

**PUBLIC HEARING**

**FOR K & D DISPOSAL MODIFICATION OF  
SPECIAL USE AUTHORIZATION  
AT 816 GARNSEY ROAD, PALMYRA**

**PALMYRA TOWN HALL  
JULY 29, 2004**

The Public Hearing scheduled for Thursday, July 29, 2004 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider the modification of a Special Use Authorization for K&D Disposal, 816 Garnsey Road, Palmyra, to provide disposal drop-off for garbage, construction debris, and appliances was called to order at 8:00 p.m. by Town Supervisor David Lyon. Town Clerk, Lynne Green, read the following legal notice for the public hearing:

**PUB. HEARING –  
K & D DISPOSAL  
MODIFY  
SPECIAL USE  
PERMIT**

**LEGAL NOTICE**

**TOWN OF PALMYRA**

**K & D DISPOSAL – MODIFICATION OF SPECIAL USE AUTHORIZATION**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, July 29, 2004 at 8:00 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of K & D Ddisposal Inc., 816 Garnsey Rd., Palmyra, NY 14522, for modification of a Special Use Authorization to provide disposal drop-off for garbage, construction debris, and appliances.

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property is located at 816 Garnsey Rd., town of Palmyra, tax parcel #66110-00-182869, and is bounded on the North by property reputedly owned by Mark Hedges, tax parcel #66110-00-177932; bounded on the East by property reputedly owned by Donald Hammond, tax parcel #66110-00-240863; and bounded on the South and West by property reputedly owned by Kevin Wright, tax parcel #66110-00-129883.

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 8:00 AM – 5:00 PM.

BY ORDER OF THE TOWN BOARD

Dated: June 24, 2004

Lyndall Ann P. Green  
Palmyra Town Clerk

**HEARING  
ATTENDANCE**

In attendance at the hearings were the following town board members:

David C. Lyon, Supervisor  
David Nussbaumer, Councilman  
Michael Lambrix, Councilman  
Kenneth Miller, Councilman

Also present at these hearings:

John Girolamo	representing Corneles Engineering, Rochester, engineer for the Palmyra Inn
Nelson F. Cook	Palmyra Highway Superintendent
Steve Smoot	Salt Lake City, Utah
Donald Reeners	889 Port Gibson Rd., East Palmyra
Carol Austin	<i>Messenger-Post</i> Newspapers
Lissa Rail-Cicero	933 Floodman Rd., East Palmyra
Jim Fagner	221 Budd Rd., Newark
Valcore/DeVito	3172 Route 88, Newark
Rhonda Ward	1808 Walworth Rd., Palmyra
Dan Ward	1808 Walworth Rd., Palmyra
Mark Hedges	808 Garnsey Rd., Palmyra
Paul Valcore	512 Plank Rd., Macedon
Todd Pipitone	<i>Courier-Journal</i> newspaper
Kevin Wright	816 Garnsey Rd., Palmyra
Harold E. Smith	Rt. 31, Port Gibson
Nancy Kipp	4447 Route 31, Palmyra
Carrie Norrison	4402 Route 31, Palmyra
James Bush	4405 Route 31, Palmyra
Megan Haigh	932 Floodman Rd., Palmyra
Charles D. Gilmore	348 Vienna St., Palmyra
Bob Grier	Palmyra Code Enforcement Officer

Supervisor Dave Lyon opened the hearing up to those in attendance. Mark Hedges, 808 Garnsey Rd., contested the proposed modification to the Special Use Permit fearing it would bring too much traffic to the area. Kevin Wright, owner of K&D Disposal, explained that his experience, on Saturday mornings from 8 to 11 a.m. at the Town Barns, has been that not more than 6 people come to take advantage of this service. His request is to continue providing the service on the same days and hours, only changing the location to his present Garnsey Road facility. If the request cannot be granted, he will have to stop providing this service, as it isn't economically feasible for him at the Town Barns.

Lynne Green was asked to read the Planning Board's recommendation from its meeting July 12, 2004:

**Recommendation to Town Board – K&D Disposal  
816 Garnsey Road - special use permit expansion**

Kevin Wright explained to the board that presently he has a drop-off location at the town highway barns. He receives numerous phone calls for pick up of appliances and construction debris and feels it would be better to have the drop off location at his Garnsey Road location. The drop off site is 500 feet from the road and cannot be seen from the road. The area is kept neat and items are not lying around. Mr. Wright stated the hours would be Saturday from 8-12 and would also like to try a weekday from 8-5.

**Motion:** William Baker made a recommendation to approve the application for an expansion to an existing special use permit for the following reasons (1) better location for traffic and, (2) takes the burden off the highway department.

**2<sup>nd</sup>:** David Pinkney                      **Vote:** Unanimous

Supervisor Lyon asked if any others wished to speak. No one did. He explained that the Board would be considering the request later in the meeting, and that they may or may not make a decision at that time. If people wished to leave the meeting at this time, they could call the Town Clerk's office the following morning to find out the action taken by the Board, if any. At 8:04 p.m., he declared the public hearing closed.

**PUBLIC  
HEARING FOR  
K & D  
DISPOSAL  
CLOSED**

**PUBLIC HEARING**

**FOR DONALD REENERS—MODIFICATION OF  
SPECIAL USE AUTHORIZATION  
FOR ULTIMATE RECYCLED PLASTICS, LLC  
AT 889 PORT GIBSON ROAD, PALMYRA**

**PALMYRA TOWN HALL  
JULY 29, 2004**

**PUB. HEARING  
ULTIMATE  
RECYCLED  
PLASTICS  
MODIFY  
SPECIAL USE  
PERMIT**

The Public Hearing scheduled for Thursday, July 29, 2004 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider the modification of a Special Use Authorization for Donald Reeners, for Ultimate Recycled Plastics, LLC, at 889 Port Gibson Rd., Palmyra, was called to order at 8:05 p.m. by Town Supervisor David Lyon. Town Clerk, Lynne Green, read the following legal notice for the public hearing:

**LEGAL NOTICE  
TOWN OF PALMYRA  
DONALD REENERS – SPECIAL USE AUTHORIZATION MODIFICATION**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, July 29, 2004 at 8:00 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Donald Reeners, 105 Furman Road, Macedon, NY 14502, to modify a Special Use Authorization at Ultimate Recycled Plastics, LLC, 889 Port Gibson Rd., Palmyra, NY 14522.

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property is located at 889 Port Gibson Rd., Palmyra, tax parcel # 66110-00-724914, in an agricultural zone. It is bounded on the North by property reputedly owned by David Cicero, tax parcel #66110-00-711945 and by David Hough, tax parcel #66110-00-705996; and is bounded on the East by East Palmyra-Port Gibson Road; and is bounded on the South by Penn Central Railroad; and is bounded on the West by property reputedly owned by Donald Martin, tax parcel #66110-00-685944.

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 8:00 AM – 5:00 PM.

BY ORDER OF THE TOWN BOARD

Dated: June 24, 2004

Lyndall Ann P. Green

Palmyra Town Clerk

Supervisor Dave Lyon opened the hearing up to those in attendance, explaining this hearing's purpose was to expand the hours of operation for Ultimate Recycled Plastics up to, and including, 24 hours a day, 7 days a week. Don Reeners, owner, explained that when he started the business, the hours were adequate to meet the demand for his products. Now, he works up to 10 hours a day, as his business has expanded. Extending his request to work throughout the night would allow him to take advantage of lower electric rates, cutting his expenses.

Lissa Rail-Cicero, nearby resident at 933 Floodman Road, spoke about several issues she has against the proposed increase in hours of operation. Her primary concern is noise. When her windows are open, she can hear grinders and loud talking in evening hours when other noise is still. She considers it disruptive, not allowing her to enjoy being outdoors, a reason why she moved here from the city. Medical problems were complications of lack of sleep, prompting her move. She also considers it disruptive to wildlife. When the Canalway Trail is built between Palmyra and Newark, this would impact those using the trail who wish to enjoy a "natural" ambience, she stated. Another concern was an increase in traffic, which would go along with an increase in business, especially since the Widewaters bridge is only one lane wide.

Next to speak was Harold Smith, who lives across the water from the plastics facility, on Route 31. He wanted to know how many people Reeners plans to hire, if he is approved for more hours of operation.

Reeners said he has hired seven people since June and plans to hire two more next week. He also offered to address Rail-Cicero's concerns.

She asked him how he would like having the noise, grinders and people in his back yard. He understands, Reeners responded, since his back yard borders a landfill.

Code Enforcement Officer Bob Grier said he has visited the facility during the day when the operation was in progress but did not hear anything abnormal or loud. He said he had received one complaint about noise at night. Rail-Cicero asked him to please check out the noise at night, as sound travels. Supervisor Lyon said we could do that.

James Bush, who also lives across the water from the facility, at 4405 Route 31, was concerned about the presentation—appearance and noise—from those using the new trail.

Supervisor Lyon asked if anyone else wished to speak. Hearing no response, he asked Lynne Green to read the town Planning Board's recommendations.

**Recommendation to Town Board – Ultimate Recycled Plastics**

**889 East Palmyra-Port Gibson Road - special use permit modification**

Mr. Reeners would like to extend his business operations to run 24 hours a day 7 days a week. He thought he could accomplish business during a regular business day but cannot. Plus the cost of electricity to run the grinders during the day is more. There was concern from the board about the noise level. Mr. Reeners stated that he spoke with the neighbors about his intent and has not heard any complaints. If there were complaints he could put extra wraps around the grinders.

**Motion:** Lyman Kaller made a recommendation to approve the application for the special use permit modification contingent on the Town Board's approval of Sunday business.

**2<sup>nd</sup>:** William Baker                      **Vote:** Unanimous

Dave Lyon explained that the Board would be considering this request later in the meeting, and that they may or may not make a decision at that time. If people wished to leave the meeting at this time, they could call the Town Clerk's office the following morning to find out the action taken by the Board, if any. At 8:17 p.m., he declared the public hearing closed.

**PUBLIC  
HEARING FOR  
ULTIMATE  
RECYCLED  
PLASTICS  
CLOSED**

**PUBLIC HEARING**

**FOR DAN WARD—MODIFICATION OF  
SPECIAL USE AUTHORIZATION  
FOR WARD PERFORMANCE, INC.  
AT 2858 ROUTE 21 NORTH, PALMYRA**

**PALMYRA TOWN HALL  
JULY 29, 2004**

**PUB.  
HEARING  
FOR WARD  
PERFOR-  
MANCE, INC.  
MODIFY  
SPECIAL USE  
PERMIT**

The Public Hearing scheduled for Thursday, July 29, 2004 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider the modification of a Special Use Authorization for Dan Ward, for Ward Performance, Inc., at 2858 Route 21 North, Palmyra, was called to order at 8:18 p.m. by Town Supervisor David Lyon. Town Clerk, Lynne Green, read the following legal notice for the public hearing:

**LEGAL NOTICE  
TOWN OF PALMYRA  
DAN WARD – SPECIAL USE AUTHORIZATION MODIFICATION**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, July 29, 2004 at 8:00 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Dan Ward, 2858 NY State Rt. 21 North, Palmyra, NY 14522 to modify the Special Use Authorization granted to him by said Town Board on August 27, 1998 and modified by them on April 27, 2000, following Public Hearings regarding same.

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property is located at 2858 NY State Route 21 North, Palmyra, tax parcel #65113-00-497375, and is bounded on the North by property reputedly owned by Kimberly Gardner, tax parcel #65113-00-497392; bounded on the East and South by property reputedly owned by Alfred Defrank, tax parcel #65113-00-512360; and bounded on the West by New York State Route 21 North.

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 8:00 AM – 5:00 PM.

BY ORDER OF THE TOWN BOARD

Dated: June 24, 2004

Lyndall Ann P. Green

Palmyra Town Clerk

Supervisor Dave Lyon opened the hearing up to those in attendance, explaining this hearing's purpose was to consider the request to sell firearms and ammunition at his shop where he currently provides sales and service for ATVs and motorcycles. Ward explained he feels the addition of these products would help him financially in slower months. Lyon asked if anyone had comments about this request. Councilman Mike Lambrix made a point to commend Ward by saying he had "exceeded everything, that the establishment is immaculate and a model for other businesses."

Councilman Dave Nussbaumer wanted to know if he would be selling rifles, shotguns and pistols. Ward said yes, but no black powder firearms. Councilman Ken Miller wanted to know if he currently has a federal arms license. Ward responded that they cannot issue one until the town board approves this Special Use Authorization. Dave Lyon asked if he would include a shooting range in his plans. Ward said no—there is no space. Basically, he wants to do over-the-counter sales, but there would be no shooting. He added most gun shops don't have ranges. Miller asked again, "no discharge of firearms on the property?" Ward said no. Miller asked if Ward's shop hours would be expanded. Ward answered that he has been considering evening hours one or two nights per week, but would need to determine this exactly. Lyon asked Lynne Green to read the town and county planning boards' recommendations.

At its meeting on July 12, the town planning board recommended the following:

**Recommendation to Town Board – Danny Ward  
2858 Route 21 North - special use permit expansion**

Danny Ward explained to the board that he would like to expand his present business to include the sale of guns and ammo catering to farmers and hunters. He has been approved by the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives). Mr. Ward does not intend putting an addition on to the building for the additional business. Chairman James Hodock asked if he intends to discharge firearms at the location. Mr. Ward answered no because of the neighbors. Mr. Ward stated that he has a full alarm system that is monitored 24 hours. Lyman Kaller stated that the application shows extending hours. Mr. Ward would like to extend his hours until 7:30pm for two days.

**Motion:** Neil Gates made a recommendation to approve the application for an expansion to an existing special use permit for the following reasons (1) keeps local money in current economy and, (2) expansion of a current business.

**2<sup>nd</sup>:** Lyman Kaller                      **Vote:** Unanimous

At its meeting on June 30, 2004, the Wayne County Planning Department "reviewed the above referenced referral and recommended approval of the Special Permit."

Dave Lyon reiterated that the Board would be considering this request later in the meeting, and that they may or may not make a decision at that time. If people wished to leave the meeting at this time, they could call the Town Clerk's office the following morning to find out the action taken by the Board, if any. At 8:25 p.m., he declared the public hearing closed.

**PUBLIC  
HEARING FOR  
WARD  
PERFORMANCE,  
INC. CLOSED**

**PUBLIC HEARING**

**FOR JAMES FAGNER--SPECIAL USE AUTHORIZATION  
FOR JASCO DOORMAN, INC.  
AT 5012 PALMYRA-NEWARK ROAD, PALMYRA**

**PUBLIC  
HEARING FOR  
JASCO  
DOORMAN, INC.  
--JAMES  
FAGNER**

**PALMYRA TOWN HALL  
JULY 29, 2004**

The Public Hearing scheduled for Thursday, July 29, 2004 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider a Special Use Authorization for James Fagner, for Jasco Doorman, Inc., at 5012 Palmyra-Newark Rd. (Route 31), Palmyra, to operate a warehouse and retail sales for an overhead door business was called to order by Town Supervisor David Lyon at 8:26 p.m. Town Clerk, Lynne Green, read the following legal notice for the public hearing:

**LEGAL NOTICE  
TOWN OF PALMYRA  
JAMES FAGNER – SPECIAL USE AUTHORIZATION**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, July 29, 2004 at 8:00 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of James Fagner, 221 Budd Rd., Newark, NY 14513, for a Special Use Authorization to operate a warehouse and retail sales for an overhead door business at 5012 Palmyra-Newark Rd. (Route 31), town of Palmyra, under the names of Jasco Doorman, Inc.

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property is located at 5012 Palmyra-Newark Rd., town of Palmyra, tax parcel #67110-00-115888, and is bounded on the North by New York State Route 31; bounded on the East by property reputedly owned by Philip Marvin, tax parcel #67110-00-181941 and by New York State Canal Authority lands; bounded on the South by property reputedly owned by Millard Knibbs, tax parcel #67110-00-159868; and bounded on the West by property reputedly owned by Frederick Hicks, tax parcel #67110-00-106849.

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 8:00 AM – 5:00 PM.

**BY ORDER OF THE TOWN BOARD**

Dated: June 24, 2004

Lyndall Ann P. Green  
Palmyra Town Clerk



Supervisor Dave Lyon opened the hearing up to those in attendance, explaining this hearing's purpose was to consider the request by James Fagner to operate an overhead door business at the vacant building at 5012 Route 31. Fagner began by saying this is his 25<sup>th</sup> year in the door business. He has been conducting his business at his farm, but is interested in the higher visibility for his business being on Route 31. He will fix up the vacant building to make it attractive to his customers. Dave Lyon asked if anyone else wished to speak concerning this request. Hearing none, he asked Lynne Green to read the town and county planning boards' recommendations.

At the town planning board meeting of July 12, 2004 the following recommendation was made:

**Recommendation to Town Board – James Fagner  
5012 Route 31 - special use permit**

James Fagner explained to the board that he has been in business for 25 years and would like to move his overhead door business out of his home. He feels it is a good location with ample parking. The board discussed the application and felt it would be a good use for an empty building.

**Motion:** Lyman Kaller made a recommendation to approve the application for a special use permit for an overhead door business for the following reasons (1) good use for an empty building and, (2) Wayne County Planning Board recommended approval.

**2<sup>nd</sup>:** William Baker                      **Vote:** Unanimous

At its meeting on June 30, 2004, the Wayne County Planning Board "reviewed the above referenced referral and recommended approval of the special permit with the recommendation that landscaping should be considered as a means to keep the property attractive from the highly traveled NYS Route 31 (Canal Corridor)."

Dave Lyon reiterated that the Board would be considering this request later in the meeting, and that they may or may not make a decision at that time. If people wished to leave the meeting at this time, they could call the Town Clerk's office the following morning to find out the action taken by the Board, if any. At 8:29 p.m., he declared the public hearing closed.

**PUBLIC  
HEARING FOR  
JASCO  
DOORMAN, INC.  
CLOSED**

**PUBLIC HEARING**

**FOR CHRISTOPHER VALCORE--SPECIAL USE AUTHORIZATION  
FOR AUTOMOTIVE SERVICE AND SALES  
AT 4408 ROUTE 31 (PALMYRA-NEWARK ROAD), PALMYRA**

**PALMYRA TOWN HALL  
JULY 29, 2004**

**PUB. HEARING –  
CHRISTOPHER  
VALCORE FOR  
AUTOMOTIVE  
SERVICE &  
SALES--  
SPECIAL USE  
PERMIT**

The Public Hearing scheduled for Thursday, July 29, 2004 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider a Special Use Authorization for Christopher Valcore to operate an automotive service and sales business, at 4408 Palmyra-Newark Rd. (Route 31), Palmyra, was called to order by Town Supervisor David Lyon at 8:31 p.m. Town Clerk, Lynne Green, read the following legal notice for the public hearing:

**LEGAL NOTICE  
TOWN OF PALMYRA  
CHRISTOPHER VALCORE – SPECIAL USE AUTHORIZATION**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, July 29, 2004 at 8:00 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Christopher J. Valcore, 3172 Route 88 North, Newark, NY 14513, for a Special Use Authorization to operate an automotive service and sales business at 4408 Palmyra-Newark Rd. (Route 31), town of Palmyra.

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property is located at 4408 Palmyra-Newark Rd., town of Palmyra, tax parcel #66111-18-335091, and is bounded on the North and West by property reputedly owned by Sharon Earl, tax parcel #66111-18-298121; bounded on the East by New York State Route 31; and bounded on the South by property reputedly owned by Owen Payne, tax parcel #66111-18-349067 and by Frank Koeberle, tax parcel #66111-00-208073.

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 8:00 AM – 5:00 PM.

BY ORDER OF THE TOWN BOARD

Dated: June 24, 2004

Lyndall Ann P. Green

Palmyra Town Clerk

Supervisor Dave Lyon opened the hearing up to those in attendance, explaining this hearing's purpose was to consider the request by Christopher Valcore to operate an automotive sales and service business. Mike DeVito was the first to speak, saying he was the owner of the property, which had been used as Hanging Gardens Nursery through 1995, but which has been empty ever since. The property was originally used commercially as a Ford tractor dealership. He listed reasons why the Valcores should be permitted to use that property. His reasons are listed as Attachment A to these minutes. Valcore and his

father own auto sales and service shops in Lyons and Macedon. DeVito said they plan to revitalize the building and increase the value of the property.

Carrie Norrison, next door neighbor, spoke up saying she is also speaking for Sharon Earl, and that the property has been a mess for the last 9 years. She has been mowing the grass to keep it looking nice, but she was concerned that there would be used cars on the property and that it would not look attractive. Chris Valcore said that at slower times of the year, he hoped to sell some used cars. Norrison asked how many cars he planned to sell. Valcore stated that his application lists no more than 20 cars. Norrison felt that was too many. Valcore stated he would renovate the building, but Norrison wanted to know if someone would oversee the renovation to make sure it would be done properly. Dave Lyon said these are things that can be put in a Special Use Permit, but that it would be better than the current abandoned building. He suggested that the permit might include things such as a fence or evergreens to screen the repair shop from her property, if it is an issue.

Valcore hopes to open after the first of the year, but the building needs a lot of work before then. James Bush, 4405 Route 31, who lives across Route 31 from this property stood and read a letter he had prepared in objection to the proposal. It is included as Attachment B to these minutes. His concerns include the fear that it will not be kept neat and clean, that it adds to the growing number of used car businesses along Route 31, that the number of vehicles requested is too large, and that it needs to be in keeping with the Canal Corridor guidelines of attractiveness. His letter also listed the names of Richard VerDow (4399 Route 31) and Nancy Kipp (4447 Route 31) next to Bush's. He requests that the Special Use Permit be delayed until his questions are answered by the town.

Dave Lyon assured both Norrison and Bush that their concerns could be addressed and included as conditions to be met in the Special Use Permit. He stated that the application requests up to 8 to 10 licensed vehicles on the property and up to 20 unlicensed vehicles. He thought that number would probably be lowered and that the town would put terms and conditions which the town can control and take action if he doesn't follow. Bob Grier added that all state and local codes would be upheld, as well as making the permit renewable each year, if that were necessary. Nancy Kipp, across-the-road neighbor, asked if car parts would be outside. Both Dave Nussbaumer and Mike Lambrix stated that wouldn't happen, period. James Bush asked if there is a time frame for this permit. Dave Lyon said yes, Valcore must meet all conditions before he can open for business. He added the empty building is of no use now, and having someone willing to fix it would be better than leaving it in its present condition.

Lynne Green read the town and county planning boards' recommendations:

At its meeting on July 12, 2004, the town planning board made the following recommendation:

**Recommendation to Town Board – Christopher Valcore  
4408 Route 31 East - special use permit**

Mike DeVito and Chris Valcore explained to the board that they would like to open a full service repair shop. Presently, Mr. Valcore operates a shop in Lyons and would like to revitalize the building. Also Mr. Valcore would like to sell cars at the location. The board discussed the benefit of the location and use of an empty building. There was a concern that the driveway to the west of the property that leads to an existing house would be blocked. Mr. Valcore does not intend to block the driveway.

**Motion:** Neil Gates made a recommendation to approve the application for a special use permit for the following reasons (1) good use of the building, (2) good location for that kind of a business and, (3) follow the recommendations given by the Wayne County Planning Board.

**2<sup>nd</sup>:** David Pinkney

**Vote:** Unanimous

"At its regular meeting on June 30, 2004, the Wayne County Planning Board reviewed...the referral and recommended approval of the special permit with the following conditions.

- 1) there is proper disposal of hazardous/toxic materials
- 2) the number of unlicensed vehicles should be limited
- 3) screening, such as fencing, should be used to buffer the operation from neighbors
- 4) landscaping should be considered as a means to keep the property attractive from the highly traveled NYS Route 31 (Canal Corridor)
- 5) nothing should be placed near the driveways nor the NYS Route 31 right of way that would impede the available sight distance along NYS Route 31, as agreed to by the applicants."

**PUB. HEARING –  
FOR  
CHRISTOPHER  
VALCORE  
SPECIAL USE  
PERMIT CLOSED**

Lyon asked if there were any new comments. Dave Lyon reiterated that the Board would be considering this request later in the meeting, and that they may or may not make a decision at that time. If people wished to leave the meeting at this time, they could call the Town Clerk's office the following morning to find out the action taken by the Board, if any. At 8:56 p.m., he declared the public hearing closed and declared a five minute recess.

**REGULAR TOWN  
BOARD MTG.**

**REGULAR TOWN BOARD MEETING**

**CALL TO ORDER**

Supervisor Lyon called to order the regular town board meeting, scheduled to be held on Thursday, July 29, 2004, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, at 9:07 p.m.

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

**PLEDGE TO THE FLAG**

Upon roll call, the following board members were present:

- David C. Lyon, Supervisor
- David Nussbaumer, Councilman
- Michael Lambrix, Councilman
- Kenneth Miller, Councilman

**ROLL CALL**

Councilman James Welch was absent

Motion was made by Dave Nussbaumer to approve the minutes of the June 24, 2004 meeting of the Town Board.

**APPRV. TOWN BOARD MEETING MINUTES OF 6/24/2004**

Second: Mike Lambrix

Vote: 3 ayes

Ken Miller abstained, as he was absent on June 24.

Motion carried.

At this point in the meeting, recognizing there were visitors waiting to speak at the meeting, Supervisor Lyon decided to go directly to Agenda Item #6—Review of the proposed Planned Development District. Steve Smoot, representing Sky Properties, and Mike Girolamo, representing Corneles Engineering, came forward and showed those present large digitized renderings of the proposed Palmyra Inn.

**REVIEW OF PLANNED DEV. DISTRICT & PALMYRA INN**

Following up on the discussion at the meeting of June 24, in which the Town Board declared and approved its intent to be lead agency for the Planned Development District and to be a part of the coordinated review, Mike Lambrix made the motion to declare the Palmyra Town Board lead agency for the new Planned Development District.

**MTN: APPROVE TOWN BOARD LEAD AGENCY FOR PLANNED DEVELOPMENT DISTRICT**

Second: Dave Nussbaumer

Votes: 4 ayes

Letters sent from the Town Clerk's office on June 29 stated that all interested and involved agencies should let us know by July 20 if there were any objections to the board's lead agency status of the project or other issues. The letters also stated if we didn't hear from them, we would conclude they had no objections. Two letters were received during the month. Lynne Green read them—from the NY State Department of Health and from the NY State Department of Transportation:

Department of Health: "This Department has no objection to the Palmyra Town Board assuming the role of lead agency for the purpose of completing the State Environmental Quality Review Act requirements for the proposed Palmyra Inn....Our agency has regulatory jurisdiction over certain aspects of the project including review and approval of the construction plans for the hotel and, review and approval of plans for modification of

and/or connection to the municipal water supply that may be associated with the project. The developer must also submit required application documents and receive a permit to operate prior to opening the hotel."

Department of Transportation: "The New York State Department of Transportation concurs with the designation of the Palmyra Town Board as lead agency for the referenced action....Any work (including access or utility work) within the Right-of-Way of any State Highway will require a work permit from the Department's Traffic and Safety Office. As a permitting agency under SEQRA, the Department would be given the opportunity to review any site plans, environmental impact statements, traffic studies, or drainage plans prior to approval to assure that the negative impacts on State facilities are mitigated as appropriate. Also, any such work will require coordination with the Department's planned maintenance and/or capital improvements through our Wayne County Maintenance Office."

**MTN.: APPROVE  
NEGATIVE  
DECLARATION  
OF SEQRA  
APPLICATION  
FOR P.D.D.**

Mike Lambrix made the motion to approve a Negative Declaration of the SEQRA application for the Planned Development District on Route 21 South.

Second: Ken Miller

Votes: 4 ayes

**COMMUNICATIONS**

**EAST PAL. F.D.  
AND PORT  
GIBSON F.D.  
CONTRACTS UP  
FOR RENEWAL**

- 1. Communications from East Palmyra and Port Gibson Fire Departments: A letter was received from the East Palmyra Fire Department, Inc. notifying the Town Board of its request for a new contract. It states, "The membership of the East Palmyra Fire Department agreed at a business meeting to ask for a new 2-year contract. It was decided to request a 12% increase for the 2005 calendar year and a 14% increase for the 2006 calendar year."

The e-mail from the Port Gibson Fire Department states, "we would like to review and discuss our fire contract with the Town of Palmyra." The communications were read at the board meeting and so noted. Representatives from the Town Board will be contacting both fire departments to review their contracts.

**P.R.O.U.D.  
PARTNERSHIP  
AWARDS  
ANNOUNCED**

- 2. PROUD Partnership Awards: Each year, PROUD Partnership, which is devoted to promoting the reduction of Underage Drinking, commends local businesses who have refused to sell to a minor during an alcohol compliance check. This time, three Palmyra businesses received recognition: Pal Mart – Getty, Newcomb Oil Co. – CitGo, and Rite Aid Pharmacy. Lynne Green was asked to send these businesses their certificates with special thanks from the Town Board.

## REPORTS OF STANDING COMMITTEES

### Buildings and Grounds Committee – Ken Miller, Chairman

1. Work done at Town Hall: Ken Miller reported that front trim at Town Hall is being painted. He stressed that roof work is needed, as more leaks have been noted with the frequent and heavy rainfall lately. The Hill Cumorah Pageant cast volunteers painted both rooms in the Assessor's office as part of their annual community service projects.
2. Unusually large bill for gas usage at Town Hall: The last invoice from NYSEG showed a huge spike in gas usage at Town Hall. Ken Miller contacted the utility and found the meter had been incorrectly read. Adjustments are now being made and a new bill will be issued. Miller has notified NYSEG that he will be the primary contact with them for future issues.

**UPDATE ON  
WORK DONE  
AT TOWN HALL**

**NYSEG GAS  
BILL  
ADJUSTMENT**

### Highway Committee – Michael Lambrix, Chairman

1. Update on Goldsmith/Shilling/Lusk intersections reconstruction project: Highway Superintendent Nelson Cook updated the board on the reconstruction project. The contractor is done with the Goldsmith/Shilling intersection base work. The highway crew will be laying several layers of gravel and paving the intersection. Nelson's crew is finishing up the cuts to the edges of Lusk/Shilling Roads, and the water authority has been linking up all three roads with water pipe. The last leg of the water lines with Goldsmith will be done on Monday. The fill is scheduled for the end of August with the base and top by the opening of school. At this point, all is on schedule.

**UPDATE ON  
RECONSTRUCTION AT LUSK/  
GOLDSMITH/  
SHILLING  
INTERSECTION**

Mike Lambrix encouraged fellow board members to take a ride out to the reconstruction area and look at the work being done.

2. Highway Superintendents' Conference: Nelson Cook reminded the board that the Highway Superintendents' Conference this year will be September 21-24 at Alexandria Bay. Mike Lambrix made the motion that Cook be approved to attend the conference, with expenses not to exceed \$550.

**MTN: APPRV.  
ATTENDANCE  
AT HIGHWAY  
SUPT. SCHOOL**

Second: Dave Nussbaumer

Vote: 4 ayes

**APPLICATIONS RECEIVED FOR OPEN POSITION IN HWY DEPT**

- 3. Position being offered on the highway crew: With the retirement of Fred Lawson, Nelson Cook's highway crew has a full-time position open. Advertising for this position has produced 32 applicants. Next week, Mike Lambrix and Cook will review them.

**Planning Committee – James Welch, Chairman**

**COMPREHENSIVE PLAN UPDATE**

Comprehensive (Master) Plan Update: In Jim Welch's absence, Dave Lyon noted that the Comprehensive Plan Committee's meetings with Stu Brown, Inc. have concluded. At this time, there is no new information to report.

**Zoning Committee – David Nussbaumer, Chairman**

**CEO MONTHLY REPORT**

- 1. Monthly Report from Code Enforcement/Zoning Office: Code Enforcement and Zoning Officer Bob Grier submitted a monthly report showing Permit activity during the previous month. He added that during 2003, 270 permits were issued. He compared that to all of Seneca County which, in 2003, issued less than 300.

**MAJOR PROJECTS IN THE WORKS**

- 2. Major projects in town: Grier mentioned the Planned Development District, and noted there are several lawsuits with the town. In the village, more violations of unlicensed vehicles and inspections of multi-family housing were noted.

**LIST OF STEPS TO OBTAIN PERMIT AVAIL**

- 3. Obtaining permits: Ken Miller asked Grier if there is a list of what a person needs in order to obtain a permit. Grier stated there is a cover sheet with each permit application which lists all steps to be taken. He will send copies of the list to the Town Clerk's office.

**INFORMATIONAL ITEMS**

**TOWN CLERK'S OFFICE REPORT**

- 1. Report to the Board for July from the Town Clerk's office: During the past month we received notification that we had received \$22,224 in grant money for NYS Archives grants. Deputy Town Clerk Betsy Lewis calculates that we have received \$80,606 in archives grants since 1998. July was a busy month for our Information Center, as hundreds of visitors stopped in to pick up brochures, maps and vacation guides. Several archives and historical projects are in the works, as we uncover more treasures in the archives.



The Town Clerk's office sent out letters to property owners in the Maple Avenue, Meadow Drive, Bonnie Lane, Betty Brae Way and Wheel-in-Circle area to determine interest in installing municipal sewer service to their homes. Responses have started coming in. We are tallying all responses.

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|----|--|--|
| 2. | <u>Assessor's Report for July:</u> Palmyra Assessor Elaine Hermann filed the final assessment roll July 1. Several lawsuits and small claims hearings have been filed by residents. Painting in her office is now complete. It looks very nice. It was a community service project by the Mormons of the Hill Cumorah Pageant.   | <b>ASSESSOR'S<br/>REPORT FOR<br/>JULY</b>  |
| 3. | <u>Special Use Permit application withdrawn:</u> At the June 24 meeting, a special use permit was requested by Patricia Johnson for a Pottery Shop on Division Street. Her application has been withdrawn. No further action is necessary.   | <b>SPECIAL USE<br/>PERMIT<br/>APPLICATION<br/>WITHDRAWN</b>  |
| 4. | <u>Extra hours required for town clerk's office to be open:</u> The Wayne County Board of Elections sent a letter to all town and village clerks informing them that according to NY State Election Law, two days of local voter registration are to be made available for each town hall. They are: Wednesday, September 29, from 4 to 8 p.m. and on Saturday, October 9, from 2 to 9 p.m. Two election inspectors will be on site to assist voters in registering. | <b>EXTRA HOURS<br/>FOR TOWN<br/>CLERK'S<br/>OFFICE TO BE<br/>OPEN FOR<br/>VOTER<br/>REGISTRATION</b> |
| 5. | <u>New flags for Town Hall:</u> This week we received new flags from the Palmyra VFW. The previous flags were tattered, and VFW representatives retired them ceremoniously. A new United States flag and a POW flag were raised, and the tattered flags have been folded and boxed for proper disposal. Lynne Green was asked to send a thank you to the VFW from the board.   | <b>NEW FLAGS<br/>FOR TOWN<br/>HALL</b>   |

## AGENDA ITEMS

- |    |  |  |
|----|--|--|
| 1. | <u>Special Use Permit modification—K&amp;D Disposal:</u> Mike Lambrix made the motion to approve the modification of the special use permit for K&D Disposal to operate a transfer station at their Garnsey Rd. location instead of the current Town Barns. He also wanted the motion to reflect that the permit would be subject to | <b>MTN: APPROVE<br/>SPECIAL USE<br/>PERMIT<br/>MODIFICATION<br/>FOR K &amp; D<br/>DISPOSAL</b> |
|----|--|--|

restrictions agreed by the Zoning Officer, Mike, Dave Nussbaumer and the board.

Second: Dave Nussbaumer

Discussion ensued about the poor attendance at the Town Barns on Saturdays, and that the board was willing to try having the transfer station at the disposal facility to see how it works out.

Garnsey Rd. neighbor Mark Hedges spoke up concerned that since the original permit was issued, the facility has grown substantially. He would hate to see garbage or construction material sitting around in the future. He also mentioned the noise the empty truck makes during very early morning hours as it starts its collection around town.

Mike Lambrix and Dave Lyon assured him that the Code Enforcement Officer would look into his new concerns, although the public hearing portion of the meeting was now over.

Votes: 4 ayes

**MTN: REFER  
SPECIAL USE  
PERMIT  
MODIFICATION  
REQUEST FOR  
EXTENDED  
OPERATION  
HOURS TO  
COMMITTEE**

- 2. Special Use Permit modification—Ultimate Recycled Plastics:  
Dave Nussbaumer made the motion to refer the request for modification of the Special Use Permit for expanded hours of operation to committee.

Second: Mike Lambrix

Dave Lyon explained to those present that the Zoning Committee studies the application for expanded hours of operation, with all the information gathered at the hearing, and recommends a course of action, including a list of conditions, to the town board for future action. He reassured Reeners and the neighbors their concerns will be addressed.

Vote: 4 ayes

**MTN: APPRV  
WARD  
PERFORMANCE  
VEHICLES  
SPECIAL USE  
PERMIT  
MODIFICATION  
TO SELL  
FIREARMS &  
AMMUNITION**

- 3. Special Use Permit modification—Ward Performance Vehicles:  
Mike Lambrix made the motion to approve—with stipulations agreed to by the town board—Dan Ward's request to sell firearms—to include pistols, long guns and legal shotguns, along with ammunition and related items at their sales facility on Route 21 North (Palmyra-Marion Rd.). In addition, his hours of operation could be extended for up to two weeknights per week.

Second: Dave Nussbaumer      Vote: 4 ayes

4. Special Use Authorization—James Fagner—warehouse/retail sales of overhead doors: Mike Lambrix made the motion to approve the application of James Fagner for a warehouse and retail shop to sell overhead doors, subject to the conditions of the planning boards.

Second: Ken Miller      Vote: 4 ayes

**MTN: APPRV  
JAMES  
FAGNER  
SPECIAL USE  
AUTHORIZATN  
FOR  
WAREHOUSE &  
RETAIL SALES  
OF OVERHEAD  
DOORS**

5. Special Use Authorization—Christopher Valcore—auto sales and service: Dave Nussbaumer made the motion to refer the request for a Special Use Permit for an auto sales and service operation to committee.

Second: Mike Lambrix      Vote: 4 ayes

**MTN: REFER  
SPECIAL USE  
PERMIT  
REQUEST FOR  
AUTO SALES  
AND SERVICE  
OPERATION TO  
COMMITTEE**

6. Renewal of Bond Anticipation Note: The bond anticipation note prepared in July, 2003, for the installation of the water lines in the Garnsey-Shilling Area Water District was renewable at the end of one year. Mike Lambrix made the motion to authorize the renewal of the Bond Anticipation Note. At this point, the project is nearly complete.

Second: Ken Miller      Vote: 4 ayes

**MTN: RENEW  
BOND  
ANTICIPATION  
NOTE FOR  
GARNSEY-  
SHILLING AREA  
WATER DIST  
PIPES  
INSTALLATION**

7. Southwest Quadrant Sewer Project approvals: Dave Lyon explained that the first steps in the feasibility study of a sewer line from East Foster Street to Crestwood Drive—currently named the Southwest Quadrant Sewer Project—would be to contract with Stuart I. Brown Associates, Inc. to prepare the applications and other preliminary documents for grants and other funding. Brown has successfully provided this type of information and documentation for us in previous townwide projects. Also, the town should name a bond counsel to determine the best way to float a low interest loan to partner with grant money.

Dave Nussbaumer made the motion to contract with Stuart I Brown Associates, Inc. to prepare the applications and other documents for grant funding for the Southwest Quadrant Sewer Project.

Second: Ken Miller      Vote: 4 ayes

**MTN:  
CONTRACT  
WITH STUART I.  
BROWN  
ASSOC. TO  
PREPARE  
DOCUMENTA-  
TION FOR SW  
QUADRANT  
SEWER  
PROJECT**

MTN: APPRV  
TIMOTHY  
McGILL AS  
BOND  
COUNSEL FOR  
SW QUADRANT  
SEWER  
PROJECT

Dave Nussbaumer made the motion to name Timothy R. McGill, Esq. as bond counsel for the Southwest Quadrant Sewer Project.

Second: Mike Lambrix

Vote: 4 ayes

- 8. Abstract #67: Motion was made by David Nussbaumer to approve the claims and expenditures as shown on Abstract #67:

MTN:  
APPROVE  
ABSTRACT #67

Voucher Numbers

Total

5309 – 5413

\$181,159.41

Second: Mike Lambrix

Vote: 4 ayes;

however, Dave Lyon abstained on Vouchers #5360 & 5361; motion carried

MTN: ADJOURN  
MEETING

- 9. Adjournment: Motion to adjourn was made at 9:39 p.m. by Dave Nussbaumer.

Second: Mike Lambrix

Vote: 4 ayes

Respectfully submitted,

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Lyndall Ann P. Green  
Palmyra Town Clerk

**Next town board meeting is scheduled for Thursday, August 26, 2004 at 8 p.m. at the Town Hall**