

Town of Fayette Planning Board  
1439 Yellow Tavern Road  
Waterloo, NY13165  
315-585-6282

### **Minutes for Monday, September 22, 2017**

The Town of Fayette's Planning Board's September 22, 2017 meeting was called to order at 7:03PM 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
- ✓ Mike Cecere – Present
- ✓ Sandy Caster - Absent
- ✓ Joseph Midiri , attorney – Present
- ✓ Robert Steele , zoning officer –Absent

In attendance were: Cindy Lorenzetti – Town of Fayette Supervisor, Bill & Joyce Hawkins, Richard & Jeanne Giovannini, Joyce Nicholson, Andy & Kathy Batty, Gordon E Thompson, Bill Graves, R Barra, Norm & JoAnne James. Perrin & Connie Knapp, Bette Schubert, Bill Davis and Sean Logue - MRB Group,, Marleen Carlin, Arlene & Alessio Evangelista, Deb Buchwald, Tom Clayton, Dave Mansfield -3 Brothers Winery, Tim & Kate Schreiber, Tom & Amy Casella, Bill Ebert. Brain & Marcia Vick, John Groff (sp) & Michelle Cole, Kim Edwards, Maureen Weller & Amanda Pundt.

The meeting was opened with the Pledge of Allegiance. Chairman Tidball gave a welcome and Introduction of how the meeting will proceed.

#### **Public Hearings were opened:**

The Public Hearing of Robert Berra 4300 Dustin Road, Burtonsville, MD 20866 regarding a Site Plan Review to build a pole Barn Storage Building at 4009 Bonnie Banks, Seneca Falls, NY 13148, Town of Fayette, (Tax Map 22-1-12.38). Proposed barn is 40'X60'.

The height will be 16 feet and have no second floor. The roof is to be metal, a drainage plan needs to be given to Land Use Officer Bob Steele. Down spouts to a dry well is planned. – This was noted on the map and signed and dated by the property owner Robert Berra. A motion to close the public hearing was made by Dave Fitzgerald, 2<sup>nd</sup> by Teresa Bryan; all in favor, Public Hearing closed.

The Public Hearing of 3 Brothers Wineries and Estates 623 Lerch Road, Geneva, NY 14456, Town of Fayette, (Tax Map 23-1-52) regarding a Site Plan Review and SEQR Review to put in

a sub-surface mound style leach field to treat effluent that can be utilized for various areas at the wineries thus increasing environmental sustainability and decreasing amount of solid and liquid waste disposed from the facility. This hearing of August was reopened at 7:16PM.

To recap the previous meeting in August:

3 Brothers have a grant to use for this subsurface mound style leach field to treat effluent that can be utilized for toilet and urinal flushing in restrooms on the winery. Increasing environmental sustainability and decreasing amount of solid and liquid waste disposed from the facility. In regards to public health there doesn't seem to be any issues as they have to test before pumping it out. They have holding tanks that can be utilized if need be and then haul it off site for treatment. Is Ag & Markets involved? No, they are not. It is to be 400 feet from the setback, north of the building and north of the pond. They are following the 10-10-5 rule and have to test for three elements daily which may result in the system being adjusted. Question from the audience and abutting neighbors were listened to and answered. A motion to close the public hearing was made by Ron Schubert, 2<sup>nd</sup> by Dave Fitzgerald; all in favor; public hearing closed.

### **Preliminary Hearings –**

A preliminary hearing for Bill & Joyce Hawkins of 1881 Conklin Road, Conklin, NY 13748 in regards to purchasing property in the Hamlet of Canoga and putting in a seasonal campground. A campground is not a permitted use in the Hamlet of Canoga even it meets all other requirements in the Town of Fayette Land Use Regulations.

The Record Shows that roll call remains the same.

### **New Business -**

Robert Berra 4300 Dustin Road, Burtonsville, MD 20866 regarding a Site Plan Review to build a pole Barn Storage Building at 4009 Bonnie Banks, Seneca Falls, NY 13148, Town of Fayette, (Tax Map 22-1-12.38). Proposed barn is 40'X60'.

The pole Barn storage building meets all set backs. A motion to approve contingent upon 1. drainage of runoff makes use of the dry well / sump and 2. an engineered drawing showing all buildings, electrical and plumbing is approved by Nelson Wise, 2<sup>nd</sup> by Teresa Bryan; all in favor, Site Plan Review Approved.

3 Brothers Wineries and Estates 623 Lerch Road, Geneva, NY 14456, Town of Fayette, (Tax Map 23-1-52) regarding a Site Plan Review and SEQR Review to put in a subsurface mound style leach field to treat effluent that can be utilized for various areas at the wineries

Bill Davis of MRB and Sean Logue spoke. Well is further than the 100 ft setback. The swale will direct the flow towards the mound /pond away from the abutting prop. Plans are signed and stamped by the engineer. The Report is to be sent to the DEC, Army Corp, Seneca County Health Dept. Seneca County Planning Board turned it over to the Town of Fayette with the recommendation that the property bought from the Martins be amalgamated with 3 Brothers Property. Attorney Midiri had no questions or comments.

A motion by Ron Schubert, 2<sup>nd</sup> by Mike Cecere, the close the hearing until October's meeting when type 1 action SEQR can be done after the Planning Board has been declared the lead agency. SHPO has no concerns of artifacts – 3 Brothers if they do find something they will stop installation. The maximum depth of the mound system is 4 feet. Part 2 will be covered at the October meeting.

A motion to have the Town of Fayette declared the lead agency was made by Dave Fitzgerald, 2<sup>nd</sup> by Ron Schubert, all in favor, motion passed.

**Public comments:** Chairman Tidball opened the public comment portion of the meeting by stating the Land Use Regulations we currently have went into effect in 2008 but due to some oversights, changes in technology, since then the Planning Board, this past year has been busy reviewing and revising some changes; which have been presented to the Town Board for approval and adoption.

Chairman Tidball reviewed what is currently the regulation pertaining to vacation rentals and what the planning board has currently proposed.

#### **17. Vacation Rentals**

- A. No structure shall be constructed on the waterside of the mean low water mark of the Cayuga and Seneca Canal unless such structure is for a water-dependent use or activity.
- B. Dimensional Requirements and Specifications

Structures and uses shall comply with the dimensional requirements, specifications and restrictions set forth in the Dimensional Requirements Table attached at the end of this Local Law.

#### **SECTION 811 VACATION RENTALS**

**A. All vacation rentals shall be considered conditional uses with a special use permit. All vacation rentals require a site plan review.**

**B. The operator of a Vacation Rental shall not reside in the rented dwelling during rental periods.**

**C. The dwelling shall not be altered in a manner which would cause the premises to differ from its**

residential appearance or character.

D. Vacation Rentals shall have a maximum of 6 bedrooms. Units larger than 6 units are subject to site plan review and approval by the Town of Fayette Planning Board.

E. Maximum overnight occupancy shall be limited to two guests per bedroom plus a total of two additional guests. Children under the age of five shall be excluded from the occupancy limitations.

F. For homes on a septic system, the overnight occupancy shall also be limited by the system capacity, as determined by the code enforcement officer. New or proposed vacation rentals must provide documentation of the system's capacity for proposed occupancy.

G. The above limitations may be exceeded for a period of 4 days during the Holiday Weekends of Thanksgiving, Memorial Day, July 4<sup>th</sup>, (weekend before and after if the 4<sup>th</sup> does not fall on the weekend) and Labor Day. Children under 5 are excluded from these limitations.

H. Subject to site plan review, parking must be provided for a minimum of 1 vehicle per a bedroom. Legal on street parking can be considered. Maximum number of overnight vehicles may not exceed one times the number of bedrooms.

I. Owner or Property Managers names, address, and 24-hour Contact Information, as well as maximum occupancy and parking guidelines shall be posted on the refrigerator.

It was stated that there is no such thing as being grandfathered.

\*Andy Batty – Westfall Drive

Brought up example of 7 bedrooms = 25 plus people, 5- 13 cars and an increase of the amount of garbage. He expressed concern about septic systems. 1000 gallons for 3 bedrooms

Recognizing that it is within property owners rights that they can rent. Could there be a time frame of when places could be rented i.e.: May to September.

\*Amanda Pundt – South Parker

How will we ensure each comes before the planning board to apply for a special use permit? If they are required to have a Special Use permit / Site Plan Review, how will the land use officer investigate and enforce? They have lived at S. Parker for 30 years and also have concerns about the private drive which is one (1) lane. People are parking in their drive and using it for a turn-around. It seems those come and stay have a 4<sup>th</sup> of July mentality and often you can count 22-12 cars per property.

\*Deb Buchwald – Gusty Lane

Stated we are not Geneva or Canandaigua. What is considered a short term rental? The planning board can suggest but only the Town Board can make that decision.

Vacation Rental definition per the proposed update: VACATION RENTAL: A dwelling that is a single family home designed for residential occupancy that is not permanently owner occupied, contains 6 or less bedrooms and is made available for rent for transient occupancy by guests for periods of no less than 3 days. Vacation rentals do not include Bed & Breakfasts as defined separately.

\*Perrin Knapp – Westfall Drive

Wondered if we had looked at what Skaneateles, NY vacation rental regulations look like?

\*Richard Giovannini – Gusty Lane

Stressed concern over the increase and speed of traffic as well as the cost of maintaining the road. Gusty Lane does not have an association. Referred to his letter to the Planning Board and the Town Board members.

\*Gordon Thompson; an attorney

Suggested that maybe a period of transition or a process could be developed to having Vacation Rentals requiring a Special Use Permit.

***Definitions per the current Town of Fayette Land Use Regulations:***

DWELLING: Any building or portion thereof designed or used exclusively as a residence or sleeping place for one (1) or more persons.

A. Single Family: A detached residential dwelling designed for and occupied by one family only.

B. Two-Family: A detached or semi-detached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

C. Multi-Family: A building or portion thereof used or designed as a residence for three (3) or more apartment or dwelling units.

D. Seasonal Dwelling: A dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner, including, hunting cabins, vacation cottages, and summer cottages. This definition does not include recreational vehicles, travel trailers, camper trailers, pop-up tents and tents.

DWELLING UNIT: One room or rooms connected together for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, designed for occupancy by one family.

Land-Use Officer can issue a stop order per section 109 of the current Town of Fayette Land Use Regulations.

**SECTION 109 ENFORCEMENT OF LAND USE LOCAL LAW**

Any building or structure erected or any use conducted without a land use permit or certificate of compliance, where required, or not in conformity with the provisions of this Local Law, may be

removed, closed or halted at once by the Land Use Officer with the issuance of a stop order, with assistance, if deemed necessary, of any appropriate Town office or employee. All costs incurred relating to such enforcement action shall be borne by the property owner.

It was stressed again that since 2008 times have changed.

States a private own property becomes a commercial business when it becomes a rental.

The law doesn't define or give a definition of a bedroom. The current law doesn't define a vacation rental, regulation of holiday.

Having an annual permitting process would give the town the ability that if the regulations are violated, then the permit is not renewed.

\*John Groff – Gusty Lane

What is the definition of private road / public road?

Definitions per the current Town of Fayette Land Use Regulations.

**ROAD** (a/k/a highway or byway):

A. Major: Streets or highways connecting through roads with each other and also handling internal movement within the town.

B. Secondary: Streets serving to connect major roads with each other and also to handle internal movement within the town.

C. Local: Streets which primarily function to give direct access to abutting property. Local roads are the internal part of the system to provide movement within residential or to other land use areas.

D. Private: Roads or streets whose primary function is to serve private needs on private property. Private roads may serve more than one property.

Septic Standard – who control, and enforces. 30 day rental. When are the septic tested? Currently they are only tested when property changes hands or malfunctions. Owasco and North Rose test yearly.

\*Tom Casella – Bonnie Banks

He works with the DEC. Call the Land Use Officer, option of stop the rental versus a fine. Seasonal use versus Weekend use. They have been approached to sell his non-conforming lot, and is sure this is true of others too.

If it is a safety concern – make a complaint with building code.

Lake properties have become more dense since the comprehensive plan was done and adopted. The plan addresses the issue of density and is due to be reviewed and updated.

\*Kim Edwards – Gusty Lane

Concerns for personal safety, and reference her letter to the Planning Board and Town Board wondered is substantial fees for rentals are being paid, can an association prohibit/restrict. Lakeshore Landing, Romulus has a strong association.

\* Is there a map or could one be created that shows what has the potential or is currently a vacation rental?

Letters of concerns have been received by the following parties: Richard & Jeanne Giovannini, Steve & Gretchen Chenenko, Kim Edwards, William Graves on behalf of concerned citizens of the Town of Fayette, Jonathan & Deborah Buchwald. These letters are on file (folder - Vacation Rentals 2017)

***Approval of the Minutes:***

A motion to approve the minutes of the August 28, 2017 meeting was made by Dave Fitzgerald, 2<sup>nd</sup> by Nelson Wise, all in favor, minutes approved.

***Planning Board Attorney Report: Attorney Joseph Midiri***

Attorney Midiri reported that an appearance ticket was issued and 2 charging documents in regards to a not approved use of a campground and for use of an RV for permanent living were issued to the Yeo's. It is looking like the Yeos have no legal representation at this time.

He has been in contact with State Senator Helming regarding the regulations of docks and moorings in the Town. She will be introducing legislation of in the beginning of the 2018 year for the Towns of Varick and Fayette.

***Land Use Officer Report: Robert Steele***

*Approved Permits:*

Cleson Horst – County Road 121 – 60'x96' Ag Barn

Daniel Zeck – Mohawk Lane – Storage Shed

Cassandra Rowe – NY State Route 96A – Pool

Steven & Gretchen Chenenko – Gustly Lane – Remove house and build new residence

Ezra Oyer – NY State Route 89 – to build a 3 bay garage

*Denied Permits:*

Dale & Connie Hemminger - Seneca View – sent to the TOF Zoning Board of Appeals for variance

*Other:*

Yeo case is scheduled for court on September 20<sup>th</sup> at 6PM

**Town Board Liaison Report – Supervisor Cindy Lorenzetti**

Members are reviewing the proposed changes to the land use regulations, the assessor has held the first of two reevaluation information public meetings. (standing room only) Next one is tomorrow morning at the Fayette Fire Department. Continuing to work on the 2018 budget.

**County Planning –**

A solar farm in Seneca Falls on NY State Route 318

Tyre – Del Lago Resort & Casino / Indus Corporation are looking to build at a separate hotel from the casino.

**Other Business:**

Dave and Keith will look at various inputs and for a moratorium on vacation rentals so the rest of the land use regulations can continue moving forward. Planning board members need to revisit private drives/roads for the October 23 meeting.

A motion to adjourn was made by Nelson Wise, 2<sup>nd</sup> by Mark Lott; all in favor Chairman Tidball adjourned the meeting at 9:16PM.

Respectfully Submitted by

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

