

TOWN OF FAYETTE

PLANNING BOARD MINUTES

September 23, 2013

Meeting called to order at 7:01 pm by Chairman Schubert.

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

Excused: Excused: Mr. Rosenkrans

Others Present: John Pulver, Kristine Minguéz, Diane Best, Donald Best, Sherret Chase, Kathleen Lott, Tamara Lott

Reading of Town of Fayette Planning Board Public Notice by Mr. Schubert as posted in the *Finger Lakes Times* Sunday, September 15, 2013.

Public Hearing called to order at 7:03 p.m. Mr. Schubert asked for Roll Call.

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

- ❖ John Pulver and Kristine Minguéz, 1436 West River Road, Waterloo, NY 13165 (Tax Map #452289-02-1-54-2) – Special Use Permit to sell used cars in front of auto repair shop, John’s Auto Repair.

John Pulver represented himself and identified his desire to sell used cars at his current Auto Repair Shop business. His intention is to have 10-15 cars for sale on a regular basis and increase that to 20-30 cars in the Spring. (Original agreement for auto repair business was for 6 cars) Mr. Pulver would be adding to the front of the parking lot to accommodate his increase and he clarified parking arrangements. The recommendations of the Seneca County Planning Board review were discussed. The new request would be under the same restrictions as the original approval. Review of maps by Dr. Tidball identified the property as not being located in a flood zone. Dr. Tidball reviewed Section 14 (pg 81 & 82 – copy provided to Mr. Pulver) of the Comprehensive Plan for the Town of Fayette and Land Use Regulations. Dr. Tidball explained to Mr. Pulver and Ms. Minguéz that they could request a “courtesy split”

from the assessor for their taxes due to their residence being located on the same property.

- ❖ Donald and Diane Best, 3133 Cloverly Drive, Furlong, PA 18925 – Site Plan Review to demolish existing cottage and replace with 32' X 38' modular home from American Homes at 3541 North Parker Road Seneca Falls, NY 13148 (Tax Map #452289/13-2-11.31).

Donald and Diane Best represented themselves in regards to demolishing an existing seasonal cottage (28' X 38') on North Parker road and replacing it with a modular home in order to move here permanently. They will email the NYSDEC approval (addendum: received via email 9/24/13). Currently, they do not have the stamped plans and will provide them once received. The existing seasonal cottage is 28' from the lake and 1' from the property line. The modular home will be 35' from the water and 10' from the property line. The new foundation will be above the 100 year flood mark. The Best's were asked by the Planning Board if they had taken into consideration drainage for the new construction. Mr. Best related that they will not have gutters – just stone around the foundation. Driveway material will be crushed stone. Elevation is relatively flat and the property drains to the back. There is no ditch between the yard space and North Parker Road. Dr. Tidball felt this was a good project. He encouraged the Best's to think about gutters that drain into sumps. The Town of Fayette has developed guidance/standards and recommendations to deal with impervious surfaces along the lake. This is an opportunity to mitigate the amount of water run-off into the hydrology of the lake and marshes.

Mr. Schubert asked for Roll Call.

- Mark Lott: Recused
 - Nelson Wise: Present
 - Teresa Bryan: Present
 - Ron Schubert: Present
 - Dr. Keith Tidball: Present
 - Michael Battley: Present
 - Jeffrey Rosenkrans: Excused Absence
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- ❖ Lott Farms LLC, 2450 County House Road, Waterloo, NY 13165 (Tax Map #7-1-2.11) Preliminary Hearing of placement of small, wind-turbine, electric generator on tower behind barns at 2450 County House Road, Waterloo, NY 13165.

Sherrett Chase, mechanical engineer, represented Lott Farms LLC in regards to constructing a wind-turbine, electric generator. Mr. Chase is a certified installer of wind turbines. The farm is within 6100' of the airport; therefore, he has requested clearance from the FAA for the height of the tower (140'). The Endurance E3120 turbine is being proposed based on information obtained in reference to the wind

resource (NYS data base) at the location and energy consumption/yr. This has a 63' diameter rotor on a standard height (140') tower. This windmill will produce about 100,000 kilowatts/year. The zoning ordinance will be fulfilled except for tower height (100' limit). Building on a farm is exempt from building permits; however, we cooperate with the town by going through the building permit process as a courtesy to advise everyone what is happening. We do need the cooperation of the town for a document which is required by the State; NYS ERTA requires a SEQR short form document review. We need the town to review the environmental impact or lack thereof by a small wind turbine generator. That is one of the documents we submit to the State along with the grant application. These wind turbines are relatively expensive. They are productive and when looking at the overall cost reduced by the grant, reduced by the tax credit, reduced by depreciation we are looking at a 5 year payback. These machines are designed to last for 20+ years. Ladder pegs on the tower will be removed 12' up from the base.

Dr. Tidball related that there is a height restriction (100') in the Town of Fayette ordinance. The Planning Board will need to see what the standard reply from Ag & Markets has been to challenges to the right-to-farm law from municipalities on these kinds of regulations that may not reflect industry standards. Mr. Chase will provide the information. {Dr. Tidball noted that in 2005 when the Comprehensive Plan was created there was a lot of discussion about wind. The default position at that time was to use the industry standards of the time; knowing that technology would evolve and it would be easier to produce wind generated energy in the area.}

Mr. Chase related that Seneca County has determined that they do not need to review any documentation for the project. Dr. Tidball explained that there will need to be an advertised public hearing at which time we will publically declare that it is exempt (after review of the information) under both the right-to-farm law, the Town of Fayette and the State of New York.

Moved by Dr. Tidball and seconded by Ms. Bryan to close the public hearing at 8:06 p.m. Motion carried 5-0.

Regular Meeting called at 8:07 p.m. Mr. Schubert asked for Roll Call.

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

Approval of Minutes from August 26, 2013 meeting: A motion was made by Dr. Tidball and seconded by Mr. Wise to approve the Board minutes of August 26, 2013. Approved and carried 6-0.

Public Comment: None

Zoning Officer's Report: Review of July and August 2013 Monthly Reports. Dr. Tidball asked Mr. Steele if the Red Jacket Yacht Club received a permit for the new sign that is under construction. Is the new sign in compliance with our regulations in terms of dimensions and permanency? Mr. Battley asked Mr. Steele about the enclosed deck at 3579 Parker Road and how close it was to the water. Neighbors have voiced concerns re: blocking view. Mr. Steele will review both concerns noted.

Town Board Liaison: Councilman Nelson – Ms. Nelson reported that the dog enumeration is complete. There are 787 dogs in Fayette. STAR exempt forms are out. Hoster Road was paved. Energy efficient lighting in the Highway and Town Office Buildings will be installed. Fall clean-up will be 10/18 & 10/19/13. Presentation was done for moving the website to Fingerlakes1.com. control. A presentation from the Seneca County Substance Abuse Coalition identified 10-12 year olds as using alcohol/drugs. Pathway House will receive sewer service from village at no charge. Varick water bill has been paid.

County Planning Board Report: See Agenda for 9/11/13 and minutes for 8/8/13 in folder.

Regional Issues: None

Old Business: Mr. Schubert discussed revision to the Comprehensive Plan. The Town Board would like to see the proposed revisions by the first of the year. Dr. Tidball suggested that an hour be designated at the October 28th meeting to review “easy” corrections. Other suggested revisions would be “homework” and reviewed at the November 18th meeting.

Jennifer Sandrock (Hofheins) email correspondence was reviewed. Mr. Schubert related that he had made an error in his intent on an email when he stated that the Planning Board had approved the anchoring system. A copy of the approved August 26, 2013 meeting minutes will be sent to Ms. Sandrock to clarify the Board's stance on the anchor system.

An authorized board shall conduct a public hearing within 62 days from the day an application is received and the authorized board then shall decide on the application within 62 days after the hearing.

Planning Board discussed an email alleging that there was a cottage on the Jennifer Sandrock property when initially purchased from John Raudaut which was subsequently burned down by the Hofheins. Contact will be made with the assessor to verify what the property was assessed for. Ms. Sandrock was questioned at the June 24, 2013 Planning Board meeting if there was a cottage on the property at the time of purchase and she responded that there was not.

Moved by Mr. Lott and seconded by Mr. Battley to have correspondence drafted with the support of the Town of Fayette to Ms. Sandrock reiterating previously identified standards/documentation that need to be met by Ms. Sandrock in order for her permit to be reviewed. Approved and carried 6-0.

New Business:

Moved by Ms. Bryant and seconded by Dr. Tidball whereas the project proposed corrects an existing non-conforming lot set back issue to approve the request of Donald and Diane Best for demolition of the existing seasonal cottage and replacement with a 32' X 38' modular home at 3541 North Parker Road Seneca Falls, NY 13148; contingent upon the drainage documentation to extend stone sub grade under house foundation 2' beyond the eve dripline at a 12" depth with geo-fabric. Survey and plans clearly identifying ventilation and septic system. Moved and carried 5-1 abstain(Mr. Battley).

Moved by Dr. Tidball and seconded by Mr. Wise to approve the request to sell used cars by John Pulver and Kristen Minguez at John's Auto Shop which will allow 10 additional vehicles for sale for a total of 16 vehicles on the property; no more than 6 of which will be repairs; contingent upon information being provided regarding off street parking that is consistent with the number of repair bays. Consider courtesy split to alleviate concerns about multiple uses on the parcel. Moved and carried 6-0.

Moved by Dr. Tidball and seconded by Mr. Battley to adjourn the meeting at 10:00 p.m. Carried 6-0.

The next scheduled meeting of the Town of Fayette will occur Monday, October 28, 2013 at 7 p.m.

Respectfully Submitted,

Debra Vanni
Town of Fayette Planning Board Secretary