

**TOWN OF SOMERSET
PLANNING BOARD
NOVEMBER 3, 2016**

Present: Jon Hotaling
Krista Atwater
Chris Czelusta
Gary Few
Norman Jansen
David Haylett, Counsel

Attendance: Approximately 10 people

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

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 6, 2016 meeting are approved as submitted.

PUBLIC HEARING – ANITA SCHMITT

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

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

Resolved to resume the Public Hearing for Anita Schmitt's Special Use Permit for Animal Husbandry.

Anita stated that she has all of the junkyard receipts with her, along with proof that the car out back is registered and insured. She stated that she called Code Enforcement Officer Remington asking him to attend tonight's meeting. He called her back and said the he did not plan to come.

N. Jansen stated that he has no problem at all with the animals, his concern is the state of her property. He said if she gets it cleaned up he will not have an issue with it.

Anita stated that she is working on it.

C. Czelusta asked some questions because he missed the last meeting:

How many sows will you have? Anita said eight now, but four are leaving on Monday.

Do you sell the babies? Anita said yes, but some are butchered.

Do you raise meat chickens for yourself? Anita stated yes, for themselves and their children.

Do you sell the eggs from the laying hens? Anita said no, it is for their own consumption.

Are they free ranged? Anita said a few of them are.

PLANNING BOARD MEETING
NOVEMBER 3, 2016 PAGE 2

How much area do the hogs need? Anita said they are in the barn and south of the barn in the fenced in area.

Do you buy all of your feed? She said they buy it once per year and uses the gravity wagon to get the grain.

Wayne Howes, 1935 Johnson Creek Road stated that he has a problem with the old farm machinery that he considers junk. He does not feel that there has been much improvement. He does not have a problem with the animals, but wants to see her property cleaned up.

Bill Rucker, 1867 Johnson Creek Road said that he has been after the situation for five years to get cleaned up but nothing changes. He asked what the town law is for farm animals and feels that we should not deviate from it. He stated that Johnson Creek Road has five junkyards between Townline Road and Coleman Road.

Cathi Orr, 1953 Johnson Creek Road stated that she has had a farm for thirty years and said there is no excuse for the junk. She said that she would never let her animals run in the equipment like that. She said that seeing her property when you see the Welcome to Somerset sign does not say much for the Town. She stated that the Schmitts should have saved some of their land for the animals. She asked why they don't junk the equipment to bring in extra money? She feels it is an eyesore. She also does not like the other junkyards and feels it decreases the property value.

Chairman Hotaling stated that he spoke with the Code Enforcement Officer and the Deputy Supervisor and has inspected her property. He does not feel that she needs five tractors.

Anita stated that two of them belong to her son.

Chairman Hotaling understands there is a hardship and said he does not have a problem with the animals. He stated that a condition of our Special Use Permits is for the property to remain neat and orderly. He proposes that we close the hearing and give Anita 62 days to organize her stuff and get her property looking presentable. He asked her if she is receptive to those conditions.

Anita stated that she can get the help to move the equipment to the back of the property.

Chairman Hotaling stated that this gives her two months and the weather forecast is looking above normal. He does not want to impose a hardship on anyone but there have been a lot of complaints on her property and she is in court right now over it.

N. Jansen stated that a truck driver in another part of town has a special use permit to park his truck and trailer. He said that the Schmitts have a trailer that has been sitting there for years.

Anita stated that they planned to paint it but have not had the time. She also has the paint and decals for the tractor but has not had time to paint it because they have been trying to clean up. She said that she has a statement from DOT that the trailer is for storage only.

PLANNING BOARD MEETING
NOVEMBER 3, 2016 PAGE 3

N.Jansen said that it sits in front of her house and is the first thing you see when you enter town.

K. Atwater agreed and said that she understands both sides, but the law is very clear that it is to be behind her house. She feels that some people think that farm equipment should not be rusted, but she runs a farm and understands how hard it is. However, the trailer at the road is like having a shed and it does not matter what the color is.

Discussion ensued how to move the trailer.

K. Atwater stated that we have to be careful legislating what people can have on their property, especially with her lot being on a corner and being viewed from two sides. She said that farmers do have equipment that only gets used once per year and it is not feasible to put the equipment inside.

Bill Rucker stated that in the back of his mind he thinks when they moved in the trailer was supposed to be for temporary storage only, not permanent.

N. Jansen said there is value in the trailer if she wants to get rid of it.

Anita stated that her family has items in there and they need to go through it.

Agnes LaPorte, 9184 Coleman Road stated that Anita mentioned that she is feeding her family with the animals and asked how many children live with her. Perhaps she has adult children that can help clean up the property. She said it would look a lot better if it gets cleaned up.

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

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

Resolved to close the public hearing and make a decision at our January meeting.

Anita asked where they would like her to move the trailer to so she does not have to move it again.

Discussion ensued and it was determined that her address is Johnson Creek Road so that is the front of her house and the trailer should be moved behind her house.

COMMUNICATIONS:

Clerk Carmer stated that the Planning Board received notification from the Town Board that the Town Board is the SEQR Lead Agency for the Solar Energy Systems law.

Clerk Carmer stated that we had asked Herb Linderman to submit a sketch for his special use permit, and he notified Chairman Hotaling that he is putting his plans on hold pending the outcome of the Solar Energy Systems law. The law will determine how much room he has to install solar.

Chairman Hotaling stated that the County Planning Board notified us that they do not have an issue with the Schmitt application for a special use permit.

G. Few announced that his home has not sold so he will not be resigning as he stated earlier this year.

PLANNING BOARD MEETING
NOVEMBER 3, 2016 PAGE 4

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

Respectfully submitted,

Tracy L. Carmer, RMC
Town Clerk/Planning Board Secretary