

**TOWN OF SOMERSET  
PLANNING BOARD  
June 4, 2015**

Present: Jon Hotaling  
Chris Czelusta  
Gary Few  
Norman Jansen  
Mike Norris, Counsel

Attended by 13 residents

Chairman Hotaling called the Wilbur Public Hearing to order at 7:30PM.

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 May 19<sup>th</sup> at the Town Hall and on the town website.

**PUBLIC HEARING - WILBUR SUBDIVISION 1178 QUAKER ROAD**

Mr. Wilbur stated that it his intention to sell the north hay field to Bob Frost to eventually build a house on.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:32PM.

Chairman Hotaling called the Atwater Public Hearing to order at 7:32PM.

**PUBLIC HEARING - ATWATER SUBDIVISION 1957 HOSMER ROAD**

Mr. Atwater advised that he is selling property to Lynette & Sons.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:33PM.

Chairman Hotaling called the Saladin Public Hearing to order at 7:33PM.

**PUBLIC HEARING - SALADIN SUBDIVISION 8734 HAIGHT ROAD**

Ms. Saladin stated that she would like to sell her big house and build a smaller house.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:34PM.

Chairman Hotaling called the Regular Meeting to order at 7:35PM.

**APPROVAL OF MINUTES**

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

ADOPTED Ayes 4 Hotaling, Czelusta, Few, Jansen

Nays 0

Resolved the minutes of the May 7, 2015 meeting are approved as submitted.

**COMMUNICATIONS**

Clerk Carmer read a letter of resignation submitted by Brian Carmer.

Chairman Hotaling stated that Brian will be missed.

Code Enforcement Report for May received and filed.

C. Czelusta asked why an accessory building on the report is listed for Joel Fitch because he is deceased.

Clerk Carmer stated that Nancy went to the Code Enforcement office to have that fixed, but the report must have been prepared before the fix was made.

#### **SPECIAL USE PERMIT TICKETT WINDMILL**

There are no updates. Chairman Hotaling stated that technically the windmill is out of service and no longer up.

N. Jansen stated that he feels that there is no reason to make Mr. Tickett remove the tower for the antenna or have a special use permit for it. He stated there are other antennas in town of that height and those residents do not have a special use permit. Attorney Norris stated that we will take that into consideration.

#### **SPECIAL USE PERMIT WITTCOP GIFT AND CERAMIC SHOP**

Clerk Carmer advised that Ms. Wittcop's letter was signed for, but no communication has been received.

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

ADOPTED Ayes 4 Hotaling, Czelusta, Few, Jansen  
Nays 0

Resolved the Special Use Permit for Grace Wittcop's Gift and Ceramic Shop is revoked.

#### **WILBUR SUBDIVISION DECISION**

Attorney Norris stated that if a building permit is applied for, they will have to ask an engineer to examine the property for Indian artifacts.

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

ADOPTED Ayes 4 Hotaling, Czelusta, Few, Jansen  
Nays 0

Resolved the Wilbur subdivision at 1178 Quaker Road is approved to subdivide one parcel of 6.13 acres into two parcels of 3.479 acres and 2.651 acres subject to the following conditions:

1. Must keep premises clean and orderly

#### **ATWATER SUBDIVISION DECISION**

Attorney Norris stated that they will need to have a septic system installed subject to the approval of the Niagara County Health Department if a home is built.

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

ADOPTED Ayes 4 Hotaling, Czelusta, Few, Jansen  
Nays 0

Resolved the Atwater subdivision at 1957 Hosmer Road is approved to subdivide one parcel of 155.48 acres into three parcels of 140.38 acres, 1.76 acres and 13.34 acres subject to the following conditions:

1. Must keep premises clean and orderly
2. Any new residential structure will need septic approval from the Niagara County Health Department

**SALADIN SUBDIVISION DECISION**

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

ADOPTED Ayes 4 Hotaling, Czelusta, Few, Jansen

Nays 0

Resolved the Saladin subdivision at 8734 Haight Road is approved to subdivide one parcel of 40.14 acres into two parcels of 34.679 acres and 5.461 acres subject to the following conditions:

1. Must keep premises neat and orderly

**PRIVILEGE OF THE FLOOR**

Mary Lou Fisher stated that residents were approached in March and April by APEX to sign their property and asked if the Town Planning Board gave the homeowners permission to sign these.

Chairman Hotaling clarified the question and stated that they do not need permission from the Town as it is an individual's right. He stated the Article X procedure again.

Mary Lou asked if the Town has taken into consideration the use of Mercy Flight and how much room they need to maneuver around.

Chairman Hotaling stated that he can't answer that but knows that the flight zones of the Air Base and Mercy Flight are being taken into consideration.

Mary Lou stated that these are considered electric factories so are they allowed to build a factory on agricultural property.

Attorney Norris stated that he knows of nothing that would prohibit them from being built on agricultural land as throughout New York State the turbines are built on agricultural land. He reconfirmed that an application has not been filed yet, and the process is still in the Public Involvement Phase.

Toni Saladin asked how long the Public Involvement Period is.

Attorney Norris stated that it's a minimum of 150 days. The next step is to submit a Preliminary Scoping Statement which is that pre-application phase.

Attorney Norris reminded the residents and the board that this is not a question and answer session. Privilege of the floor is the opportunity for residents to offer comments which the board will take into consideration if they have to act for some reason.

Mary Lou stated that any member of any board who is involved in this should step down and not be involved in running the town.

Fred Atwater had a contract that he thought was the worst thing he has ever seen.

They wanted to run wires underground on each side of his house. He submitted a letter to each Town Board member but has not received a response. He stated that it seems funny that they have contracts but there isn't a plan. He stated that it seems this company is not interested in wind production, just government subsidies. His biggest concern is that property values may drop 40%-50%. There is value in the land with corn

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producing \$800 per acre so one shouldn't need to sign a lease with a questionable company.

Peggy Schwabel would like the board and attorney to advise how long APEX can continue to seek out leases. She stated they have been doing this since last spring and they still have choppers in the air. She feels this would be useful info to pass on to the Town Board and residents and realizes it may take the board several weeks to find that answer.

Robert Frost thanked Fred Atwater for his common sense and strength.

Dale Howard stated that we have a windmill law and we should be fighting to keep it.

Krista Atwater wanted to thank Mr. Carmer for his service to our board. She stated that he has been very ethical and a great addition and will be sorely missed. She also wanted to restate what she said at the Town Board meeting, that she has been at these meetings and there has been no ill service going on with any of the gentlemen who have signed leases or related to people who have signed leases. She thinks it's inappropriate for people to ask for resignations when they haven't been at the meetings to see the service these men have given.

There being no further business, C. Czelusta moved to adjourn the meeting at 7:50 PM, seconded by G. Few. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC  
Town Clerk/Secretary