

**TOWN OF SOMERSET  
PLANNING BOARD MEETING  
NOVEMBER 2, 2023  
7:30pm**

**CALL MEETING TO ORDER**

**HEARING**

Owner/Applicant: Scott Donovan/Donovan Orchards, LLC

Property Location: 8503 Lower Lake Road

Application to amend the existing Special Use Permit to allow signage at the property consisting of two building-mounted signs (73.5" x 58" and 30.5" x 14") and one post-mounted sign (40" x 78") located off the right-of-way.

**APPROVAL OF THE MINUTES**

September 7, 2023

**COMMUNICATIONS**

There are no communications

**OLD BUSINESS**

There is no Old Business

**NEW BUSINESS**

Decision regarding signage amendment for S. Donovan of Donovan Orchards, LLC

**ADJOURNMENT**



Date: 10/18/23

TO: PLANNING BOARD, TOWN OF SOMERSET

Pursuant to Article \_\_\_\_\_ Section \_\_\_\_\_ of the Code of the Town of Somerset, application for a Special Use Permit is hereby made:

*special use permit amendment for terms and conditions item no. 7 signage permitted only. Replacing and upgrading permitted signage.*

Size of Lot: \_\_\_\_\_

(Include Site Plans showing frontage and setbacks and construction plans showing all facilities and proposed uses.)

Location: 8503 Lower Lake Rd. SBL # \_\_\_\_\_

Use District: \_\_\_\_\_

Owner: Scott M. Donovan Applicant: Donovan Orchards, LLC  
Scott M. Donovan

Address: 4311 East Lake Rd. Address: 8503 Lower Lake Rd.  
Wilson, NY 14172 Berkton, NY 14012  
585-944-8824

Site Plan

*Please see attached sketches of new signs. All attached is suggested replacement language to amend current special use permit. Thank you*

Signed: Scott M. Donovan Date: 10/18/23



8503 Lower Lake Road

Barker, NY 14012

Proposed Amendment to Existing Special Use Permit Town of Somerset

Donovan Orchards LLC

**7. Signage permitted:**

One 40" x 84" sign on the property off the road right of way.

Two signs on the buildings. Cidery building One 58" x 73" illuminated sign with the company monogram 14" x 32" directly mounted below. Agricultural building one 2 part sign high on barn doors each 12"x80".

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Replace previously permitted signs</i>			
Project Location (describe, and attach a location map): <i>8503 Lower Lake Rd., Barker, NY 14012</i>			
Brief Description of Proposed Action: <i>Our present special use permit allows for 2 signs. We wish to replace both signs with slightly larger signs. All new signs will be on our property.</i>			
Name of Applicant or Sponsor: <i>Scott Donovan Donovan Orchards, LLC</i>		Telephone: <i>716.795.3580</i> E-Mail: <i>scott@donovanorchards.co</i>	
Address: <i>8503 Lower Lake Rd.</i>			
City/PO: <i>Barker, NY</i>		State:	Zip Code: <i>14012</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>0</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <i>Town Water Treatment</i>			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Donovan Orchards LLC</u> Date: <u>10/18/23</u></p> <p>Signature: <u>[Handwritten Signature]</u></p>		

**STATE OF NEW YORK : TOWN OF SOMERSET  
COUNTY OF NIAGARA : PLANNING BOARD**

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In the Matter of the Application

of

**SPECIAL USE PERMIT**

**DONOVAN ORCHARDS LLC, Scott M. Donovan**  
for a Special Use Permit to establish and operate a  
farm Cidery and Tasting Room located at 8503  
Lower Lake Road, Barker, NY 14012 (Tax Map No.  
2.00-1-6.111) pursuant to Article XIII, Section 205-  
43B of the Code of the Town of Somerset.

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This Planning Board having held a Public Hearing on July 13, 2011 at the Town Hall, in the matter of the application of

**NOW, THEREFORE**, it is duly **RESOLVED** that the application of **DONOVAN ORCHARDS, LLC, Scott M. Donovan**, for property located at 8503 Lower Lake Road, Barker, New York 14012, shall be **APPROVED** in accordance with the application with the following terms and conditions:

1. This permit is subject to annual renewal beginning March 2013.
2. This Special Use Permit shall conform to ordinances of the Town of Somerset in all other respects.
3. Any violation of condition(s) of the Special Use Permit shall be grounds for revocation.
4. The premises shall be kept neat and orderly.
5. Hours of operation shall be:  
Thursday, Friday and Saturday – 8:00 a.m. to 10:00 p.m.  
Sunday – Noon to 6:00 p.m.
6. Lighting in the parking lot is required if business is kept open after dusk.
7. Signage permitted:  
One 3 feet by 4 feet (3' x 4') sign on the property off the road Right-of-way.  
Two 4 feet by 6 feet (4' x 6') signs high on the buildings with a lighted sign on the building that is housing the Cidery.

Dated: July 14, 2011

  
**JON HOTALING, Chairman**  
**Town of Somerset Planning Board**

STATE OF NEW YORK  
COUNTY OF NIAGARA

TOWN OF SOMERSET  
PLANNING BOARD

In the Matter of the Application

Of

Scott Donovan / Donovan Orchards, LLC

**DECISION**

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For amendments to its Special Use Permit: To allow additional hours of operation on Mondays, Tuesdays, and Wednesdays between the hours of 8:00 AM to 10:00 PM.

Location of Property: 8503 Lower Lake Road

Tax Map No: 2.00-1-6.111

Date: April 2nd, 2015

The Planning Board having held a Public Hearing this date in the matter of an Application for amendments to the Special Use Permit, as set forth in the Application, and

After review and discussion, and based upon the findings to be set forth in the minutes, this Board hereby:

DENIES the request set forth in the Application.

GRANTS the requested amendments to the Special Use Permit, as set forth in the Application, subject to the following conditions:

1. Same as original Special Use Permit including the amended days of operation.

Vote: Ayes 5

Nays

Notes:

Dated: April 2nd, 2015

  
Chairperson



73.5"



(1) Set of Pin-Mounted Plastic Letters

Option 1  
 OmegaBond Panel with 3/16" Lasercut Acrylic (Apples will be solid red, leaf stems will be black vinyl due to size)  
Option 2  
 OmegaBond panel with digital print



# S/F Wall Sign 1 -- Option 1

\*THIS DESIGN PROPOSAL IS TO REMAIN PROPERTY OF ULTRICH SIGN CO. UNTIL APPROVED & ACCEPTED THRU PURCHASE BY NAMED CLIENT.

Client Approval \_\_\_\_\_

DATE \_\_\_\_\_



177 Op-Trust Street  
 Lombard, IL 60148

Phone (708) 234-0157  
 Fax (708) 434-0225

www.ulrichsigns.com

Customer

Donovan Orchards Estate Ciders

Location

8503 Lower Lake Rd  
 Barker

Date

8/30/23

Sales Representative

Andrew W

Designer

K Lechner

File Name

DonovanOrchardsEstateCiders-8503LowerLakeRd

Colors

Red - TBD

*Due to differences in monitors and printers, colors you see may vary from final product.*

Description

S/F Wall Sign



LISTED

UL Inspected and Listed in accordance with UL standard #48 for electric signs installed using UL listed parts and methods of installation in accordance with the National Electric Code.  
 This sign is warranted to be installed in accordance with the requirements of Article 600 of the National Electrical Code under other applicable local codes. This includes proper grounding and bonding of the sign.

THIS DESIGN PROPOSAL IS THE EXPRESS PROPERTY OF ULTRICH SIGN CO. UNTIL APPROVED & ACCEPTED THROUGH PURCHASE BY NAMED CLIENT.



177 Oakhurst Street  
Lockport, New York 14093  
Phone: (716) 434-0167  
Fax: (716) 434-0226  
www.ulrichsigns.com

**CUSTOMER:**  
Donovan Orchards Estate Ciders

**LOCATION:**  
8503 Lower Lake Rd  
Barker

**Date:**  
8/30/23

**Sales Representative:**  
Andrew W

**Designer:**  
K Lechner

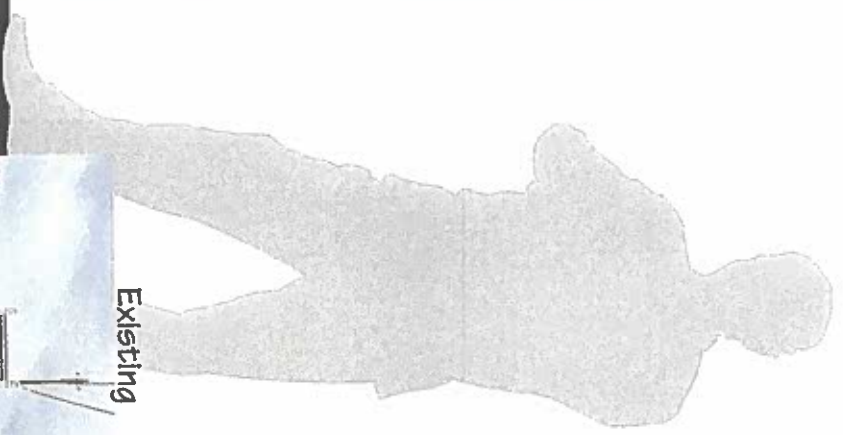
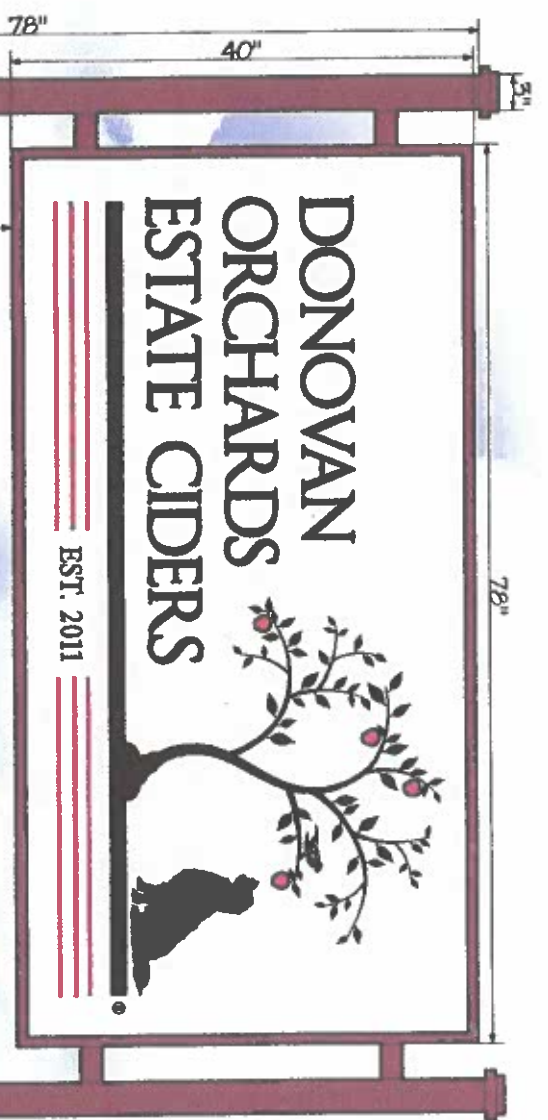
**File Name:**  
DonovanOrchardsEstateCiders-8503LowerLakeRd

**Colors:**  
Red - TBD

**Description:**  
D/F Non-Illuminated  
Ground Sign  
(2) 5/F OmegaBond  
Panel with digital print

**UL LISTED**  
UL inspected and labeled in accordance with U.L. standard #48 for electric signs installed using UL listed parts and methods of installation in accordance with the National Electrical Code.  
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code under other applicable local codes. This includes proper grounding and bonding of the sign.

**THIS DESIGN PROPOSAL IS THE EXPRESS PROPERTY OF ULTRICH SIGN CO. UNTIL APPROVED & ACCEPTED THROUGH PURCHASE BY NAMED CLIENT.**



**D/F Non-Illuminated Ground Sign**

\*THIS DESIGN PROPOSAL IS TO REMAIN PROPERTY OF ULTRICH SIGN CO. UNTIL APPROVED & ACCEPTED THRU PURCHASE BY NAMED CLIENT.

Client Approval \_\_\_\_\_

Revised 10/18/23 - KL

DATE



8503 Lower Lake Road

Barker, NY 14012

This is the second building sign that was included in the Special Use Permit. This has been on the agriculture building since 2015. The dimensions were different but square footage is about the same as the second 4'x6' sign.

