

**TOWN OF SOMERSET
PLANNING BOARD
AUGUST 3, 2017**

Present: Jon Hotaling
Krista Atwater
Chris Czelusta
Norman Jansen
Charles Neal
David Haylett, Counsel

Attendance: 8 residents

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

PUBLIC HEARING – WOLFE/UTLEY/DERGEL – CONVERT EXISTING STRUCTURE INTO ONE FAMILY HOUSING AT 8776 LAKE 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 July 25, 2017 at the Town Hall. She also read a letter of support written by Sharon Franke of 8795 Lake Road.

Heidi Dergel spoke on behalf of the family. Marlene Wolfe and Holleigh Utley are listed on the deed. Heidi, along with her husband and three children would like to move in with her mother and sister to help support them in taking care of their property. She said they have had contractors and an architect look at the property to see if they can financially afford to fix it up. They want to maintain the integrity and outward appearance of the barn so it will still look like a barn rather than a house. Any wood that is removed and salvageable will be used. The barn was built very well with 2x6's and 2x12's, 16 on center studs and is surprisingly plumb. Some structural repairs are needed including the foundation, windows, doors, siding and roofing. They expect to need \$40,000 - \$50,000 in repairs. She said this is not feasible if they cannot make it into living quarters. She discussed the pictures and diagrams that she submitted. She discussed the shingles being T-Locks and wants to have the same type but they are no longer available. She said the first floor is only 7-1/2' so they may go down in the concrete to make more height. Only one section of the barn is showing sag and she thinks it is resolvable. They will maintain the same footprint, 50' x 30'. In the future they may add covered awnings for a car and outdoor seating space. They will have three or four bedrooms, with a possible lofted third floor. The height is approximately 35', it has not been measured yet. The driveway is 100' to the center of the road. They will tap into the town water and get a separate septic tank installed. Storm drainage will go to the ditches.

Rene Dergel stated that he found no violation of the Town Code.

C. Czelusta said that he purchased T-Lock shingles two years ago, but they are very hard to find.

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Heidi summarized by saying this is near to her heart and she does not want to see it fall into disrepair. If they put money into the barn and cannot make it into a house, they may not be able to be here. She said they know they can do this right and feels it will put a smile on the community as well. They plan to use local contractors, preferably Niagara County.

Chairman Hotaling said this is the finest presentation he has ever heard.

N. Jansen agreed and stated that he loves old buildings.

C. Czelusta also liked the presentation and asked how they will heat it.

Heidi stated that it will be some natural gas, possibly wood heat if they can do it safely. Rene said it will be forced air with one unit on each floor. They will also have a fireplace on the first floor and plan to get pricing to have the floor heated. He said they will have a barrier underneath.

K. Atwater asked if they are prepared for safety codes. For example needing firewall where the two structures meet.

Heidi said the overlap is approximately 4' – 5'. Rene said there is not a problem that it will be up to fire code. Heidi said the other structure (red barn) will stay as is, being used for storage and a workshop.

C. Neal stated that it was a thorough presentation and asked how many access points they will have to the 2nd floor.

Heidi said there is one, but can consider another if it is needed to meet code. There are some crawl spaces already in the barn with a trap door.

C. Neal discussed the 2016 supplement to the energy code and wants to make sure they are aware of it. He asked if they are considering a sprinkler system as it is not too costly.

Heidi said if the third level is beyond the footprint of the second level they will need it per code. She stated they have not gotten that far yet.

C. Neal asked how deep below the surface grade the foundation will be.

Heidi is unsure at this point. They will be consulting a specialist.

Chairman Hotaling asked if they can provide certification from the architect that the building is structurally sound and the project is feasible.

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Heidi said she may have something satisfactory to us already in her email. If not, she is sure that he would provide one.

Chairman Hotaling asked if they have had a perk test performed yet.

Heidi said that Mahar Septic said that he believes it is good since they already have septic on the property.

Chairman Hotaling suggested that they have the test done before they do anything because if it does not pass they will not be able to install a septic system.

C. Neal said that current standards may be different than the standards in place when the other system was installed.

Fred Leuer is a neighbor across the street and feels this is a great idea. He likes that they will be preserving aesthetics of the property for the future and having an apartment ensures long term care. Down the road if someone else were to purchase it and the apartment isn't in there, they may let the barn go to waste.

Attorney Haylett stated that a separate water meter will need to be installed so we should make that a condition of the permit. He told Heidi to stay in contact with the Code Enforcement Officer if this is approved so they make sure they are following codes. He also touched on the possibility of subdividing the property to avoid issues down the road and provided an example of having only one exemption with the property vs two if it were divided.

N. Jansen asked how big the property is.

Heidi said it is approximately 3 acres.

C. Czelusta asked about a future garage.

Heidi said they would like to put one where the current shed is, but that is down the road. The shed needs to go, but they will save the pieces.

Attorney Haylett asked who is on the deed right now.

Heidi said the deed of record is her mother Marlene and her late father. Recently they went up to have Holleigh put on the deed.

With no one else desiring to be heard, Chairman Hotaling closed the hearing at 8:17PM.

APPROVAL OF MINUTES

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

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

Resolved the minutes of the July 6, 2017 meeting are accepted as submitted.

WOLFE/UTLEY/DERGEL SPECIAL USE PERMIT

Attorney Haylett noted that the board members have all reviewed SEQRA Part 1. He reviewed SEQRA Part 2 and stated that it is an unlisted action.

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

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

Resolved the Somerset Planning Board declares that the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQRA is therefore issued for this project.

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

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

Resolved the Wolfe/Utley/Dergel Special Use Permit is approved per the following conditions:

1. The Special Use Permit 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 Special Use Permit.
3. The premises shall be kept neat and orderly.
4. The premises shall have separate water meter for converted building.
5. Receipt of architectural report or letter that the building is structurally sound.

SPECIAL USE PERMIT - SCHMITT

Anita Schmitt is in attendance and stated that the trailer has been moved. Due to the soft ground, the trucker kept refusing and Anita submitted a letter prepared by the trucker stating such.

N. Jansen said that it looks much nicer and thanked her for moving it.

Attorney Haylett told Anita that if she keeps her property up to code she will not have to come back.

Anita asked what type of weed spray she should use for her fence. Discussion ensued regarding various types and prices of spray.

SPECIAL USE PERMIT – LAFOREST

N. Jansen stated that he tried three times to contact the renter that he knows in the South apartment but has not had any luck. He tried texting and facebook messaging.

Clerk Carmer stated that on July 12th she sent another letter via certified and regular mail. Neither has been returned yet.

Attorney Haylett said that Real Property Law uses 45 days for a letter to be returned and if both are not returned, the person is considered served. There is not a timeframe regarding this situation so we will use 45 days.

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Chairman Hotaling asked if we can knock on the door and ask if they have a contact with their landlord.

Attorney Haylett said that is in the scope of the Zoning Officer's role and he recommends that they do it. He said we cannot evict the renters, but we can go after them to clean up the property since they are in control of it.

Chairman Hotaling would like our officers to inspect the house where the tree fell on it. Attorney Haylett stated that the renter can grant permission for the Zoning Officers to go on the property and inside.

Clerk Carmer will contact both Zoning Officers, Mark Remington and Steve Lee, and ask them to visit the property and report back to us in person at our meeting on September 7th.

There being no further business, C. Czelusta moved to adjourn the meeting at 8:36PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

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