

**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.

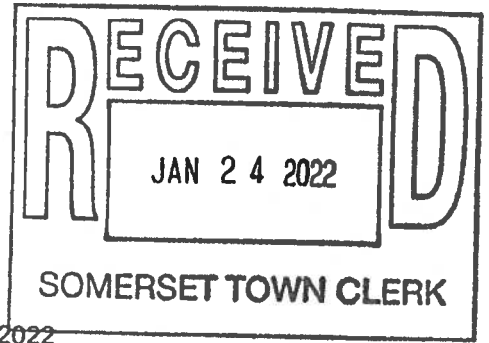
APPROVAL OF MINUTES from December 14, 2021

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT



Date: 1/18/2022

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 SBL # 9.00-2-3


Use District: Residential

Owner: Nathan Sutch Applicant: Nathan Sutch

Address: 1157 Quaker Rd Address: 1157 Quaker Rd
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.

Signed:  Date: 1/18/2022

Short Environmental Assessment Form

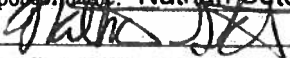
Part I - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I - 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: Building a 24' x 32' accessory building			
Name of Applicant or Sponsor: Nathan Sutch		Telephone: 716-807-1178	
		E-Mail: nsut0914@yahoo.com	
Address: 1157 Quaker Rd			
City/PO: Barker		State: NY	Zip Code: 14012
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO YES
			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES
			<input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.0176 acres	
b. Total acreage to be physically disturbed?		.0176 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.46 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Nathan Sutch</u> Date: <u>1-18-22</u></p> <p>Signature: <u></u></p>		

PRINT FORM

**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
 Naves 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
 Naves 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

