Town of Somerset

Planning Board

October 3rd, 2019

Present: Norman Jansen, Chairman

Chris Czelusta

Krista Atwater

Laura Bishop

David Haylett, Town Attorney

Charles Neal

Attendance: 18 residents

Chairman Jansen called the meeting to order at 7:30 pm.

PUBLIC HEARING – GERALD ZANOW – Lower Lake Road, Subdivision

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.

Gerald Zanow stated that he had a hobby farm for years of 60 plus acres and Atwater Farms, since they are right next door, are interested in buying the 46 acres of open land, then he has a nephew that wants to buy the woods and a niece that wants to buy the barns. He stated that there is a lane going back to the woods on the east side of the property and that will be all surveyed out so that it comes right up to the back of the property on the east side of the farm, and then there will be an easement going into the road so the nephew will be landlocked. The niece that is buying the barns, she will get about 4.35 acres of land. Atwater’s right of way goes right to the land. Discussion ensued. C Czelusta voiced concerns regarding the two barns and his niece’s property. How much total acreage does that consist of? There are restrictions on farming and it needs to be a total of 6 acres or more. K Atwater voiced the same concerns. L Bishop had no questions. C Neal did a computation and came up with 6.17 acres, if all pieces of land were combined. Attorney Haylett asked if a description had been written up on the 20 foot easement and Mr. Zanow stated that his surveyor would.

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No further questions.

Public hearing is closed at 7:48 pm.

Public hearing is open at 7:49 pm.

PUBLIC HEARING - Jeffrey M. Metzler – 8400 Haight Road, SPECIAL USE PERMIT

Mr. Metzler stated that he is in the process of converting the old church into a banquet hall. He’s redoing the big rooms into bedrooms. N Jansen asked if he was renting to tourists or if this would be part of the banquet hall rental. L Bishop asked the size of the hall. Mr. Metzler stated the large room was 40x60. It should hold 150 plus. L Bishop asked if he was going to get into catering and he said not right away but he would like to in the future. L Bishop asked about serving alcohol, and he stated, again, not right away, but he would like to in the future. L Bishop asked him about possible loud music and late nights and wondered if he had talked to neighbors. Mr. Metzler stated he had talked to the neighbors. His guess would be events would end around 10 or 11 o’clock at night. L Bishop asked how many acres he owned and he stated 7.37 acres. C Neal had no questions. C Czelusta asked about the septic, and who would let him know how many the building could hold. Attorney Haylett stated that the code enforcement officer should be able to do that. K Atwater asked about the kitchen and he stated that he doesn’t plan on using it for catering. N Jansen asked if we had any responses from neighbors. We had one call from Dale Howard stating he was in favor of the project. Mr. Howard was at the meeting, so he spoke in favor of it.

Jim Hoffman, Lake Road, spoke up in favor of this special use permit. He said Mr. Metzler owns this property and keeps it well maintained as far as he can see. Mr. Hoffman stated that closed Churches can be a huge problem and this is certainly a good use of one in his opinion. It will bring others into our community and let them see what a nice community we have.

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Cathie Orr, Johnson Creek Road, stated that she loves the thought of Mr. Metzler saving an old church and she is definitely in favor of this. She has been there on a few occasions when he has hosted a meeting and it’s a really nice building. He has done a great job and it is an asset to our community. Please vote in favor of this.

Jon Hotaling, Quaker Road, stated he is fully in favor of this project. He’s talked with Mr. Metzler and was told that he would be more than willing to open this building up for civil organizations if they needed it. The three rooms he has would be open for emergency situations. He has taken 8 acres and a building that were off the tax roll and put them back on the tax rolls.

Betty Wolanyk, Haight Road, is also in favor of this Special Use Permit. One of the things that she thinks would really benefit our community is that we now have a place where people can have gatherings. Maybe out of town guests can stay overnight locally instead of having to drive to Lockport. She thinks it’s a real benefit to the community and anything that brings people into our community to share what we have to the rest of the world and they will see why we value it so much.

Paulo Oliveiro, Huntington Beach Road. Mr. Metzler is very meticulous, as anyone who knows him is aware of. This is going to be a beautiful venue. He is in support of this.

John Wolanyk stated that he fully supports Mr. Metzler’s addition to our community and he thinks it will be very good.

C Czelusta asked about the three rooms upstairs for overnight stays. What would they use for bathroom facilities or showers? Mr. Metzler stated that he’s just finishing up the bathrooms right now. Each room has its own facilities.

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Attorney Haylett asked if the building was being used for anything now and Mr Metzler stated no, they are just working on it. Attorney Haylett stated that if he ever applies for a liquor license, there is a 250 foot rule from a school.

Attorney Haylett stated that since this is a corner lot, and Hartland Road is a County Road. This has to go to the Niagara County Planning Board. He has already completed the referral paperwork for the October 21 meeting. The County Planning Board will make a recommendation back to us. We can put this on our November meeting and we can act.

Public hearing comments will remain open until the next board meeting.

Public hearing is closed at 8:03 pm.

Regular meeting is opened at 8:04 pm.

**APPROVAL OF MINUTES**

On motion of C Czelusta, seconded by L Bishop, the following resolution was ADOPTED Ayes 5 Jansen, Atwater, Czelusta, Bishop, Neal

Nayes 0

Resolved the minutes of the August 1st, 2019 meeting are accepted.

**COMMUNICATIONS:** There was an email from Paul Williamson at APEX, read into the minutes, stating that the met towers at Lyndecker and Eggert will be decommissioned.

**GERALD ZANOW – SUBDIVISION – Lower Lake Road – Decision**

Attorney Haylett stated that when he was reviewing this a while ago, he thought maybe the public hearing could have been avoided. The only reason he thought we did is because of the area highlighted in red. He figured the green would be combined with their current property and that the Atwaters would combine theirs, which does not need

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our approval because they are adjacent landowners and subdividing but selling off to the neighbor and we would assume they would combine the lots. Since this is landlocked, the Atwaters are going to have to combine it to their existing field. As far as the other two go, he doesn’t have an issue as long as the 20 foot permanent easement gets followed through on, to make sure we landlock those woods. That should be a condition of the approval, that there is a permanent easement granted.

On motion by K Atwater and second by L Bishop, the following resolution was

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

Nays 0

RESOLVED, that this is designated as a Type 2 SEQR action.

K Atwater wondered if there was a way to ensure that the property be combined. Mr. Zanow’s niece, Tammy, stood up and stated that she was buying the property. This property has been in her family for a long time and she wants to make sure it stays there. She was born and raised in Barker and graduation in 1994 from BCS, joined the military and came back here. She serves at the Niagara Falls Air Reserve Station. She is 43 years old and was born and raised here. She’s been a resident here for 43 years and probably will be until the day that she dies. One of the barns on the property that she will be getting used to be across the road on the Golden Hill State Park property. Her family moved it across the road to their property. She will do whatever she needs to do.

K Atwater stated that she would like to request that the 3 properties be deeded into one to make it over 6 acres. Attorney Haylett stated that if you make that a requirement, they don’t need our permission.

On motion by C Neal and second by L Bishop, the Subdivision with the conditions laid out by Chairman Jansen be approved.

ADOPTED Ayes 3 Jansen, Bishop, Neal

Nays 2 Czelusta, Atwater

RESOLVED, that this application for the Subdivision with the conditions laid out by Chairman Jansen is approved.

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**NEW BUSINESS**: No new business.

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

Respectfully submitted,

Melinda F. Austin

Planning Board Secretary