

PUBLIC HEARING ESTABLISHMENT OF
SEWER DISTRICT #1
OF THE TOWN OF PALMYRA

The Public Hearing scheduled to be held on Thursday, March 12, 1998 in the Town Office, 201 East Main Street, Palmyra, to consider the establishment of Sewer District #1 of the Town of Palmyra, was called to order at 7:30 PM by Town Supervisor David C. Lyon.

PUB HEARING
CALL TO ORDR

Those present at this public hearing, in addition to the Board Members included:

Eugene Bucknam	Davis Frederiksen
Martha Boisvert	Marie Curran
Marilyn Ruthven	George A. Ruthven
David A. Koeberle	Patty Diaz
Ed Diaz	Brion S. Havert
Robert Henning	Fran Rush
Marty Amen, MRB Group	
Mr. & Mrs. Daniel Dart	
Mr. & Mrs. Robert Johnson	
Mr. & Mrs. Richard Dzimbab	
Mr. & Mrs. Thomas Hulbert	
Cindy & John Mullin	

The legal notice, as published in the Courier-Journal, was read by Beverly E. Hickman, Town Clerk.

Marty Amen, MRB Group, explained to those present the area of the proposed sewer district and showed them the area on a map.

Supervisor Lyon asked that each person state their name prior to giving their statement or asking their question.

Davis E. and Rosemary A. Frederiksen had prepared the following written statement that Mr. Frederiksen read into these minutes:

TO: Town of Palmyra
RE: Proposed Sewer Line East Side of Rt 21
South (Canandaigua Road)
From: David & Rosemary Frederiksen
1020 Canandaigua Road
Palmyra, NY

We, David & Rosemary Frederiksen are opposed to the construction of a sewer line through our property at 1020 Canandaigua Road in the Town of Palmyra and WILL NOT grant an easement for this project. The construction of this sewer line in the proposed location will be destructive to our property and this destruction cannot be restored after construction is finished. The work would involve removal of many old growth trees that cannot be replaced "as before". The planting of saplings does not constitute restoration.

The location of this sewer line makes no

sense from a potential client standpoint. The homeowners are located on either side of Canandaigua Road, not 400 feet to the east of the road. This location only serves to destroy our property while giving access to two or three customers. One of these potential customers, being the owner of a multifamily apartment house, recently constructed abutting our property, in an area that, to the best of our knowledge, is not zoned multifamily. Also to be considered is how a sewer line is going to be constructed through a major gas pipeline when the regulations require that the line be no closer than 10 feet from the gas pipeline. This gas pipeline runs the entire east-west southern boundary of our property.

Also in question is how the town has come to the conclusion that this is the proper location for the sewer line. It must have been decided without surveying of our property since our property is clearly marked as "POSTED - NO TRESPASSING" and any person walking through or on the property without our permission, would be violating the law. Since no-one came to us and asked for permission to be on our property, and of course, the Town would never violate the law, there must have been no survey.

Signed,
Davis E. Frederiksen Rosemary A. Frederiksen

Cindy Mullin - Right now we don't have to hook into the sewer, but will we have to later? Supervisor Lyon - Initial no private residence will be hooked in - Possibly later we will go back and see what people want. Cindy Mullin - Is this line going to be along Rt 21? Marty Amen - No, it will follow the ditch east of Rt. 21; Drainage follows the low areas; it will be necessary to obtain a few easements. Cindy Mullin - If I wanted to hook in at a later date, would I have to have permission from the neighbors to the rear of me to do so? Marty Amen - No, a trunk line would be put in to service private properties.

Art Hauf - This \$629.00 per year; what is that amount for? Supervisor Lyon - That is the maximum amount the state will allow per household.

Patty Diaz - Does the \$629.00 include hooking into the line? Marty Amen - Hook-up is an additional fee; the connection fee goes to the right-of-way and you have to pay from the curb box to your house separately. Patty Diaz - The farther away you are the more it is going to cost, is that right? Marty Amen -

That is generally correct.

Dan Dart - When did the area get changed to industrial? Supervisor Lyon - The master plan recommended this area as industrial; the Town Board changed it officially last month. Dan Dart Why weren't the neighbors notified? Supervisor Lyon - The notice was published in the Town's legal paper, which is the Courier-Journal. Dan Dart - Why wasn't I notified? Supervisor Lyon - We did not notify individual residents.

Brion Havert - How come when I applied for a variance the neighbors were notified. Robert Grier - It is a courtesy think we do for variances and special authorizations; the neighbors within 500 feet of the property requesting something extra are notified.

Patty Diaz - If this is going to be a industrial area what will happen to my area? Will my nice little country road turn into a 4 lane highway? Supervisor Lyon - The master plan committee expected traffic to be from the thruway to the industrial park; it should not come down to where you are. Patty Diaz - It's not just the trucks but also the workers getting out there.

Brion Havert - What will being industrial do to taxes? Supervisor Lyon - That is a question for the assessor.

Dick Dzimbab - Who is this going to benefit? Marty Amen - Initially the industrial site only; it would be a big step forward for the Bear Hill Drive - Rolfe Street area however.

Supervisor Lyon - If we get the funding we are hoping for, this project will not cost you anything; if we go to the next step and include the private residence, it will then cost you; also your assessment will not go up because of a sewer line at the industrial park.

Patty Diaz - We will be losing *in* the long run.
Supervisor Lyon - You will lose if we lose this factory to another state; your taxes will go up to cover the amount they normally pay.

Davis Frederiksen - Doesn't Freund need ten acres and only eight acres are available? Bob Grier - There is no minimum amount of property necessary.

Brion Havert - Drainage out there is already bad - what will happen to it with a factory out there?
Marty Amen - There are some areas that need a sewer system desperately and this project has ability to put in a major line out there; also, there is a preliminary site plan that shows a retention facility for the ground water.

Patty Diaz - Why aren't we concentrating on the ground water problem instead of a sewer line?

Supervisor Lyon - Funding is available for a industrial project only - not a residential project.

Patty Diaz - At the last meeting I was told I would have to pay out \$629.00; who is going to pay the \$629.00 for me? Supervisor Lyon - That was my error. The sewer line is not going to cost as much as we originally thought; in the area of \$350,000.00 and if the grant doesn't come through, there won't be a sewer district at all.

Fran Rush - The petition we signed made no comment on actually wanting sewer, only information.
Supervisor Lyon - There were enough people that signed the petition that it was cause for the town to look into this project and information is what we gave you.

Dick Dzimbab - You are going to put in a sewer line, but what about the water problem on the west side of the road? Supervisor Lyon - The only thing we can come up with *is* to form a drainage district.

Nelson Cook, Highway Superintendent - A drainage tile was put in by Dr. Krause's property years ago. Back

then people filled in with whatever they could find at hand and this fill has broken down over the years and plugged up the drainage line. This can be cleaned out but the cost would have to be borne by the property owners.

Brion Havert - I was told that there is money available for cleanup project too. Supervisor Lyon - We can look into this for you.

Marty Amen - As far as the industrial park goes, Freund would be responsible to keep drainage at a minimum and not create any more problems.

Ed Diaz - Is there an alternate place for Freund? Supervisor Lyon - He has a offer from another state but we would like to keep him here along with the minimum 85 jobs at his factory.

Unidentified woman - Let him move and his 85 jobs right along with him. Who cares!

Angela Dart - Why is he moving and what is Palmyra offering him? Supervisor Lyon - He has no room to expand where he is; he has a list of what he wants but Palmyra has not offered him anything as yet.

Angela Dart - Shouldn't he blend in with the area houses somewhat? Supervisor Lyon - What are the procedures Bob? Bob Grier - He will have to file a site plan so we know what it will look like.

David Koeberle - When will all this happen? Supervisor Lyon - Tentatively the sewer line will be done in 1999 and the new Freund building in 2000.

Cindy Mullin - It said in the paper that he didn't want any hearings etc. Supervisor Lyon - We believe he meant hearing fees but we are not going to give him everything he has asked for.

Bob Henning - I vote "no" on the whole works.

Brion Havert - Is this why we got water lines out there? Supervisor Lyon - No, it is not. That is a transmission line, it has nothing to do with sewers.

Martha Boisvert - About drainage, I am going to be swimming pretty soon; there *is* more and more water all the time. Supervisor Lyon - Sewers and drainage problems are two different things.

George Ruthven - We are talking about two different things; the west side of the road is a terrible mess but that *is* not what this public hearing *is* about; it's beginning to get confusing.

Art Hauf - Are there any other plans for this industrial park besides the box factory? Supervisor Lyon - Not at this time; we do not have control of any more land at this time.

Bob Grier - Just for the record, it is zoned multi-familiy out there.

George Ruthven - There are two creeks back there, which one are we talking about? Marty Amen - The eastern most creek is where the line would run.

Brion Havert - You couldn't get any other property? Supervisor Lyon - No, but it wasn't for not trying.

Supervisor Lyon asked if there were any questions or comments that we had not already heard. There being none this public hearing was closed at 8:45 PM and a ten minute recess was called.

JB HEARING
DECLARED CLSD

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PUBLIC HEARING
MARGARET GREEN - SPECIAL AUTHORIZATION
BED AND BREAKFAST

The Public Hearing scheduled to be held on Thursday, March 12, 1998, at the Palmyra Town Office, 201 East Main Street, Palmyra, NY, to consider the application of Margaret Green, 993 Cornwall Road, Palmyra, for special authorization to operate a Bed and Breakfast Inn at her residence, was called to order at 8:55 PM by Town Supervisor David Lyon.

JB HEARING
DECLARED TO ORDER

Those present at this public hearing, in addition

to the Town Board members, included the following:

Margaret Green and her minor son
 Raymond Love Kieth May
 Larry Westerman
 Robert Grier, Code Enforcement Officer
 Nelson F. Cook, Highway Superintendent

The legal notice, as published in the Courier-Journal, was read by the Town Clerk, Beverly E. Hickman.

Supervisor Lyon asked Margaret Green to explain to those present just what she wanted to do out there. Ms. Green stated that she already has a home based business selling yarn, etc. from the sheep she is raising. She lives in a peaceful and tranquil setting and thinks it is a perfect place for a bed and breakfast.

Supervisor Lyon asked for comments or questions.

Michael Lambrix asked how many baths and how many bedrooms. Ms. Green said that she has two baths and three bedrooms, but she could also accommodate a child if she needed to.

Supervisor Lyon asked if there were any more comments or questions.

Robert Grier, Code Enforcement Officer, told the board that a formal recommendation was not done by the Town Planning Board.

Supervisor Lyon again asked if there were any more comments or questions. There being none, he declared this public hearing closed at 9:02 PM.

PUB HEARING
 DECLARED CLOSD

PUBLIC HEARING
 B & S AUTO - SPECIAL AUTHORIZATION
 RELOCATION OF BUSINESS

The Public Hearing scheduled to be held on Thursday, March 12, 1998, at the Palmyra Town Office, 201 East Main Street, Palmyra, NY, to consider the application of B & S Auto, Inc., owner Bill Fronefield, home address; 2579 Daansen Road, Palmyra,

PUB HEARING
 CALL TO ORDR

NY, to relocate his business to 1666 NYS Route 21, Palmyra, NY, (the former Herman Appliance building) was called to order at 9:05 PM by Town Supervisor David C. Lyon.

Those present, in addition to the Town Board Members, were the same as the previous hearing.

The legal notice, as published in the Courier-Journal, was read by the Town Clerk, Beverly E. Hickman.

Robert Grier explained to those present about the move from the present location on East Main Street to the old Herman Bros. spot.

Supervisor Lyon asked those present for any comments or questions.

Kevin McGlynn, 3009 North Creek Road, stated that there is a bar, a storage area, train noise, a bow shop, a blind spot on the curve, heavy traffic and his property value has already raised. Supervisor Lyon asked him how long he had lived in that area. He answered, three years. He said that he had heard that the B & S people are very nice but he just didn't need anything more out there.

Supervisor Lyon asked if there were anymore comments or questions.

James Welch- What about used oil etc.?
Supervisor Lyon said that the application says storage drums to be picked up every couple months.

Michael Lambrix - If there is a computer business in the front and a garage in the back, do they need a fire wall? Robert Grier - There is a fire wall already; what they need is a fire door. He also stated that there is parking space inside for ten vehicles.

Michael Lambrix - Why are they improving already?
Lynne Green - It is the owner that is making the improvements, not these people.

MARCH 12, 1998

Robert Grier - A contract has not been signed; they are waiting until after this hearing.

Supervisor Lyon - Regarding the traffic; there was already a great deal of traffic when this was a appliance store.

Kevin McGlynn - How long will he keep it neat outside? Supervisor Lyon - We have a full time CEO that will keep track of that.

Michael Lambrix - How would you feel about it if everything was properly taken care of? (No answer)

The recommendation from the Palmyra Planning Board was then read by the Town Clerk:
Hearing #4

Appellant: Bill Fronfield (B & S Auto)
Location: 1666 Rt. 21 North
Subject: Special Use Permit: Auto Repair Business

The hearing was called to order at 7:44 PM

The board members reviewed the application submitted. R. Grier explained that the building is being purchased by Mark Boerman and that the rear portion of the building will be used for the Fronfield business. K. Miller asked about parking. R. Grier stated that the application shows 24 parking spaces but only 12 spaces will be used. It was noted that the property was an auto repair and gas station at one time.

MOTION: L. Kaller made a motion to recommend that the Town Board grant approval of the application with the following stipulation:
1 - No outside overnight parking be allowed.
2nd: K. Miller
Vote: Unanimous

The following County Planning Board recommendation was then read into these minutes:

Robert Grier, ZEO
Town of Palmyra
201 East main Street
Palmyra, New York 14522
RE: Bill Fronfield
1666 Rt. 21 N
Tax Map Ref. No: 33111-05-103871

Dear Bob:

At its regular meeting on February 25, 1998, the Wayne County Planning Board reviewed the above referenced referral and recommend its approval with the condition that hazardous materials are disposed of lawfully.

If you have any questions regarding this determination, please don't hesitate to contact me.

Sincerely,
Bret DeRoo
Sr. Planner

Robert Grier recommended that there be no outside display of merchandise allowed.

Supervisor Lyon again asked for any more comments or questions. There being none, he declared this public hearing closed at 9:25 PM.

PUB HEARING
DECLARED CLSD

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PUBLIC HEARING
SPECIAL AUTHORIZATION - RAYMOND LOVE
INDOOR RIDING ARENA

The Public Hearing scheduled to be held on Thursday, March 12, 1998 at the Palmyra Town Office, 201 East Main Street, Palmyra, NY, to consider the application of Raymond Love, 2374 Maple Avenue, Palmyra, NY, for special authorization to have a private indoor riding arena at his residence, was called to order at 9:25 PM by Town Supervisor David Lyon.

?UB HEARING
:ALL TO ORDER

Those present, in addition to the Board members, were the same as the previous hearing.

Beverly E. Hickman, Town Clerk, read the legal notice, as published in the Courier-Journal, to those present.

Supervisor Lyon asked Mr" Love to explain what he wanted to do. Mr. Love said that he is building a pole barn with a sand base and he would simply like to set up a riding arena inside this barn for his personal use. Supervisor Lyon asked him the size of this barn. He stated that it is 66 feet by 150 feet.

Robert Grier, Code Enforcement Officer, explained that the barn was already in progress because the building of same has been approved; it is only the use that is in question here.

Nick ? - 2359 Maple Avenue - I have horses also and I know that everything Raymond does is a class operation.

Kieth May - I am also a neighbor and I am in

favor of this idea.

Larry Westerman - I am also a neighbor and I have no problem with this idea at all.

Supervisor Lyon asked that the following recommendation from the Palmyra Planning Board be read into these minutes:

To: Bev Hickman, Town Clerk
From: Dan Wooden, Deputy Code Enforcement officer
RE: Town Planning Board Recommendations

On February 23, 1998 the Town Planning Board held a Special meeting to review the proposed Zoning change on Route 21 South. They also reviewed two applications for Special Use Permits. The following is a list of their recommendations.

Item #2. Love, Special Use Permit. The Board felt that the proposed riding arena would not detract from the character of the surrounding area and they recommend approval of the application for a Special Use Permit as submitted. . . .

I have enclosed the applications for the Special Use Permits. Please let me know when the Public Hearings are set and supply me with the final decisions.

Supervisor Lyon asked if there were anymore comments or questions regarding this special use. There being none, he declared this public hearing closed at 9:30 PM.

PUB HEARING
DECLARED CLSD

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, March 12, 1998, at the Town Office, 201 East Main Street, Palmyra, NY, was called to order at 9:30 PM by Town Supervisor David C. Lyon.

CALL TO ORDR

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following Town Board members were present:

ROLL CALL

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

(David Nussbaumer was absent)

COMMUNICATIONS

There were none.

REPORTS OF STANDING COMMITTEES

Assessment Committee - Lynne Green, Chairman

No report at this time.

Highway Committee - David Nussbaumer, Chairman

- 1. Bids on snow plow equipment

Nelson Cook, Highway Superintendent, reported that he had received only one bid on the snow plow equipment from the following:

Jerry's Lube & Highway Supplies, Inc.
 Amount: \$14,830.00

Michael Lambrix moved to approve the purchase of snow plow equipment from Jerry's Lube & Highway Supplies, Inc. at a cost not to exceed \$14,830.00.

Seconded by: James Welch Carried: Unanimously

Planning Committee - James Welch, Chairman

- 1. Closing of Code Enforcement Office for educational conference

Robert Grier, Code Enforcement Officer, explained that both he and his Deputy, Dan Wooden, would be away for 26 hours of schooling. He stated that it is training that is required of them annually. Therefore, his office will be closed for three days, but he will check on his messages each evening.

Zoning Committee - Michael Lambrix, Chairman

- 1. Special Authorization - Margaret Green - Bed & Breakfast - Subject of Public Hearing

Michael Lambrix moved to approve special authorization for Margaret Green, 993 Cornwall Road, Palmyra, to have a Bed & Breakfast at her residence; the usual conditions will be added.

Seconded by: James Welch Carried: Unanimously

- 2. Special Authorization - B & S Auto - Relocation of business - Subject of Public Hearing

Michael Lambrix moved to table a decision on this matter until he can get more information.

Seconded by: James Welch Carried: Unanimously

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3. Special Authorization - Raymond Love - Indoor riding arena - Subject of Public Hearing

Michael Lambrix moved to approve special authorization for Raymond Love, 2374 Maple Avenue, Palmyra, NY, to have a private indoor riding arena at his residence. The usual conditions will be added.

MTN TO APV
SPEC ASUTH
R. LOVE

Seconded by: Lynne Green Carried: Unanimously

AGENDA ITEMS

1. Proposed Sewer District #1 of the Town of Palmyra - Subject of Public Hearing

Supervisor Lyon recommended a decision on this matter be held over to the meeting of March 26, 1998. The Board agreed with him.

SEWER DIST. #1
TN OF PALMYRA
HELD OVER

2. Authorization to contribute monies to implement the sewer district

Since a decision regarding the sewer district has not been made, Supervisor Lyon recommended this matter also be held over to the meeting of March 26, 1998. The Board agreed with this also.

HELD OVER

3. Resolution - Water flows in Ext. #1 of the Central Water District

The following resolution was moved by Supervisor Lyon: WHEREAS, the Town of Palmyra has installed a water main from the south line of the South Water District and the south Town line as a part of the Extension No. 1 of the Central Water District, and

RESO TO CORRECT
WATER FLOWS
CWD EXT #1

WHEREAS, the Town Of Palmyra has learned that the fire flows in this extended district are not at desirable levels, and

WHEREAS, the Town of Palmyra has addressed the problem of fire flows and water service n Extension No. 1 of the Central Water District will reach current acceptable standards prior to the end of the calendar year 1999.

Seconded by: Michael Lambrix Carried: Unanimously

Due to a conflict of a local celebration, Supervisor Lyon moved to change the starting time of the March 26, 1998 meeting to 8:00 PM. Seconded by: Michael Lambrix Carried: Unanimously

MTN TO CHANGE
TIME OF MEETING
OF 3/26/98

Michael Lambrix moved to adjotirt this meeting of the Town Board. Seconded by: J es Weich Carri d: Unanimously

MTN TOADJRN

Respectfully submitted,
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