

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

## Minutes for July 25, 2016

The Town of Fayette's Planning Board July 25, 2016 meeting was called to order at 7:00PM by Keith Tidball, Chairman with a roll call for attendance, present were:

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

Others present were: Katie Nelson –secretary, William Caster, Kathy Mills, Gordon Mills, Kevin Fralick, Melkon Babigian, Alice Babigian, John Pulver, Eleanor Burnett, David Grifa, Mike Grifa, Cyndi Booth, James Richar

The meeting was opened with the Pledge of Allegiance.

Public Hearings were opened:

Kristine Minquez & John Pulver of 1436 West River Road, Waterloo, NY 13165, Town of Fayette, (Tax Map 2-1-54.2) This public hearing is regarding a Special Use Permit to expand the business know as John's Auto by amending their current Special Use Permit issued on September 23, 2013 allowing for no more than 10 vehicles for sale and 6 for repair at a time.

Board Member Sandy Caster recused herself from the vote later in the meeting. Mr. Pulver would like to have up to 60 cars combined for sale and repair. The new office is almost complete. 25 foot buffer for Village of Waterloo and 15 foot setback from River Road. It was stated by Chairman Tidball that it is located in an agricultural / residential zoned area which is conditional upon Special Use Permit.

Dave Grifa; abutting neighbor mentioned that the property was recommended to be split residential and commercial which hasn't been done.

Section 706 of the Town of Fayette Land Use Regulations was cited in regards to Courtesy Split Lot: "...involving an action taken by the Town Assessor that results in what appears to be the creation of a new lot when in fact, a new lot has not been created. A courtesy split lot will appear as a separate lot on the tax map with a separate tax map parcel number

notwithstanding that a subdivision of land has not occurred. Although courtesy splits appear on tax maps and have separate tax map numbers and property tax bills, they do not constitute a bona fide and legal lot of record. Town of Fayette property owners are cautioned about the existence of courtesy split lots and it is incumbent on the property owner to determine the presence of courtesy split lots. “

Another question was where do others park; i.e. employees – Mr. Pulver pointed to the location on his map.

Concerns were expressed for a decrease in value of neighboring properties, and for the ground protection and water drainage due to oils, and other wastes.

Mr. Pulver stated that he is currently selling 25-30 cars a month and has about 5 he is getting ready to be sold. In regards to repair work he typically has 4-5 customers a day.

Abutting neighbor, William Caster expressed concern over an even greater increase in noise and traffic. He can currently have 4 cars in the garage at a time. Additional landscaping and grass seeding were mentioned

A motion to close the public hearing was made by Ron Schubert, 2<sup>nd</sup> by Mark Lott, all in favor, Pulver Public Hearing closed.

The Estate of Harold B. Taylor 2756 State Route 96, Waterloo, NY 13165, Town of Fayette, tax Map 3-1-34 for a Sub-Division, represented by Kathleen Mills, daughter/estate executor. Discussion was held on the splitting of the property and confirming what in the acreage was on the properties which is mostly wooded. Properties that will have been sub-divided will be amalgamated. Mr. James Richar whose property abutts the property in question is wanting to purchase this property; keeping the trees and actually wanting to plant more. He has no plans for changing the use of the property.

A Motion to close the public hearing was made by Teresa Bryan, 2<sup>nd</sup> by Mark Lott; all in favor, Taylor Estate Public Hearing closed.

Public Hearings portion of the meeting was closed by a motion by Ron Schubert, 2<sup>nd</sup> by Teresa Bryan with all in favor; Public Hearings closed.

Chairman Tidball called for the Preliminary Hearing of Melkon Babigian regarding the property Sunrise Cove, Town of Seneca Falls, NY 13148, Town of Fayette, (Tax Map 30-3-17) The property is .29 acres a currently non-conforming. He would like to build a new summer place up to code regulations. Septic has been designed by Jason McCormick engineer and is currently being reviewed by the Seneca County Health Department.

It was suggested if possible to add 28 feet to the property 30-3-16 (property owned by his mother, Alice Babigian) this would make the lot a conforming lot.

Mr. Babigian homework was to rework the subdivision to gain 28 feet and then amalgamate. Information would be sent to him regarding run-off solution of a rain garden.

A motion to close the Preliminary Hearing was made by Dave Fitzgerald, 2<sup>nd</sup> by Ron Schubert, all in favor, Babigian Preliminary Hearing closed.

Roll call remained the same; as above for the business portion of the meeting;

**Public Comment: none**

**Secretary Report – Katie Nelson**

The June 23 minutes were reviewed. A motion to approve was made to approve by Ron Schubert, 2<sup>nd</sup> by Teresa Bryan after a few typos were corrected, all in favor, the minutes approved. Copy of the minutes from the Zoning Board of Appeals in regards to an area variance for a railing on a deck at 3565 North Parker Road, Seneca Falls, NY 13148, Town of Fayette Tax Map #13-2-11.22 were placed in each members binder. The variance was granted. Along with a letter from a resident Nancy Backus regarding noise from Zugibee's

**New Business:**

**Zoning Officers Report – Bob Steele**

Reviewed as follows.

Approved Permits

Jarrold DeWall – 3087 Yost Road –Roof on Front Deck

Gene Leonard – 3394 Woodworth Road – 20x16 addition

Jeremy Martin – 1004 West River Road – 216'x62' Dry Cow Barn

Krystal Brown – 1661 Leader Road – Pool

Bruce & Tracey Maybury – 4437 E. Lake Road – New 2 story home

Lori Ann DeFurio – 3465 N. Parker Road – Railing on Deck via ZBA approval

Jeffrey Rosencrans – 4237 Route 89 – Deck

No Denied Permits

- Other TOF Court Case regarding Yeo property.
- Received concerns regarding Muranda Cheese signs in regards to their size. According to Land Use Regulations for Town of Fayette the "Signs erected on active farms within the Seneca County Agricultural District, which are related to the agricultural use of the land, are exempt from the regulations contained in this section".
- Has had calls regarding noise from lake rentals by neighbors.
- Has turned the Cornwell's on Route 96A issue over to county codes officer Kevin Benjamin.

Noise complaints have been called in to 911 twice on Zugibees. The neighbors have received a letter from them (Zugibee's) listing events and special after hour events. There is no noise ordinance in the Town of Fayette Comprehensive Plan. The letter from Nancy Backus was read. 11PM hour was okayed when the comprehensive plan was adapted. A concrete pad is down. Code is aware and will look into when he meets with Zugibee's

Kristine Minquez & John Pulver of 1436 West River Road, Waterloo, NY 13165, Town of Fayette, (Tax Map 2-1-54.2) This public hearing is regarding a Special Use Permit to expand the business known as John's Auto by amending their current Special Use Permit issued on September 23, 2013 allowing for no more than 10 vehicles for sale and 6 for repair at a time.

Mike questioned in the Land Use Regulations Section 814 item L "No more than ten licensed motor vehicles being serviced or repaired shall be stored or parked outdoors for more than 48 hours, and these shall be in areas effectively screened from all property lines."

Section 814 was reviewed "the lot size shall be at least 2 acres, lot frontage on any roadway shall be at least 150 feet" – Pulver's is 156 feet. "A suitable landscaped area shall be maintained at least five feet in depth along all street frontage not used as a driveway. Such landscaped area shall be designed to prevent vehicles from accessing the property thought the area landscaped." Suitable Landscaping to be determined by the Town of Fayette. The side yard Office structure. A copy of section 814 was given to Mr. Pulver.

Each member of the board was polled on their individual thoughts of increasing the number of cars for sale and repair:

Ron - total of 30 cars is most reasonable

Mark – location not good for more

Teresa – should remain the same as current permit due to ongoing issues, but allow for small incremental changes down the road

Sandy – restated that she recused herself from this public hearing and decision

Dave – 60 is too many – siting the issue with creditability on application

Mike – agrees with Teresa, slow incremental stages

no changes vs. allowing for some growth – does it fit into the vision of the area?

Keith – small incremental increases with contingencies i.e. screening

Board members were agreeable to increasing 5 more for sale, and having 10 for repair.

A motion was made by Mark Lott to update the special use permit to allow John's Auto to have 15 cars for sale and no more than 10 for repair, 2<sup>nd</sup> by Mike Cecere with the following contingencies a more solid map, landscaping 4 foot tall abiviteas to be planted 4' apart on the eastern boundary, wooden fence to screen tires, parts and these contingencies must be met before the increase takes place. All in favor, motion passed.

The Estate of Harold B. Taylor 2756 State Route 96, Waterloo, NY 13165, Town of Fayette, tax Map 3-1-34 for a Sub-Divison, represented by Kathleen Mills, daughter/estate executor. A motion was made by Ron Schubert to approve the Sub-Division as long as the each of the divided properties are amalgamated, 2<sup>nd</sup> by Teresa Bryan; all in favor, motion carried. Mrs. Mills will get the maps to Katie (planning board secretary) to have signed by the chairman as soon as she gets them from the surveyor.

**Report** - Attorney Joe Midiri

The board was brought up to date on the court case regarding Yeo's in the Canoga Hamlet. To be restored to the court calendar.

**Town Board Report** – William Goff

Not present – no report

**County Planning Board Report** – Mark Lott

**Regional Issues** –

Invasive species: Hydrillia, water chestnuts and more diligence on run-off into the lakes.

A motion to adjourn was made by Mark Lott, 2<sup>nd</sup> Teresa Bryan, all in favor, meeting adjourned by Chairman Tidball at 9:40PM.

Respectfully Submitted by

Katherine “Katie” Nelson  
Town of Fayette Planning Board Secretary.



