

**TOWN OF SOMERSET
PLANNING BOARD
February 5, 2015**

Present: Jon Hotaling
Brian Carmer
Chris Czelusta
Norman Jansen
Michael Norris, Counsel
Stephen Lee, Code Enforcement Officer

Attended by Councilman Wayner, Gary Few and 6 residents

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

APPROVAL OF MINUTES

On a motion of N. Jansen, seconded by B. Carmer, the following resolution was
ADOPTED Ayes 4 Hotaling, Carmer, Czelusta, Jansen
Nays 0

Resolved the minutes of the December 4, 2014 meeting are approved as submitted.

APPOINTMENT OF VICE CHAIRMAN

On a motion of B. Carmer, seconded by N. Jansen, the following resolution was
ADOPTED Ayes 4 Hotaling, Carmer, Czelusta, Jansen
Resolved Chris Czelusta is appointed to fill the position of Vice Chairman.

COMMUNICATIONS

The board reviewed the quarterly report received from APEX as part of the conditions of their Special Use Permit.

CODE ENFORCEMENT reports for December 2014 and January 2015 were reviewed.

SCHLABACH SPECIAL USE PERMIT

Clerk Carmer advised the board that Caleb Schlabach has decided not to move his business to Hall Road due to the expense involved in obtaining a Restricted Industrial Use permit.

SPECIAL USE PERMITS

Chairman Hotaling stated that the board will be doing a better job of reviewing Special Use Permits each year.

C. Czelusta stated that last year a windmill that was not in use was scrutinized, and feels that all Special Use Permits that are not being used should be scrutinized.

Attorney Norris read the code relative to Special Use Permits. He advised that 30 days' notice to meet a condition must be provided, followed by a possible hearing. Regardless of the action of the board, Special Use Permits automatically terminate after non-use for 24 months. Discussion ensued regarding how to determine the 24 month time-frame. Attorney Norris stated that if there are questions pertaining to the conditions of a Special Use Permit, the procedure should be for the Code Enforcement Officer to discuss the possible violation with the permittee and report back to the board.

Chairman Hotaling advised that there are a few permits for animal husbandry that haven't been used for years, but it's not documented so the 24 months would have to start now.

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B. Carmer suggested we send a letter to those in question and ask them if they have had any activity in the past 24 months.

Attorney Norris stated that it's important that the permittee is given notice and an opportunity for a hearing.

Each permit was reviewed, with the following to be sent a letter asking if they are still using their permit or when they stopped using it:

BAKER – Fabrication/Repair Shop

BRATTON – Housing of 4 horses and 2 beef cows

DEWART – Animal Husbandry

GREENE – Animal Husbandry

NEAL – Ultra Light Airstrip

Clerk Carmer advised that Black Bird Cider Works would like to change the hours on their Special Use Permit to include Monday, Tuesday and Wednesday. Attorney Norris advised that a public hearing has to be held for any amendments to a Special Use Permit. Clerk Carmer noted that the cidery is also looking at expansion and will send a letter to Mr. Donovan inquiring about it. Both changes could be reviewed in one hearing. Clerk Carmer provided an update on Hicksense. Mr. Perry advised that he still intends to open a feed and animal care product store, but the state is rewriting the laws pertaining to animal feed. When the weather breaks he plans to open the store without the feed until the law is clarified. Chairman Hotaling stated that if Mr. Perry has horses at the property, then he needs a Special Use Permit for Animal Husbandry since there isn't the required amount of acreage. Code Enforcement Officer Lee will see if the horses are there and notify the owner of the violation if found.

The Special Use Permit for a windmill at 7483 West Somerset Road was discussed. Last year the board authorized an extension of 6 months to get the windmill working or taken down. Code Enforcement Officer Lee will follow up on it.

The extension for the NYSEG Proposed Communications Tower has expired. Clerk Carmer will contact their law firm to inquire on the status of the project.

Chairman Hotaling informed the board that the greenhouse on Lower Lake Road that had the Special Use Permit cancelled last year and was supposed to be taken down is still there. Code Enforcement Lee will contact the owner.

SCHOOLING

Chairman Hotaling reminded the board that each member is required to have 4 hours of schooling every year. The training can be achieved online and possibly can be arranged with our Town Engineer. Clerk Carmer will check with the Engineer.

PRIVILEGE OF THE FLOOR

Cathi Orr – offered to leave the Planning Board book from the Town of Bethany and a news article regarding the Vermillion Illinois County Clerk placing liens on farmer's land because APEX failed to pay their contractors with the board, if any members are interested in looking at it.

Cathi confirmed that these items are available online.

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Bill Rucker asked if anything is going to be done about properties with junk and farm equipment lying around on Townline and Johnson Creek Roads.

Chairman Hotaling stated that this meeting is not for code enforcement and the officer is in attendance for assistance with the Special Use Permits. He advised Mr. Rucker to meet with the Code Enforcement Officer after the meeting or in his office, and the board appreciates his concerns.

Bill asked if the sheds for sale on Johnson Creek Road are manufactured there or brought in from Amish country.

Cathi Orr stated that they are not manufactured here but are coming from Amish country.

There being no further business, C. Czelusta moved to adjourn the meeting at 7:58 PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC
Planning Board Secretary