

**PUBLIC HEARING
PHILIP MARVIN—SPECIAL USE AUTHORIZATION**

The Public Hearing scheduled to be held on Thursday, January 23, 2003, at the Palmyra Town Hall, Palmyra, New York to consider the special use authorization for Philip Marvin, 5076 Route 31, Newark, was called to order at 7:35 PM by Town Supervisor David Lyon.

**PUBLIC HRG. –
PHILIP MARVIN
SPECIAL USE
AUTHORI-
ZATION**

Those present at this public hearing:

Town Board Members: David C. Lyon, Supervisor
 David Nussbaumer, Councilmember
 James Welch, Councilmember
Councilmember Michael Lambrix was absent.

Also present at this public hearing:

Robert A. Grier, Code Enforcement Officer
Tracey Curry, *Courier-Journal*
Phil Marvin, Sr.
Rodney Tougher
Diane Roof
Debbi Honness
Frank Irace
Ann Marie Irace

The Town Clerk read the legal notice for the Special Use Authorization request of Phil Marvin.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, January 23, 2003 at 7:30 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Philip Marvin, 5076 Route 31 East, Palmyra, NY 14522, for a Special Use Authorization to place a modification to an existing Special Use Permit for an addition to an existing building to service recreational vehicles.

**LEGAL NOTICE
OF HEARING**

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

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: December 26, 2002
Catherine C. Contant, Town Clerk

The Town Supervisor announced that the hearing was open for any comments from those in attendance. Mr. Marvin asked if we had a copy of the blueprints for the expansion he is requesting. The board members had a copy at the board table. Discussion ensued about the Town Planning Board's recommendation to approve the application, which was available for each board member. The Short Environmental Assessment Form (SEQR) is complete and has been signed by Supervisor Lyon. At the next meeting of the Wayne County Planning Board on January 29, this request will be on their agenda.

**PUBLIC HRG.
CLOSED**

Supervisor Lyon asked if there were any more questions or comments about the application for a special use authorization by Phil Marvin. Hearing none, he declared the hearing closed at 7:47 PM.

**PUBLIC HRG. –
ROBERT
TOUCHER
SPECIAL USE
AUTHORI-
ZATION**

At 7:48 PM, the Public Hearing scheduled to be held on Thursday, January 23, 2003, at the Palmyra Town Hall, Palmyra, New York to consider the special use authorization for Robert Tougher, was called to order by Town Supervisor David Lyon.

The Town Clerk read the legal notice for the Special Use Authorization request of Robert Tougher.

LEGAL NOTICE

**LEGAL NOTICE
OF HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, January 23, 2003 at 7:30 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Robert Tougher, 1971 Walker Road, Palmyra, NY 14522, for a Special Use Authorization to operate a dog kennel and training facility for obedience and guide dogs.

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: December 26, 2002
Catherine C. Contant, Town Clerk

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The Town Supervisor announced that the hearing was open for any comments from those in attendance. Mr. Tougher mentioned that the legal notice should have read "operate a dog kennel and training facility for obedience and gun dogs," not "guide dogs." Applicant explained that he wants permission to raise and train Golden Retrievers on his 14 acre property. Discussion ensued about the Town Planning Board's recommendation to approve the application, which was available for each board member, with two contingencies: (1) limit the amount of dogs to five adult dogs and two litters, and (2) install a waste management system for dog feces. At Mr. Tougher's request, the Town Board increased the amount of adult dogs to eight (8) total, with a maximum of two litters of puppies. There is to be no boarding of stray or other dogs, including dogs whose owners may be out of town. The Wayne County Planning Board is not involved in this approval. The Short Environmental Assessment Form (SEQR) is complete and Supervisor Lyon has signed it.

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The Town Clerk will contact Mr. Tougher when the form is complete with the new conditions, so that he may sign it.

Supervisor Lyon asked if there were any more questions or comments about the application for a special use authorization by Robert Tougher. Hearing none, he declared the hearing closed at 8:01 PM.

**PUBLIC HRG.
CLOSED**

REGULAR MEETING OF THE TOWN BOARD

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, January 23, 2003, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 8:03 PM by Town Supervisor David C. Lyon.

**CALL TO
ORDER**

MT

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

**PLEDGE OF
ALLEGIANCE**

COMMUNICATIONS

COMMUNICATIONS

1. The Historian submitted her 2002 Annual Report. In it, Ms. Hoad officially announced that the East Palmyra Presbyterian Church has been named on the New York State Register of Historic Places and has been nominated to the National Register. Her report and correspondence from NY State Office of Parks, Recreation and Historic Preservation are attached.
2. Elaine Herman submitted her assessor's report bringing the board up to date on exemptions, renewals, and new software for her office.
3. Wayne County Empire Zone Board meeting on January 30 was announced to interested board members. Dave Nussbaumer and Lynne Green indicated their wish to attend.
4. Finger Lakes Water Works Conference Annual Business Meeting on February 6 was announced. Any interested parties were asked to call the Town Clerk.
5. Wayne County Master Plan public kickoff meeting was announced for February 10th at 7:30 p.m. at the Newark High School Large Group Instruction Room. The purpose of the meeting is to introduce the county planning process to the public and to solicit participation on four committees: social, economic, natural, and legal resources. The people on the committees initially will help obtain information for our inventory of existing conditions. Later they will identify specific issues, goals, and proposed strategies for achieving goals.

REPORTS OF STANDING COMMITTEES

Highway Committee – Michael Lambrix, Chair

Nelson Cook, Town and Village Highway Superintendent, submitted a year-to-date snow removal comparison between 11/1/2001 to 1/18/02 and 11/1/2002 to 1/18/03. He compared overtime hours, overtime cost, tons of sand mix, sand mix cost, tons of salt, salt cost, and number of plow runs. All numbers are up this year four to six times last year's.

Planning Committee – James Welch, Chair

2. The board reviewed the SEQR form for Phil Marvin's Special Use application. The motion was made by David Nussbaumer to approve the special use authorization with the stipulations that Mr. Marvin would continue to live up to the conditions issued with his original special use permit and that the Wayne County Planning Board would approve his request at their meeting on January 29. The motion was seconded by James Welch. Voting was unanimous. (For Special Use Permit See Appendix A)

**MTN: APPROVE
SPECIAL USE
AUTHORIZATION
FOR PHIL MARVIN**

3. The board reviewed the SEQR form for Robert Tougher's Special Use application. The motion was made by David Nussbaumer to approve the special use authorization with the following stipulations:

- a. that there would be no adverse impact on the environment,
- b. that he adheres to his maximum of eight (8) adult dogs and two (2) litters of puppies at any one time,
- c. that there be no boarding of others' dogs,
- d. that a 1000-gallon septic system be installed to handle waste, and
- e. that the approval will be signed and on file with the Town.

(For Special Use Permit See Appendix B)

**MTN: APPROVE
SPECIAL USE
AUTHORIZATION
FOR ROBERT
TOUGHER**

AGENDA ITEMS

1. Impact Theater use of facilities. Several concerns had been expressed to Supervisor Lyon about the use of the building for performances of the Impact Theater each month. There were several code violations and some damage by scratches to the stage floor which were at issue, as well as other minor concerns which needed resolving. A letter had been sent to Frank Irace on January 20 detailing these concerns, with an invitation extended to him and his group to meet with the board on January 23. Mr. Irace read a prepared statement in which he addressed these concerns and added a few of his own.

**USE OF
FACILITIES BY
IMPACT THEATER**

The board members decided that Mr. Irace would meet with Town Clerk Lynne Green and/or Supervisor Lyon to resolve the issues.

2. Front doors replacement. Code Enforcement Officer Grier submitted a proposal to replace the front entrance doors to the building. He had two quotes---from Rochester Glass, Inc. for \$4,633 and from Rochester Colonial for \$6,975.

MTN: APPROVE BID

**RES: GARNSEY-
SHILLING AREA
WATER
DISTRICT
MAKING SEQRA
DETER-
MINATION –
NEGATIVE
DECLARATION**

3. Resolution on the Garnsey-Shilling Area Water District, making SEQRA determination, which includes the State Environmental Quality Review Negative Declaration: Notice of Determination of Non-Significance for MRB Project No. 160063 (Garnsey-Shilling Area Water District), was submitted to the board for approval, including maps.

**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF PALMYRA
MAKING SEQRA DETERMINATION**

At a regular meeting of the Town Board of the Town of Palmyra, Wayne County, New York, held at the Town Hall at 1180 Canandaigua Road, Palmyra, New York, on the 23rd day of January, 2003 at 8:03 p.m., prevailing time.

PRESENT: Supervisor David C. Lyon
Councilman David Nussbaumer
Councilman James T. Welch

ABSENT: Councilman Michael Lambrix

The following Resolution was offered by David Nussbaumer, who moved its adoption, seconded by James T. Welch, to wit:

WHEREAS, certain owners of taxable real property situate in the Town of Palmyra have petitioned the Town Board to establish a public water system pursuant to the provisions of Article 12A of the Town Law to service residents and properties located off Shilling road, Lusk Road, Goldsmith Road, Harris Road and Garnsey Road in said Town, and to be known and designated as the Garnsey-Shilling Area Water District (the "Project"); and

WHEREAS, the maximum amount proposed to be expended for the purchase and construction of the public water system is \$739,500, which capital improvement is to be financed by the issuance of serial general obligation bonds (and bond anticipation notes in anticipation thereof); and

WHEREAS, the Town Board by Resolution dated December 3, 2002 identified the project as a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA) and expressed its desire to act as Lead Agency for SEQRA review purposes; and

WHEREAS, all other potentially involved agencies have been contacted by letter and none have objected to the Town Board of the Town of Palmyra acting as Lead Agency; and

1. The Town Board hereby declares that it is acting as Lead Agency for the purposes of SEQRA review concerning the Project and all actions related thereto.
2. Based on its review and consideration of the EAF and other necessary criteria, the Town Board hereby finds that (a) the proposed capital project constitutes a "Type I Action" and that (b) the object of the above-referenced Action and the approval of any financing therefor will result in no major adverse impacts and, therefore, is not an Action which "may have significant effect on the environment" and that since said Action will not have a "significant effect on the environment," no "environmental impact statement" need be prepared, as such quoted terms are defined in the applicable SEQRA Regulations.
3. By reason of the foregoing, the Town Board hereby authorizes and directs the Supervisor to execute and file a Notice of Negative Declaration in the form attached hereto and to sign and date the Full Environmental Assessment Form (EAF) submitted by the Project Engineers, confirming that the Project and all actions related thereto will not have a significant effect on the environment.
4. The Town Board hereby authorizes the Project Engineers to publish the required Notice of Negative Declaration in the Environmental Notice Bulletin (ENB) within the time frame and in the manner prescribed by law.
5. The Town Board hereby authorizes and directs the Supervisor and its Project Engineers and/or Town Counsel, with the advice of the Town Bond Counsel, to forward copies of the Resolution and the Notice of Negative Declaration to all appropriate agencies.
6. The Town Clerk is hereby directed to maintain for public inspection a file containing a copy of this Resolution, the Notice of Negative Declaration and all submissions to date concerning the Environmental Review of this Project and all actions related thereto.
7. This Resolution shall take effect immediately.

The question of the adoption of the foregoing SEQRA Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor David C. Lyon	VOTING Aye
Councilman David Nussbaumer	VOTING Aye
Councilman James T. Welch	VOTING Aye

The Resolution was thereupon declared duly adopted.

4. Since this meeting (January 23) was too soon for taking any other action

MTN: CALL

**MTN: SET
PUBLIC HRG
DATE – INFINITY
SOLUTIONS
(DAVID
ROBERTS)**

5. Special Use Application by David Roberts (doing business as Infinity Solutions) public hearing was set for Thursday, February 27, 2003. Motion made by David Nussbaumer and seconded by James Welch.
6. Books for the year 2002 of the Supervisor, Town Clerk, Justice Rodman, Justice Abbott were available to board members to look over. Several questions surfaced, and Supervisor Lyon said he would have them looked into.

**MTN: APPROVE
ABSTRACT 48**

7. Claims and expenditures of Abstract #48, covering vouchers #3680 through 3783, in the amount of \$66,741.24 were presented. Motion was made by David Nussbaumer and seconded by James Welch to approve the claims and expenditures in Abstract #48. Voting was unanimous.

MTN: ADJOURN

At 8:59 p.m., the motion to adjourn was made by James Welch and seconded by David Nussbaumer. Voting was unanimous.

Respectfully submitted,

Lyndall Ann P.Green
Town Clerk

APPENDIX A

SPECIAL USE AUTHORIZATION FOR PHILIP MARVIN, SR. d/b/a: PHIL MARVIN BUICK-OLDS INC. STATEMENT OF CONDITIONS FOR ADDITION TO AN EXISTING BUILDING TO SERVICE RECREATIONAL VEHICLES

WHEREAS, on the 23rd of January, 2003, a Public hearing was held by the Town Board of Palmyra at 7:30 PM at 1180 Canandaigua Road, Palmyra, Wayne County, New York to consider the application of **Philip Marvin, Sr., 5076 Rt. 31 West, Newark, New York, to place a modification to an existing Special Use Permit for an addition to an existing building to service recreational vehicles.**

WHEREAS, the findings of fact as determined by the Town Board, were as follows:

1. The applicant intends to provide a service for the community.
2. The strict application of the provisions of the Ordinance would deprive the applicant of the reasonable use of the land and building for which the special use is sought.
3. The grant of the special use will not alter the essential character of the locality.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does approve a Special Use Permit to Philip Marvin, Sr., d/b/a: Phil Marvin Buick-Olds, Inc., with the following conditions:

1. That all State and Local codes governing the proposed addition to an existing building to service recreational vehicles be met before and during the life of this permit.
2. That the property is in compliance with all State and Local Building and Zoning codes.
3. That the applicant notify the Town of Palmyra of any proposed changes in the status of this Special Use Permit.
4. That an inspection of the new addition occurs before operations commence to insure Code

- b. No gasoline sales on premises
 - c. Any display and sale of sporting goods will be inside the building.
 - d. Repair areas confined to inside the building.
 - e. Storage other than automotive will be limited to confines of the building.
 - f. The applicant will be allowed to place a temporary sign on the premises until rights to the State property in front of the building are acquired.
 - g. The applicant will confirm with all regulations of the Zoning Ordinance of the Town of Palmyra.
7. This Special Use Permit, including Special Conditions, must be agreed to and signed by the applicant in the presence of the Town Clerk or duly authorized Deputy within 20 business days of approval.

I, Philip Marvin, Sr., have read the above conditions attached to my Special Use Permit, do fully understand them and agree to abide by them. I also understand that if the conditions are not complied with, this special use authorization could be revoked. My signature below indicates my acknowledgement of these conditions and my my willingness to abide by them.

APPENDIX B

SPECIAL USE AUTHORIZATION FOR ROBERT TOUGHER

d/b/a: GOLDEN PONDS KENNEL AND TRAINING

STATEMENT OF CONDITIONS FOR DOG KENNEL AND TRAINING FACILITY FOR OBEDIENCE AND GUN DOGS

WHEREAS, on the 23rd of January, 2003, a Public hearing was held by the Town Board of Palmyra at 7:30 PM at 1180 Canandaigua Road, Palmyra, Wayne County, New York to consider the application of **Robert Tougher, 1971 Walker Road, Palmyra, for Special Authorization to operate a dog kennel and training facility for obedience and gun dogs**

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does approve a Special Use Permit to Robert Tougher, d/b/a: Golden Ponds Kennel and Training, with the following conditions:

8. That all State and Local codes governing the proposed dog kennel and training facility for obedience and gun dogs operation be met before and during the life of this permit.
9. That boarding is limited to owner's dogs for breeding and training purposes, and that there is to be no boarding of stray dogs or boarding for other owners' dogs.
10. That the property is in compliance with all State and Local Building and Zoning codes.
11. That the applicant notify the Town of Palmyra of any proposed changes in the status of this Special Use Permit.
12. That an inspection of the property occurs before operations commence to insure Code compliance.
13. That an annual inspection by the Town of Palmyra be conducted.
14. That a pole barn would be constructed for the puppies with a fence to contain all dogs.
15. That a maximum of eight (8) adult dogs and two (2) litters of puppies of 12 to 13 each be on the premises at any one time.
16. This Special Use Permit is limited to Robert Tougher only and is not transferable to future owners.
17. Business hours are limited inside and outside to Monday through Friday 6 p.m. until dark, and Saturday and Sunday 10 a.m. until dark. After dark, the training would be indoors.
18. That a 1,000 gal. waste management system be installed in the facility for dog wastes, as described to the Town Board at the hearing, and that it will be properly maintained and pumped.
19. Special Use Permit will also be subject to conditions of original application dated December 5, 2002 and recommendations made by Planning Board on January 13, 2003 and by the Town Board on January 23, 2003.
20. This Special Use Permit, including Special Conditions, must be agreed to and signed by the applicant in the presence of the Town Clerk or duly authorized Deputy within 15 business days of approval.

I, Robert Tougher, have read the above conditions attached to my Special Use Permit, do fully understand them and agree to abide by them. I also understand that if the conditions are not complied with, this special use authorization could be revoked. My signature below indicates my acknowledgement of these conditions and my my willingness to abide by them.