

TOWN OF FAYETTE

PLANNING BOARD MINUTE

July 28, 2014

Meeting called to order at 7:05 pm by Dr Tidball.

Present: Dr. Tidball, Ms. Bryan, Mr. Wise, Mr. Lott, Mr. Rosenkrans,

Excused: Mr. Schubert, Mr. Battley, Mr. Lott

Others Present: Mr. Steele, Mr. Fitzgerald, Victor Montaglione and Victor Montaglione Jr.

Preliminary hearing called to order at 7:05 p.m.

❖ Charles Chambers Jr. 2899 Route 96S, Waterloo, NY 13165 (Tax Map #03-2-03.22) – Minor Sub-Division of $\frac{3}{4}$ acre of property for farming to sell. Currently the Wise family is farming the land and would like to purchase the land.

Moved by Mr. Wise and seconded by Mr. Fitzgerald to close the public hearing at 7:10 p.m.
Motion carried 5-0.

- Ms. Bryan- Present
- Mr. Wise- Present
- Mr. Schubert-Excused
- Mr. Battley- Excused
- Mr. Lott- Excused
- Dr. Tidball- Present
- Mr. Fitzgerald-Present
- Mr. Rosenkrans-Present

Regular Meeting called at 7:10 p.m. Dr. Tidball asked for Roll Call.

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

Approval of Minutes from June 16, 2014 meeting: A motion was made by Mr. Rosenkrans and seconded by Ms. Bryan approve the Board minutes of June 16, 2014 with corrections. Approved and carried 5-0.

Public Comment: None

Zoning Officer's Report: Review of Robert Steele, Land Use Officer, letter written by zoning officer. Property located at 4301 Ridge Road (Tax-Map# 29-1.22.2) has been completed and will be served on Defendant (The McDonald 2nd Family). The court date is Aug 6th, 2014 for Town Code Violations at Fayette Town Hall. According to the Land Use Regulations this parcel is in the hamlet of Fayette.

Town Board Liaison: Councilman Nelson – meeting was held on July 10, 2014. New Town Assessor is Jim Cleere who will be working out of the Waterloo office. Highway Department is chipping and keeping very busy on the roads. Meter has been put in for Varick 4 waiting on results for field calibration from Health Department then water can be turned on. Web site for the Town of Fayette will go live on August 1 or 2, 2014. Zoning Board meeting with Todd and Valerie Heinzman that are interested in buying property from the Acqualino's. Heinzmans are currently living on Abbott would like to build will meet on all the setbacks and variance went thru. There was a Zoning Board of Appeals meeting that the Heinzman was looking into the deed when they purchase the property that they will be able to build on that site. We have a 40,000 square foot minimum lot size in the Lake District. The Zoning Board of Appeals answered 5 questions: 1. Will there be any undesirable changes in the character of the neighborhood, or detriment to nearby property? All zoning Board of Appeals members in attendance said NO. 2. Can the applicant achieve this benefit from some other feasible means other than the area variance? All zoning Board of Appeals members in attendance said NO. 3. Is the area variance requested substantial? All zoning Board of Appeals members in attendance said NO. 4. Will the variance have an adverse affect on the physical and environmental condition of the neighborhood? All zoning Board of Appeals members in attendance said NO. 5. Is this self-created difficulty? All zoning Board of Appeals members in attendance said NO. So if the Zoning Board of Appeals set aside the laws of building on a Lake front lot why do we have regulations? Did anyone question why there are regulations? Pete Keefer and Steve Barto went out to check the property before the meeting which they tend to do they have some suggestions on how they could build the place to not infringe on views of the lake. Comments from the planning board were that do they have the regulations books in front of them? Robert Steele the Code Officer denied the building permit application due to the property size is 30,294 square feet. The Town of Fayette requires the lot size to be a minimum of 40,000 square feet. Dr. Tidball made a suggestion to Katie that the Town Planning Board reviewed careful in their Town Planning Board meeting this variance that was issued and finds no grounds in this variance. This building project is a complete and utter disregard for our town regulations. It would have been nice of the Zoning Board if they would have let someone from the Town Planning Board know or ask a question what our justification is. The only thing that the Town Planning Board gets is a piece of paper.

County Planning Board Report: None

Regional Issues: None

Old Business: Victor Montaglione asked to speak on Kenneth Witter buying property at 1422 W. River Rd. Dr. Tidball told Mr. Montaglione that for future reference he should speak during public comment. Dr. Tidball told him that he would be able to speak. Mr. Montaglione said that the house has been abandoned and that Kenneth Witter has rescinded his mortgage with the bank and that the wife of the person selling the house is suing the husband which is just hear say.

New Business: Training information should have been received in the mail. Remember everyone needs to keep up to date on trainings.

Close of meeting: Motion by Mr. Rosenkrans and seconded by Ms. Bryan at 8:03 pm.

Respectfully Submitted,

Melanie Morabito.

Town of Fayette Planning Board Secretary