

**TOWN OF SOMERSET  
PLANNING BOARD  
October 1, 2015**

Present: Jon Hotaling  
Krista Atwater  
Norman Jansen  
Mike Norris, Counsel

Absent: Chris Czelusta  
Gary Few

Attended by 13 residents

Chairman Hotaling welcomed Krista Atwater to the Planning Board.

Chairman Hotaling called the Ferington Public Hearing to order at 7:35PM.

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 16th at the Town Hall.

**PUBLIC HEARING – FERINGTON SPECIAL USE PERMIT 8687 LAKEVIEW DRIVE**

Jim Ferington stated that he would like to place a 36' x 24' accessory building on his vacant lot on the south side of Lakeview Drive as per Town Code. The building is needed to hold things he can't store at his home that does not have an attic or basement. The building will be within the required setbacks. The color will closely match the color of his home. The building will have 9' carriage doors and a man door. It will also have water, sewer and power.

Clerk Carmer stated that Mr. Ferington's neighbor, Dan Hogan, called to state that he is in favor of the project.

N. Jansen asked if the building will be heated to keep the water from freezing.

J. Ferington said that it will be drained and winterized like all of his houses.

J. Hotaling reminded Mr. Ferington that he needs to contact Mel regarding the water and sewer.

N. Jansen asked where the building is being placed on the lot.

J. Ferington stated that it will be the back southeast corner.

Attorney Norris stated that all of the required information has been provided.

Dale Howard, a neighbor of Jim Ferington, stated that he fully supports the project.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:42PM.

Chairman Hotaling called the Family Life/White Public Hearing to order at 7:43PM.

**PUBLIC HEARING – FAMILY LIFE MINISTRIES/THOMAS WHITE SPECIAL USE PERMIT 1900 CARMEN ROAD**

Rick Snavelly reported that their communication tower is being moved, but the FCC does not allow the move to happen all at once so coverage is not lost. They need a

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special use permit to allow them to place a portable tower at 1900 Carmen Road on a temporary basis. It is on a trailer and telescopes up about 80 feet. Once it is erected, they file with the FCC that they are on the air. The FCC approves it within 30-45 days. Once it is approved they immediately file to move to the next site.

N. Jansen stated that the setbacks are well above our requirements and he has no objections.

J. Hotaling agreed and asked if this is a radio transmission tower.

R. Snavelly said yes, they have a station licensed in Attica (88.3). The reason for the move to Olcott is that they will have a much stronger signal.

K. Atwater asked if they are only asking for a timeframe of 30-45 days based on the typical response from the government.

R. Snavelly said that 30-45 days is typical, but last year was a little slower because the FCC shut down for a period of time so they had a three month delay. If there is an error in the application it could be delayed.

Attorney Norris stated that the permit is worded for 45 days, but can be amended if they feel it isn't enough time.

R. Snavelly asked if it's better to extend it now or if they should ask for an amendment later if needed.

Attorney Norris stated that it is better to do it now because the permit would have to be amended.

Discussion ensued regarding timeframes. It was agreed upon to change the timeframe from 45 days to 90 days in case of any delay by the FCC.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:49PM.

Chairman Hotaling called the Gotts/Bontrager Public Hearing to order at 7:50PM.

**PUBLIC HEARING – GOTTS/BONTRAGER SPECIAL USE PERMIT 9707  
TOWNLIN ROAD**

Lester Bontrager stated that he operates a custom door and millwork business in Michigan and would like to add a business here. It will be family operated with no advertising. It is mainly wholesale, but he doesn't turn away retail.

N. Jansen stated that on the plans there are two entry doors, front and back. He asked if there is only storage or will there be manufacturing too.

L. Bontrager said there will be both.

N. Jansen is concerned with only two doors available if there is an emergency, although there are windows.

L. Bontrager said that he can add a door if that's a factor.

Code Enforcement Officer Remington stated that windows are considered emergency access also.

L. Bontrager stated that he has been operating for 15 years and hasn't had to jump out the window yet.

N. Jansen asked if there is any concern about fire abatement inside the building with a diesel engine.

L. Bontrager stated that there is fuel storage outside.

M. Remington asked how much space is between the building and fuel storage.

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L. Bontrager said twelve feet.

M. Remington stated that should be fine.

K. Atwater asked if there are timeframes for the diesel not to run. She is concerned about the neighbors at night.

L. Bontrager said that his normal hours are 7:30AM – 4:30PM.

K. Atwater asked if quiet time could be from 10PM – 6AM.

J. Hotaling stated that the Town's noise ordinance is from 9PM – 7AM.

N. Jansen stated that he has heard these engines run and you will not hear it from the road.

L. Bontrager purchased a special muffler to make it as quiet as possible.

J. Hotaling asked if there is anyone there representing Mr. Gotts who currently owns the property that Mr. Bontrager wants to purchase.

Richard Hellert is the realtor for the property. He had provided pictures of the building to Attorney Norris and Supervisor Engert at a prior meeting. He stated that he is representing the buyer so he does not have anything from Mr. Gotts.

Dale Howard stated that he is all for a business coming into Somerset.

Attorney Norris stated that currently Mr. Gotts owns the property and is concerned why his name is on the application. He said that we can approve the Special Use Permit based on the transfer of property instead of holding it open. If the property ends up not being sold, there will not be a special use permit.

With all persons desiring to be heard, Chairman Hotaling closed the hearing at 7:59PM.

Chairman Hotaling called the Regular Meeting to order at 8:00PM.

**APPROVAL OF MINUTES**

On a motion of N. Jansen, seconded by K. Atwater, the following resolution was

ADOPTED Ayes 3 Hotaling, Atwater, Jansen

Nays 0

Resolved the minutes of the June 4, 2015 meeting are approved as submitted.

Code Enforcement Report for June, July, and August received and filed.

**FERINGTON DECISION**

Chairman Hotaling wanted it to be noted that the premises must be kept neat and orderly at all times, and with water hookup must come sewer hookup.

Attorney Norris read the proposed conditions.

On a motion of N. Jansen, seconded by K. Atwater, the following resolution was

ADOPTED Ayes 3 Hotaling, Atwater, Jansen

Nays 0

Resolved the Ferington Special Use permit for an Accessory Building at his property south of 8687 Lakeview Drive is approved subject to 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. Water and Sewer hookup shall be approved by the Water Superintendent.

**FAMILY LIFE MINISTRIES/THOMAS WHITE NEGATIVE SEQR DECLARATION**

Attorney Norris read the conditions of the Special Use Permit. He stated that SEQR short form part 1 has been completed and there is no impact, but it is an unlisted action so we should do the SEQR. Attorney Norris read SEQR part II.

On a motion of N. Jansen, seconded by K. Atwater, the following resolution was

ADOPTED Ayes 3 Hotaling, Atwater, Jansen  
Nays 0

Resolved the proposed action will not result in any significant, adverse environmental impacts and Chairman Hotaling is authorized to sign the EAF.

**FAMILY LIFE MINISTRIES/THOMAS WHITE DECISION**

On a motion of K. Atwater, seconded by N. Jansen, the following resolution was

ADOPTED Ayes 3 Hotaling, Atwater, Jansen  
Nays 0

Resolved the Special Use Permit for Family Life Ministries/Thomas White to place a portable, temporary tower for a 90 day period is approved subject to 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.

**GOTTS/BONTRAGER NEGATIVE SEQR DECLARATION**

Attorney Norris stated that anything over 4,000 square feet requires SEQR. He stated that Part I has been completed and read the questions and answers in Part II.

N. Jansen asked Mr. Bontrager if he plans to install water or sewer.

L. Bontrager said yes.

On a motion of N. Jansen, seconded by K. Atwater, the following resolution was

ADOPTED Ayes 3 Hotaling, Atwater, Jansen  
Nays 0

Resolved the proposed action will not result in any significant, adverse environmental impacts and Chairman Hotaling is authorized to sign the EAF.

**GOTTS/BONTRAGER DECISION**

Attorney Norris read the conditions of the Special Use Permit.

On a motion of K. Atwater, seconded by N. Jansen, the following resolution was

ADOPTED Ayes 3 Hotaling, Atwater, Jansen  
Nays 0

Resolved the Special Use Permit to allow a family owned and operated custom door and millwork business at 9707 Townline Road is approved subject to the following conditions:

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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. Subject to the transfer of premises where business is located to the applicant.

L. Bontrager stated that he is impressed with how the board works together.

Richard Hellert thanked the board for allowing business to move into town. He discussed solar farms and stated that he contacted Somerset Operating Company about purchasing some of their land on the south side of the road but they said no. He asked if he finds property that's zoned agricultural would he need to have it rezoned. He is also considering the former chemical property. Would this type of project be welcomed by the Town?

J. Hotaling stated that he likes it and the chemical property would be perfect. He recommended that Mr. Hellert contact Amy Fisk at Niagara County.

R. Hellert asked if the ground is contaminated.

Attorney Norris advised Mr. Hellert to contact Amy Fisk because she can provide all of the information he needs about the site. He stated that there is no law on the books pertaining to large scale solar farms so he would need to return to the Planning Board for a Special Use Permit.

R. Hellert stated that he is hoping that part of the electric can go back into our community. Currently this is not available, it has to go into the grid entirely. He said that this needs to be promoted.

J. Hotaling discussed the chemical property remediation.

### **LOCAL LAW REVIEW**

Chairman Hotaling distributed the original document for the setbacks on Somerset Drive. The road was determined to be 49-1/2', making the right of way 24-2/4' from the center of the road.

Attorney Norris stated that the Town Board sent the issue of accessory buildings on the south side of the road in the Residential Lakeshore District back to the Planning Board for review. There is a concern regarding corner lots, with the problem being the setback of 100' from each side of the road. A resident that has a 100' x 200' lot would have to get a zoning variance along with the Special Use Permit to place an accessory structure on the property. When the local law was revised the intent was to have enough room to allow a principal residence to be built on the lot. A resident asked the Town Board to waive the zoning fee. Instead of waving the fee, the Town Board asked the Planning Board to consider amending the local law. Attorney Norris drafted an exception to the Local Law for review changing the setbacks to 100' on one side, and 50' on the other side for corner lots.

Chairman Hotaling suggested the discussion be tabled until a full board is in attendance since the amendment to the local law was passed with a 3-2 vote. The topic will be placed on the agenda for our next meeting.

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Attorney Norris asked the clerk to send the draft to the members who are absent so they have the opportunity to review it before our next meeting. He also asked the clerk to work with the Assessor to determine how many vacant corner lots are in the Residential Lakeshore District.

**PRIVILEGE OF THE FLOOR**

No one desiring to be heard.

There being no further business, N. Jansen moved to adjourn the meeting at 8:35PM, seconded by K. Atwater. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC  
Town Clerk/Secretary