

APPROVED

A public hearing before the Zoning Board of Appeals of the Town of Williamson was held on October 27, 2011, in the Town Conference Room at 8:03 p.m.

The following members were

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| Present: | Jay Peters, Chairman | Absent: | Bruce Akins |
| | Ernie Norton | | |
| | Jordan Szklany | | |
| | Kurt Allman | | |

Also present: Christopher B. Mumford, Esq., David DeFisher, Bill DeFisher, Wayne Kiesinger and Stephen C. Haywood, Assessor/Building Inspector.

The minutes of the September 22, 2011, meeting were submitted for approval. A motion was made by Ernie Norton and seconded by Jordan Szklany to approve said minutes. All voted in favor of the motion.

The following Notices of Action were submitted for approval:

Appeal No. 791 – Nancy Thayer – Ernie Norton made a motion to approve the Notice of Action as submitted. Jordan Szklany seconded the motion. Motion passed.

Appeal No. 792 – Stephen Niles – Ernie Norton made a motion to approve the Notice of Action as submitted. Jordan Szklany seconded the motion. Motion passed.

Agenda items:

Continuation of Appeal No. 789: David DeFisher, of 5546 Pease Road, Williamson, NY. Final approval for a Special Use permit for a farm labor facility. Property is owned by applicant and proposed farm labor facility to be located at 2946 Ridge Road, Williamson. Zoned A-1.

Chris Mumford, Esq. addressed the Board on behalf of David DeFisher. Mr. Mumford explained that Mr. DeFisher was not present at the Planning Board meeting. The Board recommended to the Zoning Board that they not grant a Special Use permit. Mr. Mumford encouraged the Zoning Board not to be swayed by the Planning Board's decision. He felt if Mr. DeFisher was present at the meeting he could have answered any questions or concerns that the Board may have had. Mr. Mumford indicated that Mr. DeFisher has cleaned up the property, which includes painting and general landscaping. Mr. Mumford went on to explain that in addition to farm labor housing the following uses are allowed in an A-1 zone: kennels, golf courses, hospitals, marina, etc. It was in his opinion that these uses would be more disruptive to the neighborhood than what Mr. DeFisher was asking for. Mr. Mumford indicated that he drove out to the area and found

that the area contains abandoned orchards; field crops and the neighboring property owner across the street have trees along the roadside. Mr. Mumford also stated that the racetrack is also across the street. Parking would be for 2 vans for transportation.

Mr. Kiesinger addressed the Board. He indicated this was the first time he heard of the proposed labor housing. Mr. Kiesinger was informed that he had been notified at least twice. His concern was since he was only 200 feet from the proposed house and if he should sell his property he could have trouble selling it. Mr. DeFisher asked Mr. Kiesinger what his specific concerns would be. Mr. Kiesinger stated that it was state approved and would only house the workers approx. 3 months out of the year.

Chairman Peters questioned Mr. DeFisher if the Dept. of Health issued a permit. Mr. DeFisher indicated that it had.

Kurt Allman asked Mr. DeFisher if there have been any problems so far. He indicated that there have been none.

Discussion ensued.

Bruce Akins, in his absence, gave his written opinion and concerns regarding this Appeal and is attached to the minutes and made a part thereof.

Chairman Peters read the Planning Board's decision recommending that the Zoning Board not grant the Special Use permit based on Williamson Town Code Sec. 178-20B. Mr. Peters indicated that, although a permitted use, he feels this is more of a "residential area" and by allowing this Special Use permit would set a precedent for other farm labor housing in a more residential setting.

Kurt Allman indicated that if the Appeal were granted it could be brought back to the Board for an annual review and could be looked at as a case-by-case basis.

Discussion ensued.

Ernie Norton asked Mr. DeFisher how many months of the year the home would be vacant. Mr. DeFisher indicated that it would be approximately 9 months.

There being no further discussion, Kurt Allman made a motion to grant Appeal No. 789 with the stipulation that this Appeal would be brought back to the Zoning Board of Appeals for an annual review, and that the migrant laborers would live there during the fall harvest season for approximately 3 months of the year. As stated by David DeFisher, the maximum number of migrant workers living in the residence would be 15. Housing would be used for DeFisher migrant help only. Ernie Norton seconded the motion. Upon roll call vote, the Board voted as follows:

(Note, Kurt Allman asked Mr. Kiesinger if these restrictions were agreeable to him and they were)

Jordan Szklany: No
Kurt Allman: Yes
Ernie Norton: Yes

Chairman Jay Peters: No

Motion Denied.

Jay Peters and Jordan Szklany both explained the reason why they voted as they did to Mr. DeFisher.

There being no further business, a motion was made by Kurt Allman to adjourn the meeting. Ernie Norton seconded the motion. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Paula J. Datthyn, Secretary