

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
October 15, 2012**

Present: Herbert Linderman, Chairman
Norman Atwater
Scott Ecker
Frederick Leuer
Kent Wakefield
Joseph Provencher, Alternate
Morgan Jones Jr., Counsel
Andrew Reilly, Engineer

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

**PUBLIC HEARING – James & Amy Greenwald, 1452 Quaker Road
Variance to construct a garage**

Chairman Linderman opened the public hearing at 7:31PM.

Clerk Connolly read the notice of said hearing that was duly published in the Lockport Union-Sun & Journal on October 4, 2012 with the same notice being posted at the Town Hall and on the website on the same day.

James & Amy Greenwald, 1452 Quaker Road, Barker, NY 14012 (Tax Map # 9.18-1-13) for a variance to demolish an existing detached garage and construct a new detached garage at above location measuring 20 feet by 25 feet in the same location. The new garage will be placed approximately 2 feet from the south property line and approximately 6 feet from the rear property line, whereas Article III Sections 205-9; 205-11B and Article VI Section 205-23 of the Code of the Town of Somerset states that all new construction must conform to the current setbacks as per the Town Zoning schedule.

Chairman Linderman invited James Greenwald to explain why they are requesting the variance.

James Greenwald said the existing building is about a foot from the south lot line and one foot from the west lot line. He said if they have to move the building, he would have to cut down a maple tree and remove some fencing.

Chairman Linderman said I see from the application that you are increasing the size of the new garage.

Mr. Greenwald stated yes.

S. Ecker asked if he plans to pour a concrete pad.

Mr. Greenwald said yes.

Attorney Jones asked how far it is going to be from the property lines.

Mr. Greenwald said where it is now.

ZONING BOARD OF APPEALS MEETING
OCTOBER 15, 2012 PAGE 2

Chairman Linderman asked if all extensions are going to be to the east and north.

Mr. Greenwald said yes.

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

Chairman Linderman asked how high the garage will be and how it will be built.

Mr. Greenwald said the garage is beyond repair. He said it will be stick built, one story with the height of around 12 feet and the sidewalls will be 8 ½ feet up to the peak.

S. Ecker asked who is doing the construction.

Mr. Greenwald said he is doing it with help from some friends who are professional builders.

S. Ecker asked if it will be sided.

Mr. Greenwald said yes.

F. Leuer asked if he is bringing in fill to raise it up.

Mr. Greenwald said no. He said he is bringing in crushed stone and then the cement.

With all persons desiring to be heard, Chairman Linderman closed the hearing at 7:37PM.

REGULAR MEETING

Chairman Linderman opened the regular meeting at 7:38PM.

APPROVAL OF THE MINUTES

F. Leuer said that on the last page of the joint meeting minutes, his statement should reflect microwave radio frequency.

On a motion of S. Ecker, seconded by F. Leuer, the following resolution was

ADOPTED Ayes 5 Linderman, Atwater, Ecker, Leuer, Wakefield
Nays 0

Resolved the minutes of the October 10, 2012 meetings be approved.

NEGATIVE SEQR DECISION

On a motion of N. Atwater, seconded by K. Wakefield, the following resolution was

ADOPTED Ayes 5 Linderman, Atwater, Ecker, Leuer, Wakefield
Nays 0

Resolved in the matter of the application of **James & Amy Greenwald, 1452 Quaker Road, Barker, NY 14012 (Tax Map # 9.18-1-13)** for a variance to demolish an existing detached garage and construct a new detached garage at above location measuring 20 feet by 25 feet in the same location. The new garage will be placed approximately 2 feet from the south property line and approximately 6 feet from the rear property line, whereas Article III Sections 205-9; 205-11B and Article VI Section 205-23 of the Code

of the Town of Somerset states that all new construction must conform to the current setbacks as per the Town Zoning schedule, the Town of Somerset Zoning Board of Appeals names itself Lead Agency and declares there will not be a negative impact on the environment based upon the application submitted.

DECISION – James & Amy Greenwald for a garage

Attorney Jones went through the checklist for granting variances as follows:

1. There are no other means to place the garage
2. There is no undesirable change.
3. The improvement fits into the neighborhood.
4. There will be no adverse effects.
5. The condition was not self created.

On a motion of S. Ecker, seconded by K. Wakefield the following resolution was
ADOPTED Ayes 5 Linderman, Atwater, Ecker, Leuer, Wakefield
Nays 0

Resolved that the application of **James and Amy Greenwald** for 1452 Quaker Road, Barker, New York 14012, shall be **APPROVED** in accordance with the application with the following terms and conditions:

1. This 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 permit.
3. The premises shall be kept neat and orderly.
4. A building permit must be obtained from the Code Enforcement Officer prior to commencing construction.

**NYSEG APPLICATION FOR UTILITY TELECOMMUNICATIONS TOWER
DECISION REGARDING NYSEG AREA VARIANCE FOR TOWER**

Thomas Kernan, Attorney for the Murphy Law Firm representing NYSEG, gave an overview of the application to refresh the Board. He presented the Visual Impact Report and the microwave path report. He stated the Planning Board granted the special use permit conditioned on the Zoning Board granting an area variance. He said they are proposing building a 300 foot public utility communications tower. He said the tower is located in the north east quadrant of the parcel and is the only placement that the tower can be put. He said this is a unique project and is necessary to upgrade the NYSEG infrastructure to the smart grid. He said there is no adequate alternative and no adverse effect on the environment as evidenced by the negative SEQR declaration by the Planning Board. He said the hardship was not self created as there have been significant changes in technology that could not be envisioned when the substation was built.

Kenneth Curley went through the visual simulations report.

Discussion ensued regarding the microwave path report, the need for the tower for transmission to the Lockport service center, multiple connections including Medina in the future, where power for the antenna will come from, power connection for the tower at the current generator in the substation, main transmission lines taking power out from the plant to the grid, and grant money being utilized from the Department of Energy and the Public Service Commission.

Chairman Linderman reviewed the criteria with the Board for granting a variance as follows:

1. The project cannot be achieved by other means.
2. There is no change in the neighborhood.
3. The request is substantial but will have no impact as it is located in an industrial complex.
4. There will be no adverse effects as established by the negative SEQR approved on October 10, 2012 by the Planning Board.
5. The hardship is not self-created as the technology is new. The project will be a benefit to the power plant and public.

On a motion of N. Atwater, seconded by F. Leuer, the following resolution was
ADOPTED Ayes 5 Linderman, Atwater, Ecker, Leuer, Wakefield
Nays 0

Resolved that the application of **NEW YORK STATE ELECTRIC AND GAS** for property on the north side of Lake Road west of Hosmer Road, Barker New York 14012, shall be **APPROVED** in accordance with the application with the following terms and conditions:

1. This variance shall conform to ordinances of the Town of Somerset in all other respects.
2. Any violation of conditions (s) of the variance shall be grounds for revocation.
3. The premises shall be kept neat and orderly.
4. A building permit must be obtained from the Code Enforcement Officer prior to commencing construction.

RULES OF PROCEDURE

Chairman Linderman asked the Board to review the draft rules of procedures for discussion at the next meeting on November 27, 2012.

There being no further business, S. Ecker moved to adjourn the meeting at 8:35PM, seconded by F. Leuer. Carried unanimously.

Respectfully submitted,

Rebecca A. Connolly, MMC
Town Clerk/Secretary