

Town of Somerset
Planning Board
May 2, 2019

Present: Norman Jansen, Chairman
Chris Czelusta
Krista Atwater
Laura Bishop
Charles Neal
David Haylett, Town Attorney

Attendance: 4 residents, Councilman Hotaling, Councilwoman Bronson,
Richard Hellert, Realtor

Chairman Jansen called the meeting to order at 7:32 pm.

Chairman Jansen remembered Gary Few, who passed away a week ago Wednesday. He was a member of the Planning Board for almost 20 years.

PUBLIC HEARING – BONTRAGER – 9707 Townline Road, SEQR Review and Subdivision of Land:

Secretary Austin read the notice of said public hearing that was duly published in the Lockport Union Sun & Journal with the same notice being posted on the sign board at Somerset Town Hall and the town website.

Richard Hellert talked regarding the background and why they are trying to split the property. It's been difficult to sell the entire property as one. The building that is in question here that is with the 2 acres that they would like to subdivide is one that Lester Bontrager built for his business and it's a very large building, very costly and to put it with the entire property, which we started out in the beginning of this sale, was very expensive. People found that they couldn't afford or didn't have a use for the large building. With the house is a large garage and a two story barn. That was enough for them to have as far as a small farm with about 6 acres. We are asking that you allow us to break this property into 2 pieces. I've had a phone call from another agent that has someone possibly interested in the large building for storage. The large building is 6000 square feet

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and has no power or water. It has a wood furnace which is going to stay with the property. The floor is heated and the building is insulated, so it is very desirable. However, location wise it is a distance for some people.

K Atwater stated that the application stated "approximately 6 acres" and wanted to know if that was exact or is it close to? R Hellert stated he's only estimating because they haven't done a survey. They can't do a survey unless they have the assurance that they can break it into 2 pieces. K Atwater stated that if it's not 6 acres, then those barns become useless to whoever is buying this main piece. R Hellert stated that the location of the barn and garage would go with the house. K Atwater stated that there has to be 6 acres to sell it as usable for a farm, unless the buyer comes to the planning board and asks for a special use permit. K Atwater asked R Hellert if he would tell whoever is buying the property that it can't be used as a farm if there is not 6 acres or more. R Hellert stated that they could add acreage to the main property, by giving a little bit less to the big shop. R Hellert stated he is not representing the buyer so the agent that is representing the buyer should be discovering that kind of information.

C Czelusta stated that on his application he checked "yes" to question number 10 stating "Will the proposed action connect to an existing public/private water supply?" R Hellert stated that it would have to be connected because there is none connected to the large barn. Electric also, which most people would want in the building. C Czelusta asked if he was stating there is a 24 foot right of way? R Hellert stated it is a driveway.

C Neal stated that based on the dimensions R Hellert has on his sketch he is coming up with 5.4 acres. R Hellert stated everything is a rough draft.

L Bishop asked if the buyer plans on having a farm. R Hellert stated he is not representing the buyer so he does not know.

C Neal stated that they could move the property back some so the house has a total of 6 acres.

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N Jansen stated to R Hellert that he checked “yes” on the SEQR form to question 5 when it asked if the proposed action permitted use under the zoning regulations. N Jansen stated that it wasn’t true, this isn’t permitted, so the answer should be no, along with the second part of that question. It is not consistent with the comprehensive plan. Also on number 6, that should be marked no. It is not consistent with the predominant character of the existing building or natural landscape. N Jansen stated he worries about the 20’ road frontage. Attorney Haylett concurred, he said it was very small.

N Jansen asked if the audience had any questions. J Hotaling stated he thought this proposed subdivision was totally out of character for a rural area and an agricultural district. He thinks 20 foot of road frontage is totally unacceptable.

R Hellert asked if conditions could be added that more land would need to go with it. Attorney Haylett stated that the options are: With the public hearing still open, once you have your hearing you have 120 days to leave it open. After that you have to close it and make your decision within 60 days. Tonight you have a few options. You can leave it open and ask for more information, you can close it and deny it or you can close it and approve it conditioned on the applicant getting the area variance form the zoning board which has already held a hearing and left it open. If there’s anything in your mind that would sway you one way or another but you would want more information first then I would recommend you leave it open. If you’re leaning toward a definite yes or no then I would close it and do it tonight that way everybody can move on and no one is in limbo.

C Czelusta stated he is not in favor of the 24 foot right of way. If you can find 176 feet to get your 200 I would accept it, but not the 24 foot.

K Atwater stated she has issues trying to break it down into smaller parcels. Discussion ensued.

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R Hellert wondered if they were able to add some property to the width going to the barn if he could apply again. Attorney Haylett stated yes he could. It would be a different application.

Public hearing is closed at 8:04 pm.

APPROVAL OF MINUTES

On motion of Krista Atwater, seconded by Chris Czelusta, the following resolution was ADOPTED

Ayes	5	Jansen, Atwater, Czelusta, Bishop, Neal
Nayes	0	

Resolved the minutes of the March 7, 2019 meeting are accepted as submitted.

SPECIAL USE PERMIT:

The Special Use Permit on the Eldridge/Rutherford property has not been returned. The letter was mailed out to him on the 14th day of March, 2019. Jamie Mead signed for it on March 16th, 2019. No response has been received.

On motion of Krista Atwater and second by Chris Czelusta, the special use permit for the Airsoft Field with Frank Eldridge and Albert Rutherford is revoked.

ADOPTED	Ayes	5	Jansen, Atwater, Czelusta, Neal, Bishop
	Nayes	0	

Resolved, the special use permit is hereby revoked.

LESTER BONTRAGER SUBDIVISION SEQR DECLARATION:

Attorney Haylett stated that this is an unlisted action and some findings have to be made. He read the impact assessment form and gave us his thoughts and if you said if the board agreed they can vote on it.

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1. Will the proposed action create a material conflict to an adopted land use plan or zoning regulations. Small impact may occur.
2. Will the proposed action result in a change in the use or intensity of use of land? No or small impact may occur.
3. Will the proposed action impair the character or quality of the existing community? Small impact may occur.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a critical and environmental area. No or small impact may occur.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No or small impact may occur.
6. Will the proposed action cause an increase in the use of energy and fails to incorporate reasonable available energy conservation or renewable energy opportunities. No or small impact may occur.
7. Will the proposed action impact existing public private water supplies and public private wastewater treatment utilities? No or small impact may occur.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No or small impact may occur.
9. Will the proposed action result in an adverse change to natural resources. No or small impact may occur.
10. Will the proposed action result in an increase in potential flood erosion, flooding, or drainage problems? No or small impact may occur.
11. Will the proposed action result in an increase in potential flood erosion, flooding, Will the proposed action create a hazard to environmental resources or human health? No or small impact may occur.

On motion by Charles Neal and second by Laura Bishop, the following resolution was

ADOPTED	Ayes 5	Jansen, Atwater, Bishop, Czelusta, Neal
	Nays 0	

RESOLVED that this is designated as an unclassified SEQR action.

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RESOLVED that this proposal will result in small or no adverse environmental impact.

On motion by Chris Czelusta and second by Laura Bishop, the Subdivision with 24' road frontage application for Lester Bontrager is denied.

NEW BUSINESS: No new business.

There being no further business, Chris Czelusta moved to adjourn the meeting at 8:14 pm, seconded by Krista Atwater. Carried unanimously.

Respectfully submitted,

Melinda F. Austin
Planning Board Secretary