

**TOWN OF SOMERSET
PLANNING BOARD
June 12, 2013**

Present: Jon Hotaling
Brian Carmer
Chris Czelusta
Gary Few
James Hoffman
Norman Jansen
Morgan Jones Jr., Counsel

Chairman Hotaling called the meeting to order at 7:30PM.

PUBLIC HEARING – Eldridge/Perry – 1945 Quaker Road – to operate a retail store to sell feed and animal care products

OWNER: Frank Eldridge
1945 Quaker Road
Barker, NY 14012

APPLICANT: Larry Perry
2537 Drum Road
Middleport, NY 14105

PROPERTY LOCATION: 1945 Quaker Road
Barker, NY 14012
(Tax Map No. 18.00-1-55.2)

APPLICATION FOR A SPECIAL USE PERMIT to allow applicant to operate a retail store to sell feed and animal care products at the above location pursuant to Article VII Section 205-26N and Article XX Section 205-81 of the Code of the Town of Somerset.

Chairman Hotaling opened the hearing at 7:31PM.

Clerk Connolly read the notice of said public hearing that was duly published in the Lockport Union-Sun & Journal on May 31, 2013 with the same notice being posted on the same date at the Town Hall and on the website.

Chairman Hotaling asked Mr. Perry to give an overview of his intentions.

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Larry Perry stated Hicksense is about a 2 year old company now and started on survival and emergency equipment, internet based, mostly in horses. He said being from the area, we will have custom feeds and plan to stay open a little longer for the folks that are home farmers. He said they do not intend to compete with commercial businesses such as Rinehart's. He said there are no tack shops in Niagara County with the closest being Irving, NY. He said subsequently we may have a lot of interest from the local stables for consignments. He said there will be no onsite milling of feed or bulk storage and no changes to the property externally.

N. Jansen asked if he will be doing dogs, cats, ferrets or other animals.

Mr. Perry said everyone adds an additional animal. He will have items for pigs, chickens, dogs, birds, etc. He said we are not a commercial farmer, just a back yard farmer.

N. Jansen said he sees no problem.

C. Czelusta asked if he will be stocking clothing.

Mr. Perry said it has been discussed and there is plenty of room. He said they are not subletting any space, so it could happen.

C. Czelusta asked if they plan to live upstairs.

Mr. Perry said eventually after everything is rehabilitated. He said they plan to open the store first.

C. Czelusta asked if he plans to use the sign out front and if it will be lighted.

Mr. Perry said he has not looked that closely at it but plans to replace the sign with about the same size, nothing bigger. He said he wants a carved wooden sign.

Chairman Hotaling said the sign will have to be addressed with the special use permit. He asked if he plans on repairing tack.

Mr. Perry said that has been discussed and is a possibility.

Chairman Hotaling asked if it will be a family operation.

Mr. Perry said primarily family and if it grows enough they will add people. He said they will also be offering clinics that will teach basic horse discipline and they will have teachers for that.

B. Carmer said you propose to stay open until 7 p.m. He asked what time do you plan to start?

Mr. Perry said probably 8 a.m.

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B. Carmer asked if the land survey dated 2001 is still current.

Mr. Elbridge said yes and it is 5 acres.

G. Few stated this property came up a few years ago and said as long we don't go over something that we couldn't do then.

Chairman Hotaling said that was for a flea market and there was a problem with insurance which was not rectified.

G. Few said he has no problem with the proposal.

J. Hoffman asked where the business has been operating for the past two years.

Mr. Perry said it was internet based out of the home and he will be continuing that.

J. Hoffman asked if it will be a showroom.

Mr. Perry said the whole first floor will be for the store.

J. Hoffman asked if he will be keeping any animals.

Mr. Perry said his own animals but not sale animals.

J. Hoffman said there were problems in the past with storage issues outside.

Mr. Perry said they won't have that kind of volume and you shouldn't notice anything outside.

J. Hoffman said the sign has to be defined a little better. He said the proposal fits in with the master plan to allow more rural agricultural oriented businesses in the agricultural district.

Attorney Jones said the application will be a home occupation use.

Mr. Perry said yes.

Chairman Hotaling asked if he will have his own animals there.

Mr. Perry said he will have the animals there.

Chairman Hotaling said it will require an animal husbandry permit as it is less than 6 acres.

Mr. Perry said he will have two horses.

N. Jansen said the Board has discussed in the past that a special use permit stays with the property.

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Attorney Jones said the permit runs with the land; however, the permit was abandoned so a new permit is needed. He said if a special use permit is not used within one year it is abandoned.

Chairman Hotaling said the sign needs to be defined.

Mr. Perry said it will be a wooden sign with the logo across the top of it, tan with a blue background with name and address being 4 foot by 6 foot, double sided and possibly to include lighting in the future.

Supervisor Engert said the proposal meets with the directive of the Comprehensive Plan as an agri-based business. He asked if the clinics will have shots.

Mr. Perry said they will be educational clinics.

Clerk Connolly stated all neighbors were notified with no comments received.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:44PM.

REGULAR MEETING

Chairman Hotaling called the regular meeting to order at 7:45PM.

REZONING PROPOSAL

Supervisor Engert stated the Town Board has been working on obtaining shovel ready status for the parcel directly west of the power plant official known as the Somerset Lakeshore Site. He stated the parcel is being heavily marketed for development by the NCIDA (Niagara County Industrial Development Agency) and is one of 6 or 7 preferred sites for economic development in Niagara County. He said the Board is working to move forward with recommendations of the Comprehensive Plan and is considering rezoning the property to make it more attractive for a site selector for development. He stated he has established an Advisory Committee and would like 3 members of the Planning Board to work with 2 Town Board members regarding this initiative. He said a meeting has been set for June 25th, at which time the committee will meet with representatives from Wendel to discuss all options.

Chairman Hotaling said he will get the names to the Supervisor in a couple of days.

APPROVAL OF MINUTES

On a motion of B. Carmer, seconded by G. Few, the following resolution was

ADOPTED Ayes 6 Hotaling, Carmer, Czelusta, Few, Hoffman, Jansen
Nays 0

Resolved the minutes of the May 8, 2013 meeting are approved as submitted.

COMMUNICATION

Code Enforcement Officer monthly report for May received and filed.

SOLAR ENERGY SYSTEMS

J. Hoffman asked if the Town Board will be taking any action on the solar energy systems law that the Planning Board worked on.

Supervisor Engert stated the Board will be putting it on the July agenda.

DECISION – PERRY – To Operate Retail Store at 1945 Quaker Road

NEGATIVE SEQ

On a motion of N. Jansen, seconded by G. Few, the following resolution was

ADOPTED Ayes 6 Hotaling, Carmer, Czelusta, Few, Hoffman, Jansen
Nays 0

Resolved in the matter of the application of Larry Perry for 1945 Quaker Road for a special use permit to operate a retail store to sell feed and animal care products, the Town of Somerset names itself Lead Agency and declares a Negative Declaration as it is not a hazard to the environment and helps promote agriculture use and business in the town.

On a motion of N. Jansen, seconded by G. Few, the following resolution was

ADOPTED: Ayes 6 Hotaling, Carmer, Czelusta, Few, Hoffman, Jansen
Nays 0

Resolved the application of **LARRY PERRY** for 1945 Quaker Road for a special use permit to operate a retail store to sell feed and animal care products for property located at 1945 Quaker Road, Barker, New York 14012, shall be **APPROVED** in accordance with the application with the following terms and conditions:

1. This permit is subject to annual renewal beginning March 2015.
2. This Special Use Permit shall conform to ordinances of the Town of Somerset in all other respects.
3. Any violation of condition(s) of the Special Use Permit shall be grounds for revocation.
4. The premises shall be kept neat and orderly.
5. Permittee shall reside on the premises.
6. Signage allowed is a 4 foot x 6 foot double-sided wooden sign with the possibility the sign will be illuminated.

FITCH SUBDIVISION

Ray Fitch presented a sketch plan for a proposed subdivision on Somerset Drive off of Snell Grove Road. Extensive discussion ensued regarding the number of lots that are currently owned, the number of lots he desired to sell and the necessary steps that are required according to the subdivision regulations.

Attorney Jones advised Mr. Fitch that he would need a new sketch plan that has been signed by an engineer before the Board can proceed any further.

NATURAL GAS LINES

J. Hoffman asked if there had been any follow-up on the possibility of putting natural gas lines in along Lakeview Drive. He said it needs to be investigated. Chairman Hotaling stated he will check with Supervisor Engert.

ADVISORY COMMITTEE

Chairman Hotaling stated he would like volunteers for the Rezoning Advisory Committee and asked the members to let him know by the end of the week.

There being no further business, C. Czelusta moved to adjourn the meeting at 8:50 PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

Rebecca A. Connolly, MMC
Town Clerk/Secretary