

**TOWN OF SOMERSET
PLANNING BOARD HEARING/MEETING
SEPTEMBER 1, 2022**

CALL MEETING TO ORDER

PUBLIC HEARING

- Owner/Applicant Robert & Sandra Williams
Project: Subdivision of property -- 7400 Hoffman Road, Appleton

APPROVAL OF THE MINUTES FROM JULY 7, 2022

COMMUNICATIONS

OLD BUSINESS

AT&T Special Use Permit Renewal

NEW BUSINESS

William's subdivision

ADJOURNMENT



Date: 8/1/2022

TO: PLANNING BOARD, TOWN OF SOMERSET

Pursuant to Article _____ Section 4 of the Code of the Town of Somerset, application for a Special Use Permit is hereby made:

See attachment for description

Size of Lot: 42.90 ac

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

Location: 7400 HOFFMAN RD SBL # 27.00-3-5

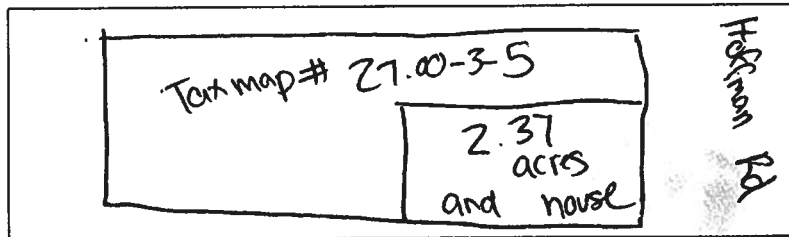
Use District: Ag. District

Owner: WILLIAMS, ROBERT + SANDRA Applicant: SAME

Address: 7400 HOFFMAN RD. Address: SAME

APPLETON, NY 14008 SAME

Site Plan



Signed: Robert Williams Date: 8/1/22



SUGGESTED DESCRIPTION

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JOB# 2203020

S.B.L. # 27.00-3-5 (PART OF)

Robert T. Williams, Jr. & Sandra C. Williams

Part of Deed Instrument No. 2016-04100

All THAT TRACT OR PARCEL OF LAND situate in the Town of Somerset, County of Niagara, State of New York, being part of Lot 3, Section 4, Township 16, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the north line of Lot No. 3 in the center line of Hoffman Road distant 3099.45 feet easterly from the northwest corner of Lot No. 3 as measured along the north line of Lot No. 3;

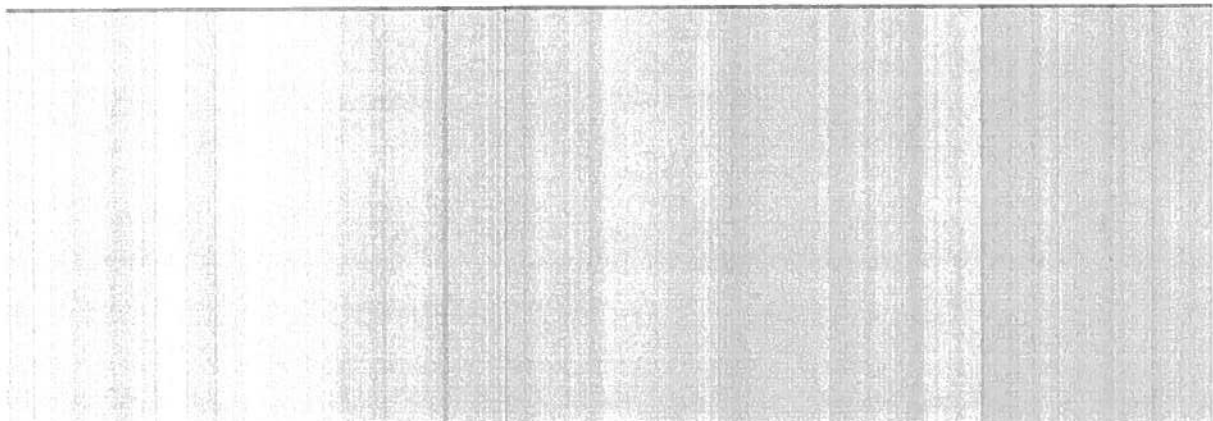
Thence southerly at an interior angle of $91^{\circ}-26'-19''$ and parallel with the east line of lands conveyed to Jeremiah Kerwin by deed recorded in Liber 137 of Deeds at page 554 a distance of 333.00 feet to a point;

Thence easterly, parallel with the north line of Lot No. 3 a distance of 310.68 feet to a point;

Thence northerly parallel with the Kerwin east line a distance of 333.00 feet to the north line of Lot No. 3 in the centerline of Hoffman Road;

Thence westerly along the north line of Lot No. 3 a distance of 310.68 feet to the point or place of beginning.

Containing $2.37\pm$ Acres more or less.
Subject to Easements and Rights of Way of Record.



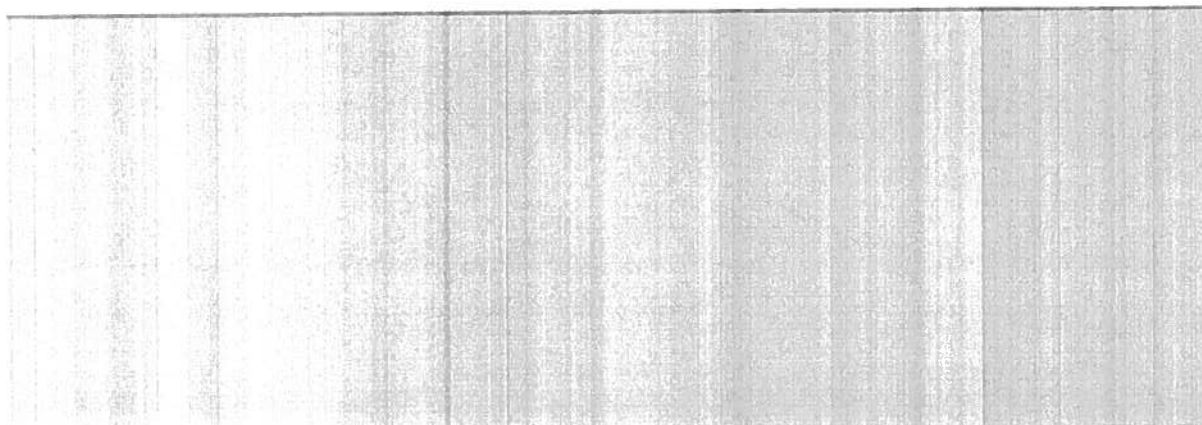
Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

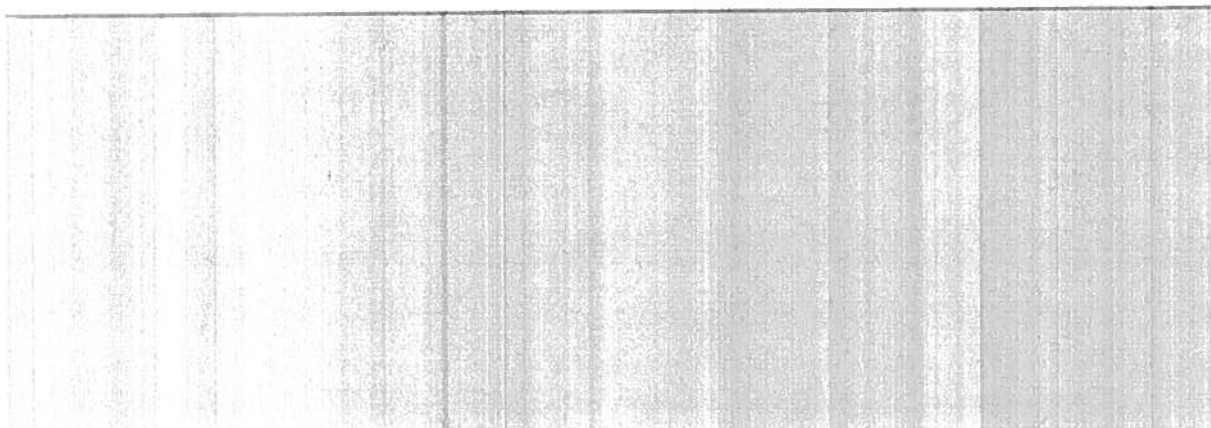
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: <u>Subdivide</u>		
Project Location (describe, and attach a location map): <u>7400 Hoffman Rd Appletan, NY 14008</u>		
Brief Description of Proposed Action: <u>Subdivide 2.37 Acre parcel from 7400 Hoffman Rd.</u>		
Name of Applicant or Sponsor: <u>Robert T. Williams Jr.</u>	Telephone: <u>(716) 698-9300</u>	E-Mail:
Address: <u>7400 Hoffman Rd Appletan, NY 14008</u>		
City/PO: <u>Appletan</u>	State: <u>NY</u>	Zip Code: <u>14008</u>
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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?	<u>42.9</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?	<u>42.9</u>	acres
4. Check all land uses that occur on, adjoining and near the proposed action.		
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland		

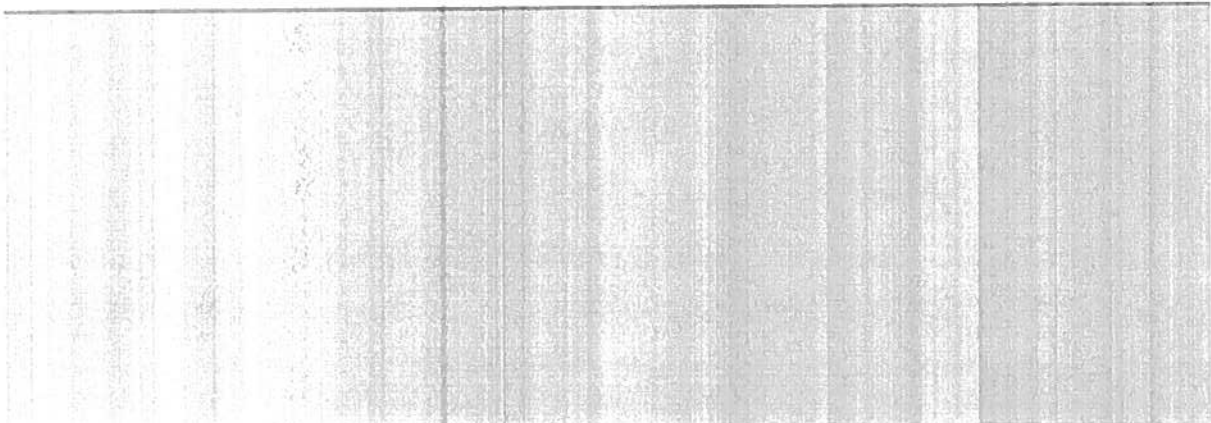


	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>none</u>	<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: _____	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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?	<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: _____	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<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 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

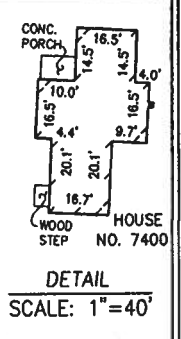
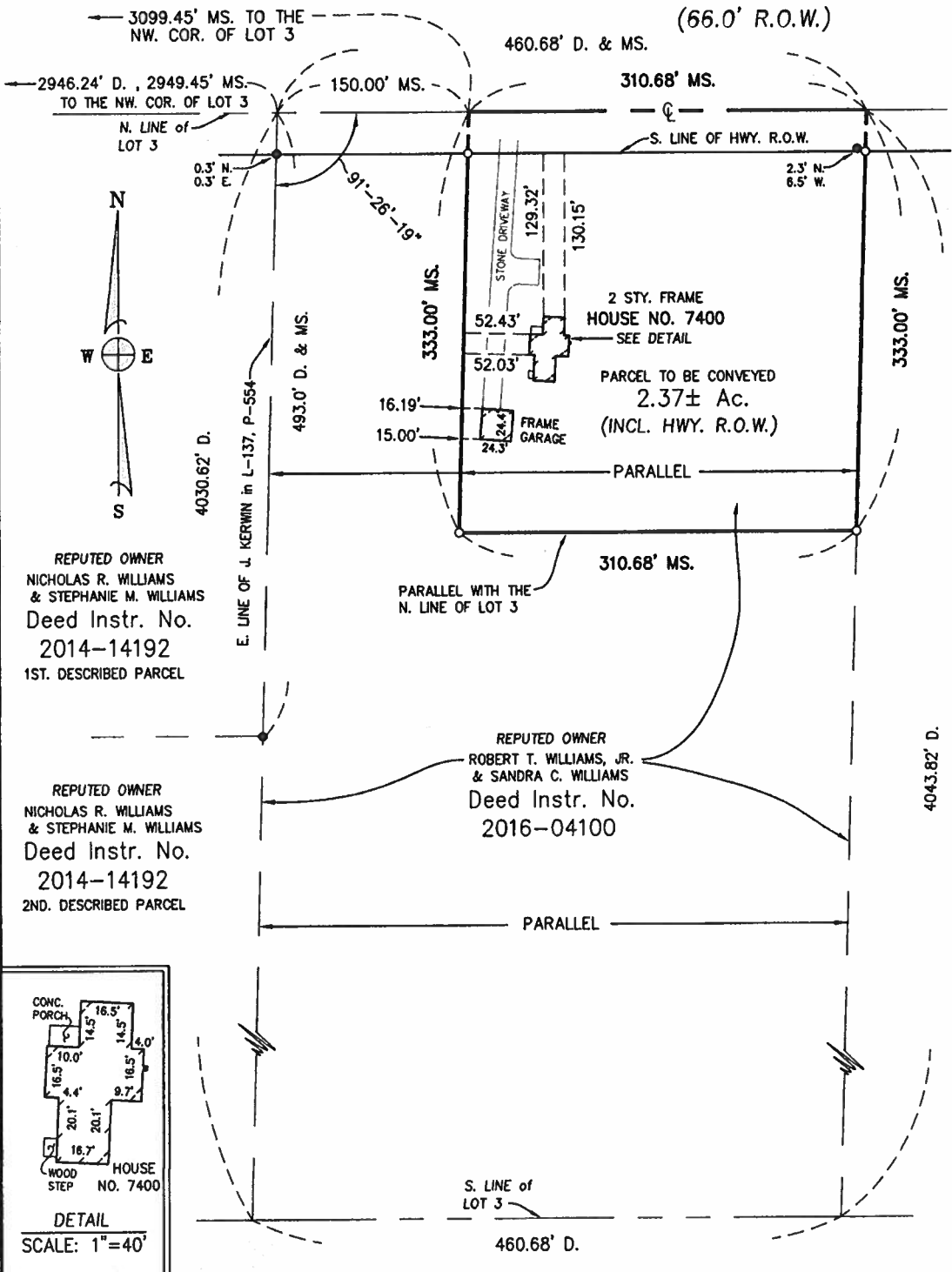


18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Signature: <i>Robert Pulliam</i>	Date: <i>8/1/2022</i>	

PRINT FORM



Hoffman Road



D. = DEED MP. = MAP MS. = MEASURED ● = EXISTING IRON ○ = SET IRON ENC. = ENCROACHMENT

VOSS - MARTIN

LAND SURVEYING, P.C.

9140 COLEMAN ROAD, BARKER, N.Y. 14012

PHONE # (716) 434 - 6531 ; FAX # (716) 650 - 5737

VOSS.MARTIN.SURVEY@GMAIL.COM

SUCCESSOR TO THE RECORDS OF ROSS W. MARTIN, P.L.S. EST. 1981

SURVEY BEING PART OF LOT 3, SECT. 4, TWP. 16, RG. 6 OF THE HOLLAND LAND COMPANY'S SURVEY.

LOCATION: TOWN of SOMERSET, COUNTY of NIAGARA, STATE of NEW YORK.

SCALE: 1"=100' DATE: MAY 6, 2022 JOB # 2203020 S.B.L. # 27.00-3-5 (PART OF)

Christian J. Voss

NOTE: ONLY COPIES OF THIS SURVEY MADE FROM THE ORIGINAL AND EMBOSSED WITH THE SURVEYOR'S SEAL N.Y.S. LICENSE NO. 000037 SHALL BE VALID COPIES.
CHRISTIAN J. VOSS, L.S.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS SURVEY IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

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

PRESENT:	Chairman:	Norm Jansen
	Board:	Krista Atwater
		Chris Czelusta
		Charlie Neal
		David Haylett
	Attorney:	David Alt
	Applicants:	Michelle Martini Boyd
		Niagara County Sheriff's Representatives
		Betty fox
		John Fox
		Angela Popovich
		Nova Popovich
		Bob Timkey (Go Solar)
		Jeff Dewart
		Jon Hotaling
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		
Supervisor		
Councilman		
Public—Present		

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:

Planning Board

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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 county, 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

Planning Board

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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 area 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