

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
AUGUST 9, 2022
7:30 pm**

CALL MEETING TO ORDER

AREA VARIANCE HEARING

Property Location: 8739 Lakeview Drive

- Owner/Applicant – Robert and Judith Schultz
Project: shed in the RLS district to be placed 6.5' from property line where 15' is required

APPROVAL OF MINUTES FROM 7/12/22

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS – Robert and Judith Schultz Variance Decision

ADJOURNMENT



Date: 08/02/2022

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:

setbacks for shed (see attached)

Size of Lot: 75 feet by approximately 150 ft

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

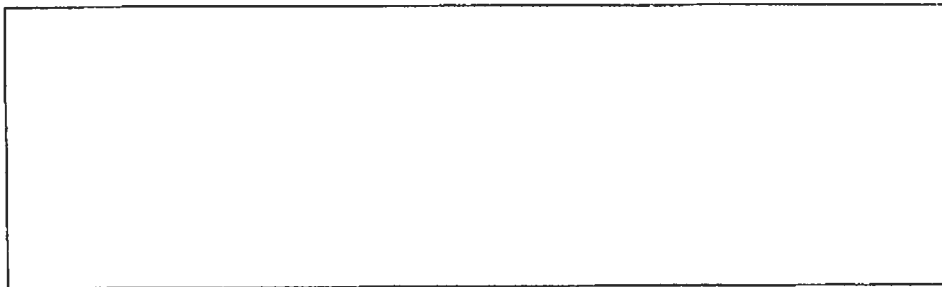
Location: 8739 Lakeview Drive, Barker, NY. 14012 SBL # 2.14-1-41

Use District: Zoning RLS

Owner: Robert Judith Schultz Applicant: Robert and Judith Schultz

Address: 3620 Rolston Drive Raleigh, NC 27609 Address: 3620 Rolston Drive Raleigh, NC 27609

Site Plan



esigned by SeeHessDocs.com
Robert David Schultz
Key: A1B2C3D4E5F6G7H8I9J0K1L2M3N4O5P6Q7R8S9T0

Signed: _____ Date: 08/02/2022

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.


Part 1 - Project and Sponsor Information			
Name of Action or Project: <p style="text-align: center;">Placement of shed on concrete driveway at 8739 Lakeview Drive, Barker, NY 14012</p>			
Project Location (describe, and attach a location map): <p style="text-align: center;">See attached</p>			
Brief Description of Proposed Action: Placement of 20 x 11.8 foot shed on concrete driveway approximately 6.5 feet from a public right-of-way property line.			
Name of Applicant or Sponsor: <p style="text-align: center;">Robert and Judith Schultz</p>		Telephone: 609-672-2419 E-Mail: robertschultz2001@yahoo.com	
Address: Home address: (Site address is 8739 Lakeview Drive, Barker, NY 14012) 3620 Rolston Drive			
City/PO: Raleigh		State: NC	Zip Code: 27609
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"/>
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: Zoning Board of the Town of Somerset needs to approve permit and agreed to offset.			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		~240 sq ft acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.28 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 checked="" 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			

<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>_____</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>_____</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>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

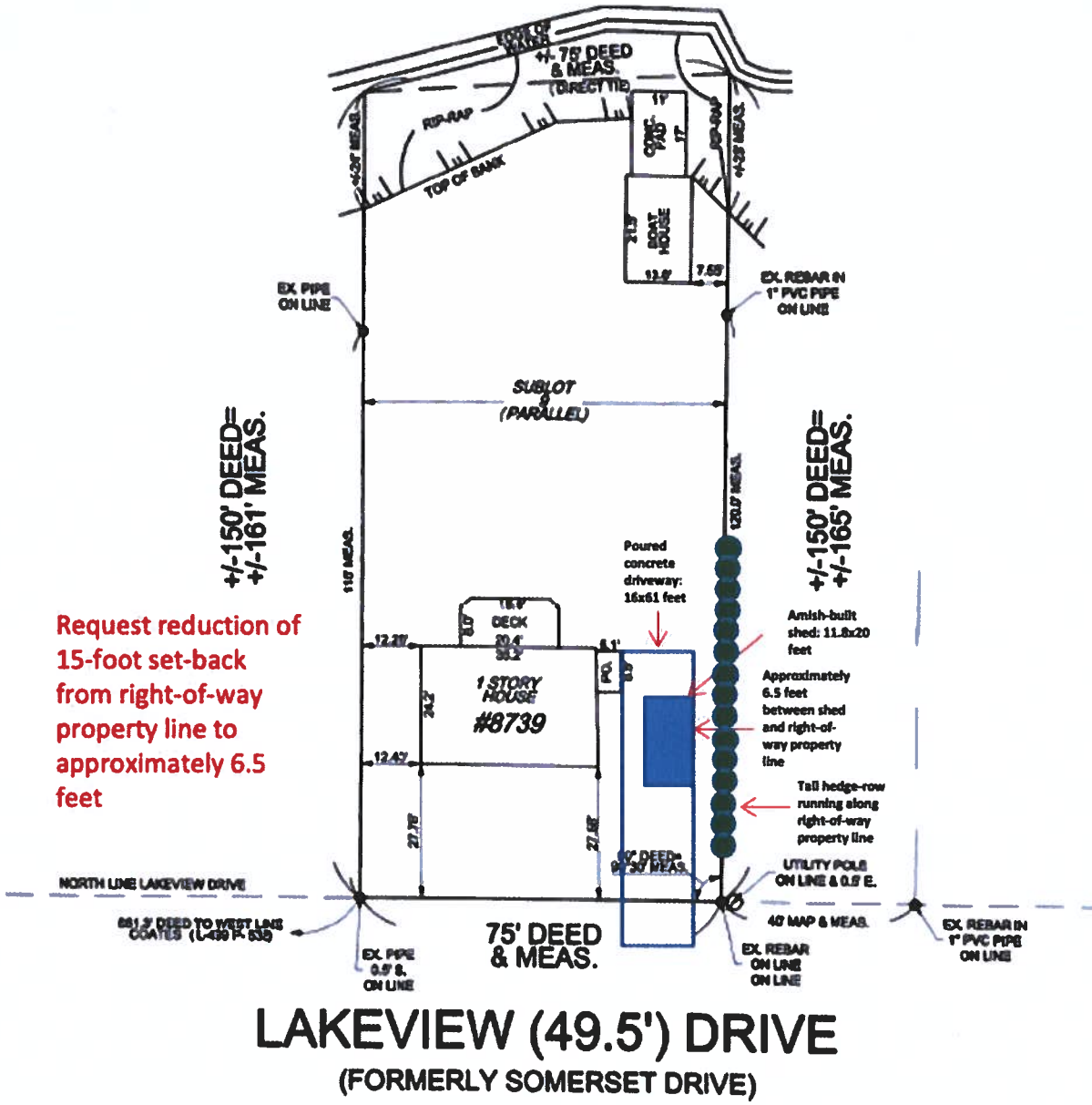
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Robert and Judith Schultz

Date: August 2, 20222

Signature:  _____

Digitally signed by Robert Schultz
Date: 2022.08.02 11:41:38 -0400



SURVEY PREPARED FOR
 GEORGE & KOENIG, PLLC

Unauthorized alteration or addition to a survey map bearing

NOTES:

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

Present Amos Andrews
 Joe Provencher
 Kent Wakefield
 David Haylett, Attorney

Absent Scott Ecker, Chairman
 Larry Dent, Zoning Board Member

Audience Todd DuBois-- Applicant
 Michelle Martini Boyd--Applicant
 Norm Jansen—Resident
 Cindy Ward

AREA VARIANCE HEARING

Owner/Applicant Todd DuBois
Property Location 1972 Johnson Creek Road
Application to consider a Special Use Permit and Site Plan Approval for a .75-acre pond for the purpose of drainage on the property

The applicant distributed a pond site evaluation from Niagara County Soil & Water Conservation District dated June 27, 2022 along with satellite maps showing the location of the proposed pond. He explained that it would be located on the lowest spot of the property and is 400' from the road and 100' from the south property line. He said that there is a ditch that needs to be cleared out, but it is not possible at the present time, and the pond would help alleviate the drainage problem.

Owner/ Applicant Michelle Martini Boyd
Property Location 1421 Quaker Road
Application to consider 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

This is the second zoning board hearing that the applicant has had regarding a variance to house chickens on her property. On July 7, 2022 she obtained approval from the Somerset Planning Board for a Special Use Permit to house six Banton silky chickens on her property.

She submitted a medical statement from Crystal Springs Medical, PC which prescribes emotional support chickens to assist with her daughter's limitations of anxiety and other mental health considerations. She explained that there would be a 6' fence around her property and that there would be a run and a coop. She is considering composting the manure. There was concern from a Board member that the neighbors may have issues down the road with the chickens. Atty. Haylett pointed out that a Special Use Permit must be renewed every year. If the conditions in the permit were not met, then the planning Board could hold a public hearing and revoke the permit.

With no further questions, the hearing was closed at 7:45pm.

APPROVAL OF THE MINUTES

On a motion by J. Provencher, seconded by A. Andrews to approve the minutes from June 14, 2022, the following resolution was

ADOPTED Ayes 3 Andrews, Provencher, Wakefield
 Nays 0

Resolution: The minutes from June 14, 2022 were accepted as submitted.

COMMUNICATIONS

There were no communications

OLD BUSINESS

Hearing on June 14, 2022 regarding animal husbandry on 1421 Quaker Road

NEW BUSINESS

Re: 1421 Quaker Road

On a motion by A. Andrews, seconded by J. Provencher to approve the application for chickens on 1421 Quaker Road, the following resolution was not approved.

Ayes 2 Andrews, Provencher
Nays 1 Wakefield

Discussion ensued which included the following:

- Concerns that there could be issues down the road regarding the chickens
- Animal husbandry is defined as anything other than household pets
- Applicant stated that the code should be different for chickens than for horses
- Atty. Haylett reviewed five factors of SEQR findings and shared information about Americans with Disabilities Act regarding fair housing, US Department of Justice, and US Department of Housing and Urban Development which states that disabilities should be reasonably accommodated in municipal zoning laws.
- Suggestion that a letter be send to neighbors stating that if any disconcerting issues arise, code enforcement would have to intervene.

**Zoning Board
Page 3
July 12,2022**

On a motion by J. Provencher, seconded by A. Andrews to reopen the voting process, the following resolution was

APPROVED Ayes 3 Andrews, Provencher, Wakefield
 Nays 0

Resolved: The voting process of the Board was reopened.

On a motion by A. Andrews, seconded by J. Provencher to approve the variance subject to the following conditions:

1. property is to be kept neat and orderly
2. Applicant is to comply with all other Town laws and ordinances

ADOPTED Ayes 3 Andrews, Provencher, Wakefield
 Nays 0

Resolution: Approval of the variance to allow for 6 Banton chickens on 1421 Quaker Road

On a motion by K. Wakefield, seconded by J. Provencher to send a letter to the neighbors in the surrounding area informing them that a variance has been granted, and any issues should be directed to Mark Remington, Zoning Officer, the following resolution was

ADOPTED Ayes 3 Andrews, Provencher, Wakefield
 Nays 0

Resolution: The secretary of the Zoning Board of Appeals will construct a letter to be sent to the neighbors in the vicinity of 1972 Johnson Creek Road informing them that any concerns regarding the chickens should be directed to Mark Remington.

Re: 1972 Johnson Creek Road

On a motion by K. Wakefield, seconded by J. Provencher that this is an unlisted action under SEQR and will have little or no negative impact on the environment, and no further review is necessary, the following resolution was

ADOPTED Ayes 3 Andrews, Provencher, Wakefield
 Nays 0

Resolution: This is an unlisted action under SEQR, and no further review is necessary.

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

ADOPTED Ayes 3 Andrews, Provencher, Wakefield
 Nays 0

Resolution: Approval of a Special Use Permit for a pond on 1972 Johnson Creek Road

Zoning Board
Page 4
July 12, 2022

ADJOURNMENT

There being no further business, J. Provencher made a motion to adjourn the meeting at 8:02pm, seconded by A. Andrews. Carried unanimously.

Respectfully submitted

Sandra Lewis
Zoning Board Secretary