AGENDA TOWN OF SOMERSET Zoning Board of Appeals February 8, 2022 7:30pm

CALL MEETING TO ORDER

AREA VARIANCE HEARING

Property location:

1157 Quaker Road, Barker, Niagara County, NY

Owner:

Nathan Sutch

Project: To consider application for a variance of the Town Code to allow for an accessory building 5 feet from property side and 10' from property rear at the southeast corner of the property when the zoning code requires a minimum of 15 feet of side yard space from an accessory structure.

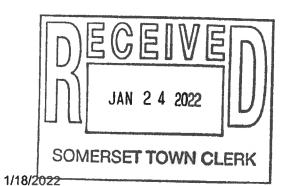
APPROVAL OF MINUTES from December 14, 2021

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT





TO: ZONING BOARD, TOWN OF SOMERSET Pursuant to Article 205 Section 62 of the Code of the Town of Somerset, application for a Variance is hereby made: Setback of accessory building, 15 feet from property side and 20 feet from property rear to 5 feet from property side and 10 feet from property rear. Size of Lot: .46 acres, Frontage 130 feet (Include Site Plans showing frontage and setbacks and construction plans showing all facilities and proposed uses.) Location: 1157 Quaker Rd, Barker NY 14012 Use District: Residential Applicant: Nathan Sutch Owner: Nathan Sutch Address: 1157 Quaker Rd 1157 Quaker Rd Address: Barker NY 14012 Barker NY 14012 Site Plan See attached survey of setback of 5' from property side and 10' feet from property rear for a 24' x 32' accessory building.

Date:

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information	-				
Nathan Sutch					
Name of Action or Project:					
Accessory Building					
Project Location (describe, and attach a location map):					
South East Corner of Property					
Brief Description of Proposed Action:					
Builiding a 24' x 32' accessory building					
Name of Applicant or Sponsor:	Telephone: 716-807-1178		78		
athan Sutch Iress: E-Mail: nsut0914@yaho		70	-		
Address:		risulo914@yai	noo.d	com	
1157 Quaker Rd					
City/PO:		State:	Zip C	ode.	-
Barker	NV 1			4012	
1. Does the proposed action only involve the legislative adoption of a plan, lo	ocal law	, ordinance,		10	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.					
2. Does the proposed action require a permit, approval or funding from any of If Yes, list agency(s) name and permit or approval:	other go	vernmental Agency?	N	0	YES
Too, has agoney(s) hame and perint of approvat;			[Z	
b. I otal acreage to be physically disturbed?)176)176 6	acres _acres			
4. Check all land uses that occur on, adjoining and near the proposed action.					
Urban Mural (non-agriculture) Industrial Comme	rcial	Residential (suburba	n)		
☐Forest ☐Agriculture ☐Aquatic ☐Other (s					
☐ Parkland					

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?	H	1 <u>U</u>	
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?		П	V
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar	ea?	NO	YES
If Yes, identify:			122
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?		<u>K</u>	
		V	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion?	N	一
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		110	IES
			لتنا
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No describe most ad Community			
If No, describe method for providing potable water:			
		i	1.8
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No describe and 10 to			
If No, describe method for providing wastewater treatment:			
		<u>י</u>	بحا
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
riaces?			
b. Is the proposed action located in an archeological sensitive area?		M	
12 a Dansey and a Collection Collection			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		V	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		IV	
	_		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all	l that a	pply:	
Snoretine	nal	FF-7.	
☐ Wetland ☐ Urban ☐ Suburban			i
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?	ŀ		
16. Is the project site located in the 100 year flood plain?		NO	YES
17 11111	ſ		
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes, a. Will storm water discharges flow to adjacent properties?			
a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)	, F		\dashv
If Yes, briefly describe:	12	ĺ	
		0	
	- 1	1	- 1

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?		YES
If Yes, explain purpose and size:		
		╙
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	V	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST O	F MY
Applicant/sponsonuant: Nathan Sytch Signature: Date: 1-18-22		<u>.</u>

TOWN OF SOMERSET ZONING BOARD OF APPEALS DECEMBER 14, 2021 7:30PM

Present: Scott Ecker, Chairman

Amos Andrews

Larry Dent

Joe Provencher Kent Wakefield

David Haylett, Attorney

Audience: Richard Burley (applicant)

Thomas Murphy (neighbor)

Chairman Ecker called the Public Hearing to order at 7:35pm.

AREA VARIANCE HEARING

Property Location: 1948 Johnson Creek Road (Tax Map No. 29.00-1-8)

Barker, Niagara County, New York

Owner: Richard Burley

Project: To consider application for variance of the Town Code to allow for the placement of a pole barn approximately 6 feet, 7 inches from the south property line in the Agricultural District where the Zoning Code requires a minimum of 15 feet of side yard space from an accessory structure.

The hearing opened with questions from the board members. K. Wakefield asked Atty. Haylett if he was aware of any complaints from code enforcement regarding the project to which the response was given that there were no complaints. T. Murphy of 1958 Johnson Creek Road commented that he would be the only neighbor that is directly affected by the project and he felt that the pole barn would be an improvement over the existing barn.

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R. Burley explained that the existing barn has a stacked rock foundation, and that he intends to build over the existing foundation. He said that It will be a red metal barn and the power will run off the meter in the house. He further added that he does not intend to add a bathroom.

S. Ecker inquired about the location of the septic, to which R. Burley replied that it is located south of the house, between the driveway and the deck, where an old well used to be. Atty. Haylett asked about the pitch of the roof and if the water could run off onto the adjoining property. R. Burley confirmed that the roof is pitched east to west and therefore no runoff would affect the adjoining property. Atty. Haylett asked R. Burley if he intended to have a business of any type on the property to which R. Burley replied that he does not. S. Ecker asked if he had a time table for the project to which R. Burley responded that it should be completed within a year, weather permitting. R. Burley explained that the pole barn would be encapsulating to which J. Provencher asked what he meant by that. R. Burley explained that he would be using the existing foundation of the barn and the pole barn will be placed on top of the old foundation so that it won't be any bigger than the existing barn. K. Wakefield asked if the old barn will be coming down to which R. Burley answered that it will.

With no further questions, at 7:48 the Public Hearing was closed and the meeting was opened.

APPROVAL OF THE MINUTES from August 10, 2021.

On a motion by L. Dent, seconded by A. Andrews, the following resolution was

ADOPTED Ayes 5 Andrews, Dent, Ecker, Provencher, Wakefield

Nayes 0

Resolution: The minutes of August 10, 2021 were accepted as submitted

COMMUNICATIONS: There were no Communications

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OLD BUSINESS: There was no Old Business

NEW BUSINESS: AREA VARIANCE

Atty. Haylet explained that the proposed action is an Area Variance and therefore is a Type II action under SEQRA and no further motion is necessary. He then read the following conditions:

- 1. The Variance shall conform to ordinances of the Town of Somerset in all other respects.
- 2. Any violation of the conditions shall be grounds for revocation of this Variance.
- 3. The promises shall be kept neat and orderly.

On a motion by J. Provencher, seconded by L. Dent to allow the placement of a pole barn, the following resolution was

ADOPTED Ayes 5 Andrews, Dent, Ecker, Provencher, Wakefield Nayes 0

Resolution: Approval of the Area Variance for the placement of a pole barn approximately 6 feet, 7 inches from the south property line

ADJOURNMENT

There being no further business, at 7:54pm K. Wakefield made a motion to adjourn, seconded by A. Andrews. Carried unanimously.

Respectfully submitted,

Sandra Lewis
Zoning Board Secretary

