

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
OCTOBER 17, 2023
6:00pm**

Present	Scott Ecker, Chairman Amos Andrews Joe Provencher Kent Wakefield Anthony Seriani, Attorney
Absent	Larry Dent, Zoning Board Member
Owner/Applicants	David & Pamila Straitiff
Audience	Fred Leuer, Town Councilman 16 Neighbors

AREA VARIANCE HEARING

Owner/Applicant Christopher Graham

Property Location 8716 Lakeview Drive

Application to construct a 24' x 58' principal dwelling having a 13' side-setback on the east and west side of property lines where a minimum of 15' is required on each side and having a 50' frontage where 100' is required.

Along with the Application for Variance, the applicant submitted a hand-drawn plan, photo of the proposed project and house plan.

The hearing opened at 6:01 pm. Chairman Ecker opened the floor for questions and comments from the board members and residents. Comments shared are as follows:

Georgina Graham of 8718 Lakeview Drive - Never approved the project as it is an intrusion of property and way of life and will be a deterrent to the selling of her property.

Laura Smith of 8713 Lakeview Drive - Opposed to the project because it does not fit the character of the other homes on the street as the height will be 25-30' tall; Concerned that the dwelling will be used as an Airbnb

Karen Foley of 8714 Lakeview Drive - Submitted handwritten note of opposition (attached)

Kelly Roberts of 8721 Lakeview Drive – Concern over re-routed drainage that is affecting her property, right-of-way issues and Airbnb in primary dwelling as well as in the projected second home, causing extra traffic in the neighborhood and violation of property lines by renters; Resale value of her home is going down (letter is attached)

Francis Bowman of 8720 Lakeview Drive – Opposed to the project; Would most likely be used as an Airbnb, causing the neighborhood to be turned into rental property; Property is low-lying and may create drainage problems; Currently are different faces at the primary residence every weekend

Scott Donaldson of 8743 Lakeview Drive – Opposed to project; Too big of a building on too small of a lot

Judy Brounsheidell of 8753 Lakeview Drive – Opposed to project as Airbnb is an intrusion of privacy

Jim Farrington of 8687, 8693, 8688 Lakeview Drive – Whole face of neighborhood has changed because of Airbnb; Questioned why the Town of Somerset cannot draw up its own law concerning Airbnb rather than following the town law set by the Town of Newfane

Much discussion ensued regarding the proposed project. Other concerns that were expressed are as follows:

- C. Graham currently advertising Airbnb on Facebook/social media platforms
- Green space that is left on small lot
- C. Graham lives in West Virginia; No oversight of property
- Neighborhood is flooded because of rerouting of drainage
- No local law in place regulating Airbnbs; Is town liable if something happens?
- Cameras watching primary and second properties – invasion of privacy issue
- Problems that are created by unusual splitting of a lot in a residential area

Atty. Serianni explained that C. Graham is getting his parcel resurveyed and was unable to attend the hearing. He advised that the board leave the hearing open until the applicant has an opportunity to present the site plan on November 7th. Many of the neighbors expressed their opposition to this because they would not be available to attend the November hearing. Atty. Serianni responded that the concerns that were mentioned would be recorded in the Minutes. He also advised that those unable to attend the hearings send a letter to The Board of Appeals.

Chairman Ecker commented that the town is reviewing Airbnb policy. There was a question if residents would have a say in the policy and if there would be a vote. Atty. Serianni explained that when a law is proposed by the town board, there must be a hearing which would be posted in the Union Sun & Journal.

Town Councilman, F. Leuer explained that the town cannot get involved concerning Airbnbs until regulations are made. He recommended that a moratorium be put in place for the length of time necessary until local law is established that governs Airbnbs.

Seeing no further comment from the public, at 6:55 the public hearing concerning Variance for 8716 Lakeview Drive by C. Graham was left open for additional public comment for the Board's November 7th, 2023 meeting.

Owner/Applicant David & Pamela Straitiff
Property Location 9533 Somerset Drive
Application to construct a 215 square foot addition to the southwest side of the principal dwelling to be located 6' from the west line of the premises

Along with the application for Variance, the applicant submitted a land survey and distributed First Floor Plan and Exterior Elevations Drawing.

P. Straitiff explained the project as follows:

- Placement will be off the master bedroom, adding to the front of the house
- No change to roofline; front door will not be moved
- Walkway and light posts moved
- Footer crawlspace
- No interference with septic

She explained that currently this is a secondary residence, but it will become their primary residence.

A neighbor shared her approval of the project.

P. Straitiff explained that the addition could not be relocated to the northeast portion of the parcel, which would have eliminated the need for area variance, because said addition would obstruct her view of the Lake Ontario lakefront. Further, the addition was planned as a master bathroom, which the applicant sought to be attached to the master bedroom on the southwest corner of the dwelling.

With no further discussion, the hearing was closed at 7:04pm.

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APPROVAL OF THE MINUTES

On a motion by K. Wakefield, seconded by A. Andrews to approve the Minutes from September 5, 2023 the following resolution was

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

Resolution: The Minutes from September 5, 2023 were accepted as submitted.

COMMUNICATIONS

There were no Communications

OLD BUSINESS

There was no Old Business

NEW BUSINESS

Variance decision for 9533 Somerset Drive

Atty. Serianni explained that this is a Type II under SEQR and no additional review is necessary.

On a motion by K. Wakefield, seconded by J. Provencher to approve the Variance, the following resolution was

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

Resolution: Variance was granted as set forth in the application, 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 7:08pm, seconded by A. Andrews. Carried unanimously.

Respectfully submitted,

Sandra Lewis
Zoning Board Secretary

Town of Somerset Zoning Board
8700 Haight Road
Barker, NY 14012

RE: Letter of opposition in the matter of Christopher Graham, 8716 Lakeview Drive, Barker, NY

Dear members of the Zoning Board,

As I may not be able to attend the meeting on October 17th, I wanted to make a statement expressing my concern over the application to consider a variance for construction of a principal dwelling at the address listed above. As a lifelong resident of the town, and a property owner on the block for more than 20 years, I am always supportive of homeowners who positively enhance their property, as it increases the value of all our homes. However, in recent months, the actions by my neighbors are negatively affecting both my property value and ability to enjoy my home which has me greatly concerned.

I am already facing an issue with the individual who purchased the right of way adjacent to me as he has taken over part of my property with a survey different from mine, has rerouted the drainage to the lake which floods my property, has put in a raised bed of stone which has caused two dents in my vehicle from stones being thrown when lawn mowing, and has made the view look like an unfinished construction site, all without consequences or actions from the town.

Regarding Chris specifically, whose primary dwelling is 100 feet from mine, he did a nice job updating the home but is now running a commercial activity in the form of an Airbnb which is bringing extra traffic and transient people who do not all respect the property boundaries. He is not a resident of the state and therefore has limited ability to control the behaviors of those who rent the property. Now he is seeking a variance to put a large, secondary home on a tiny lot across the street which is not sized for a property of this scale.

This makes three big detractors surrounding my home, which as a homeowner and taxpayer has me quite upset and I cannot support this request as it is being presented today. I hope that the town will listen to the concerns of the neighbors and not issue this variance.

Sincerely,
Kelly Roberts
8721 Lakeview Drive

COPY

NOTICE OF PUBLIC HEARING
TOWN OF SOMERSET ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Somerset Zoning Board of Appeals, Niagara County, New York, on the 17th day of October, 2023, commencing at 6:00 P.M., at the Town Hall, 8700 Haight Road, Barker, New York, to hear and consider the following property and property owner:

OWNER/APPLICANT: CHRISTOPHER GRAHAM

PROPERTY LOCATION: 8716 Lakeview Drive
(Tax Map No. 2.14-1-82) Barker,
Niagara County, New York

APPLICATION TO CONSIDER VARIANCES of the Town Code to construct a 24' X 58' principal dwelling on said parcel having a 13-foot side setback on the east and west side property lines where a minimum of 15 feet is required on each side and said parcel having 50' of frontage where a minimum of 100' is required by said code.

Dated: September 26, 2023

By Order of the
TOWN OF SOMERSET
ZONING BOARD OF APPEALS

10/17/2023



To Whom it may concern,

Karin and Robert J. Foley residing at 8714 Lakeview Dr. Barker, N.Y. 14012, oppose said principal dwelling to be built at 8716 Lakeview Dr. Barker, N.Y. 14012.

Karin Foley
R. J. Foley (R.J.)