

# TOWN OF FAYETTE

## PLANNING BOARD MINUTES

July 22, 2013

Meeting called to order at 7:03 pm by Chairman Schubert.

Present: Mr. Schubert, Ms. Bryan, Dr. Tidball, Mr. Battley

Excused: Mr. Lott, Mr. Wise, Mr. Rosenkrans

Others Present: Todd Heinzman, Valorie Heinzman

Reading of Town of Fayette Planning Board Public Notice by Mr. Schubert as posted in the *Finger Lakes Times* Sunday, July 14, 2013.

Regular Meeting called at 7:05 p.m. Mr. Schubert asked for Roll Call.

- Mark Lott: Excused absence
- Nelson Wise: Excused Absence
- Teresa Bryan: present
- Ron Schubert: present
- Dr. Keith Tidball: present
- Michael Battley: present
- Jeffrey Rosenkrans: Excused Absence

**Approval of Minutes from June 24, 2013 meeting:** A motion was made by Dr. Tidball and seconded by Ms. Bryan to approve the Board minutes of June 24, 2013. Approved and carried 4-0.

**Public Comment:** Todd and Valorie Heinzman of Abbott Drive, Seneca Falls appeared to follow-up in regards to their neighbors Outdoor Woodburning Boiler (OWB) permit being issued after the boiler was installed. The Heinzman's were concerned that the boiler was not 200' from the property line. Town of Fayette Planning Board meeting minutes from 2007 were reviewed in reference to the same. Mr. Steele, Zoning Officer, reviewed information with the Heinzmans regarding the history of the same neighbor having a horse on their property (1.35 acres). Mr. Steele explained to the Heinzman's that they would need to FOIL the paperwork regarding the Certificate of Occupancy for the horse through the county. The Heinzman's ultimate remedy would be to have the OWB removed; minimally prevent burning from May – October via a town regulation. The Heinzman's would like an explanation/closure on the fact that from their standpoint there was some miscarriage of duty. The question was raised had the DEC been

contacted in regards to the nuisance smoke. Mr. Heinzman said they had contacted the DEC and were told that the DEC would have to assess the complaint.

**Zoning Officer's Report:** Review of Robert Steele, Land Use Officer, written report for June 2013. Clarification was made by Dr. Tidball in regards to the Town adoption date vs. approval by New York State on the adoption of local laws. The municipal home rule recognizes that a local law should have an effective date. Section 27, subdivision 3 states that notwithstanding the effective date of any local law shall not become effective before it is filed in the Office of the Secretary of State. Subdivision 4 of the same section states that subject to the provisions of subdivision 3 thereof; every local law shall take effect on the 20<sup>th</sup> day after it shall finally have been adopted.

**Town Board Liaison:** Councilman Nelson – Ms. Nelson reported that the dog enumeration should be complete in the next 10 days. Discussed in conjunction with Zoning Officer's Report - Nolt's (tire storage) and the Grogger. County Planning Board reports to the towns will be electronic from now on. Due to the weather, Highway Department is a little behind. All property at the Town of Fayette office building is smoke free.

**County Planning Board Report:** See Agenda for 7/11/13 and minutes for 6/13/13 in folder.

**Regional Issues:** None

**Old Business:** Comprehensive Plan – suggested revisions and corrections. K. Nelson will follow-up. Ms. Bryan will review her notes. Mr. Schubert will email notes to Debra.

Pathway House – A Site Plan Review has not been completed since their initial visit 2 years ago. Mr. Schubert will follow-up.

Canoga Island – Ms. Hofheins has been communicating with the Town of Fayette Planning Board in regards to her addressing the concerns noted at the June meeting and is hoping to have a continued hearing/site plan review in August. In addition to addressing the noted concerns, we will need a plan of operation from beginning to end. The Army Corp of Engineers has not written the permit yet and is waiting on additional information from the Town of Fayette Planning Board.

OWB – We have provided the Heinzman's with information and the next step of recourse is up to them. Ms. Nelson related that the Town Board is reviewing information from both sides of the issue. Air quality and nuisance issues are not land use issues and should be addressed with the Department of Environmental Conservation.

### **New Business**

Budget Review - Moved by Dr. Tidball and seconded by Ms. Bryan to purchase a laptop for the Planning Board which would be extremely useful for accessing information; not to exceed \$900 with 2013 funds.

Request an increase for the Planning Board Members monthly stipend by \$5.00/month for 2014. Carried 4-0.

Moved by Dr. Tidball and seconded by Mr. Battley to adjourn the meeting at 8:47 p.m. Carried 4-0.

The next scheduled meeting of the Town of Fayette will occur Monday, August 26, 2013 at 7 p.m.

Respectfully Submitted,

Debra Vanni  
Town of Fayette Planning Board Secretary