

Sunday, March 05, 2023  
Jeffrey D. Gardner  
Janice E. Gardner  
3986 Tonawanda Creek Rd.  
East Amherst, New York  
14051  
716-639-0866 Home  
716-866-8869 Jeff Cell  
[JDGardner2@gmail.com](mailto:JDGardner2@gmail.com) (Jeff)

Re: Side setback variance request  
9097 Lakeshore Dr.  
Barker, New York  
14012

Dear Zoning Board Members,

We are requesting the board to consider a side setback variance to allow us to replace our former 5'x10' plastic shed, included with the house we purchased on 8/15/2013. Unfortunately, the original shed was destroyed as a result of high winds on 2/3/2023.

Please refer to the details listed below:

1. The replacement shed will be an Amish built 8"x10" structure. (See picture of a similar shed design for reference)
2. The replacement shed would be in the same location as the original shed, as this is the best location suitable for our narrow 50' wide lot. (see picture with tape measure showing new shed footprint)
3. The replacement shed will have siding, roofing, windows, and shutters, to match the existing house and garage, providing attractive curb appeal and continuity.
4. The replacement shed 8'x10 size was decided based on, proper aesthetics and proportions to the lot size and existing structures. Therefore, the shed will fit the site well and blend in with its surroundings.
5. I have spoken to the immediate and only impacted neighbor to the east at 9099 Lakeshore Dr. (Don and Judy Lewicki), and have secured their approval regarding the replacement shed location. There are no concerns on their behalf and they welcome an attractive new shed, in the proposed location of the former plastic shed.

Thanks for your consideration regarding this matter, as we hope to move forward with the project as spring arrives.

Sincerely,



Jeffrey D. Gardner



Janice E. Gardner



Date: 3/7/2023

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:

Request a side setback variance To allow a 8'x10' shed To be located approx. 3'6" from property line. Proposed location is where a former 5x10 plastic shed was located and destroyed by High winds on 2/3/2023.

Size of Lot: 50' x 168'

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

Location: 9097 Lakeshore Dr. Barker NY 14012 SBL # 2.12-1-8.1

Use District: Residential Lakeshore

Owner: Jeffrey D. + Janice E. Gardner Applicant: Jeffrey D. + Janice E. Gardner

Address: 3986 Tonawanda Creek Rd. E. Amherst, NY 14051 Address: 3986 Tonawanda Creek Rd. E. Amherst, NY 14051

Site Plan

See Attachment

Signed: [Signature] Date: 3/7/2023

## Short Environmental Assessment Form

### Part 1 - Project Information

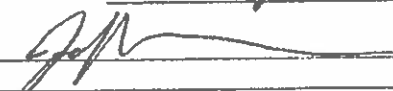
#### Instructions for Completing

**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 I – Project and Sponsor Information</b>				
Name of Action or Project: Placement of a new shed on existing black top driveway at 9097 Lakeshore Drive, Barker, NY 14012				
Project Location (describe, and attach a location map): See attached survey				
Brief Description of Proposed Action: Replace 5x10 plastic shed (destroyed by high winds) included with home purchased on 8/15/2013. New 8x10 shed to be located on blacktop in same location as former shed approx. 3'6" from property line, provided side setback variance approval.				
Name of Applicant or Sponsor: Jeffrey D. and Janice E. Gardner		Telephone: 716-866-8869 E-Mail: JDGardner2@gmail.com		
Address: 3986 Tonawanda Creek Rd. (Site address is 9097 Lakeshore Dr. Barker, NY 14012)				
City/PO: E. Amherst	State: NY	Zip Code: 14051		
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 government Agency? If Yes, list agency(s) name and permit or approval: Subject to Town of Somerset NY Zoning Board approval of a side setback variance			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? _____ 0 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, are adjoining or 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				

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<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?		<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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the 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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If the proposed action will exceed requirements, describe design features and technologies: _____				
_____ <i>Not applicable, it's a shed, no utilities</i>				
10. Will the proposed action connect to an existing public/private water supply?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing potable water: _____				
_____ <i>Not applicable, it's a shed, no utilities</i>				
11. Will the proposed action connect to existing wastewater utilities?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing wastewater treatment: _____				
_____ <i>Not applicable, it's a shed, no utilities</i>				
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				
_____				
_____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input checked="" type="checkbox"/> Shoreline	<input type="checkbox"/> Forest	<input type="checkbox"/> Agricultural/grasslands
<input type="checkbox"/> Wetland	<input type="checkbox"/> Urban	<input checked="" 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 plan?	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,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Jeffrey D. Gardner</u> Date: <u>3/7/2023</u></p> <p>Signature: <u></u> Title: <u>Homeowner</u></p>		

DRAWING NAME  
08.029

LEGEND:

AC. = ACRES  
APPROX. = APPROXIMATE  
AVE. = AVENUE

BIT. = BITUMINOUS  
CB = CATCH BASIN  
CM. = CHAIN  
CONC. = CONCRETE  
COR. = CORNER  
C.T.V. = CABLE TV BOX

E = CENTERLINE  
D = DEED  
DM. = DIAMETER  
DST. = DISTANCE  
E = EAST  
E.I.B. = ELECTRICAL JUNCTION BOX

ENC. = ENCROACHMENT  
ESMT. = EASEMENT  
EX. = EXISTING  
FNC. = FENCE  
GAR. = GARAGE  
IP = IRON PIPE

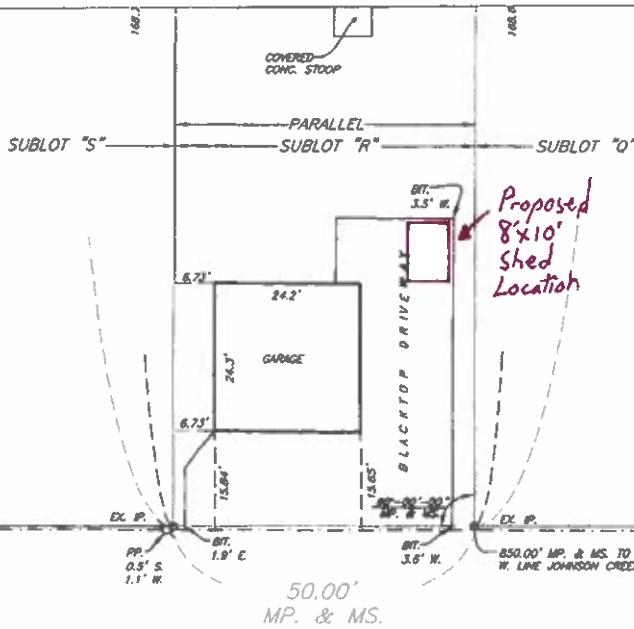
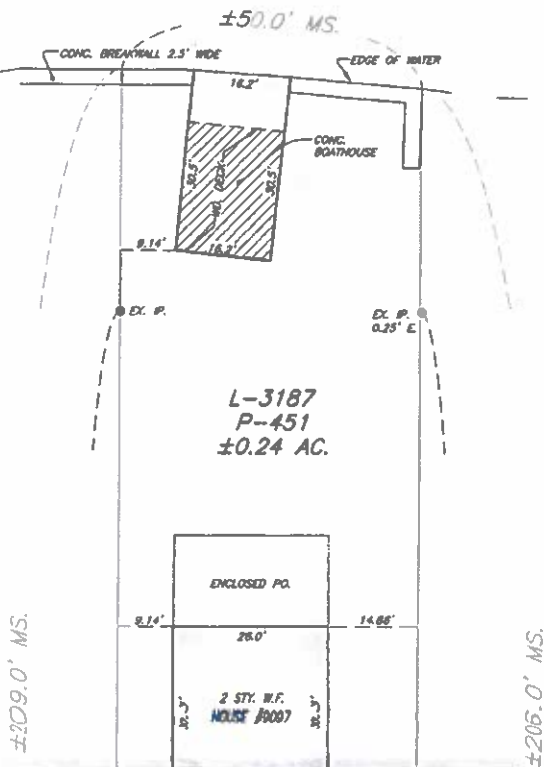
L = LIBER  
MH = MANHOLE  
MP = MAP  
MS. = MEASURED  
N = NORTH  
O/H = OVERHEAD

O/L = ON LINE  
PO. = PORCH  
PP = POWER POLE  
R = PAGE  
P.L. = PROPERTY LINE  
PAV'T = PAVEMENT

RD. = ROAD  
S = SOUTH  
ST. = STREET  
STY. = STORY  
T.B. = TELEPHONE JUNCTION BOX

TYP. = TYPICAL  
W. = WEST  
W/ = WITH  
WD. = WOOD  
W.F. = WOODFRAME

LAKE ONTARIO



LAKESHORE DRIVE (50.00')  
(FORMERLY 30.00' WIDE)

REVISED 7/31/2013; TITLE BLOCK INFORMATION

TAX IDENTIFICATION No.: 2.12-1-8.1  
MAP REFERENCE: BOOK 37 OF MICROFILMED MAPS AT PAGE 3808

NOTES:

-ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

-UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

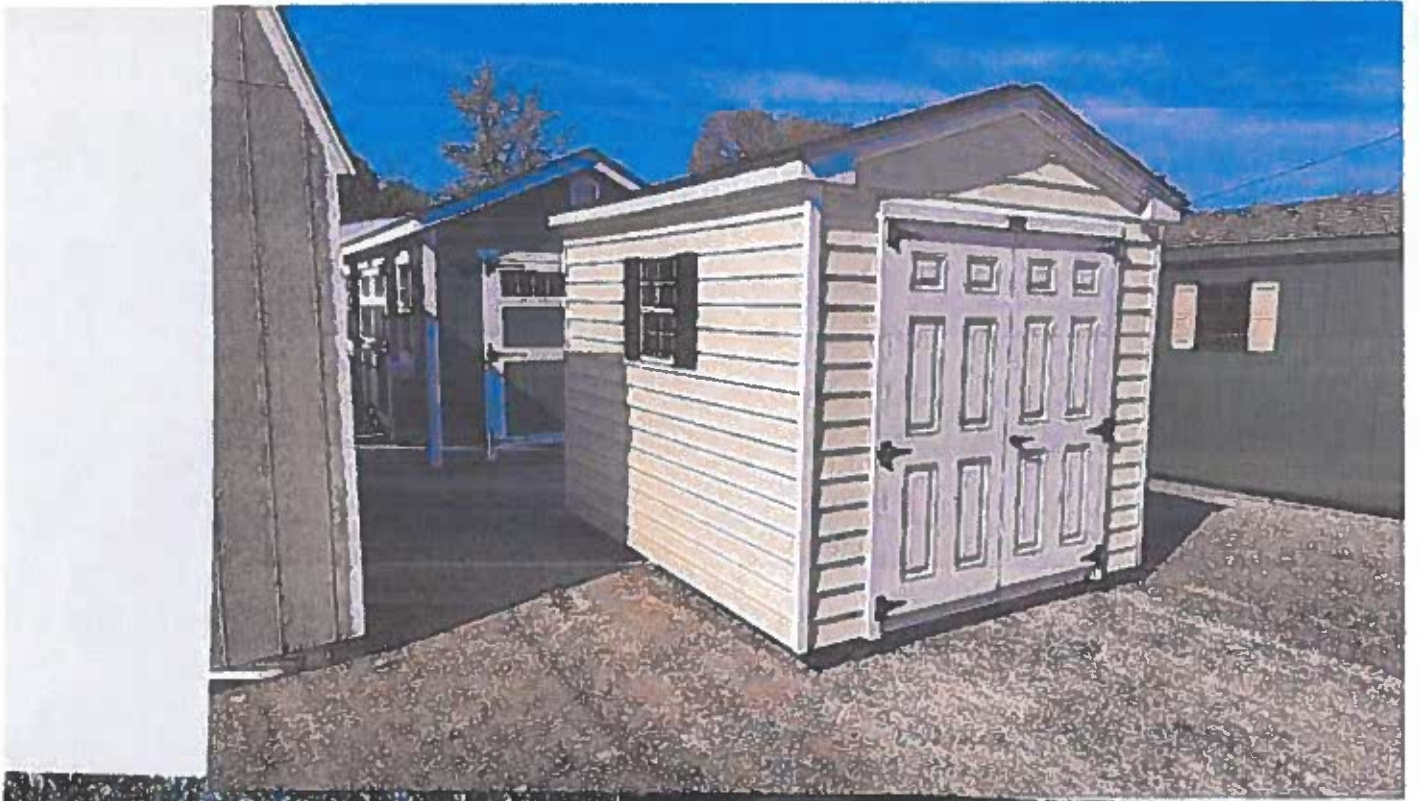
*Christoph J. Smith*



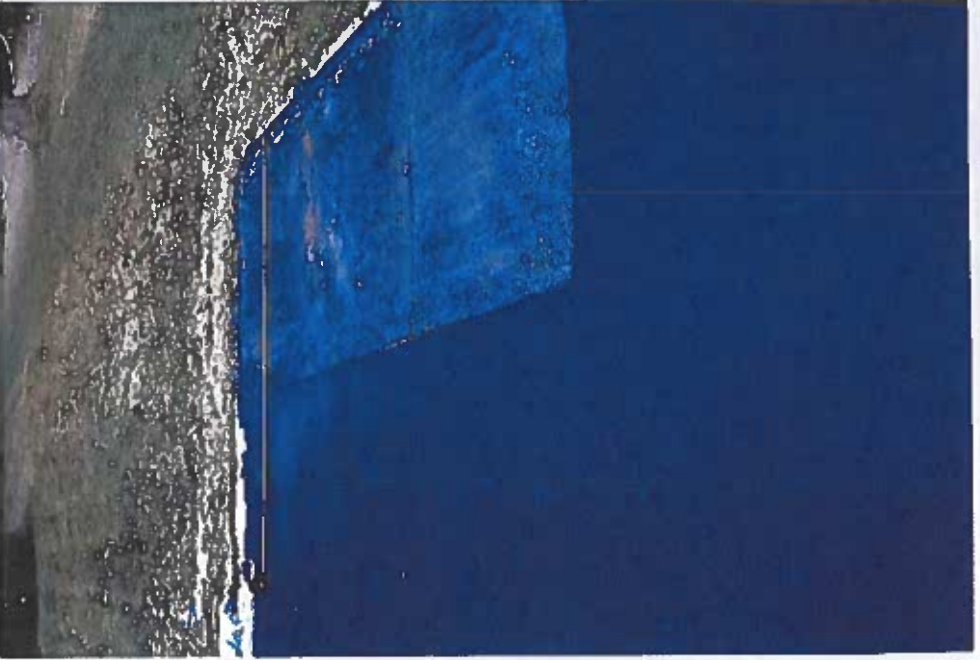
140 John James Audubon Parkway • Suite 201 • Amherst, New York 14228  
PHONE: 716.688.0766 FAX: 716.625.6825  
WEBSITE: www.wendelcompanies.com

PART OF LOT	2	SEC	9	TWP	16	REG.	5
OF THE HOLLAND LAND COMPANY'S SURVEY							
TOWNSHIP	SOMERSET			PROJ. NO. 2963-11-86/029			
COUNTY	NIAGARA, NY			SCALE 1" = 20'			
CITY	RNW	TOWNSHIP	AAD	CHECKED	DATE	9/03/2011	















Jeff Gardner <jdgardner2@gmail.com>

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**re: Setback variance request -- Jeff and Janice Gardner 9097 Lakeshore**

1 message

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Don Lewicki <dclewicki@gmail.com>  
To: Tracy Carmer <tracy.carmer@gmail.com>  
Cc: Jeff Gardner <jdgardner2@gmail.com>

Sun, Mar 5, 2023 at 9:07 AM

Hi Tracy,

Could you please forward the following to the zoning board members. My understanding is that the board will review a side setback variance request from Jeff and Janice Gardner on 4/4.

Thanks!  
Don Lewicki

To Whom It May Concern:

We are the owners of the property located at 9099 Lakeshore Drive. Our property is adjacent to 9097 Lakeshore (owned by Jeff and Janice Gardner). We understand that Jeff and Janice are seeking a side setback variance to place a small 8x10 shed on their property to replace storage containers destroyed by a recent winter storm. We understand that the shed will be located in a similar spot as the previous storage and will be located approximately 3' 6" from our property line. We understand that code requires 15' hence, the need for a variance.

We have absolutely no issues, questions or concerns with the variance request and are sure the new shed be an appropriate replacement. We support granting the variance.

Sincerely,

Don and Judy Lewicki  
9099 Lakeshore Drive  
Somerset