

**TOWN OF SOMERSET  
ZONING BOARD OF APPEALS  
JULY 12, 2022  
7:30 pm**

**CALL MEETING TO ORDER**

**AREA VARIANCE HEARING**

**Property Location:**

- Owner/Applicant – Todd Dubois  
Property – 1972 Johnson Creek Road  
Project: Excavation of pond for drainage
- Owner/Applicant- Michelle Martini Boyd  
Property: 1421 Quaker Road  
Project: Animal Husbandry-housing of chickens

**APPROVAL OF MINUTES FROM JUNE 14, 2022**

**COMMUNICATIONS**

**OLD BUSINESS** – Hearing on June 14,2022 regarding animal husbandry on 1421 Quaker Road

**NEW BUSINESS** - Area Variance Decisions for Applicants Martini Boyd and Dubios

**ADJOURNMENT**



Date: 5.27.22

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: .33

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

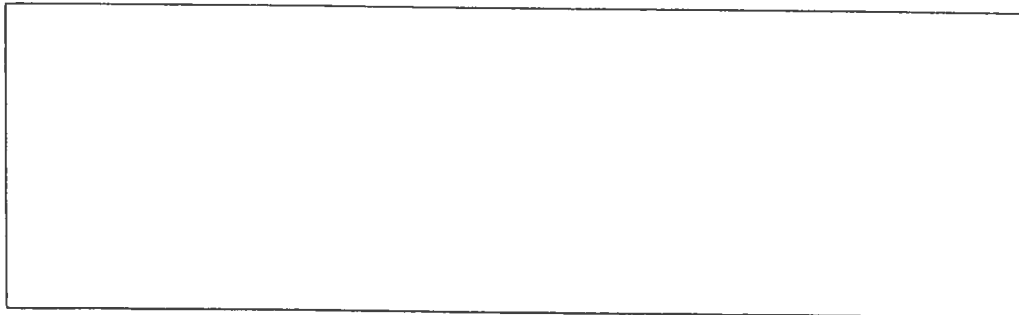
Location: 1421 Quaker Rd SBL # \_\_\_\_\_

Use District: \_\_\_\_\_

Owner: Michelle Martini Boyd Applicant: \_\_\_\_\_

Address: 1421 Quaker Rd Address: \_\_\_\_\_  
Barker NY 14012

Site Plan



Signed: Michelle Martini Boyd Date: 5.27.22

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

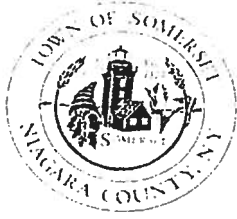
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

<b>Part 1 - Project and Sponsor Information</b>			
<b>Chickens</b>			
Name of Action or Project: "chez EGGcelsior" chicken coop			
Project Location (describe, and attach a location map): 1421 Quaker Rd, Barker NY 14012			
Brief Description of Proposed Action: Backyard chickens to be used as support for my daughter Sophia (as per her Doctor.).			
Name of Applicant or Sponsor: Michelle Martini Boyd		Telephone: 716.580.0346	
		E-Mail: michelle.martini716@gmail.com	
Address: 1421 Quaker Rd B			
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 <input type="checkbox"/>
			YES <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 <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.33 acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input 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			



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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Michelle Martini Boyd</u>	Date: <u>5.27.22</u>	
Signature: <u>Michelle Martini Boyd</u>		



Date: 6/13/2022

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:

To Excavate a 3/4 acre pond for drainage

Size of Lot: 63.58 acres

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

Location: 1972 Johnson Creek SBL # 29.00-1-11

Use District: Agricultural

Owner: Todd K DuBois Applicant: \_\_\_\_\_

Address: 1972 Johnson Creek Rd Address: \_\_\_\_\_

Barker, New York 14012

585 735-5881 Cindy Ward 716 471-7969

Site Plan

see attached

Signed: [Signature] Date: 6/13/2022

## 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.

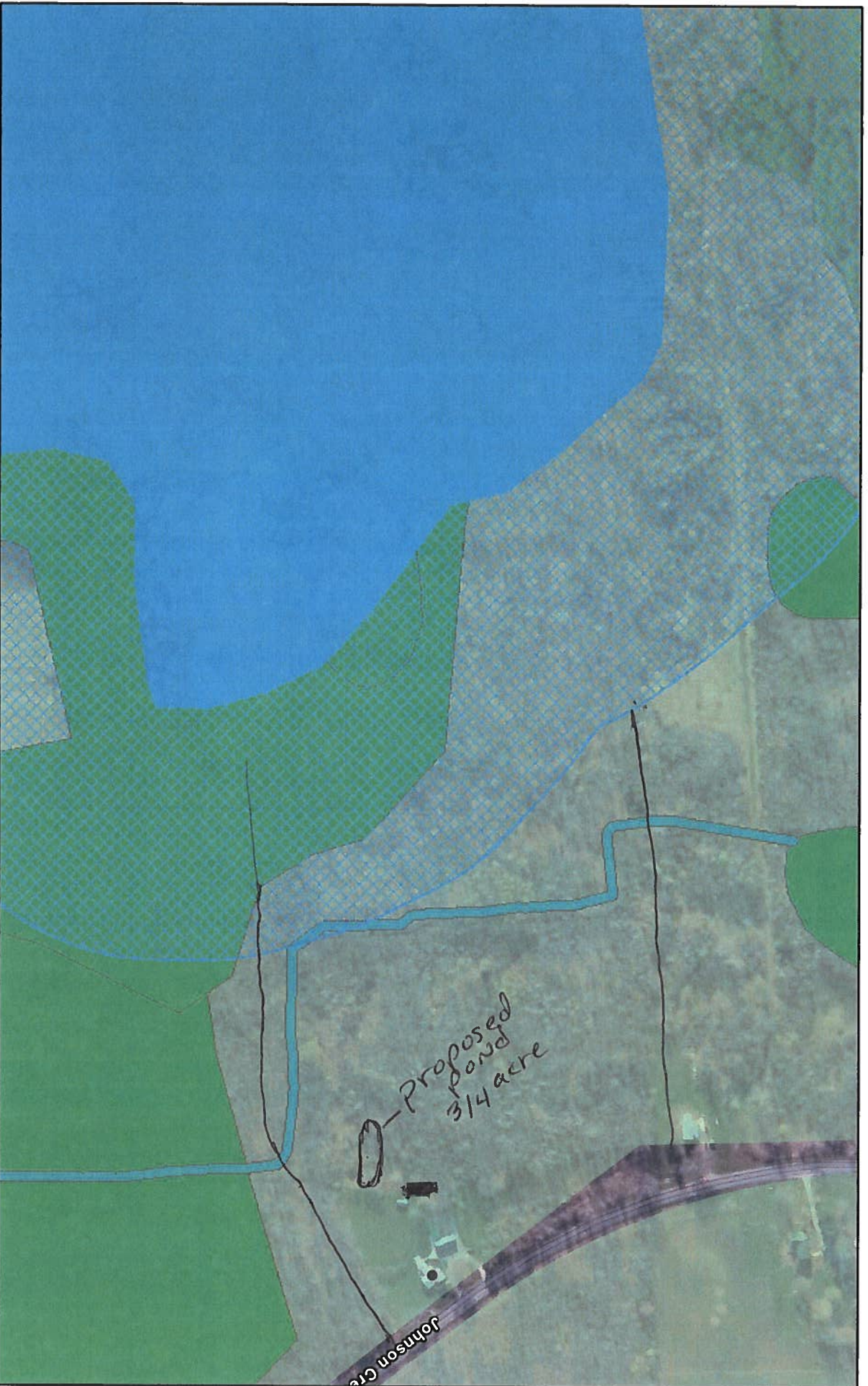
<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <u>Todd DuBois</u>			
Project Location (describe, and attach a location map): <u>Drainage Pond</u>			
Project Location (describe, and attach a location map): <u>1972 Johnson Creek Rd Barker NY 14012</u>			
Brief Description of Proposed Action: <u>excavation of a 3/4 acre pond for drainage</u>			
Name of Applicant or Sponsor: <u>Todd K DuBois</u>		Telephone: <u>585 735 5881</u>	
		E-Mail: <u>ToddDubois23@gmail.com</u>	
Address: <u>1972 Johnson Creek Road</u>			
City/PO: <u>BARKEER</u>		State: <u>NY</u>	Zip Code: <u>14012</u>
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 checked="" type="checkbox"/> YES <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 <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>63.58</u> acres	
b. Total acreage to be physically disturbed?		<u>2.75</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>63.58</u> 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			

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?	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<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 checked="" 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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		



<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: <u>3/4 acre pond for drainage</u></p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" 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>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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Todd DuBois</u> Date: <u>6/13/2022</u></p> <p>Signature: <u>[Signature]</u></p>		

# 1972 Johnson Creek



**TOWN OF SOMERSET  
ZONING BOARD OF APPEALS  
JUNE 14, 2022  
7:30pm**

**Present**     Scott Ecker, Chairman  
                  Larry Dent  
                  Kent Wakefield  
                  David Haylett, Attorney  
**Audience**   Ryan Schuyler, Applicant  
                  Norm Jansen

Chairman Ecker called the meeting to order at 7:30pm.

Motion made for an executive session to consult with the attorney. On a motion by L. Dent, seconded by K. Wakefield the motion was

**ADOPTED**    Ayes 3     Dent, Ecker, Wakefield  
                  Nays 0

Resolution: The executive session was opened beginning at 7:30pm in the conference room and included L. Dent, S. Ecker, K. Wakefield, and Attorney Haylett, ending at 7:48pm.

At 7:50pm the public hearing was opened

**Owner/Applicant** Michelle Martini Boyd

**Property Location** 1421 Quaker Road

Application to consider a Variance to engage in animal husbandry on a .3-acre parcel where a minimum of six acres is required in the R-1 zoning district.

Chairman Ecker opened the floor for any in the audience to speak but there were no questions. The applicant was not present. Atty. Haylett noted that an email was received from neighbor Beth Mishev on June 13, 2022, at 3:52pm containing questions that the applicant can answer at the next hearing.

On a motion by K. Wakefield, seconded by L. Dent to keep the public hearing open, the following motion was

**ADOPTED**    Ayes 3     Dent, Ecker, Wakefield  
                  Nays 0

**Zoning Board of Appeals**

**Page 2**

**June 14, 2022**

**Resolution: The public hearing was kept open until the next meeting on July 12, 2022.**

**At 7:52pm the public hearing was opened for the following applicant:**

**Owner/Applicant Ryan Schuyler**

**Property Location 9145 Somerset Drive**

**Application to consider Variances to construct a 10'x14' accessory building having a two-foot side setback from the west property line where a minimum of 15 feet is required and 8 feet on the rear setback of the south property line where twenty feet is required.**

**The floor was opened to R. Schuyler to explain the project. He distributed a current survey to the board members. He explained that the previous shed had blown down and that it had been placed over a cistern. He will be going from what was previously an 8'x8' to a 10'x14' shed with a raised garden around it, covering the cistern. He explained that the reason he needs it is for storage. He said that there were no objections from any of the neighbors. He described the shed as being red and cream, 9' at the peak, with two maple trees in front of it. He will not run any electric or water to it.**

**Atty. Haylett asked if there are any neighbors to the south side. He explained that there is an open field, and that the shed would not block the view of the lake. He said that it will be professionally installed. Atty. Haylett asked why he is putting the shed at that location to which R. Schuyler responded that it was because it will cover the concrete slab where the pre-existing shed had been.**

**With no further questions, at 8:00pm the public hearing was closed, and the meeting was opened.**

**APPROVAL OF THE MINUTES**

**On a motion by K. Wakefield, seconded by L. Dent the following resolution was**

**ADOPTED Ayes 3 Dent, Ecker, Wakefield**

**Nays 0**

**Resolution: The minutes from May 10,2022 were accepted as submitted.**

**Zoning Board of Appeals**

**Page 3**

**June 14, 2022**

**COMMUNICATIONS:** There were no communications

**OLD BUSINESS:** There was no old business

**NEW BUSINESS:** R. Schuyler decision

Atty. Haylett explained that the two Variances that can be done in one vote. They are both Type II under SEQRA and no further review is necessary.

On a motion by K. Wakefield, seconded by L. Dent to approve the Variance 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.

the following resolution was

**ADOPTED Ayes 3 Dent, Ecker, Wakefield**  
**Nays 0**

**Resolution: Approval of the Variances for a 10'x14' accessory building having a two-foot side setback from the west property line and an eight-foot setback from the south property line.**

**ADJOURNMENT**

There being no further business, S. Ecker made a motion to adjourn the meeting at 8:03pm, seconded by K. Wakefield. Carried unanimously.

Respectfully submitted,

Sandra Lewis  
Zoning Board Secretary