

**TOWN OF SOMERSET  
PLANNING BOARD  
OCTOBER 6, 2016**

Present: Jon Hotaling  
Krista Atwater  
Gary Few  
Norman Jansen  
Brian Seaman, Counsel  
Mark Davis, Counsel  
Drew Reilly, Engineer

Absent: Chris Czelusta

Attendance: Approximately 30 people

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

Clerk Carmer read the notice of said public hearings that was duly published in the Lockport Union-Sun & Journal with the same notice being posted on September 22<sup>nd</sup>, 2016 at the Town Hall and on the town website.

**PUBLIC HEARING – HERBERT LINDERMAN SPECIAL USE PERMIT FOR ACCESSORY BUILDING**

Herb Linderman stated his lot is 401' wide and there is a driveway directly across from his house where he would like to site the building. He wants to place it with the intention of having four lots in the future. He will put it as far back in the property as the setbacks allow. He has contacted a few vendors for quotes on construction of a 900 square foot post frame building with a wall height of 10 feet and a gambrel roof. The overall height will be less than 25 feet. The layout will likely be 24' x 36' totaling 864 square feet on a cement slab. He is still undecided on the color, but it will be non-intrusive. He will have electricity but no plumbing.

K. Atwater asked why he is putting it 150 feet from the side.

Herb said that is because of the existing driveway. The board discussed setback requirements.

Chairman Hotaling asked him to provide an artist's rendering.

Attorney Seaman stated the conditions can include providing an artist's rendering.

Chairman Hotaling reminded Herb the conditions include keeping the property neat and orderly.

With no persons desiring to be heard, on a motion of N. Jansen, seconded by G. Few,

ADOPTED	Ayes	4	Hotaling, Atwater, Few, Jansen
	Nays	0	

Resolved the public hearing is closed at 7:40PM.

**PUBLIC HEARING – ANITA SCHMITT SPECIAL USE PERMIT FOR ANIMAL HUSBANDRY**

Anita stated that she is requesting a Special Use Permit to continue raising pigs and chickens. She said they raise them from birth until half or full grown. They butcher some of them for their children. She stated this is good for her husband because he has short term memory loss and doing something repetitively helps his mind work. She stated that due to his disability payments being stopped temporarily, they lost the additional land they had for the animals.

Chairman Hotaling mentioned the state of their property and Anita stated that her property started being unkempt due to health reasons. She stated that they are still in court over it.

Chairman Hotaling asked how many animals they will have. Anita stated they have 8 pigs on the property; more when they have babies. They also have 10-12 laying hens and some meat chickens for six weeks during the summer.

G. Few said he would like to know what has been done to clear the property out.

Chairman Hotaling stated that Code Enforcement isn't at the meeting to answer the question. He said that a decision will not be made tonight anyway since the Niagara County Planning Board has to review the application at its meeting on October 17.

N. Jansen stated that is a lot of animals for 1.8 acres. He said the chickens are not an issue to him, but the pigs are. He said included in the 1.8 acres is a house, a yard and buildings.

Anita said they are normally in the barn.

N. Jansen asked what is the plan with the waste?

Anita said that goes into the garden area and gets worked in. She said they could go down to 4 pigs if need be.

N. Jansen said he is not pleased with it, knowing the neighborhood reaction to the premises anyway. He said they have a lot of farm equipment laying around and do not do any farming.

Anita stated that he does.

N. Jansen stated that the tractor has not moved in months.

Anita said the he does not use it all the time but it does get used. She said that the equipment had to be put somewhere when they lost all the property.

N. Jansen feels the equipment should get scrapped.

Anita said it is useable.

N. Jansen said that is not his place to say, he just does not like that many pigs on that small of an area.

K. Atwater asked Anita how long she has owned the property.

Anita said 10 years.

K. Atwater asked who the previous owners were.

Anita stated it was Tom Andrews.

K. Atwater stated that there have been pigs there as long as she can remember. She asked if it is possible to rent a small piece of connected land to get her up to the required acreage?

Anita said that she tried. She asked Ben Atwater who owns the property but said he would rather she get a husbandry permit because that is what the town would like.

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Chairman Hotaling asked Anita if she relies on this as a source of income.  
Anita stated yes.

K. Atwater noted that Anita said earlier that she feeds her family with them.  
With no persons desiring to be heard, on a motion of G. Few, seconded by N. Jansen,  
ADOPTED Ayes 4 Hotaling, Atwater, Few, Jansen  
Nays 0

Resolved the public hearing remain open until November 3<sup>rd</sup>.

Chairman Hotaling opened the Regular Meeting at 7:48PM.

**APPROVAL OF MINUTES**

On a motion of N. Jansen, seconded by G. Few, the following resolution was  
ADOPTED Ayes 4 Hotaling, Atwater, Few, Jansen  
Nays 0

Resolved the minutes of the September 1, 2016 meeting are approved as submitted.

**LINDERMAN DECISION**

Attorney Seaman stated the permit can be granted with the normal stipulations pending the provision of a picture.

On a motion of G. Few, seconded by N. Jansen, the following resolution was  
ADOPTED Ayes 4 Hotaling, Atwater, Few, Jansen  
Nays 0

Resolved the Special Use Permit for Herb Linderman to construct an accessory building on the south side of the road in the Lakeshore Residential District is approved with the following conditions:

1. This Special Use Permit shall conform to ordinances of the Town of Somerset in all other respects.
2. Any violation of conditions of the Special Use Permit shall be grounds for revocation.
3. The premises shall be kept neat and orderly.
4. Conditional on final approval of considerations contained in §205-35B prior to construction.

**SOLAR ENERGY LAW DISCUSSION**

D. Reilly asked the Board if they had any comments.

N. Jansen said he is still concerned with the number of units per acre, but is fine with it now since it requires a Special Use Permit so we can make sure it is the appropriate size.

K. Atwater is still concerned with the rights of a property owner to be able to install a small scale unit for personal use without having to use a qualified installer.

D. Reilly said that he is attending a seminar next week and will be asking that question.

K. Atwater stated that there are only five approved so far within two hours of Somerset.

Chairman Hotaling stated that you still have to obtain a building permit, a special use permit, and it would still have to be inspected by an electrical engineer.

K. Atwater feels that it is important to register with the Barker Fire Department.

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Chairman Hotaling stated that he would like to have them registered with Niagara County Dispatch.

On a motion of N. Jansen, seconded by G. Few, the following resolution was  
ADOPTED Ayes 4 Hotaling, Atwater, Few, Jansen  
Nays 0

Resolved the draft Solar Energy Systems Local Law be passed to the Town Board with the questions submitted by the Planning Board.

**EXECUTIVE SESSION**

On a motion of N. Jansen, seconded by G. Few, the following resolution was  
ADOPTED Ayes 4 Hotaling, Atwater, Few, Jansen  
Nays 0

Resolved to enter into executive session to consult with the attorney at 7:55PM. D. Reilly is invited to attend.

**RETURN TO REGULAR SESSION**

On a motion of K. Atwater, seconded by N. Jansen, the following resolution was  
ADOPTED Ayes 4 Hotaling, Atwater, Few, Jansen  
Nays 0

Resolved to exit executive session and return to regular session at 8:10PM.

**LIGHTHOUSE WIND METEOROLOGICAL TOWERS**

On a motion of J. Hotaling, seconded by N. Jansen, the following resolution was  
ADOPTED Ayes 4 Hotaling, Atwater, Few, Jansen  
Nays 0

WHEREAS Lighthouse Wind has proposed to construct two Meteorological Towers in the Town of Somerset, and

WHEREAS the proposed Meteorological Towers are each more than 100 feet in height, and

WHEREAS the regulations promulgated pursuant to the New York State Environmental Quality Review Act, or SEQRA, provide that any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height is a Type I action, and

WHEREAS the Town of Somerset does not have any zoning regulation pertaining to the height of meteorological towers, and

WHEREAS SEQRA requires a Full Environmental Assessment Form be completed for Type I actions, and

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WHEREAS the applicant has previously submitted a Short Environmental Assessment Form but not a Full Environmental Assessment Form, and

WHEREAS, the Town Planning Board has further determined that the Short Environmental Assessment Form does not provide sufficient information on which to base a determination of significance,

NOW THEREFORE BE IT RESOLVED, the Town Planning Board determines that this project is a Type I action for purposes of SEQRA, and

BE IT FURTHER RESOLVED, the Town Planning Board requires the applicant to complete and submit a Full Environmental Assessment Form, and

BE IT FURTHER RESOLVED, in the alternative and to the extent this project is not a Type I action, the Town Planning Board has determined that the previously submitted Short Environmental Assessment Form does not provide sufficient information on which to base its determination of significance and therefore requires the applicant to complete and submit a Full Environmental Assessment Form.

There being no further business, G. Few moved to adjourn the meeting at 8:15PM, seconded by N. Jansen. Carried unanimously.

Respectfully submitted,

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