him that he was supportive of Mr. Winslow's current business.

Chairman Peters asked Mr. Orr if the owner of the former McNett property would be willing to convert the property to a detailing shop since it is already located in a commercial zone. Mr. Orr indicated that he did approach him, but he would not allow it.

Ernie Norton asked Mr. Orr how many employees he would have. Mr. Orr indicated there would be just one. Leigh Furnal had a concern that they would be setting precedence if they would allow a commercial business in any agricultural/residential zone.

The Board continued to discuss this issue and the impact it would have with other property owners asking for the same type of variance in the future and what the real hardship would be in granting this variance.

Leigh Furnal asked Mr. Winslow what he intended to use the property for when he bought it a year ago. He indicated that he wanted to build a storage building to keep cars, atvs, etc. in.

Ernie Norton asked about the septic and what would be required. Mr. Haywood indicated that most likely an engineer would require an oil/water separator and will also require a private absorption system.

The Board continued to discuss hardship.

Leigh Furnal made a motion to grant Appeal No. 764 as submitted. Ernie Norton seconded the motion. Upon roll call vote the following members voted as follows:

Leigh Furnal – No  
Kurt Allman – No  
Jay Peters – No

Bruce Akins – No  
Ernie Norton – No

Variance Denied.

Chairman Peters received an email from Kim Baptiste that she would like Jay and another member to attend the Master Plan Committee meeting scheduled for October 7<sup>th</sup> from 6:00-7:00 p.m. at the American Legion.

There being no further business, Ernie Norton made a motion to adjourn the meeting at 8:53 p.m. Kurt Allman seconded the motion.

Respectfully submitted,

Paula Dattbyn  
Secretary  
Zoning Board of Appeals