

PUBLIC HEARING
Karen Christopherson – Special Use Permit
Sale of Construction and Farm Equipment

The Public Hearing scheduled to be held on Thursday, July 23, 1998 at the Town Office, 201 East Main Street, Palmyra, to consider the application of Karen Christopherson, 936 Garnsey Road, Palmyra, for Special Authorization to sell used construction and farm equipment at her residence, was called to order at 8:00 PM by Town Supervisor David Lyon.

Those present at this meeting, in addition to the Town Board members included:

Mary Gaylord, Palmyra John Koeberle, Palmyra
Karen Christopherson, Palmyra
Edward Christopherson, Palmyra
Judy Lincoln, Palmyra William Lincoln, Palmyra
Donna Camblin, Palmyra Jim Burns, Newark
Steve Taber, Clyde
Ann VingeeTaber, Sole Assessor
Nelson F. Cook, Highway Superintendent

Supervisor Lyon directed the Town Clerk to read the legal notice, as published in the Courier-Journal, into these minutes.

Karen Christopherson explained that she had not applied for a salvage permit as implied in the legal; she simply wants to sell this type of equipment.

Supervisor Lyon told those present to take that into consideration and asked for anyone that would like to make a statement or a comment to please identify themselves for the record.

Bill Lincoln – If the waste water was taken care of and a fence was put up; no problem with this.

John Koeberle – This is handy for our farm equipment; there is no odor, no noise; no problem as long as done within the Town of Palmyra ordinances.

Lynne Green – Where is this equipment now? Edward Christopherson – 30 feet in front of the garage and everything else out back; he would like to put up a fence.

Lynne Green – This is for sales, not salvage, is that correct?

Edward Christopherson - Yes, this started out as a hobby and continued from there. There is a shop out back where we work.

Supervisor Lyon – I have to question the wording on your application and the meaning of “service.” Mr. Christopherson – There is no service work done for people. Supervisor Lyon – Koeberle stated that it is handy for his farm equipment. Mr. Christopherson – He may help a friend out occasionally but he is not in the service business. All the equipment is reconditioned before it is sold is all.

Supervisor Lyon asked the board members if they had any questions or comments. Michael Lambrix asked Robert Grier, CEO, to tell those present about the court case that he is presently involved with. Mr. Grier stated that there are unlicensed vehicles out there; the equipment has spilled over onto other properties; there is no authorization to be running a business of any kind, etc.

David Nussbaumer asked how many pieces of equipment are out there now. Mr. Christopherson – About 20, but some he uses on his farm; they are not all for sale.

Michael Lambrix, referring to the photos, asked if the place was going to look like the photos. Mr. Christopherson – It flooded out back and I had to move equipment out front. William Lincoln – The neighbors filled in the creek and plugged up everything. Christopherson – We will have another problem this fall too. Lynne Green - Is the water problem out back? Christopherson – Yes.

David Nussbaumer – Does the applicant have a suitable permit?

Robert Grier – No. Nussbaumer – Are you planning to put up a sign?

Christopherson – No.

John Koeberle – There is something in the bylaws about interfering with drainage but the neighbors do not want to hear about this. Supervisor Lyon – A drainage district would have to be formed if the neighbors cannot agree

about this. It is better to solve a problem than to create one whenever possible.

Nelson Cook, Highway Superintendent – If a plot plan can be found from when the Wheelers put in their double-wide, it may show that creek on it. Supervisor Lyon asked Mr. Grier to check on this.

Michael Lambrix asked about flammable wastes. Christopherson – I take it to Nice Car Auto and they dispose of it for me. Lambrix – If you have a water problem already, one quart of oil can contaminate a lot of water.

Supervisor Lyon asked if there were any more comments regarding this matter. There being none, he asked the Town Clerk to read the following two letters she received regarding same.

Gordon & Emily Wheeler
912 Garnsey Road
Palmyra, New York 144522

To Whom It My Concern:

Regarding application for special use permit submitted by Karen Christopherson; We object to a salvage/junk yard next door to our property for the following reasons-

Equipment running all hours of the day or night.

The parking of equipment or vehicles at the end of our drive so as to block our vision of oncoming traffic, in winter months snow is gathered and piled there to create the same problem.

Their property is un-kempt and a breeding ground for rodents and snakes.

Devaluation of our property.

The property adjacent to ours is being used but belonging to someone else.

Last but not least, it is an eyesore, we have been looking at junk for many years and still can't get used to it.

Thank you for your attention.

Sincerely,
The Wheelers
Gordon & Emily
7/2/98

The second letter reads as follows:

David J. and Michelle Smith
910 Garnsey Road
Palmyra, New York 14522
7-3-98

Palmyra Village and Town
Office of Code Enforcement
144 East Main Street
Palmyra, New York 14522

Dear Sirs:

In regard to the application for special use permit to operate a salvage business for construction and farm equipment by Karen Christopherson we are strictly opposed.

The "SALVAGE" equipment is consistently parked at the end of our driveway. We feel this is hazardous, as, often it is difficult to see oncoming traffic as we pull out. Also, in the winter months Mr. Christopherson piles the snow in the same location which makes it even more dangerous. I have spoken to both Miss and Mr. Christopherson on these issues several times. On one occasion I was told that there was no other place to put said snow. On another occasion I was told by the property owner that perhaps I should not have made Mr. Christopherson mad.

As Miss Christopherson has already been selling salvage from her property and adjacent lot flatbed trucks and the vehicles of the customers pursuing the salvage are parked so as to impede access to our driveway.

We live in a rural area to avoid such situations as we are experiencing now. It is not pleasant to look at all that salvage. Deliveries and pick up of salvage are made anytime day or night without regard for anyone else. Mr. Christopherson often runs this salvage at all hours of the day and late into the night the noise is awful and the diesel fumes are nauseating.

Garnsey Road, our property and Miss Christophersons property are not equipped to handle such a business. As it is they have no place to park in their own driveway they park their vehicles on the lawn or across the street on the towns property.

We have noticed an increase in the rat and snake populations on our property. Large rodents have actually been observed vacating Christopherson's property and migrating to ours.

Ultimately, we feel that the whole proposal is not sound and that it will and is now devaluating our property.

Thank you,
David & Michelle Smith

The Town Clerk was then asked to read the following recommendation from the Wayne County Planning Board:

Robert Grier, ZEO
Town of Palmyra
201 East Main Street
Palmyra, New York 14522

Re: Crawler Heaven
936 Garnsey Road
Tax Map Ref. No: 34111-00-019045
Special Permit

Dear Bob,

At its regular meeting on June 24, 1998, the Wayne County Planning Board reviewed the above referenced referral and recommended denial of the Special permit as the board wants to have more information regarding the proposed operation. In particular, the board requests clarification regarding what will be done to properly dispose of environmentally hazardous materials.

If you have any questions concerning this decision, please do not hesitate to contact me.

Sincerely,
Bret DeRoo, Sr. Planner

The Town Clerk then read the following recommendation from the Palmyra Planning Board:

Excerpt from the July 13, 1998 Planning Board Minutes:

Item #4: Christopherson Recommendation to the Town Board for a Special Use Permit.

Hearing called to order at 7:45PM.

L. Edinger read the recommendation from the WCPB and also read letters from: Frank & John Koeberle, Gordon & Emily Wheeler and David & Michelle Smith. It was also noted that 24 residents signed letters in favor of the special use permit. Mr. Lincoln stated that he didn't have a problem with the proposed use.

K. Miller asked about hazardous waste removal?

K. Christopherson stated that she is able to take it to where she works. L. Kaller stated that he didn't believe that outside parking requirements could be met. K. Christopherson stated that they would install a fence to park vehicles behind. B. Baker responded that a junk yard is being created. K. C. said no. they buy old machines and fix to resell. B. Baker asked if all work is done in front yard? K. C. answered yes. L. Kaller asked if the County recommends denial can we vote in favor? B. Baker stated that "if you were serious about this business than you would make an effort to clean up the property." K. Miller stated that he is concerned about waste leaching into the water table. L. Kaller stated that he was concerned about hazardous waste and its removal and also working on machines outside. B. Baker stated that he is not satisfied with the information submitted in the application.

MOTION: L. Kaller made a motion to recommend denial of the application to the Town Board.

2nd: K. Miller

VOTE: Unanimous

Hearing closed at 8:15 PM

K. Christopherson wanted it made perfectly clear that she had not applied for a salvage permit. Supervisor Lyon assured her that it had been so noted. Mr. Christopherson wanted it noted that he had tried to rectify the problems with the neighbors.

Supervisor Lyon again asked if there were any more questions or comments. There being none, he declared this public hearing closed at 8:32PM.

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REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, July 23, 1998 at the Town Office,

201 E. Main Street, Palmyra, was called to order at 8:40 PM by Town Supervisor David C. Lyon.

Supervisor Lyon led those present in the Pledge of Allegiance to the Flag.

Upon roll call, the following board members were present:

Town Supervisor - David C. Lyon
Town Board Members - David Nussbaumer
Lynne Green
Michael Lambrix

The Town Board accepted the Supervisor's Monthly Report for filing.

COMMUNICATIONS

1. Notice of Summer-Fall 1998 Pre-Retirement Seminars

REPORTS OF STANDING COMMITTEES

Assessment Committee - Lynne Green, Chairman

1. Assessor Update

Ann Vingee-Taber, Sole Assessor for the Town of Palmyra reported to the Board that her department is mainly regrouping at this time. David Nussbaumer asked her when he could apply for the STAR program. Ms. Taber told him the school districts have to notify everyone first.; then her office will begin accepting the applications in September of 1998 and the deadline date for filing is March 1, 1999.

2. Request from the Board of Assessment Review

Supervisor Lyon proposed paying each member of the Board of Assessment Review Board a total of \$150.00 this year because of the extra hours they worked (at least 20 hours) and then address this matter again at budget time. The Board agreed with him on this. Lynne Green moved to approve payment of \$150.00 to each Board of Assessment Review member for the year 1998.

Seconded by: Michael Lambrix Carried: Unanimously

Highway Committee - David Nussbaumer, Chairman

No report at this time.

Planning Committee - James Welch, Chairman

1. CEO Update

Robert Grier, CEO, reported that he had moved to his new office, which doubled his space, and he thanked the highway crew for the help. He said that the proposed mobile home park on Rt. 31 will be starting in late summer or early fall; most of the junk cars on the Walton property have been moved; the Bridge Pub problem has been turned over the liquor authority; two new homes have been started; four notices of violation have been sent out; there has been a sub division on a Garnsey Road property and a on-going problem along the canal has been finalized.

Zoning Committee - Michael Lambrix, Chairman

2. Karen Christopherson – Special Use – Subject of Public Hearing

Michael Lambrix moved to deny the application of Karen Christopherson, 936 Garnsey Road, Palmyra, for special authorization to conduct sales of construction and farm equipment at her residence for the following reasons:

- 1) Prior Violations
- 2) Complaints from the neighbors
- 3) Wayne County Planning Board rejected this application
- 4) Palmyra Planning Board rejected this application
- 5) Visual inspection done by two (2) Town Board members
- 6) Application improperly filled out
- 7) Co-ordinated visual inspection with the pictures provided by the CEO

Seconded by: David Nussbaumer Carried by roll call vote as follows:

Lynne Green	- Aye
David Nussbaumer	- Aye
Michael Lambrix	- Aye
David C. Lyon	- Abstained

(Mr. Lyon abstained because he has a similar business and felt it would be inappropriate for him to vote.)

Application denied.

3. Set a public hearing date for Danny Ward – DBA – Ward Performance at 614 Frey Road, Macedon – He would like to move his business to the Connex Grinding building at 2858 Palmyra-Marion Road - Suggested date for public hearing is 08/27/1998

Michael Lambrix moved to set August 27, 1998 as the public hearing date to consider the application of Danny Ward – DBA – Ward Performance at 614 Frey Road, Macedon, for Special Authorization to move his business to the former Connex Grinding building at 2858

Palmyra-Marion Road, Palmyra, at the Palmyra Fire Hall, E. Main Street,
Palmyra, at 8:00 PM.

Seconded by: David Nussbaumer Carried: Unanimously

AGENDA ITEMS

1. Budget Adjustment

The following interfund transfers were moved by Supervisor Lyon:

BC CAPITAL PROJECT – CWD EXT #1
INCREASE

HC9901.9 INTERFUND TRANSFERS/CWD EXT #1 \$71,200.00
(transferred water connection fees deposited into HC Capital
Project to CWD EXT #1)

HC9901.9 INTERFUND TRANSFERS/CWD EXT #1 \$10,000.00
(transferred monies from HC Capital Project to CWD Ext #1 to help
offset interest payment due on \$350,000 BAN)

Seconded by: David Nussbaumer Carried: Unanimously

Supervisor Lyon then moved to approve the following budget adjustment:

FROM: GENERAL CONTINGENCY	TO: GENERAL RECORDS
ACCOUNT	MGMT/SARAH
A1990.4 \$1652.00	A1460.4 \$1652.00

Seconded by: Michael Lambrix Carried: Unanimously

Supervisor Lyon then moved to approve the following budget adjustment:

FROM: CWD EXT #1	TO: CWD EXT #1
OPERATION & MAINT	LEGAL FEES
FX8340.4 \$1095.96	FX8320.241 \$1095.96

Seconded by: Michael Lambrix Carried: Unanimously

2. Request from the Board of Assessment Review

This matter was taken care of under "Assessor Update" this meeting.

3. Approval of Consolidation of Water Districts

David Nussbaumer moved the following resolution:

PLEASE TAKE NOTICE that the Town of Palmyra adopted a Resolution on the 23rd day of July, 1998 consolidating all of the existing water districts and extensions thereto of the Town of Palmyra into a consolidated water district to be known as Palmyra Consolidated Water District, subject to a permissive referendum.

- A. The Resolution consolidated the North Water District, the South Water District, the East Water District and the Central Water District and any and all extensions thereto to those water districts into the Palmyra Consolidated Water District.

The Resolution provided:

- A. That the existing water districts and extensions thereto which have bonded indebtedness to pay for improvements will continue to pay their bonded indebtedness.
- B. That the cost of operation and maintenance in the Palmyra Consolidated Water District will be borne by all of the properties in the district by the payment of water rents.

- C. That all of the assets of the existing water districts will become the property of the Palmyra Consolidated Water District.
- D. That the pending financing of construction of storage facilities and appurtenances thereto to be paid for by the existing districts and extensions thereto shall be paid for on an ad valorem basis by all of the properties in the Palmyra Consolidated Water District.
- E. That all, future expense of the Palmyra Consolidated Water District shall be assessed and paid for by all of the properties in the Palmyra Consolidated Water District.

This resolution was adopted pursuant to a permissive referendum, which requires the filing of a Petition with the Town Clerk within 30 days of the adoption of the Resolution requesting a referendum on the question of the consolidation of all of the water districts into the Palmyra Consolidated Water District and the provisions for the payment of expenses of the districts as provided above.

Seconded by: Michael Lambrix Carried: Unanimously

4. Purchase of new vacuum cleaner for Town Office

Michael Lambrix moved to approve the purchase of a new vacuum cleaner for the Town Office at a cost not to exceed \$200.00

Seconded by: David Nussbaumer Carried: Unanimously

5. Purchase of fax machine for the Tax Collector

David Nussbaumer moved to approve the purchase of a fax machine for the Tax Collector at a cost not to exceed \$225.00 rather than to continue to pay \$25 per month for her copier. (The fax machine can also be used as a copier.)

Seconded by: Michael Lambrix Carried: Unanimously

6. Bids on electrical work for Town Office

There were two bids received for the electrical work at the Town Office; one from Master Electric (Glenn Bastian) and one from Sheehe Electric.

Following a review of the bids received for the work needed at the Town Office, David Nussbaumer moved to hire Master Electric (Glenn Bastian).

Seconded by: Michael Lambrix Carried: Unanimously

7. Creation of Stafford Road Sewer District – Set public hearing date

David Nussbaumer moved the following resolution:

IN THE MATTER OF
THE CREATION OF THE STAFFORD ROAD SEWER DISTRICT
IN THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK STATE

WHEREAS, the Petition dated the 16th day of July, 1998 has been presented to the Town Board of the Town of Palmyra according to law requiring that a Sewer District as hereinafter described be established in the Town of Palmyra and

WHEREAS, the proposed boundaries of the Sewer District within the Town of Palmyra are as follows:

BOUNDED on the west by the town line of the Town of Macedon, on the south by the town line of the Town of Manchester, on the east by the east line of the property of the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah Corporation Sole, and on the north by the north line of the property of the CORPORATION OF THE RESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A Utah Corporation Sole (the properties are generally known as tax map #32111-00-36687; 367921; 388876; 429871; 229871.1; 298061); and

WHEREAS, the improvement proposed in said district consists of the installation of a sewer collection system, pump station and a force main from the above described premises to the south line of the Village of Palmyra; and

WHEREAS, the maximum amount to be expended on the improvement as stated on said Petition is \$0, it is

ORDERED, that the Town Board of the Town of Palmyra, shall meet at the Palmyra Fire Hall, East Main Street, Palmyra, NY on the 27th day of August 1998, at 8:30 PM to consider said Petition and hear all persons interested in the subject thereof, and it is further

ORDERED, that the Town Clerk of the Town of Palmyra is hereby authorized and directed to publish a certified copy of this Order in the Palmyra Courier-Journal, the official Town newspaper, and to post a copy of same on the sign board of the Town Clerk, in the time and manner required by law.

Seconded by: Michael Lambrix Carried: Unanimously

7. Set Public Hearing date for \$650,000.00 Bond Issue – Increase & Improvement of water facilities

The following resolution was moved by David Nussbaumer:

WHEREAS, a Resolution having been duly adopted by the Town Board of the Town of Palmyra, pursuant to 202B of the Town Law on the 9th day of April, 1998, directing the Town's Consulting Engineers to supervisor the preparation of a map, plan and report for providing facilities and improvements to the Town of Palmyra Water Districts and extensions thereto, and said map, plan and report with an estimate of cost having been duly prepared by the Town's Consulting Engineers, MRB Group Engineering, Architecture and Surveying, P.C. and filed in the office of the Town Clerk of the Town of Palmyra on the 9th day of April, 1998; and

WHEREAS, the proposed increase and improvements of the facilities benefiting all of the Water Districts of the Town of Palmyra and extensions thereto, consists of the construction of the one million gallon storage reservoir, acquiring the site, access road improvements, plus a 12" water main to connect the storage reservoir to the existing waterline on North Creek Road and also the existing waterline on Route 31, including the borings and necessary appurtenances, material and construction costs and the construction of two meter vaults, one on Stafford Road at the Town Line and the other on Route 21 south to provide an interconnection with the Town of Manchester to reinforce the supply system of the Town of Palmyra Water Districts, including the cost of right of ways, easements and engineering costs; and

WHEREAS, the maximum amount to be expended is \$1,200,000; and

WHEREAS, a contribution for the conversion of the storage reservoir proposed from a steel tank to a prestressed concrete storage reservoir will be made by the Wayne County Water and

Sewer Agency (WCWSSA) because the use of a prestressed concrete tank will reduce maintenance costs; and

WHEREAS, the Town of Palmyra has approved surplus funds from unanticipated sales tax proceeds pursuant to 192a in the amount of \$150,000 to apply on the project which will provide the additional storage capacity and water supply necessary to provide water services to currently unserved areas in the town; and

WHEREAS, the Town of Palmyra has available from the districts which will be benefited by the improvements funds in the amount of \$300,000 after payment of the existing current year obligations of the District; and

WHEREAS, based upon the estimates the Town Board of the Town of Palmyra has determined the maximum amount to be raised and financed by all the Water Districts of the Town of Palmyra is \$650,000.00; and

WHEREAS, the proposed method of financing the cost of the increase of facilities and the improvements contemplated herein shall be by the issuance of serial bonds of said Town maturing in annual installments over a period of not to exceed 40 years. It is proposed that the Town will finance the improvements with serial bonds in the amount of \$650,000 paying interest at six and one-half percent (6.5%) payable in annual installments over 25 years. The said bonds are to be paid from assessments levied upon all the taxable real property in the Town Water Districts and extensions thereto at the same time and in the same manner as other Town charges, in an amount to pay the principal and interest on said bonds as the same becomes due. Said bonds shall be secured by the full faith and credit of the Town of Palmyra and in the event the bonds, when due, are not paid from the Town Water Districts and extensions thereto, then all of the taxable real property in the Town shall be subject to the levying of an ad valorem tax with imputation as to rate or an amount sufficient to pay the principal and interest on said bonds as the sum shall become due; and

WHEREAS, the Water Districts of the Town of Palmyra are:

The North Water District and its extensions

The South Water District and its extensions

The East Water District and its extensions

The Central Water District and its extensions; and

WHEREAS, the Town Board of the Town of Palmyra has apportioned the debt among the Water Districts and their extensions in the proportion that the assessed value of the Water District with extensions bear to the total assessed valuation of all the Water Districts and extensions thereto in the Town; and

WHEREAS, the Town of Palmyra has determined that the increase of and improvements of facilities is a type 1 action pursuant to the regulations promulgated by the New York State Department of Environmental Conservation implementing the State Environmental Quality Review Act. The Town Board after review has further determined that this improvement will not result in any significant environmental effect; and

WHEREAS, the typical one or two family residential home assessed at \$100,000.00 in each of the Water Districts will pay \$65 per year if the amount to be raised is \$650,000.00 and the interest rate is six and one-half percent; and

WHEREAS, the Town Board, upon all of the above, has decided to hold a hearing upon the question of conducting the proposed improvements and increase in facilities as prescribed in 202B of the Town Law.

NOW THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Palmyra, Wayne County, New York as follows:

Section 1. A meeting of the Town Board of the Town of Palmyra, Wayne County, New York, shall be held at the Palmyra Fire hall in Palmyra, NY in said Town on the 27th day of August , 1998 at 9:00 PM, prevailing time, for the purpose of holding a public hearing to consider the improvement and increase of facilities to all of the Water Districts and extensions thereto in the Town and to consider the map, plan and report including an estimate of the costs set forth in the Notice in relation thereto, and to hear all persons interested in the subject matter thereof, concerning the same and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this Order to be published once in the Palmyra Courier Journal, the official newspaper of said Town, the first publication thereof to be not less than ten or more than twenty days before the day set for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign board of the Town, maintained pursuant to subdivision 6 of Section 30 of Town Law not less than ten nor more than twenty days before the say set for the hearing as aforesaid.

Section 3. This Order shall take effect immediately.

Seconded by: Michael Lambrix Carried: Unanimously

Following a review of the expenditures and claims, David

Nussbaumer moved to approve payment of same as shown on Abstract

#7 with totals as follows:

<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>
General	237-265	\$ 12,459.08
Part Town	126-140	\$ 1,467.04
DA Highway	133-149	\$ 18,808.89
DB Highway	38-51.	\$ 17,138.05
Central Water Dist Ext #1	10	\$ 1,095.96
T & A	4-5	\$ 3,604.15

Seconded by: Michael Lambrix Carried: Unanimously
(Supervisor Lyon abstained on DB45 – Conflict of interest)

The motion to adjourn this meeting of the Town Board was offered by Michael Lambrix, seconded by Lynne Green and carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Town Clerk