

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
March 12, 2024
6:00 pm**

CALL MEETING TO ORDER

AREA VARIANCE HEARING

- Owner/Applicant: Payam Ghalili
- Property Location: 9139 Somerset Drive

- Project:
 - 1) Construct a single-family dwelling on a parcel that has 50' lot width where the code requires 100'
 - 2) Construct the single-family dwelling 7.5' from the east line and west line of the parcel where the code requires a minimum of 15'
 - 3) Construct the single-family dwelling on a 10,500 square foot lot where the code requires a minimum of 20,000 square feet for a single-family dwelling

APPROVAL OF MINUTES

February 6, 2024

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

Decision regarding (4) Variances for 9139 Somerset Drive

ADJOURNMENT



Date: 1/25/24

TO: ZONING BOARD, TOWN OF SOMERSET

Pursuant to Article _____ Section _____ of the Code of the Town of Somerset, application for a Variance is hereby made:

Size of Lot: 50' x 208'

(Include Site Plans showing frontage and setbacks and construction plans showing all facilities and proposed uses.)

Location: 9139 Somerset Dr. Barker SBL # 2.12-1-30
NY 14012

Use District: _____

Owner: Payam Ghalili ^{Contractor} Applicant: Richard Truesdell

Address: 8 Sandhurst Lane Address: 1410.3 Kendrick Rd.
Williamsville, NY 14221 Waterport, NY 14221

Site Plan

Included on separate graph paper.

Signed: Richard Truesdell Date: 2/10/24

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

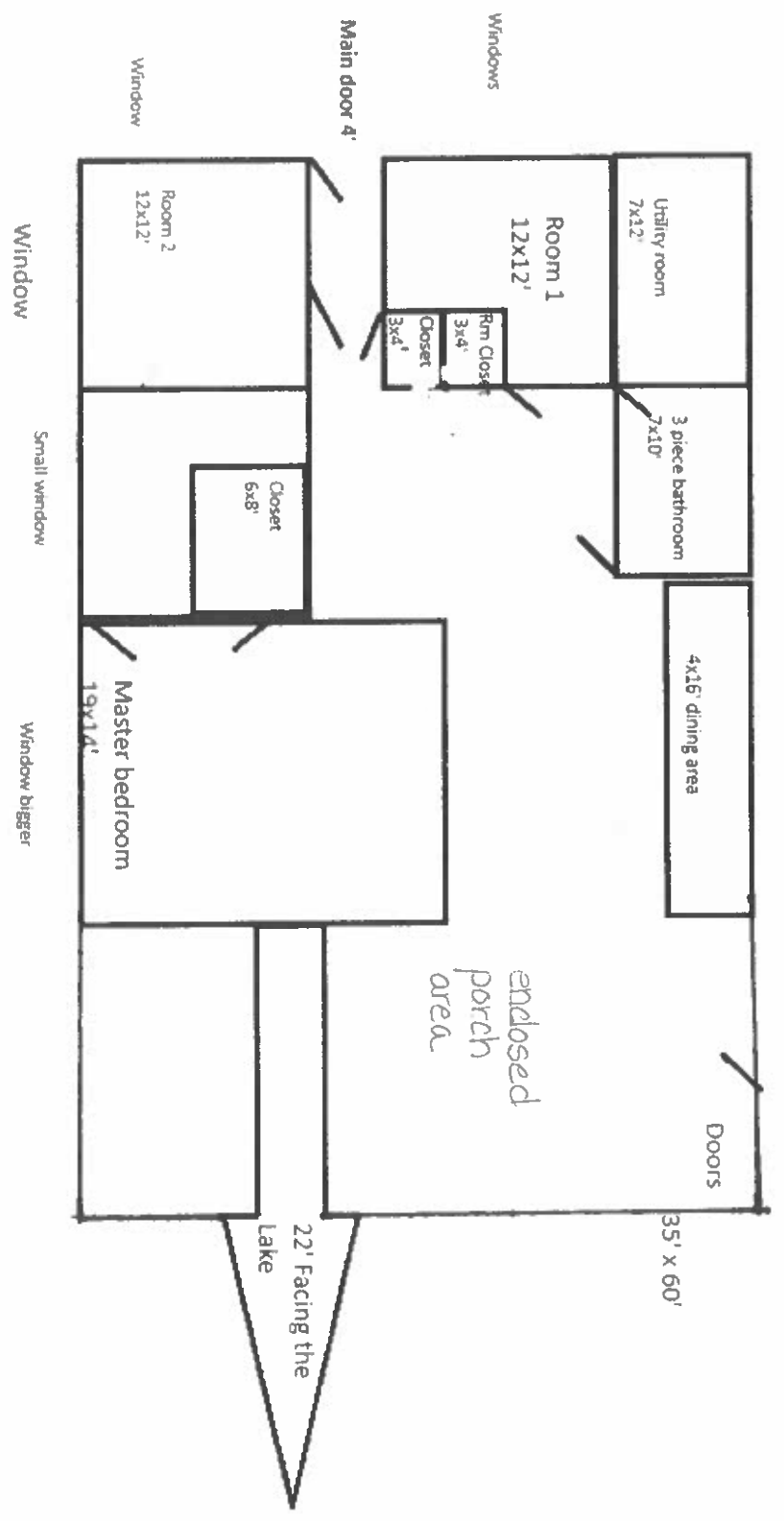
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

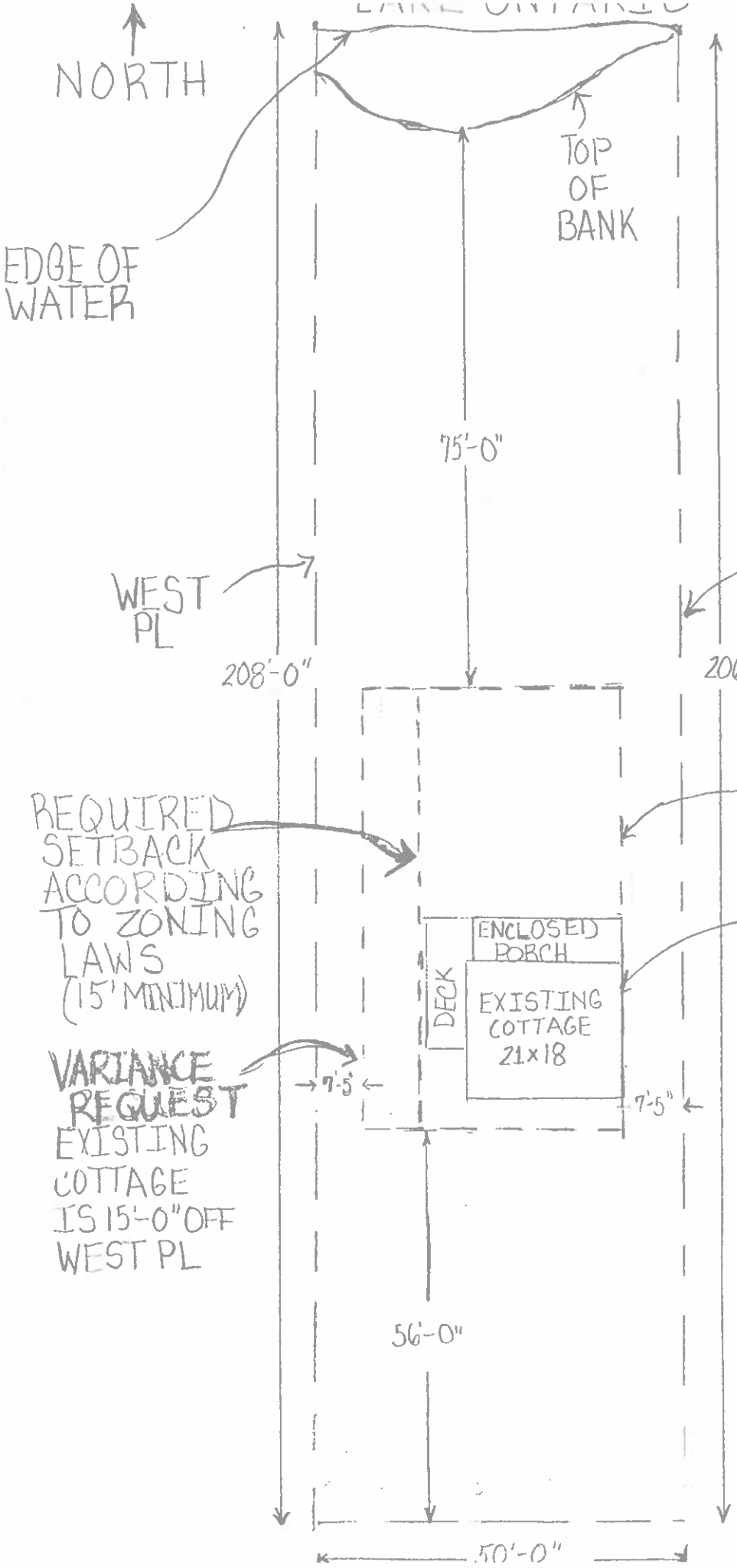
Part 1 - Project and Sponsor Information			
Name of Action or Project: Variance Request			
Project Location (describe, and attach a location map): 91.39 Somerset Dr. Barker, NY 14012			
Brief Description of Proposed Action: We are requesting 4 variances on this lot for the new construction of proposed house (plot plan and building plan enclosed) <ul style="list-style-type: none"> - A reduced lot width required for this 50ft wide bt. (100ft width is required) - The total square-footage of this lot is 19,500 sqft. (min. required is 20,000 sqft) - West side setback will be 7.5ft for the proposed house construction (min 15ft) - East side setback will be 7.5ft for the proposed house construction (min 15ft) 			
Name of Applicant or Sponsor: Payam Ghalili		Telephone: (289) 547-5622	
		E-Mail: tomeman222@gmail.com	
Address: 8 Sandhurst Lane			
City/PO: Williamsville		State: NY	Zip Code: 14221
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 <input type="checkbox"/>
			YES <input checked="" 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 <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.24 acres	
b. Total acreage to be physically disturbed?		.048 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.24 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 type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Septic System</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant sponsor name: <u>Richard Truesdell</u> Date: <u>2/14/24</u> Signature: <u><i>Richard Truesdell</i></u>		



PAYAM GHALILT
9139 SOMERSET DR
BARKER, NY 14012
SCALE: 20 = 1'-0"
SITE PLAN



REQUIRED SETBACK ACCORDING TO ZONING LAWS (15' MINIMUM)

VARIANCE REQUEST EXISTING COTTAGE IS 15'-0" OFF WEST PL

PROPOSED NEW COTTAGE (FOOTPRINT 35x60)

EXISTING COTTAGE (FOOTPRINT 21x18)

EXISTING COTTAGE IS 7'-5" OFF EAST PL

NORTH

EDGE OF WATER

TOP OF BANK

WEST PL

EAST PL

208'-0"

206'-0"

75'-0"

7'-5"

7'-5"

56'-0"

50'-0"

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
FEBRUARY 6, 2024
6:00pm**

Present Scott Ecker, Chairman
 Amos Andrews
 Joe Provencher
 Kent Wakefield
 David Haylett, Attorney

Absent Larry Dent, Zoning Board Member

Present Applicant: Todd Sukdolak
 Gretchen Sukdolak
 Public Attendance - 4

AREA VARIANCE HEARING

Owner/Applicant Todd Sukdolak

Property Location v/l Huntington Beach Road

Application to consider variances of the Town Code to 1) construct a 1,920 square foot accessory structure (40' X 48') where the maximum square footage of an accessory structure is 900 square feet and 2) to construct said accessory structure 82 feet back from the road right-of-way where a minimum of 100' back from the road right-of-way is required.

Along with the application, the applicant submitted north, south, east, and west elevations along with the plan for the proposed 48'L X 40'W X 14'H pole building, a parcel map, a job estimate from Country Contracting, Inc., and Waterfront Assessment form. These were all made available for viewing.

The hearing opened at 6:00pm. Atty. Haylett stated that a special use permit is not required because the applicant's lot, although separated by a public road, is one lot according to the Town's records. The lot is all one tax parcel on both the north and south side of the road. The principal structure is on the north side of the lot and the accessory building would be on the south side of the lot. In addition, Atty. Haylett explained that a Waterfront Assessment Form was sent to the applicant because the pole barn would be in a lakefront protection area.

S. Ecker opened the hearing up to questions or comments from the board members and the public. A neighbor questioned the placement of the shed. Another questioned if the applicant would ever want to do something different with the pole barn, to which the applicant responded that he has no other plans for the structure. Two of the neighbors spoke in favor of the project.

With no further discussion, the hearing was closed at 6:08pm.

APPROVAL OF THE MINUTES

On a motion by K. Wakefield, seconded by J. Provencher to approve the Minutes from January 2, 2024, the following resolution was

ADOPTED Ayes 4 Andrews, Ecker, Provencher, Wakefield
 Nays 0

Resolution: The Minutes from January 2, 2024 were accepted as submitted.

COMMUNICATIONS

There were no communications

OLD BUSINESS

There was no old business

NEW BUSINESS

Re: V/L Huntington Beach Road

Atty. Haylett explained that this is Type II for SEQRA and no additional review is necessary. He then read aloud the findings of the of the board relating to the Waterfront Consistency Law for the LWPR area, which reads as follows:

WHEREAS, proposed area variances for tax map no. 2.14-1-3, Barker, New York have been presented to the Town of Somerset Zoning Board of Appeals; and

WHEREAS, said area variances are as follows: Variances of the Town Code to 1) construct a 1,920 square foot accessory structure (40' X 48') on said parcel where the maximum square footage for an accessory structure is 900 square feet; and 2) to construct said accessory structure 82 feet back from the road right-of-way where a minimum of 100' back from the road right-of-way is required by said code.

WHEREAS, the Waterfront Consistency Law is to protect the environment and resources of the LWPR area; and now it is hereby

THE FINDINGS OF THIS BOARD THAT THIS ACTION:

- 1) Fosters a pattern of development in the Town of Somerset that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development;
- 2) Protects existing water-dependent uses in the Town of Somerset and promotes the siting of new water dependent uses in suitable locations;
- 3) Protects existing agricultural lands;
- 4) Promotes the sustainable use of living marine resources in the Town of Somerset;
- 5) Protects and restores ecological resources including significant fish and wildlife habitats, wetlands and rare ecological communities;
- 6) Protects and improves water resources;
- 7) Minimizes loss of life, structures and natural resources from flooding and erosion;
- 8) Protects and improves air quality;
- 9) Promotes appropriate use of energy resources;
- 10) Minimizes environmental degradation from solid waste and hazardous substances and waste;
- 11) Improves public access to the water front and the use of public lands;
- 12) Enhances visual quality and protect outstanding scenic resources; and
- 13) Preserves and protects historic resources; and

NOW THEREFORE BE IT RESOLVED, it is the determination of this Board that these findings of this action are consistent with the LWRP policy standards and conditions of the Town of Somerset; and be it further

RESOLVED, that the Waterfront Assessment Form completed by the applicant, Todd Sukdolak, is hereby adopted and ratified in all respects by the Town Board.

On a motion by J. Provencher, seconded by A. Andrews to approve the findings, the following resolution was

ADOPTED Ayes 4 Andrews, Ecker, Provencher, Wakefield
 Nays 0

Resolution: The findings of this action were accepted as submitted.

Atty. Haylett addressed the following criteria as follows:

1. Whether an undesirable change in the character of the neighborhood will be created
Answer: Minimal. Pole barns are common in the neighborhood.
2. Whether the benefit sought can be accomplished by some method feasible for the applicant to pursue
Answer: There would be no other way unless a smaller pole barn was constructed.
3. Whether the request is substantial
Answer: Yes, in term of size.
4. Whether the variance will have an adverse impact of the physical or environmental conditions in the neighborhood
Answer: There would be no physical or environmental effects.
5. Whether the difficulty is self-created
Answer: Yes, it is self-created.

On a motion by K. Wakefield, seconded by A. Andrews to approve the variance for V/L Huntington Beach Road, the following resolution was

ADOPTED Ayes 4 Andrews, Ecker, Provencher, Wakefield
 Nays 0

Resolution: Variance was granted to construct 1,920 square foot accessory structure 82 feet back from the road right-of-way subject to 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 premises shall be kept neat and orderly.

ADJOURNMENT

There being no further business, K. Wakefield made a motion to adjourn the meeting at 6:24pm, seconded by J. Provencher. Carried unanimously.

Respectfully submitted

Sandra Lewis
Zoning Board Secretary