

**TOWN OF SOMERSET
PLANNING BOARD
October 2, 2014**

Present: Jon Hotaling
Brian Carmer
Chris Czelusta
Gary Few
Norman Jansen
Michael J. Norris, Counsel

Chairman Hotaling called the public hearing to order at 7:31PM.

PUBLIC HEARING – GARLOCK SUBDIVISION, 9557 Somerset Drive

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 September 19 at the Town Hall.

Clerk Carmer then read a letter of support submitted by Robert and Judith Meadow of 9563 Somerset Drive.

Attorney Schubel, representing Richard and Katherine Garlock, advised the board of their desire to split the property into two lots with 100' frontage each to sell them.

N. Jansen has no concerns with it.

C. Czelusta clarified which section of Somerset Drive the property is located on.

B. Carmer asked if there's any problem with the egress.

Attorney Norris stated no.

B. Carmer and G. Few have no concerns with it.

Attorney Norris has no questions.

Mr. McGuire introduced himself as one of the purchasers and said that he is selling his home in Lewiston and wants to start building a home here this fall.

Ed Wahl of 9555 Somerset Drive will be glad to see a house being built there. He said that originally it was two lots.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:35PM.

REGULAR MEETING

Chairman Hotaling opened the regular meeting at 7:36PM.

APPROVAL OF MINUTES

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

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Nays 0

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

COMMUNICATION

Code Enforcement Officer monthly report for September received and filed.

NEGATIVE SEQR DECISION

The Planning Board reviewed Part I and carefully weighed the questions to Part II of the SEQR form.

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, in the matter of the application of Richard and Katherine Garlock, for a subdivision of land into two lots, the chairman is hereby authorized to sign part 3 of the SEQR declaring there are no significant adverse environmental impacts.

DECISION ON GARLOCK SUBDIVION - 9557 SOMERSET DRIVE

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

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

Nays 0

Resolved, the subdivision is approved as submitted.

METEOROLOGICAL TOWER – NELLIST PROPERTY

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

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

Nays 0

Resolved discussion on the meteorological tower is reopened.

Attorney Norris reported that the request was approved by the Niagara County Planning Board. Their concern was fencing, and it was determined that more balls for marking will be sufficient and a snow fence can be installed, if needed.

Attorney Norris received paperwork earlier this week noting a change in the company's name. The name has changed from Niagara Renewables LLC to Lighthouse Wind LLC. The hearing was held under one name and the decision will be made under the new name, but in essence it's the same company.

Attorney Norris reviewed the conditions of the Special Use Permit that he based largely on a previous permit for a meteorological tower.

1. The special use permit shall conform to the ordinances of the Town of Somerset in all respects;
2. Any violation of condition(s) of the Special Use Permit shall be grounds for revocation;

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3. The premises shall be kept neat and orderly;
4. This permit shall expire on March 31, 2015;
5. The collection of data and removal of the tower shall be completed upon the expiration of this permit;
6. Status reports shall be filed with the Planning Board quarterly;
7. The applicant shall comply with all FAA regulations for marking or lighting of the tower (if required);
8. The copies of the inspection reports that are filed in accordance with federal and state guidelines shall be filed with the Planning Board;
9. A removable tower bond in the amount of \$10,000 shall remain in effect by the applicant while the tower is up, until taken down by the applicant.

The FAA law was provided to Attorney Norris regarding lighting of the tower. The FAA requires lighting if the tower is 200' tall; this tower is 191'.

Dan Fitzgerald of Lighthouse Wind LLC will submit the bond to Clerk Carmer.

N. Jansen asked if condition number 3 pertains to the area around the tower, or the entire homestead.

Chairman Hotaling stated that it pertains to the area around the tower.

METEOROLOGICAL TOWER – NELLIST PROPERTY

On a motion of B. Carmer, seconded by G. Few, the following resolution was

ADOPTED	Ayes	4	Hotaling, Carmer, Few, Jansen
	Nays	0	
	Abstain	1	Czelusta

Resolved, the Special Use Permit for Larry Nellist/Lighthouse Wind LLC is approved.

James Ferington asked how the location is picked for the tower.

Chairman Hotaling stated that only the lessees for the wind mills would be considered for tower placement. The Town already has wind turbines and is not a lessee so will not be getting a meteorological tower.

Dan Fitzgerald stated that they would like to start erecting the tower in 3-4 weeks.

ACCESSORY USE BUILDINGS ALONG LAKESHORE PROPERTY

Attorney Norris distributed a revised proposal for review. The last sentence was removed which required ownership on both sides since the board is requiring 100' setback.

N. Jansen thinks the code is reasonable.

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C. Czelusta is still opposed and feels we shouldn't alter the existing law.

B. Carmer is against.

G. Few is in favor.

Herb Linderman passed around a couple pictures showing manure being spread across the street from his home to show that it's "not the Hamptons."

James Ferrington asked what "spoiling the lake view" means.

C. Czelusta stated that the board spent a great deal of time on the Comprehensive Plan.

J. Ferrington asked when this was done.

C. Czelusta said it was in 2012.

B. Carmer stated that we spent a lot of time on it.

C. Czelusta said that a lot of time was spent trying to get people to build on our lakefront properties that we have left. Discussion ensued regarding lakefront vs lake view and people's opinion varies on this.

On a motion of N. Jansen, seconded by G. Few, the following resolution was
ADOPTED Ayes 3 Hotaling, Few, Jansen
Nays 2 Carmer, Czelusta

Whereas, the Town Board referred to the Planning Board for its review the question of whether accessory structures should be permitted on vacant lots in the Residential Lakeshore District; and

Whereas, the Town Planning Board has carefully reviewed and debated this issue over the past several months; now therefore be it

Resolved, that the following proposed amendment to Town Code §205-34 regulating accessory buildings in the Residential Lakeshore District be submitted to the Town Board:

**PROPOSED AMENDMENT
TOWN OF SOMERSET**

Repeal §205-34 (B) in its entirety and replace with:

B. Before there can be any accessory building or accessory use in a Residential Lake Shore District (RLS), there must first be a principal dwelling on the lot, except as provided in §205-35 (B).

Repeal §205-34 (C) (1) in its entirety and replace with:

All accessory buildings shall be set back a minimum of 100 feet from the road right of way.

Add §205-34 (C) (3)

The minimum square footage of an accessory structure shall be 250 square feet and the maximum square footage of an accessory structure shall be 900 square feet.

Add §205-35 (B)

B. An accessory structure on a vacant parcel on the south side of a road if the property owner who owns such parcel also owns a parcel on the north side of the same road and directly on the lake shore with a principal structure located on it. The Planning Board shall take into consideration and review the structure's overall appearance and proposed location, including, but not limited to: architectural styles, design materials, and colors; the surrounding area including the impact of lake views and other buildings located in area; and the overall aesthetic enhancement of the Town and the Lake Shore District. Any approval of the Special Use Permit by the Planning Board may be conditioned upon its review of the foregoing considerations.

PRIVILEGE OF THE FLOOR

Dale Howard thanked the board for working on the accessory use building code. He stated that residents on the north side of the road can install garages or plant trees and that won't preserve views.

There being no further business, C. Czelusta moved to adjourn the meeting at 7:59 PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC
Town Clerk/Secretary