

Town of Fayette
Planning Board – Minutes May 18, 2015
1439 Yellow Tavern Road
Waterloo, NY 13165
315-585-6282

The Town of Fayette’s Planning Board May 18, 2015 meeting was called to order at 7:00 PM by Chairman Keith Tidball with the following planning board members present:, Ronald Schubert, Mark Lott, Nelson Wise, Teresa Bryan, Co-Chairman David Fitzgerald; Others present were: Katie Nelson – TB Liaison/acting secretary, Joe Midiri - attorney, Robert Steele – Codes Officer, Cindy Lorenzetti – Supervisor, Donald Cramer, Tamara Lott, , Clayton VanNostrand, David Locke, Nancy Backus, Philip & Polly Kasey, Ryan Wallace QwikSolar
Chairperson Tidball opened the meeting with the pledge of Allegiance and the reading of the first public hearing as advertised in the Sunday, May 10, 2015 Finger Lakes Times.

The public hearing for Clayton VanNostrand / Vanno Estates LLC 2712 Route 96, Waterloo, Town of Fayette (Tax Map 3-1-06.112)for a Special Use Permit and Site Plan Review to build a second storage unit. The Seneca County Planning Board recommends that the request be approved upon the following: He prepares a Storm Water Management Plan and the Seneca County Soil & Water reviews it, a determination of a fencing style, and the amount of external lighting and signage requirements. Discussion ensued signage would remain on the side of the first building, has no plans for a fence or lighting. A motion to close the hearing was made by Ron Schubert, 2nd Dave Fitzgerald; all in favor, hearing closed.

The public hearing for David Locke 4180 Teall Beach Road, Geneva, NY 13165 (Tax Map 25-1-59) for a Special Use Permit to open a Bed & Breakfast. Recommendation by the Seneca County Planning Board was that it be left solely to the determination of the Town of Fayette. Mr. Locke brought in documentation from McCormick Engineering P.C. in regards to the On-Site Waste Water (septic) System Evaluation. The purpose was to determine if existing on site wastewater treatment system is capable of handling and treating the projected wastewater flow. The following was determined based on filed observations that the design wastewater flow rate would remain unchanged and professional engineering judgment that the on-site system is capable of handling and treating the projected wastewater flows if the house is convert to a B&B establishment. Parking was deemed as adequate. Concerned Teall Beach Rd. Resident Nancy Backus stressed her concern the private road is basically a one land and the property owner (not all) chip in to cover the maintenance costs. Speed, the amount of traffic and damage to properties if driven on, and safety of entrance to and from East Lake Road. The Planning Board received emails from Naomi Shank of 4358 Teall Beach and Cynde & LeRoy Vestal of 4356 Teall Beach / Vero Beach, FL expressed their concerns of increased road maintenance, increase traffic, safety of those driving golf carts, riding bikes or walking, potential of increased business in this “residential” area. Mr. Locke commented that signage would be a small, low sign one to the north and one to the south. Copy of the signage regulations for Town of Fayette section 808, pp. 76-78 were given to Mr. Locke along with Section 812 p. 80 on Bed and Breakfast Inn. Motion to close the hearing by Mark Lott, 2nd Ron Schubert; all in favor, hearing closed.

The public hearing for John Gardner 676 Lerch Road, Geneva, NY 14456, Town of Fayette (Tax Map 25-1-04) for a Special Use Permit to install a ground mount solar array. Represented by Ryan Wallace of Qwik Solar; will be installing it. Discussion was held in regards to this power would be credited to the owner

place in Geneva with future plans to build a house on the Lerch Road property and then it would go there. It was recommended by the Seneca County Planning Board that the decision be left to the Town of Fayette Planning Board and that this array should have minimal impact on the adjacent Agricultural properties. They also encourage the Town to consider adding Solar Energy Systems to Section 500D (uses permitted with a special use permit) and to develop a section which lists the criteria. The property abuts an agricultural field where the array would be installed. The arrays are not meant to be installed in water areas and therefore a variance is being requested for a 6 foot setback going to be requested. It was noted that the use of solar alternative energy for local use in the land use regulations is not addressed and will need to be to clarify commercial vs. local (private). Motion to close the hearing made Teresa Bryan, 2nd ^{Nelson} Wise; all in favor, hearing closed.

Regular meeting was called to order by Chairman Keith Tidball with a Roll Call of members as follows:

- ✓ Ronald Schubert – Present
- ✓ Mark Lott – Present
- ✓ Nelson Wise – Present
- ✓ Teresa Bryan – Present
- ✓ Keith Tidball – Present
- ✓ Dave Fitzgerald – Present
- ✓ Jeff Rosenkrans – Absent
- ✓ Joseph Midiri , attorney – Present
- ✓ Robert Steele , codes enforcement - Present

Review of the April 27, 2015 minutes with a motion by Dave Fitzgerald, 2nd Mark Lott to approve 2nd , all in favor and motion carried. A correction on this evening's agenda regarding the date was made.

There was no additional public comment

New Business:

Clayton VanNostrand / Vanno Estates LLC (Tax Map 3-1-06.112) - Special Use Permit and Site Plan Review A motion to approve for a Special Use Permit contingent upon working with Seneca County Soil & Water for a Storm Water Management plan by David Fitzgerald, 2nd Ron Schubert, all in favor motion carried. Mr. VanNostrand was reminded that if he plans another addition or to add lighting or different signage in the future he will need to have site plan review and for it to be reviewed by the county.

David Locke (Tax Map 25-1-59) – Special Use Permit. In discussion of said property location the Wastewater system is adequate for the property as is the amount of parking. The Town of Fayette Land Use Regulations Section 812 (p80) meets all requirements of A-H with the exception of E. “No bed and breakfast inn shall be permitted where access is provided by a shared driveway.” Per definition on p. 17 “Driveway: a private roadway providing means of access from a public roadway to a property or off-street parking area. An access way may also be deemed a driveway.” The classification of Road aka highway or byway – “D. Private: Roads or streets whose primary function is to serve private needs on private property. Private roads may serve more than one property”. The private road is maintained by the property owners on Teall Beach (currently \$200 per resident – not all participate; fees are use for gravel in maintenance and plowing. A motion to deny at this time for a Special Use Permit due to the Sec 812 E (p 80) and the definitions of Private Road and Driveway in the in the Town of Fayette Land Use Regulations. It was suggested that Mr. Locke do a straw poll with a petition including signatures in

regards, was given paperwork to fill out for Zoning Board of Appeals made by Teresa Bryan, 2nd by Dave Fitzgerald; all in favor, motion carried.

John Gardner (Tax Map) – Special Use Permit after much discussion between the planning board members and Ryan Wallace of Qwik Solar, the town is generally in favor of alternative energy sources and understands the project in under a state deadline of June 13, 2015 although the land use regulations for the Town of Fayette mentions in the definition of Alternative Energy Systems solar it doesn't elaborate or specify between commercial, residential or farm systems. The fact that the proposed use is not mentioned or called out as an allowable use makes it possible to interpret the land use regulation as prohibiting such a use. However in discussions, it was made clear that the board felt unanimously that this was not the intent, but instead, the lack of elaboration on solar power generation was an oversight and represents a gap that must be addressed in a revised land use regulation. The board concluded that it must deny the special use permit based on the fact the use is currently not listed as an acceptable use, but mentioned that this was a legitimate short-coming of the regulation and not the applicant and therefore would seem to be a good candidate for appeal via the Town of Fayette Zoning Board of Appeals. Dr. Tidball commented that he would make sure the ZBA was apprised of the situation in advance of a hearing. Concern over runoff was addressed in that it is minimal. The ground would remain underneath (it would not be graveled or masonry. The set back issues are also problematic for this project. In order for the project to move forward it would also need an area variance, but it was agreed that first order of business would be the Use Variance. Qwik Solar reported that they could not move the installation due to wetland and will be doing extra encasing already due to close proximity to the pond.

A motion to deny the special use permit at this time and forward to the Town of Fayette Zoning Board of Appeals by Teresa Bryan, 2nd by Ron Schubert; all in favor, motion carried

Zoning Officers Report – Bob Steele

Mr. Steele reported that 5 building permits were approved for the following:

Rodman Lott – Disinger Road for an attached garage

Tammy Orlopp – Yost Road to repair basement walls

Alvin Horning – Leader Road to build a pole barn

Andrew Batty Jr. – Westfall Dr – for an enclosed porch

David Locke – Teall Beach Rd – for a dock extension.

In discussion was the Pagano property on Route 89. Bob Pagano would like to add a fence to the front of the property with an addition structure of a gate house. Updated on various other projects being done.

Two properties in Canoga were mentioned regarding getting cleaned up (Demolished Barn on Seybolt, & remains of a demolition on Route 89) and decaying boats on West River Road. Mr. Steele will contact the property owners.

Town Board Report – Katie Nelson

Nothing to report since the Board Meeting is scheduled a week later than usual (meeting 5/21). The town held their annual spring clean-up this past Saturday and the entrance to the office building will be changed this summer due to its quirk of not staying unlocked.

The County Planning Board Report – Mark Lott

Nothing extra to report

Regional Issues – Teresa Bryan

Mentioned some of the outstanding bits she learned at the Genesee Finger Lakes training held May 14.

Copies of NYSERDA trainings were made and given to members that were interested.

A motion to adjourn was made by Mark Lott, 2nd Dave Fitzgerald all in favor at 8:53PM.
Next meeting is June 22, 2015 at 7PM

Respectfully Submitted

Katherine "Katie" Nelson
Town of Fayette Councilwoman / Planning Board Liaison