

TOWN OF SOMERSET
ZONING BOARD OF APPEALS
FEBRUARY 6, 2024
6:00pm

Present	Scott Ecker, Chairman Amos Andrews Joe Provencher Kent Wakefield David Haylett, Attorney
Absent	Larry Dent, Zoning Board Member

Present	Applicant: Todd Sukdolak Gretchen Sukdolak Public Attendance - 4
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AREA VARIANCE HEARING

Owner/Applicant Todd Sukdolak
Property Location v/l Huntington Beach Road

Application to consider variances of the Town Code to 1) construct a 1,920 square foot accessory structure (40' X 48') where the maximum square footage of an accessory structure is 900 square feet and 2) to construct said accessory structure 82 feet back from the road right-of-way where a minimum of 100' back from the road right-of-way is required.

Along with the application, the applicant submitted north, south, east, and west elevations along with the plan for the proposed 48'L X 40'W X 14'H pole building, a parcel map, a job estimate from Country Contracting, Inc., and Waterfront Assessment form. These were all made available for viewing.

The hearing opened at 6:00pm. Atty. Haylett stated that a special use permit is not required because the applicant's lot, although separated by a public road, is one lot according to the Town's records. The lot is all one tax parcel on both the north and south side of the road. The principal structure is on the north side of the lot and the accessory building would be on the south side of the lot. In addition, Atty. Haylett explained that a Waterfront Assessment Form was sent to the applicant because the pole barn would be in a lakefront protection area.

S. Ecker opened the hearing up to questions or comments from the board members and the public. A neighbor questioned the placement of the shed. Another questioned if the applicant would ever want to do something different with the pole barn, to which the applicant responded that he has no other plans for the structure. Two of the neighbors spoke in favor of the project.

With no further discussion, the hearing was closed at 6:08pm.

APPROVAL OF THE MINUTES

On a motion by K. Wakefield, seconded by J. Provencher to approve the Minutes from January 2, 2024, the following resolution was

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

Resolution: The Minutes from January 2, 2024 were accepted as submitted.

COMMUNICATIONS

There were no communications

OLD BUSINESS

There was no old business

NEW BUSINESS

Re: V/L Huntington Beach Road

Atty. Haylett explained that this is Type II for SEQRA and no additional review is necessary. He then read aloud the findings of the of the board relating to the Waterfront Consistency Law for the LWPR area, which reads as follows:

WHEREAS, proposed area variances for tax map no. 2.14-1-3, Barker, New York have been presented to the Town of Somerset Zoning Board of Appeals; and

WHEREAS, said area variances are as follows: Variances of the Town Code to 1) construct a 1,920 square foot accessory structure (40' X 48') on said parcel where the maximum square footage for an accessory structure is 900 square feet; and 2) to construct said accessory structure 82 feet back from the road right-of-way where a minimum of 100' back from the road right-of-way is required by said code.

WHEREAS, the Waterfront Consistency Law is to protect the environment and resources of the LWPR area; and now it is hereby

THE FINDINGS OF THIS BOARD THAT THIS ACTION:

- 1) Fosters a pattern of development in the Town of Somerset that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development;
- 2) Protects existing water-dependent uses in the Town of Somerset and promotes the siting of new water dependent uses in suitable locations;
- 3) Protects existing agricultural lands;
- 4) Promotes the sustainable use of living marine resources in the Town of Somerset;
- 5) Protects and restores ecological resources including significant fish and wildlife habitats, wetlands and rare ecological communities;
- 6) Protects and improves water resources;
- 7) Minimizes loss of life, structures and natural resources from flooding and erosion;
- 8) Protects and improves air quality;
- 9) Promotes appropriate use of energy resources;
- 10) Minimizes environmental degradation from solid waste and hazardous substances and waste;
- 11) Improves public access to the water front and the use of public lands;
- 12) Enhances visual quality and protect outstanding scenic resources; and
- 13) Preserves and protects historic resources; and

NOW THEREFORE BE IT RESOLVED, it is the determination of this Board that these findings of this action are consistent with the LWRP policy standards and conditions of the Town of Somerset; and be it further

RESOLVED, that the Waterfront Assessment Form completed by the applicant, Todd Sukdolak, is hereby adopted and ratified in all respects by the Town Board.

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

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

Resolution: The findings of this action were accepted as submitted.

Atty. Haylett addressed the following criteria as follows:

1. Whether an undesirable change in the character of the neighborhood will be created
Answer: Minimal. Pole barns are common in the neighborhood.
2. Whether the benefit sought can be accomplished by some method feasible for the applicant to pursue
Answer: There would be no other way unless a smaller pole barn was constructed.
3. Whether the request is substantial
Answer: Yes, in term of size.
4. Whether the variance will have an adverse impact of the physical or environmental conditions in the neighborhood
Answer: There would be no physical or environmental effects.
5. Whether the difficulty is self-created
Answer: Yes, it is self-created.

On a motion by K. Wakefield, seconded by A. Andrews to approve the variance for V/L Huntington Beach Road, the following resolution was

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

Resolution: Variance was granted to construct 1,920 square foot accessory structure 82 feet back from the road right-of-way 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 6:24pm, seconded by J. Provencher. Carried unanimously.

Respectfully submitted

Sandra Lewis
Zoning Board Secretary