

APPROVED

A public hearing before the Zoning Board of Appeals of the Town of Williamson was held on October 22, 2015, in the Town Complex meeting room at 7:00 PM.

The following members were present:

Ernie Norton, Chairman
Daniel DeCracker
Tim Gulick
Noah Knataitis
Chuck Monsees

Also present were Donna Giardina, Thomas Baker, Ronald & Eleanor Faro, Bryan Loucks, Joseph Maliga (Code Enforcement Officer), and Christine Nagel (Clerk).

The minutes of the September 24, 2015, meeting were reviewed for approval. A motion to approve the minutes as submitted was made by Dan DeCracker and seconded by Tim Gulick. All voted in favor of the motion.

Agenda items:

Final Review of Appeal No. 840: Charles & Susan Vecchio of 3936 Lake Rd, Williamson, NY. Applicant is requesting setback relief to construct a garage. Property is owned by applicant and located at 3936 Lake Rd, Williamson. Zoned A-1 (Agricultural).

Public Hearing 7:03 pm – 7:12 pm.

The Vecchios had planned some time ago to be out of town at this time. Their neighbor Thomas Baker and contractor Bryan Loucks were present on their behalf. Mr. Baker spoke in full support of the Vecchios' project and encouraged the Board to approval their appeal. In response to a question from the Board about the large, old oak tree perhaps coming down, Mr. Baker replied that keeping it "is the thing to do."

Bryan Loucks indicated that the site plan which the Vecchios submitted with their application does not include the concrete stoop out front, which lessens the front setback by five feet. The consensus of the Board is that the necessary setback relief would be 14 feet instead the 19 feet which was previously stated last month.

Due to the tie vote on this appeal in September 2015, today's vote must be unanimous for the appeal to be granted.

The Board discussed the facts of this appeal and other recent applications for similar requests.

A motion was made by Tim Gulick to approve Appeal No. 840 as submitted, granting 19 feet of front setback relief to construct a garage. The motion was seconded by Noah Knataitis.

Vote by roll call: Noah Knataitis – Y
Dan DeCracker – N
Tim Gulick – Y
Chuck Monsees – N
Ernie Norton – N

This appeal is denied. The applicants may appeal to the Town Board if they wish.

Further Review of Appeal No. 841: Donna Giardiana of 3955 Route 104, Williamson, NY. Applicant is requesting a use variance to operate a day-care facility. Property is owned by Eugene & Florence VanKouwenberg and is located at 3955 Route 104, Williamson. Zoned C-1 (Commerical).

Public Hearing 7:16 pm – 7:21 pm.

Ms. Giardina requests a use variance to operate Raggedy Ann & Andy Day Care at 3955 Route 104. A day care is neither a permitted use nor a special use in that zone under current Town Code. The business has been in operation there since 2001, and in order to renew the New York State license for the facility in 2019, Ms. Giardina will need to furnish the State with a document from the Town that she is permitted to operate at that location.

Ms. Giardina appeared before the Town of Williamson Planning Board on April 4, 2000. The minutes of that meeting were read by the Clerk and indicated that the Planning Board allowed a one year temporary use with a review in one year. That review did not occur. In response to the Board's question, Ms. Giardina stated that she has no plans or intentions to relocate this business.

The Board noted the difference between a temporary use and the permanence of a use variance. The Board reviewed the Bulk & Use Tables within Town Code for which zoning districts permit a day care business. Following discussion, the Board concurred that the best plan is to approach the Town Board about revising Code to allow a day care business as a permitted or a special use in the C-1 Zone.

A motion was made by Dan DeCracker to table Appeal No. 841 for up to 90 days, and to propose to the Town Board that Town Code be updated to allow a Day-Care Facility as a permitted use in the C-1 (Commercial) zone. The motion was seconded by Noah Knataitis. All voted in favor.

The Clerk to the Zoning Board will write the proposal for the ZBA's review and submission to the Town Board.

Appeal No. 842: Ronald Faro of 7240 Lake Ave, Williamson, NY. Applicant is requesting area relief in order to adjust lot lines. Property is owned by applicant and is located at 7240 Lake Ave, Williamson. Zoned A-1 (Agricultural).

Public Hearing 7:33 pm – 7:38 pm.

Mr. & Mrs. Faro purchased the lot where their home is in 1958, and their house was built in 1959. They purchased the adjacent lot a few years later. The L-shape of this second lot adjoins the south and east (rear) of their first parcel. Both lots met any code requirements at the time. In considering their future plans, including the potential sale of one or both parcels, the Faros feel it is more logical to clean up the two pieces of property and make them more similar not only to each other but also to the other residential parcels in the area.

The new lot size for their home will exceed the minimum 0.50-acre requirement, but the width of 125 feet is less than the 150-foot minimum. This creates the need for a variance.

A motion was made by Noah Knataitis to approve Appeal No. 842 as submitted, granting 25 feet of relief for the lot width to make this lot line adjustment. The motion was seconded by Chuck Monsees. All voted in favor.

Appeal No. 843: Ronald Faro of 7240 Lake Ave, Williamson, NY. Applicant is requesting area relief in order to adjust lot lines. Property is vacant land which is owned by applicant and located adjacent to 7240 Lake Ave, Williamson. Zoned A-1 (Agricultural).

Public hearing 7:40 pm – 7:42 pm.

This is the L-shaped lot, the second lot purchased by the Faros. There are no improvements on this parcel.

Per the discussion of the Board, since the lot is vacant and has no use, there is no need for a variance. Mr. & Mrs. Faro then withdrew their application for this appeal.

A motion was made by Dan DeCracker to give the Faros a refund of their application fee of \$125.00. The motion was seconded by Tim Gulick. All voted in favor.

There was discussion within the Board about items in the Town Code they would like to have clarified or updated. These include, but are not limited to: livestock fencing on a farm, having a garage forward of the front line of a residence, shed locations in Whispering Woods, the sale of sparklers in the Town of Williamson, the discrepancy between §68-14 B (2) and §178-39 A (1), and confirming that all uses (permitted, permitted accessory, and special) for each zoning district are included in the respective Bulk & Use Tables.

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

Respectfully submitted,

Christine Nagel, Secretary