

**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 sent 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