

**TOWN OF SOMERSET
PLANNING BOARD
APRIL 6, 2017**

Present: Jon Hotaling
Krista Atwater
Chris Czelusta
Norman Jansen
Gary Few
David Haylett, Counsel

Attendance: 3 residents

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

**PUBLIC HEARING – JAMES MILLER - EQUIPMENT REPAIR FACILITY AT 9801
TOWNLINE ROAD**

Clerk Carmer read the notice of said public hearing that was duly published in the Lockport Union-Sun & Journal with the same notice being posted on March 24, 2017 at the Town Hall and on the town website.

Chairman Hotaling asked the following questions:

- How will you power the building since you will not have electricity?

James stated that he will use a diesel powered stationary generator which will be separate from the main building.

- Will you have a concrete pad outside to power wash the equipment?

James said he will power wash on the driveway.

Chairman Hotaling stated that he is concerned about sludge. He recommends having a drain to a holding tank.

James asked if there are specifications in our code for the size of a tank.

Chairman Hotaling said no. He stated on James' Environmental Assessment Form that he completed for his Zoning Board of Appeals hearing that he said he will not connect to water or wastewater utilities and there will not be any drains in the building.

James said that eventually he will have drains and approved septic.

- How will you handle spills?

James said that he uses absorbant pads and disposes of them.

Chairman Hotaling told James that he will need to address that.

- Chairman Hotaling recommended that James store grease and oil in a fireproof cabinet. He also thinks that James will need to register with New York State as a Motor Vehicle Repair shop.

James said that he was told that did not fall into that category so he was possibly misinformed.

Chairman Hotaling told James he will have to check with the state.

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- Will you have parts cleaners serviced by anyone other than himself.

James said that he will do it himself and they are biodegradable.

- Do you plan on having an exhaust system (stack pipe)?

James answered yes.

- Will you have an overhead crane?

James said yes.

- Where will you unload equipment?

James planned to have them unload on the shoulder of the road since it is a wide shoulder.

Chairman Hotaling does not like that plan and asked if the existing driveway is adequate for a truck.

James said no, he is going to put another driveway in front of the shop and that could be utilized for unloading.

- Will you have a sign?

James said he would like to put one on the building, probably 3x5.

After discussing sizes, it was determined that a sign will be included in the Special Use Permit. James will advise at our next meeting what size he would like.

N. Jansen recommends a contained area for run off.

G. Few asked where he will store the diesel for the generator.

James said in an approved 55 gallon tank outside.

Attorney Haylett advised that the application will be presented to the Niagara County Planning Board at their meeting on April 17th. He highlighted the items James needs to resolve for our next meeting:

- How James will dispose of the oil pads
- How James will drain oil and sludge
- If James has to be licensed by the state
- The precise dimensions on the sign

C. Czelusta asked James if the driveway is crushed stone.

James said yes.

Chairman Hotaling asked James what he will do with waste oil.

James said he will either send it to NAPA or reburn in an approved burner to heat the building.

Attorney Haylett asked how wide the driveway is going to be and he confirmed the setback is going to be 125'.

James said the driveway will be twenty feet wide.

C. Czelusta asked if James has a culvert for the new driveway.

James said he has the permit for it, but it is not installed yet.

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Chairman Hotaling asked James if he has a target date.
James said he would like to do this as soon as possible.

Charlie Neal said that NYS would probably want a registered motor vehicle repair sign and that is larger than 3x5. He said the DMV has certain procedures that need to be followed to become registered and discussed some of them.

Attorney Haylett stated that he will address that in May.

On a motion of G. Few, seconded by N. Jansen, the following resolution was
ADOPTED Ayes 5 Hotaling, Atwater, Czelusta, Few, Jansen
Nays 0

Resolved the public hearing for James Miller be held open pending the outcome of the Niagara County Planning Board meeting.

Chairman Hotaling opened the Regular Meeting at 7:50PM

APPROVAL OF MINUTES

On a motion of N. Jansen, seconded by C. Czelusta, the following resolution was
ADOPTED Ayes 5 Hotaling, Atwater, Czelusta, Few, Jansen
Nays 0

Resolved the minutes of the March 2, 2017 and March 9, 2017 meetings are approved as submitted.

COMMUNICATIONS

Clerk Carmer advised of the upcoming training. All members agreed to attend.

Clerk Carmer also stated that there is property under consideration for a subdivision that may have an application submitted for our next meeting.

SPECIAL USE PERMITS

Chairman Hotaling confirmed that Special Use Permits expire upon the transfer of property. Larry Parlier sold his apartment so an application was submitted by the new owners to maintain the apartment. The hearing will be held at our May meeting.

Clerk Carmer advised the following:

- Gary Alt no longer needs his Special Use Permit.
- Aaron Baker was sent a 2nd notice and he has not responded.
- Margaret from Donovan Orchards responded to our letter asking them to address their parking situation. She said that only a few times a year they have private parties and they allow the customers to park in their field. The rest of the year they do not even use the parking that they have so they do not feel it is feasible nor does it behoove them financially to enlarge the lot.
- Joseph LaForest has not responded to the letter sent to him asking him to advise his plans to clean up his property.

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- NYSEG has not submitted their renewal request.
- Anita Schmitt phoned and advised that the equipment is stuck in the mud but will move them when it dries up.

N. Jansen asked if a Special Use Permit is required for an outdoor wood burner or swimming pool.

Chairman Hotaling said no, they only need to have a building permit.

On a motion of N. Jansen, seconded by C. Czelusta, the following resolution was

ADOPTED	Ayes	4	Atwater, Czelusta, Few, Jansen
	Nays	0	
	Abstain	1	Hotaling

Resolved the Special Use Permit for American Legion Herbert Carr Post #425 is approved as per the terms of the permit.

K. Atwater stated the information packet that was provided for the meteorological tower on the Nellist property states that the tower is supposed to be checked after every ice, snow and wind storm in excess by an engineer according to the manufacturer's instructions. Krista stated that Taylor told her they do not check it and they have no way to check it.

Chairman Hotaling said that we did not state in their Special Use Permit that they have to report that to us.

Attorney Haylett read the conditions of the permit

Discussion ensued regarding inspections and K. Atwater said that she is concerned about proper maintenance of the tower.

Attorney Haylett stated that he will talk to Attorney Wisniewski about getting a letter sent to them.

Chairman Hotaling asked if the manufacturer could inspect the existing tower when they come to install the new towers.

SPECIAL USE PERMIT RENEWALS

On a motion of K. Atwater, seconded by G. Few, the following resolution was

ADOPTED	Ayes	5	Hotaling, Atwater, Czelusta, Few, Jansen
	Nays	0	

Resolved the following Special Use Permits are renewed as per the terms of their permits:

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AT&T MOBILITY - Communications Tower
Johnson Creek Road, Barker, NY

AUSTIN, Carl - Animal Husbandry
9039 Lake Road, Barker, NY 14012

BONTRAGER, Lester – Custom Doors and Millwork
9707 Townline Road, Barker, NY 14012

BRATTON, Michael - Housing of 4 horses & 2 beef cows
8495 Lake Road, Barker, NY 14012

BUFFINGTON, John - Auto Repair Service
2036 Hartland Road, Appleton, NY 14008

CAZENOVIA RECOVERY SYSTEMS, INC. - Treat recovering alcoholics
7397 Lake Road, Appleton, NY 14008

CHUTKO, James - 4 Unit rental structure
8689 Haight Road, Barker

CROWN ATLANTIC CO. - Communications Tower
at 1943 Quaker Road, Barker

DEWART, Jonathan - Animal Husbandry
1408 Quaker Road, Barker, NY 14012

DIEZ, Laura – Dog Grooming Business
9760 Haight Road, Barker, NY 14012

DONOVAN ORCHARDS LLC – Cidery
For 8503 Lower Lake Road

FAITH UNITED METHODIST CHURCH – Lighted Sign
1449 Quaker Road, Barker, NY 14012

FIACCO, Steven – Animal Husbandry
1148 Quaker Road, Barker, NY 14012

GOW, April - Animal Husbandry
7349 Lake Road, Appleton, NY 14008

GREENWALD, ANDRA – Hair Salon
7939 Townline Road, Appleton, NY 14008

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HAIGHT'S PARK (Erwin, Robin & Juanita, Haight, Terry) - Campground
9225 Lower Lake Road, Barker, NY 14012

FERINGTON, JAMES – Accessory Building in RLS District
8687 Lakeview Drive

LEWIS, Douglas - Animal Husbandry
8456 Haight Road, Barker, NY 14012

LOCKPORT YMCA – Camp Kenan – 2 wind energy conversion systems
For 8571 Lower Lake Road, Barker, NY 14012

LUTZ, Peter - Outboard Motor - Small Engine Repair
8444 Haight Road, Barker, NY 14012

MILLER, Johnny R. - J & Sons Woodcraft
2134 Countyline Road, Barker, NY 14012

MILLER, Willis – Machine Shop and Storage Shed Assembly
2046 Countyline Road, Barker, NY 14012

NEAL, Charles - Ultra Light Airstrip
7440 Hoffman Road, Appleton, NY 14008

NELLIST, Larry – Meteorological Tower
9698 Lower Lake Road, Barker NY 14012

ORR, Cathi – Sale of sheds
1953 Johnson Creek Road, Barker NY 14012

PARLIER, Lawrence Jr. - Woodworking Shop
1650 Carmen Road, Barker, NY 14012

PLUMMER, Courtney – Apartments
9541 Lower Lake Road, Barker, NY 14012

PORTER, Anthony & Candy - Berm to conceal construction supplies
1998 Quaker Road, Barker, NY 14012

REYNOLDS, Marvin & Jacquelyn - Park tractor trailer truck in residential area
8719 Lake Road, Barker, NY 14012

SOMERSET CONSERVATION CLUB - Firing Range
1129 Johnson Creek Road, Barker, NY 14012

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SOMERSET UNION MUSEUM
8501 Lake Road

STEVENS, David – Sign
8398 Lower Lake Road, Barker, NY 14012

THUMAN, JEFFREY – Machine Shop
8463 Lower Lake Road, Barker, NY 14012

WEKENMANN, John & Dionne - Kennel
7471 Townline Road, Appleton, NY 14008

WEST, Terry - Apartment to accommodate mother
9318 Coleman Road, Barker, NY 14012

WEST SOMERSET BAPTIST CHURCH - Double lighted sign
1876 Hosmer Road, Appleton, NY 14008

ZAGMESTER, Joseph - Windmill
2000 Carmen Road, Barker, NY 14012

Attorney Haylett stated that we had an inquiry about having a pet pig. It is his opinion that they need a permit according to how our code is written.

There being no further business, N. Jansen moved to adjourn the meeting at 8:17PM, seconded by G. Few. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC
Town Clerk/Planning Board Secretary