

**TOWN OF SOMERSET
PLANNING BOARD
September 4, 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.

APPROVAL OF MINUTES

On a motion of N. Jansen, seconded by B. Carmer, the following resolution was

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

Nays 0

Resolved the minutes of the August 14, 2013 meeting are approved as submitted.

COMMUNICATION

Code Enforcement Officer monthly reports for August received and filed.

Clerk Connolly reminded the Board of a training opportunity on October 2, 2013 at NCCC.

LAKESHORE SITE PUD (Planned Unit Development) REZONING PROPOSAL

Ellen Parker, Wendel, went over the complete application and the steps that have been taken by the Somerset Lakeshore Site Rezoning Committee. She stated the committee developed a new idea for a PUD for economic development and job creation. She extensively discussed the allowed uses, open space, coastal erosion area, wetlands existing drainage way, natural drainage, and the buffer around historical site. She stated the proposed application meets the intent of the Comprehensive Plan, complies with the PUD enabling legislation and meets with the LWRP (Local Waterfront Revitalization Plan). Mrs. Parker went over the layout map and the concept plan; reviewed the SEQR (State Environmental Quality Review); the waterfront assessment form and Agricultural statement.

Extensive discussion ensued regarding the application.

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

Whereas, the Somerset Town Comprehensive Plan recommended that the Town consider rezoning select sites in the Town in support of appropriate economic development activities; and

PLANNING BOARD MEETING
AUGUST 14, 2013 PAGE 2

Whereas, the Town of Somerset established a special advisory committee (the "Somerset Lakeshore Site Rezoning Committee," consisting of Town Board, Planning Board, Property owner, and Niagara County representatives) and hired an Engineering and Planning Consultant, Wendel, to consider the future of the Somerset Lakeshore site, a 179+/- acre parcel of land west of the power plant facility located at 7725 Lake Road in the Town of Somerset, Niagara County, New York; and

Whereas, the Committee met on several occasions and carefully evaluated the zoning for the property, and determined that the appropriate action was to rezone the site from a PUD allowing a data center to a PUD allowing a mixture of business, light industrial, public and open space; and

Whereas, the Somerset Town Code, Chapter 205 (Zoning) includes Article XV that sets forth the procedures for establishing Planned Unit Developments (PUDs); and

Whereas, Wendel and the Committee have prepared recommendations for a new PUD designation for the subject property, in conformance with the Comprehensive Plan implementation recommendations, the Town's adopted Local Waterfront Revitalization Program (LWRP), and Article XV of the Town Code; and

Whereas, the Town in following the required procedures and processes as set forth in said Article XV of the Town's Zoning Code has received endorsement of the Conceptual PUD Plan from the Code Enforcement Officer and the Somerset Planning Board; and

Whereas, pursuant to Municipal Home Rule Law and Article XV, the Town Board is now proceeding with the PUD Rezoning Plan, and with enacting a proposed local law for 2013, which proposes to amend the Town's Zoning and Zoning Map, a copy of which is attached, and

Whereas, the Committee has reviewed the completed PUD materials and recommended the rezoning to the Town Board, and

Whereas, the full PUD application materials were submitted to the Town, and the Town Board, in accordance with Article XV, has referred the materials to the Planning Board for its review and findings, and

Whereas, the Planning Board has reviewed these materials, discussed them, and has determined that the proposed PUD Plan is in accordance with the Town's Comprehensive Plan and the Town's adopted Local Waterfront Revitalization Program, contains all of the applicable information required under Article XV and is in accordance with the objectives of the PUD district.

Now, Therefore, Be It Resolved, that the Somerset Planning Board finds that the "application" fully complies with the applicable regulations and standards of Article XV and other applicable sections of the Town's Zoning Code, and

Be It Further Resolved, that the Planning Board recommends approval of the proposed rezoning and the PUD Plan.

NATURAL GAS LINES

J. Hoffman asked if there has been any follow-up on the map showing the gas lines and the letter the Supervisor sent.

Chairman Hotaling stated he would talk to the Supervisor to see if an answer has been received from NYSEG.

SOMERSET CORNERS GAS STATION

J. Hoffman asked if there has been any progress on the old gas station at Somerset Corners.

Chairman Hotaling stated he would check with the Supervisor.

There being no further business, C. Czelusta moved to adjourn the meeting at 8:03 PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

Rebecca A. Connolly, MMC
Town Clerk/Secretary