

**TOWN OF SOMERSET  
PLANNING BOARD  
December 4, 2014**

Present: Jon Hotaling  
Brian Carmer  
Chris Czelusta  
Gary Few  
Norman Jansen  
Michael J. Norris, Counsel

Attended by 9 residents

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

**PUBLIC HEARING – ORR SPECIAL USE PERMIT**, 1953 Johnson Creek 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 November 21<sup>st</sup> at the Town Hall.

Cathi Orr has made application for a Special Use Permit to sell animal shelters and sheds along property frontage, which could include non-agricultural sheds. Cathi stated that she would like to sell hemlock sheds on stringers, horse run-ins, chicken coops and buildings for storing hay, to supplement her pony ride business. She has 500' of frontage so is flexible on the location for placing the sheds for sale.

N. Jansen questioned why Cathi needs a Special Use Permit for agricultural related products.

Chairman Hotaling stated that it's because it is the sale of a product as opposed to the sale of produce grown on site.

Discussion ensued regarding the sale of various types of items being sold at homes in Town including fire wood; the wording in the Town code regarding permitted uses and the length of time permitted for selling for agricultural products; and the Right to Farm law.

Attorney Norris interpreted the code and advised that a Special Use Permit is required for this matter.

N. Jansen respectfully disagrees.

C. Czelusta asked if Cathi is going to sell other items.

Cathi stated that she is selling her own tractors.

C. Czelusta asked if she would consider moving the items more to the side of the house and back from the road.

Chairman Hotaling stated that they are too close to the road. He discussed this with Highway Superintendent Flint and his suggestion is to have the items 50' from the center line or move them to the pasture side of the property.

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Cathi agreed that one of the sheds was placed too close to the road and she has no problem with moving the sheds.

B. Carmer stated that he is concerned with the location of the curve in the road and being a blind spot for motorists if moved to the South side.

Cathi said that she will have the customers pull into her driveway.

G. Few stated that he is fine with it.

C. Czelusta asked Cathi if the North or South side is better.

Cathi stated that the South side is further from houses so that is better.

Attorney Norris clarified the location as a condition for the permit being 50' from the center line and to the South side of the property.

C. Czelusta asked how many buildings Cathi will be selling at one time.

Cathi said she will have a few at a time.

Discussion ensued regarding a reasonable amount to sell. The board agreed the limit to be available for sale at a time is 6.

Wayne Howes – 1935 Johnson Creek Road – has no objections to Cathi's plan. He stated that she has improved the property considerably since she purchased it. He added that he would like the Town to address problems the Town has like junkyards, selling wood, etc.

Chairman Hotaling stated that Wayne can file a complaint with the Code Enforcement Officer.

Krista Atwater – 8458 Lower Lake Road – thanked board members C. Czelusta and N. Jansen for standing up for the Right to Farm law. She feels that Catha should be able to sell agricultural sheds without a permit year round as farming occurs year round and this is a farm product. She said that the code refers to permanent structures and since these are temporary structures and she keeps the area neat and clean she should be able to do it.

Chairman Hotaling stated that this goes beyond the realm of normal agricultural products.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:48PM.

## **REGULAR MEETING**

Chairman Hotaling opened the regular meeting at 7:49PM.

## **APPROVAL OF MINUTES**

On a motion of B. Carmer, seconded by G. Few, the following resolution was

ADOPTED Ayes 5 Hotaling, Carmer, Czelusta, Few, Jansen

Nays 0

Resolved the minutes of the October 2, 2014 meeting are approved as submitted.

**COMMUNICATION**

C. Czelusta questioned whether the building permit issued for Mr. Staples on West Somerset Road was for the building that was approved by the Planning Board.

Clerk Carmer stated that it is, but it probably shows West Somerset Road as the property because that is attached to the SBL number even though it is being built on the Hoffman Road side of the property.

Code Enforcement Officer monthly reports for October and November received and filed.

**DECISION ON ORR SPECIAL USE PERMIT – 1953 JOHNSON CREEK ROAD**

Attorney Norris read the conditions for the permit.

1. This permit is subject to annual renewal beginning March, 2015;
2. The special use permit shall conform to the ordinances of the Town of Somerset in all other respects;
3. Any violation of condition(s) of this permit shall be grounds for revocation;
4. The premises shall be kept neat and orderly;
5. Permittee shall reside on premises;
6. Must be sold a minimum of 50 feet from the center of the road;
7. Maximum of six sheds or shelters at one time;
8. Located on the South side of the property.

On a motion of C. Czelusta, seconded by G. Few, the following resolution was

ADOPTED Ayes 4 Hotaling, Carmer, Czelusta, Few  
Nays 1 Jansen

Resolved the Special Use Permit is approved with the above conditions.

**BARKER BUSINESS ASSOCIATION SPECIAL USE PERMIT TRANSFER**

Chairman Hotaling stated that the Herbert W. Carr Post 425 American Legion voted unanimously at their latest meeting to take care of the signs that the Barker Business Association established. Mark Weld has agreed to change the signs to show the Legion as the sponsor.

On a motion of N. Jansen, seconded by G. Few, the following resolution was

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

Resolved the Special Use Permit for the Barker Business Association be transferred without fees to Herbert W. Carr Post 425 American Legion.

N. Jansen asked if the Legion will make a profit selling the signs.

Chairman Hotaling said no. This is good advertisement for the Post having their name on the sign. The small fee collected goes to Mark Weld for making the signs.

**SCHLABACH SITE PLAN REVIEW**

Mr. Schlabach would like to erect a 120 x 120 building to manufacture sheds and he submitted an application for a Special Use Permit. However, he will have employees and not live on the premises so he should apply for a permit under Restricted Industrial Use. This permit requires a larger investment so he would like to know if the Planning Board has any issues before he proceeds.

Chairman Hotaling stated that he has no issues with it and it will be moving business here from Orleans County.

N. Jansen reviewed the deed and asked if 4 acres will be large enough.

Attorney Norris stated that the Town engineer and Mr. Schlabach's engineer have both been involved in the process and they feel that it is enough. Less than one acre will be disturbed.

B. Carmer stated that the dimensions of the building compared to the property lines don't make sense.

Attorney Norris stated that the engineers will provide detailed drawings.

**PRIVILEGE OF THE FLOOR**

Wayne Howes said that he is glad the Town is progressing in the right direction.

Cathi Orr said that if the board wants to take a trip to Orangeville to talk to the residents about the windmills she will take them. She said that there are red blinking lights on the windmills and it will be a big change for our residents.

Chairman Hotaling stated that Lighthouse Energy LLC has been upfront and cooperative.

C. Czelusta asked if the wind monitoring tower has been erected yet.

Chairman Hotaling stated no and he will contact the representative to find out why.

Chairman Hotaling asked Clerk Carmer to contact Hicksense to find out the status of their proposed business.

There being no further business, G. Few moved to adjourn the meeting at 8:10PM, seconded by C. Czelusta. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC  
Town Clerk/Secretary