

**TOWN OF SOMERSET
PLANNING BOARD
May 7, 2015**

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

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

APPROVAL OF MINUTES

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

Resolved the minutes of the April 2, 2015 meeting are approved as submitted.

COMMUNICATIONS

Code Enforcement Report for April received and filed.

SPECIAL USE PERMIT TICKETT WINDMILL

David Tickett addressed the board concerning the revocation of his Special Use Permit. He stated that he would like to use the windmill tower for a tv tower.

Chairman Hotaling advised that David Tickett received a certified letter and it was never acknowledged.

David said that it will be difficult to take it down because it's welded together.

Chairman Hotaling stated that the permit could be amended through a public hearing and David told him that he already has the antenna installed.

Attorney Norris advised that the permit was revoked for failure to respond to the letters as requested and the Code Enforcement Officer usually gives a person 30 days to take the tower down. David said he will think about it.

SPECIAL USE PERMIT WITTCOP GIFT AND CERAMIC SHOP

Clerk Carmer advised that there was no response to the letter mailed to Grace Wittcop asking if her permit was still being used. With no one in attendance to represent Grace, Attorney Norris advised Clerk Carmer to send a final certified letter RRR and to have Code Enforcement Officer Lee post the letter on her door if the letter is not signed for.

LAFORREST UPDATE

Clerk Carmer stated that Code Enforcement Officer Lee advised that the cars have been removed from the property with only two remaining. Of the two, one is registered.

PERRY UPDATE

Chairman Hotaling stated that Larry Perry is leasing additional land from Frank Eldridge so that he has the proper amount of acreage for his horses and will not need a special

use permit. Discussion ensued regarding the status of his store. Attorney Norris stated that his permit was already renewed this year so it should be looked at again next year.

WILBUR SUBDIVISION SEQRA

Chairman Hotaling stated that the Wilburs would like to sell off part of the property to another party to build a home in the future.

Attorney Norris advised that the property subdivision is in compliance with dimension size requirements.

B. Carmer asked if this is the first time the property has been split.

Chairman Hotaling stated that the Wilburs have owned it since the 70's and there haven't been any splits with them.

Attorney Norris advised the board members that this is an Unlisted Action and they have had Part 1 of the SEQRA form to review.

Chairman Hotaling voiced an archaeological concern as the Native Americans heavily inhabited the land approximately 200 years ago, and this property is within ¼ mile of the grist mill that was burned down in 1812. He stated that it's of more curiosity than a concern.

Attorney Norris advised that the Town Clerk should provide this information to Code Enforcement Officer Remington for his file.

Attorney Norris read SEQRA Part 2 and members took a "hard look" at all the questions. All answers were "no, or small impact" except the question regarding archaeological impact which was answered "moderate to large impact." Because of this, it will be noted in Part 3 and it be suggested that an engineer examine it before the issuance of a permit. Code Enforcement Officer Remington will be asked to talk to the Wilburs to see if they know anything about it.

Attorney Norris recommends that based on the analysis the project will not result in any significant adverse environmental impacts.

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

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

Resolved, this Board finds that Wilbur subdivision will not result in any significant environmental impacts and authorized the Chairman to sign the EAF with the archaeological language included in Part 3.

WILBUR SUBDIVISION PUBLIC HEARING

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

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

Resolved a public hearing will be held on June 4, 2015 to allow residents the opportunity to be heard regarding the subdivision of land at 1178 Quaker Road, Barker, NY.

ATWATER SUBDIVISION SEQRA

Bob Atwater reviewed the survey with the board members as there was some confusion regarding it.

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Attorney Norris stated that the lots are in compliance with Town code. He advised that part of the condition of approval is that Bob will have to comply with the County Health Department since this property is not within the Sewer District.

Attorney Norris noted that this is an Unlisted Action under SEQRA.

Attorney Norris noted that the SEQRA Part 1 has been received by Board members prior to the meeting for their review. Attorney Norris read Part 2 and Board members took a "hard look" at all the questions. Attorney Norris recommended that all responses should be no or small impact. Board members agreed. Attorney Norris recommended that the subdivision will not result in any significant adverse environmental impacts.

C. Czelusta stated that the term "non-agricultural" use should be removed as it likely will be agricultural. Attorney Norris agreed.

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

Resolved that this Board finds that the Atwater subdivision will not result in any significant adverse environmental impacts and authorizes the Chairman to sign the EAF form.

ATWATER SUBDIVISION PUBLIC HEARING

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

Resolved a public hearing will be held on June 4, 2015 to allow residents the opportunity to be heard regarding the subdivision of land at 1957 Hosmer Road, Appleton, NY.

SALADIN SUBDIVISION SEQRA

Toni stated that she would like to sell her big house, and build a smaller house next to it. Discussion ensued regarding wetlands at the rear of the property. Toni will be building in the front of the property, not keeping the back of the property so there is no wetlands issue.

Attorney Norris stated that the lots are in compliance with Town code and that this is an Unlisted Action under SEQRA.

Attorney Norris noted that the SEQRA Part 1 has been received by Board members prior to the meeting for their review. Attorney Norris read Part 2 and Board members took a "hard look" at all the questions. Attorney Norris recommended that all responses should be no or small impact. Board members agreed. Attorney Norris recommended that the subdivision will not result in any significant adverse environmental impacts.

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

Resolved that this Board finds that the Saladin subdivision will not result in any significant adverse environmental impacts and authorizes the Chairman to sign the EAF form.

SALADIN SUBDIVISION PUBLIC HEARING

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

Resolved a public hearing will be held on June 4, 2015 to allow residents the opportunity to be heard regarding the subdivision of land at 8734 Haight Road, Barker, NY.

Toni asked what happens next and Attorney Norris explained the process to her.

PRIVILEGE OF THE FLOOR

Christine Bronson asked C. Czelusta if there is a connection between him and the Joseph Czelusta who signed the lease with Apex.

C. Czelusta stated that his name is the same as his father, Joseph Christopher Czelusta, but everyone knows him as Chris.

Christine asked if he signed a lease with Apex.

Attorney Norris reminded everyone that this is an opportunity for the board to hear from the public, but the board is not required to respond to questions.

Attorney Norris noted that Mr. Czelusta abstained on the vote whether to grant or deny the Special Use Permit application for the Met Tower located on Mr. Nellist's land.

Christine stated her concern and wants honesty from the boards.

Bob Verheyn stated that the boards work for the residents and we need to respect each other.

Don Lewicki asked how much the board was involved in looking at the codes to see how we will be affected by the Apex proposal and asked if the residents have a voice through the Planning Board.

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Chairman Hotaling stated that they have to be heard through the Town Board, not the Planning Board.

Don feels the Planning Board is also responsible for looking at the future.

Betty Wolanyk stated that initially she was in favor of wind energy and her brother was provided with a lease. She researched the turbines and is now in opposition. She would like to know what the current setbacks and noise allowances are.

Attorney Norris stated that she can find the code online on the Town website, but if she can't access it she can contact Clerk Carmer to provide the local law.

Mary Lou Fischer saw a car checking on our bird population. If the turbines go in, she believes the birds will disappear. She feels this is a disaster and thinks the Planning Board should be concerned about it.

There being no further business, C. Czelusta moved to adjourn the meeting at 8:16 PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC
Town Clerk/Secretary