

**TOWN OF SOMERSET
PLANNING BOARD HEARING/MEETING
AUGUST 3, 2023**

PRESENT:	Chairman:	Norm Jansen
	Board:	Krista Atwater
		Chris Czelusta
		Charlie Neal
		Robert Wendler
	Attorney:	David Haylett
	Applicant:	Nova & Angela Popovich
	Audience:	Jon Hotaling

PUBLIC HEARING

Owner/Applicant – Nova & Angela Popovich

Location of Property – 9848 Lower Lake Road

Application for SEQR review, site plan review and a Special Use Permit to construct a 1,600 square foot metal building for use as an ice cream stand.

Along with the Special Use Permit Application, the applicant submitted an aerial photo of the location and drawing plans from PARCO Building Systems, Inc. which included elevations, floor/post plan and building & wall sections.

The hearing opened at 7:30pm with N. Popovich sharing specifics about the ice cream stand:

- Hours would be 12:00pm to 8:00pm or 9:00pm, seasonal use only
- Will tie into the septic system shared by house
- Signage would be from distributors and would be displayed during hours of operation
- A 2' x 3' vinyl hanging sign fastened by grommets will be hung on building
- U-Shaped driveway would be available for customer use
- Building dimensions: 24' x 32' – overhang brings it to 1600 square feet
- Plans to install a paved parking lot
- Building will be on a concrete pad
- Porch will be around three sides; picnic tables outside which are covered by eaves
- No public restroom will be available
- Lighting on pillars will comply with "dark sky at night" law

Atty. Haylett explained that the project had to first be presented to the County Planning Board on July 17, 2023 because of its proximity to Golden Hill State Park. The County Planning Board recommended approval.

With no further discussion, the hearing was closed at 7:50pm.

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APPROVAL OF THE MINUTES

On a motion by K. Atwater, seconded by C. Neil to approve the Minutes from November 3, 2022, the following resolution was

ADOPTED	Ayes	4	Atwater, Czelusta, Jansen, Neal
	Nays	0	
	Abstain	1	Wendler

Resolution: The Minutes from November 3, 2022 were accepted as submitted.

COMMUNICATIONS

There were no communications

OLD BUSINESS

Special Use Permit Renewals for 2023

Discussion ensued regarding the yearly renewal process regarding the following:

- Every Special Use Permit must be reviewed annually
- Even though Code does not require a yearly letter, is it a practice that the Board wants to continue?
- Atty. Haylett could request that if any complaint is made, the Code Enforcement Officer could visit the property and give a follow-up report to the Planning Board
- Review of the grounds of termination of a Special Use Permit concerning inactivity after a determined amount of time
- Outstanding unreturned renewal letters:
 1. NYSEG Communications Tower on Lake Road -
Atty. Haylett asked that a renewal letter be sent to the Lockport location for signature
 2. Verizon Tower – Atty. Haylett will inquire regarding this permit
- Review of all Special Use Permit renewals should be tabled until the next planning board meeting.

NEW BUSINESS

To consider application for SEQR review, Special Use Permit, and site plan review to operate an ice cream stand at 9848 Lower Lake Road.

Atty. Haylett explained that this is a Type II under SEQRA, and no further review is necessary. After reviewing the environmental findings, a motion for SEQR approval was made by C. Neal, seconded by R. Wendler. The following resolution was

ADOPTED	Ayes	5	Atwater, Czelusta, Jansen, Neal, Wendler
	Nays	0	

Resolution: The action will have no significant negative environmental consequences

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On a motion by K. Atwater, seconded by C. Neal to approve the site plan review and Special Use Permit with conditions, the following resolution was

ADOPTED Ayes 5 Atwater, Czelusta, Jansen, Neal, Wendler
 Nays 0

Resolution: A Special Use Permit was granted subject to the following conditions:

1. Must obtain Niagara County Health Department approval
2. In all other respects, applicant must abide by the zoning ordinance of Town of Somerset
3. Any signage must comply with Town code
4. Lighting for business shall not disturb neighboring properties

ADJOURNMENT

There being no further business, C. Czelusta made a motion to adjourn the meeting at 8:18pm, seconded by K. Atwater. Carried unanimously.

Respectfully submitted,

Sandra Lewis
Planning Board Secretary