

Town of Fayette
Planning Board
1439 Yellow Tavern Road
Waterloo, NY 13165
315-585-6282

Minutes for February 22, 2016

The Town of Fayette's Planning Board February 22, 2016 meeting was called to order at 7:00PM PM by Keith Tidball, Chairman with a roll call for attendance, present were:

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

Others present were: Katie Nelson –secretary, Bill & Sandra Caster, Dave and Terri Grifa, Bette Schubert, Heidi Lott, Michael Karlsen - Surveyor, Thomas Kime, Megan Kime-Sessler, David Foster – Attorney, John Pulver, Eleanor Burnett, Michael Benkovich, Michael Cecerce, Ted and Judy Young, Sheila Chalifaux – Attorney, Aarron Hurst, Cindy Lorenzetti – TOF Supervisor, Steve Albright, Larry Campbell.

The meeting was opened with the Pledge of Allegiance.

The public hearing for Aaron Zimmerman 3680 Watts Road, Waterloo, NY 13165, Town of Fayette (Tax Map 20-1-01) regarding a Sub-Division 47.480 acres from 97 acres was read. The property was noted has no change in use, no development planned, has a gas well and a right-a-way. . A motion to continue this hearing at the next meeting since Mr. Zimmerman wasn't present was made by Mark Lott, 2nd by Ron Schubert, all in favor – motion carried.

The public hearing for Charles D & Carolyn A Wimmer 3163 County Road 121, Seneca Falls, NY 13148, Town of Fayette, (Tax Map 13-1-41.21) regarding a multiple Sub-Division; of 22.303 acres into 12.573 acres, 1.895 acres and 7.655 acres. A motion to continue this hearing at the next meeting was made as Mr. Wimmer wasn't present was made by Teresa Bryan, 2nd by Dave Fitzgerald, all in favor, motion carried.

The public hearing for Grace Church Willowdale – 3886/3874 East Lake Road, Geneva, NY 14456, Town of Fayette (Tax Map 18-2-02) regarding a Sub-Division of the cemetery property from the church. Represented by Michael D. Karlsen Surveyor. The Planning Board has received a letter from Attorney Curtin will that be sufficient? Attorney Midiri stated it would be better for us to have a resolution from the diocese on letterhead authorizing their BOD to authorize the sub-division. Katie will contact

Attorney Curtin on this matter. A motion to close the public hearing was made by Ron Schubert, 2nd by Nelson Wise, all in favor, public hearing closed.

The public hearing for Johnathan Pulver and Kristine Minguez 1436 West River Road, Waterloo, NY 13165, Town of Fayette (Tax Map 2-1-54.2) regarding a Special Use Permit / Site Plan Review to build a 18' x 18 Pole Barn Office / Waiting Room on to his business and to expand business by increasing the number of cars and where they can be parked. The area is zoned agricultural / residential as Chairman Tidball verified and reminded all in attendance.

Mr. Pulver represented by Attorney David Foster stated that his client would like to build a 18'X18' pole barn structure onto his current building for a business office / waiting room. The reason for this is the concern and safety of people walking into the current office through the garage. He stated that if constructed the setback will be 38 feet. There were several concerns and questions for Zoning & Codes Officer Steele who wasn't present. The County Planning Board at this time has denied his request to expand the automotive Repair and used Car Facility but will reconsider it. Issues to be corrected were as follows:

- that that application doesn't state anything about the necessity of having the addition on the east side of the structure,
- no information regarding the prevention of spills will be handled and that it is reasonable that the town requires all areas where cars for repair be parked on a non-permeable surface.
- The number of cars is for 3x more than previously approved.
- No indication of long-term business plans; originally proposed that he would have no employees, - application indicated he has already exceeded this.
- No documentation has been provided that mitigation has been complied with in regards to the neighbors that reside in the Village of Waterloo/ Town of Fayette and the Village of Waterloo itself.
- Still awaiting DEC Environmental Engineer Officer J. Marchitell's report.

Attorney Foster submitted a Certificate of Occupancy issued by Seneca County Codes dated 1-13-2016 marked by planning board secretary Katie Nelson as Article 1 along with a statement from Wiley Westerfield dated September 3, 2015 that he picks up the used oil for heating his Body Shop located at 40 Washington Street, Waterloo, NY 13165.

Attorney Foster mentioned that Cottrell's to the East on West River Street and The Finish Line Direct West of Mr. Pulver's property (former Burro's Construction ceased operation in the late 1970s) That John's Auto is not altering the character of the Town of Fayette / Village of Waterloo. Public Comment was opened:

- Dave Grifa neighbor directly to the East on West River Rd, Waterloo, NY 13165 borders the Village / Town line. He sited the side yard, acreage, dust, increase in traffic, privacy, noise and worries about the affect it will have if John's Auto is expanded in regards to his and others property values. On January 26, 2016 he called Zoning/Codes Officer Steele in regards to the fence which encroaches on his side property yard. The fence has leaned to the east from the day it was put in (held upright by ropes to trees and stakes). Mr. Grifa also brought up the denial by the Seneca County Planning Board in regards to the Village of Waterloo not being "in the loop" since the property is on the Village line.
- Mayor Ted Young – Village of Waterloo mentioned the fence is in violation of the Village Codes and should be removed and that stated that previously they had not been notified as they

should have been. Chairman Tidball asked for a copy of the Village of Waterloo's Zoning Regulations which Mayor Young will get to planning board secretary Katie Nelson.

- Sandra Caster; neighbor to John's Auto to the North mentioned that just that day he had more than the permitted number of cars for sale on the lot. Mrs. Caster went on to mention it is often difficult to note which ones are for sale and which are for repairs but that the ones for repair are not being parked on the concrete pad as directed to do as part of the special use permit being issued. She and her husband William also are concerned about the noise pollution which will get worse in the warmer weather and resale value of homes that are in close proximity.

Attorney Foster stated that he doesn't see how the Village of Waterloo should have any say in the Town.

Attorney Foster mentioned that Mr. Pulver is on a time frame to have this done as he is having to pay interest on a bank loan since July 2015 for an addition that hasn't been done. Attorney Midiri stated that we need things in writing from Mr. Steele. It was noted that the planning board is looking for clarification of the violations in writing.

A motion to close the public hearing was made by Mark Lott, 2nd by Nelson Wise; all in favor, public hearing closed.

The continuation of the public hearing for Thomas Kime 3784 Kime Beach Road, Geneva, NY 14456, Town of Fayette, (Tax Map 18-1-08) regarding a Sub-Division which was suspended at the January 22, 2016 Planning Board meeting. Mr. Kime was accompanied by his Attorney Michael Roulan. After much discussion regarding the property lines and concerns over restrictions in the deed at the January 22, 2016 meeting chairman Tidball asked each of the planning board members if the proposed division is creating a flag lot; each said No. The deed abstracts were researched. In 1997 a restriction was placed on the properties. Attorney Midiri conferred with Town Attorney Steve Ricci and Christy Miller (a real estate attorney) Attorney Chalifaux who was stepping in at the last moment cited 3 areas of concern. 1. Deed restriction 2. release from covenant 3. And according to the Town of Fayette Land Use Regulations Section 702 A1. "A pre-existing, non-conforming lot shall not be further reduced in size except in conformity to the requirements set forth in Paragraph D.3 of this Section. D3 states "A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties is to increase the size of said owner's or owner's property or properties." Planning Board member Mr. Wise asked for clarification on what is exactly being subdivided. 4 non-conforming original lots. (1-4 north to the south) 1 & 2 are being amalgamated becoming one conforming lot, 3 has some going to the amalgamated property. Neighbor Stephen Albright is concerned about the stone driveway and its location. The driveway was put in 2002 before the land use regulations were in effect. Submitted was an Indenture of Robert C. and Dorothy H. Kime regarding the parcels of lake property owned by Thomas Kime marked by planning board secretary Katie Nelson as Article 2. Also submitted by Attorney Michael Roulan is copy of the deed and the restriction regarding sub-dividing marked by the planning board secretary Katie Nelson as Article 3. A motion to close the public hearing of Tax Map 18-1-08 made by Mark Lott, 2nd by Teresa Bryan; all in favor, public hearing closed.

Preliminary Hearings:

Aaron Hurst of Witmer Electric

Witmer Electric is a preexisting business on Route 414. He would like to obtain a special use permit to sell parts. He was given a Special Use Permit to fill out and return. A motion to close the Preliminary Hearing was made by Ron Schubert, 2nd by Nelson Wise; all in favor; Preliminary Hearing is closed.

The hearing portion of the meeting was closed and the Roll call attendance stands as the following for the business portion of the meeting;

- Ronald Schubert – Present
- Mark Lott - Present
- Nelson Wise – Present
- Teresa Bryan - Present
- Keith Tidball – Present
- Dave Fitzgerald – Present

Attorney Joe Midiri was present and Codes Officer Bob Steele absent.

New Business:

Aaron Zimmerman 3680 Watts Road, Waterloo, NY 13165, Town of Fayette (Tax Map 20-1-01) regarding a Sub-Division 47.480 acres from 97 acres was read. A motion to have the hearing continue at the meeting when Mr. Zimmerman can be present was made by Ron Schubert, 2nd by Dave Fitzgerald, all in favor.

Charles D & Carolyn A Wimmer 3163 County Road 121, Seneca Falls, NY 13148, Town of Fayette, (Tax Map 13-1-41.21) regarding a multiple Sub-Division; of 22.303 acres into 12.573 acres, 1.895 acres and 7.655 acres. A motion to continue the hearing until the next meeting when Mr. Wimmer can be present was made by Dave Fitzgerald, 2nd by Mark Lott; all in favor, hearing to be continued next meeting.

Grace Church Willowdale – 3886/3874 East Lake Road, Geneva, NY 14456, Town of Fayette (Tax Map 18-2-02) regarding a Sub-Division of the cemetery property from the church. Representation by Michael D. Karlsen Surveyor. A motion to approve the Sub-Division contingent upon The Church's Board of Directors or the Diocese submitting on letterhead that the property can be sub-divided /sold by Dave Fitzgerald, 2nd by Teresa Bryan, all in favor, motion passed.

Johnathan Pulver and Kristine Minguez 1436 West River Road, Waterloo, NY 13165, Town of Fayette (Tax Map 2-1-54.2) regarding a Special Use Permit / Site Plan Review to build a 18' x 18 Pole Barn Office / Waiting Room on to his business and to expand business by increasing the number of cars and where they can be parked. At this time due to the Seneca County Planning Board having viable concerns and the application being in accurate and incomplete and the need for better maps to scale with utilities marked and including the fence.; a motion to deny the application at this time was made by Dave Fitzgerald, 2nd by Ron Schubert; all in favor, motion carried. Chairman Tidball stated that Mr. Pulver needs to submit a new application (minus the fee) with improved maps, After the concerns have been addressed.

- Thomas Kime 3784 Kime Beach Road, Geneva, NY 14456, Town of Fayette, (Tax Map 18-1-08) regarding a Sub-Division. After reviewing the maps and the subdivision plans. It was agreed by roll call vote that it was not dealing with a flag lot situation.
- Ronald Schubert – not a flag lot

- Mark Lott – not a flag lot
- Nelson Wise – not a flag lot
- Teresa Bryan – not a flag lot
- Keith Tidball – not a flag lot
- Dave Fitzgerald – not a flag lot

The proposed subdivision will be creating a conforming lot

Improving a non conforming lot and leaving just one non-conforming lot. SEQR form was reviewed and it will not cause any environmental changes

A motion to approve the sub-division with no contingencies was made by Dave Fitzgerald, 2nd by Mark Lott, all in favor; motion carried.

Public Comment:

No further comment

Secretary Report – Katie Nelson

The December 28, 2015 minutes had two word tenses and a spelling error corrected leading to a motion to approve by Teresa Bryan, 2nd by Mark Lott, all in favor, the minutes were approved.

The minutes of the November 23, 2015 meeting were reviewed and with the addition of one small word a motion to approve was made by Mark Lott, 2nd by Dave Fitzgerald; all in favor, minutes approved.

New Business:

A discussion of email /phone calls and how to handle. The word is to not reply but forward on to Keith, Dave and Katie to make sure the issue is address at the next planning board meeting.

Introduction of the applicants for the planning board position and alternate position. Each applicant introduced their self, gave their background and why interested in the board.

Zoning Officers Report – Bob Steele

Bob’s report dated for the month of January is as follows

Approved permits for:

John Bojczuk Sr. – Murray Road – for a new residence

Both Verizon /Upstate Cellular Towers have been approved. (Ridge Road – have received the easements) and Yale Station Road with adjustment 5 feet for the fall zone)

Route 96A – The Cornwell’s have been sent a violation notice and have 30 days to comply.

No denied permits.

Legal Report - Attorney Joe Midiri

Nothing to report

Town Board Report – Cindy Lorenzetti

Supervisor Lorenzetti stated that the planning board is working hard and well together and that is was a good choice to have legal council present at the meetings. No liaison at the moment, they are working on it and in the interim we have her.

County Planning Board Report – Mark Lott
Nothing to report

Regional Issues –
Nothing to report

Old Business:

A motion to adjourn was made at 9:16 PM by Mark Lott, 2nd by Nelson Wise; all in favor, meeting adjourned.

Respectfully Submitted by

Katherine “Katie” Nelson
Town of Fayette Planning Board Secretary

