

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

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

Absent:

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

Deputy Clerk Reed read the notice of said public hearing that was duly published in the Lockport Union-Sun & Journal with the same notice being posted on October 19th at the Town Hall.

PUBLIC HEARING – POSS/DOMBROSKI SPECIAL USE PERMIT 9094 Lakeshore Drive

Deputy Clerk Reed stated that no correspondence was received in favor or against this permit.

Mr. Poss described the property and handed out copies of the property and the proposed structure. It would be placed 100' from the road right-of-way as per Town Code and less than 900 square feet. The structure will be a 3 car garage to house their vehicles.

Chairman Hotaling asked what will happen to the trailer that's on the property.

Mr. Poss said it will be demolished and removed. The willow tree will also be removed. There is a power pole on the property that they plan to either relocate, or remove it and have the electric run directly to the building.

N. Jansen thanked Mr. Poss for getting rid of an eyesore.

C. Czelusta asked why the pole is there.

Mr. Poss stated that it has a breaker for the trailer and a light on it.

K. Atwater asked if he plans to have electricity in the building.

Mr. Poss said there will be electricity in the building, but will probably run it directly from the street.

G. Few asked if there is going to be plumbing in it.

Mr. Poss said no.

G. Few said that no one plans to live in the upstairs if there's no plumbing then.

Mr. Poss said no and that there is only one story.

Chairman Hotaling advised Mr. Poss that if he plans to install water in the future he will be required to put a septic system in.

Chairman Hotaling asked if anyone in the audience has any comments.

Jennifer Schumacher said that she is the executrix for John Peckham who owns property next door. She asked where the structure will be built.

Mr. Poss said there are three properties combined into one, and he will be building in the middle and that puts the building right across the street from him.

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Chairman Hotaling advised that per Town Code the building has to be placed to the rear of the property in the event they would like to build a residence in the future.

Ms. Schumacher asked if he plans to leave the small shed that's on the property.

Mr. Poss said it is his intention to leave it there.

Attorney Norris stated that it's a pre-existing building and asked Mr. Poss if he would take it down.

N. Jansen stated that he doesn't see a need to take it down as it sits way back on the property.

Chairman Hotaling asked if the shed is usable.

Mr. Poss said it is.

Ms. Schumacher stated that she doesn't want a big, ugly pole barn in her front yard.

Chairman Hotaling stated that this is a nice looking structure.

The Poss' discussed where the windows will be placed.

Ms. Schumacher asked if they will have an LED light on the barn and will it be on all the time.

Mr. Poss stated that he will.

With no other persons desiring to be heard, Chairman Hotaling closed the hearing at 7:45PM.

Chairman Hotaling called the Regular Meeting to order at 7:46PM.

APPROVAL OF MINUTES

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

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

Nays 0

Resolved the minutes of the October 1, 2015 meeting are approved as submitted.

LOCAL LAW REVIEW – LAKESHORE RESIDENTIAL ACCESSORY BUILDING SETBACKS

N. Jansen stated that he likes the new version of the law.

C. Czelusta stated that he is okay with it.

K. Atwater worries that we just changed the law and now we want to change it again for something that only affects a couple of properties.

Chairman Hotaling stated that it only affects one piece of property and the property owner could do it if he got approval from the Zoning Board of Appeals.

G. Few agrees with K. Atwater. He asked if it's practical to change the law for one person.

Chairman Hotaling reviewed the process that the local law went through and stated that he doesn't agree with changing the law.

N. Jansen stated that he feels we are being too restrictive.

Attorney Norris reviewed the laws that pertain to this property. He stated that it's difficult to write a Town law that takes into account every situation possible, and that's why the Zoning Board of Appeals hears variances. We can either change the law or the individual can ask for a Variance of the Town Code.

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N. Jansen stated that his concern is to allow a resident to build an accessory structure that he feels he needs.

C. Czelusta stated that he is now in favor of leaving the law as is.

N. Jansen stated that he also is in favor now as long as the resident has a chance to appeal to the Zoning Board of Appeals.

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

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

Nays 0

Resolved to recommend to the Town Board to leave the Local Law as stated.

POSS/DOBROSKI DECISION

Attorney Norris advised that this is a Type II action so a SEQR is not needed and he read the conditions of the Special Use Permit.

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

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

Nays 0

Resolved the Special Use Permit for Andrew Poss and Darlene Dombroski is approved with 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. No obtrusive lighting allowed.

C. Czelusta asked to see the drawing when it is prepared.

N. Jansen advised to have lights installed that face down rather than outward.

Attorney Norris asked if Mr. Poss or Ms. Dombroski have any objection to the lighting stipulation. Ms. Dombroski said no.

PRIVILEGE OF THE FLOOR

Dale Howard advised that he is the resident they were discussing for the Local Law change and he is glad this is put to bed. He explained his need for a storage building and stated that he will pursue putting up a house. He complimented the Highway Department for showing him how to put his culvert in.

Chairman Hotaling told Dale that if he applies for a Variance, he will recommend that it gets granted.

Willis MacDonald stated that he wants to give land to his son and showed the Board a drawing of his land. He provided an overview of the history of his property. His property line currently runs through his son's pond so if he gives him 23' it will move the property line. He would also like to give him 50' on the other side.

K. Atwater asked if he sells his property in the future will there be an issue with the property line?

Mr. MacDonald said no.

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Attorney Norris asked if he can give his son more land to give him enough land for the boundary line requirements. He advised Mr. MacDonald to have his lawyer call him.

Andrew Poss provided an update on the remodeling of his church which he started five years ago. They are maintaining the outside and it is in good shape. Inside they enclosed part of the back for bathrooms which are not in yet, and duct work and electrical are going to be roughed in. They have applied for a number of grants, but have been unsuccessful so far.

Chairman Hotaling provided a contact at the State Historic Preservation Office.

There being no further business, G. Few moved to adjourn the meeting at 8:27PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

Cheryl Reed
Deputy Clerk/Secretary