

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

Present	Scott Ecker, Chairman Amos Andrews Larry Dent Kent Wakefield David Haylett, Attorney
Absent	Joe Provencher, Zoning Board Member
Audience	Robert and Judith Schultz-- Applicant Betsy Higgins Betsy Fox Bob Walsh Chris Walsh Judy Braunscheidel Jackie Cushman Dale Howard Kathy Howard J. Scott Donaldson

**AREA VARIANCE HEARING**

Owner/Applicant      Robert & Judith Schultz

Property Location    8739 Lakeview Drive

Application to consider a variance to construct an 11.8' x 20' accessory building on said parcel having a 6.5-foot side setback where a minimum of 15 feet is required.

The hearing was opened with R. Schultz explaining that he is requesting a variance for a shed which will be used to store lawn and gardening equipment. He said that current placement is at the best location because any other location would not meet variance requirements. He explained that at the time the shed was placed, he was unaware that it had to be 15' from the right-of way and not from the adjoining property.

S. Ecker opened the hearing up to questions from the Board and the public. L. Dent asked if the shed could be moved to the west, pushing it closer to the house. Much discussion ensued regarding the definition of a right-of-way and the rules regarding it. Other discussion concerned the process of applying for a variance and the order to which things are to be done.

With no further discussion, the hearing was closed at 7:50pm.

**APPROVAL OF THE MINUTES**

On a motion by K. Wakefield, seconded by A. Andrews to approve the Minutes from July 12, 2022, the following resolution was

ADOPTED	Ayes	3	Andrews, Dent, Wakefield
	Abstain	1	Scott Ecker
	Nays	0	

Resolution: The Minutes from July 12, 2022 were accepted as submitted.

**COMMUNICATIONS**

Three letters were read from neighbors of 8739 Lakeview Drive regarding the variance for a shed.

**OLD BUSINESS**

**NEW BUSINESS**

**Re: 8739 Lakeview Drive**

Atty. Haylett explained that this is a Type II under SEQRA and reviewed the five factors of findings. He discussed the options for the hearing:

- A decision could be made to approve or deny the variance
- A decision could be made to approve the variance with conditions
- It could be tabled, and if so, the Board would have sixty days to make a decision

On a motion by L. Dent, seconded by A. Andrews 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

DENIED	Ayes	2	Andrews, Dent
	Nays	2	Ecker, Wakefield

Resolution: Variance for a shed on 8739 Lakeview Drive was denied

**ADJOURNMENT**

There being no further business, K. Wakefield made a motion to adjourn the meeting at 8:07pm, seconded by A. Andrews. Carried unanimously.

Respectfully submitted

Sandra Lewis  
Zoning Board Secretary