

**TOWN OF SOMERSET
PLANNING BOARD HEARING/MEETING
JULY 7, 2022**

PRESENT:	Chairman:	Norm Jansen
	Board:	Krista Atwater Chris Czelusta Charlie Neal
	Attorney:	David Haylett
	Applicants:	David Alt Michelle Martini Boyd Niagara County Sheriff's Representatives Betty fox John Fox Angela Popovich Nova Popovich Bob Timkey (Go Solar)
	Supervisor	Jeff Dewart
	Councilman	Jon Hotaling
	Public—Present	Paul Higgins Betsy Higgins Gail Damon Renate Donaldson Scott Donaldson Unula D'Vacline Josh Schwartz Jim Hoffman Michelle Man Philip Man Philip Branch Kent Wakefield

At 7:30pm Chairman Jansen opened the public hearing

PUBLIC HEARING

Owner – Joseph Schuster, Applicant – Go Solar, LLC

Location of Property – 1603 Carmen Road

Project – Ground-Mount Solar

Bob Timkey, a representative from Go Solar, Inc. explained the project as follows:

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- 17kw battery
- Solar ray will be placed 60' south of the house and is 9' tall
- Battery will be in the basement of the house in a steel cabinet
- Lithium ion charged by grid or solar ray to provide back-up power 2-3 days

The Board questioned if there is heat or fire detection in the cabinet and if anyone notifies the fire department of the solar installation. The response was that there is no detection inside the cabinet. Jeff Dewart responded that the fire department has never been notified of anyone who has put in solar. There was a question asking where the placement of the solar array would be, to which B. Timkey explained that it would be 88' from Carmen Road and will be facing true south, therefore will not cause glare on the road. J. Schuster said that he will put in shrubs to screen the array.

PUBLIC COMMENT

J. Hoffman expressed his concerns regarding the safety of lithium batteries.

Atty. Haylett commented that in June the project was taken before the Niagara County Planning Board which recommended approval.

Owner-Barker Central School District, **Applicant**-Niagara County Sheriff's Dept.

Location of Property – 1658 Quaker Road

Project: Radio Network Tower

The representatives from the sheriff's department explained the project:

- Construction of a one hundred eighty-foot self-supporting lattice radio network tower with a 12'L x 16'W x 10'H shelter for the equipment
- Will get first responders to doorsteps as it is the first connection from 911
- There are five areas that have poor coverage, Barker is one of them
- Funding is from the state
- Placement will be on the south-west corner of Quaker Road
- Visible from the school parking lot but not from the road
- 45' x 70' of fencing around it.
- Towers are designed to collapse, not fall
- No co-location with private entities will be done. Site Plan is limited for public use

The Board suggested that lights or reflectors be put on the fencing to make it more visible and that maintenance checks be done on a regular basis. There was a question of how close it will be to the trail, with the response that the compound is far enough away so the students wouldn't be close to it and is surrounded by eight-foot fencing with barbed wire at the top. The access road crosses over the trail. The driveway will not be fenced, but there will be a gate fenced with barbed wire. A grant is pending to install security cameras.

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PUBLIC COMMENT

- J. Hotaling asked if the tower would interfere with the air strip (helipad) on the property
- P. Branch asked about the contractors
- G. Daemon expressed concern for the safety of the students that use the trail for cross country, tennis, and soccer. Response was given that the compound is 300' away and if it collapsed, it would not endanger students; storage of diesel fuel for the generator would be fenced in
- G. Daemon expressed that the trees should not be taken down and the trail be kept in its natural state
- J. Hotaling commented that there are already two towers in the area and questioned if the project could relocate to one of the existing towers
- J. Hoffman commented that the environmental form states that it is in a floodplain and asked if action has been taken regarding this
Atty. Haylett explained that DEC commented that the project must comply with the town's 100-year Floodplain local law.
- Jeff Dewart and S. Donaldson both shared that there is a need for better communication

There is a letter in the file dated 7/7/2022 from Jacob Reimer, Superintendent of Barker School which supports the proposed construction.

Atty. Haylett stated that the County Planning Board has recommended approval. He read aloud the specifications of SEQR and said that no SEQR review is necessary because the Niagara County Legislature already completed the SEQR process as lead agency.

Owner/Applicant-Nova & Angela Popovich

Location of Property – 9894 Lower Lake Road

Project: Bed and Breakfast

N. Popovich explained that he is requesting a permit to run an Airbnb to anyone coming into the area. It will be connected to the house but have separate entrances. There will be no increase in the existing footprint.

Atty. Haylett reported that Niagara County Planning board has recommended approval of the project.

PUBLIC COMMENT

J. Hotaling expressed that he is in favor of the project

Owner/Applicant- David D. Alt

Location of Property – V/L West Somerset Road, Appleton

Project: Subdivision of land

D. Alt requested a permit for subdivision of land from a 69.7-acre parcel to three parcels, two of which would be 25-acres, and the other 19.7-acres. All of them have at least 200' frontage.

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PUBLIC COMMENT

P. Branch shared that he is in favor of the project

Owner/Applicant-Michelle Martini Boyd

Location of Property – 1421 Quaker Road

Project: Animal Husbandry-housing of chickens

Michelle Martini Boyd stated that she is requesting a permit for the housing of six Banton silkie hens in the Single-Family Residential District. The fenced area would contain a run and a coop.

PUBLIC COMMENT

None

Atty. Haylett explained that if the permit is approved with conditions by the Planning Board, it will be taken before the Zoning Board on July 12, 2022, for approval to allow chickens on a .33-acre area where 6-acres is required for animal husbandry.

Owner/Applicant- John & Betty Fox

Location of Property – 8732 Lakeview Drive

Project: Clearing of land; Adding of a shed

J. Fox explained his project to place a 12' x 24' x 88'H accessory building on a gravel pad on a parcel without a principal dwelling. He has a primary dwelling across the street. He brought a survey map and a shed brochure. It will be used for storage.

PUBLIC COMMENT

J. Hotaling commented that if sold, any accessory building must be in the rear of the property to allow for a primary structure to be built. J. Fox replied that it would be 125' back.

With no more questions, the public hearing was closed at 8:50pm and the meeting was opened.

APPROVAL OF THE MINUTES – May 5, 2022

On a motion by k. Atwater, seconded by C. Czelusta to approve the minutes of May 5, 2022, the following resolution was

ADOPTED	Ayes	4	Atwater, Czelusta, Jansen, Neal
	Nays	0	

Resolution: The minutes from May 5, 2022, were accepted as submitted.

COMMUNICATIONS

There were no communications

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OLD BUSINESS

There was no old business

NEW BUSINESS

SPECIAL USE PERMIT APPLICANTS

Owner – Joseph Schuster, Applicant – Go Solar, LLC

Location of Property – 1603 Carmen Road

Project – Ground-Mount Solar

On a motion by C. Czelusta, seconded by C. Neal that this is an unlisted action under SEQR, the environmental impacts will be none or minimal, and therefore, no further SEQR review is necessary, the following resolution was

ADOPTED Ayes 4 Atwater, Czelusta, Jansen, Neal
 Nays 0

Resolution: The project is an unlisted action under SEQR, the environmental impacts will be none or minimal, and therefore, no further SEQR review is necessary

On a motion by K. Atwater, seconded by C. Neal to approve the Site Plan, subject to the following conditions:

1. Adequate screening to screen solar array from Carmen Road
2. Notification be sent to local fire department about batteries

The following resolution was

ADOPTED Ayes 4 Atwater, Czelusta, Jansen, Neal
 Nays 0

Resolution: The Site Plan with conditions for ground-mount solar for 1603 Carmen Road is approved.

Owner-Barker Central School District, **Applicant**-Niagara County Sheriff's Dept.

Location of Property – 1658 Quaker Road

Project: Radio Network Tower

On a motion by K. Atwater, seconded by C. Neal to approve the Site Plan, subject to the following conditions:

1. Comply with local law regarding floodplain
2. Reflective signage for compound or motion lights
3. No co-location with private entities-solely for public use

The following resolution was

ADOPTED Ayes 4 Atwater, Czelusta, Jansen, Neal
 Nays 0

Resolution: The Site Plan with conditions for a radio network tower at 1658 Quaker Road is approved.

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Owner/Applicant-Nova & Angela Popovich

Location of Property – 9894 Lower Lake Road

Project: Bed and Breakfast

On a motion by C. Czelusta, seconded by K. Atwater to approve a Special Use Permit, the following resolution was

ADOPTED Ayes 4 Atwater, Czelusta, Jansen, Neal
 Nays 0

Resolution: A Special Use Permit is granted to Nova and Angela Popovich to operate an Airbnb at 9894 Lower Lake Road.

Owner/Applicant- David D. Alt

Location of Property – V/L West somerset Road, Appleton

Project: Subdivision of land

On a motion by C. Czelusta, seconded by K. Atwater to approve a minor subdivision of land, the following resolution was

ADOPTED Ayes 4 Atwater, Czelusta, Jansen, Neal
 Nays 0

Resolution: The Board grants David Alt a minor subdivision of land on V/L West Somerset Road.

Owner/Applicant-Michelle Martini Boyd

Location of Property – 1421 Quaker Road

Project: Animal Husbandry-housing of chickens

On a motion by C. Czelusta, seconded by K. Atwater to house chickens in a Single-Family Residential District, subject to the following conditions:

1. Approval of aria variance from the Town of Somerset Zoning Board of Appeals
2. Chickens limited to Bantam chickens
3. No more than 6 hens at any time.
4. Property be kept neat and orderly and comply with all other Town ordinances

The following resolution was

ADOPTED Ayes 4 Atwater, Czelusta, Jansen, Neal
 Nays 0

Resolution: A Special Use Permit is granted to Michelle Martini Boyd for the housing of six Bantam hens at 1421 Quaker Road

Owner/Applicant- John & Betty Fox

Location of Property – 8732 Lakeview Drive

Project: Clearing of land; Adding of a shed

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On a motion by C. Neal, seconded by C. Czelusta to approve for the placement of a 12' x 24' accessory building on said parcel without a principal dwelling, subject to the following conditions:

1. Property to be kept neat and orderly
2. Comply with all setbacks

The following resolution was

ADOPTED Ayes 4 Atwater, Czelusta, Jansen, Neal
 Nays 0

Resolution: A Special Use Permit is approved for John & Betty Fox to place a 12' x 24' accessory building on 8732 Lakeview Drive.

ADJOURNMENT

There being no further business, K. Atwater made a motion to adjourn the meeting at 9:05pm, seconded by C. Neal. Carried unanimously.

Respectfully submitted,

Sandra Lewis
Planning Board Secretary