

**PUBLIC HEARING**

**FOR SCOTT GONYEO—SPECIAL USE AUTHORIZATION**

**PALMYRA TOWN HALL  
AUGUST 24, 2006**

The Public Hearing scheduled for Thursday, August 24, 2006 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider the Special Use Authorization for Scott Gonyeo to consider the application for a Special Use Authorization to operate mini-storage buildings at 2981 North Creek Road, Palmyra, was called to order at 7:30 p.m. by Town Supervisor David Lyon. The following legal notice for the public hearing had been previously posted and published, and was read by Town Clerk Lynne Green at the hearing:

**CALL TO ORDER**

**LEGAL NOTICE**

**TOWN OF PALMYRA  
SCOTT GONYEO – SPECIAL USE AUTHORIZATION**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, August 24, 2006 at 7:30 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Scott Gonyeo, Compass Properties, LLC, 144 Village Landing #268, Fairport, NY 14450, for a Special Use Authorization to operate mini-storage buildings at 2981 North Creek Road, Palmyra, under the name of North Creek Mini Storage.

**LEGAL NOTICE**

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 2981 North Creek Rd., Palmyra, tax parcel #65111-05-167877, and is bounded on the North by property reputedly owned by Palmyra Associates, LLC, tax parcel #65111-05-175912; bounded on the East by property reputedly owned by Compass Properties, Inc., tax parcel #65111-05-174865; bounded on the West by property reputedly owned by Ray Snyder, tax parcel #65111-05-144896; and bounded on the South by North Creek Road.

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: July 27, 2006

Lyndall Ann P. Green  
Palmyra Town Clerk

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

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

**ATTENDANCE AT PUBLIC HEARING**

Also present at this hearing:

- |                |                                       |
|----------------|---------------------------------------|
| Michael Boesel | Palmyra Highway Superintendent        |
| E. Adam Leyens | Adair Law Firm for Compass Properties |
| Bob Grier      | Palmyra Code Enforcement Officer      |
| Todd Pipitone  | <i>Courier-Journal</i> reporter       |
| Bob Hutteman   | Lu Engineering                        |

**PUBLIC HEARING CLOSED**

Supervisor Lyon asked if anyone in attendance, who wished to speak concerning the purchase by Scott Gonyeo of the mini-storage units on North Creek Road, to address the board. Adam Leyens, of Adair Law Firm, LLC, attended the meeting on behalf of Scott Gonyeo, who was out of town. He introduced himself and offered to answer any questions anyone might have. Board members had previously received the complete application packet. It is Gonyeo's intention to purchase the property from R. Harold Greenlee, of Acorn Valley, Ltd., but only recently learned that Greenlee had agreed in 1991 to terms of a Special Use Authorization that is non-transferable to another owner. The hearing was necessary for Gonyeo to operate the mini-storage facility, and the sale hinged on board approval of a Special Use Authorization for Gonyeo. Zoning Officer Bob Grier noted that neither Gonyeo nor Leyens appeared at the Planning Board meeting on August 14. Leyens said he had not been notified of any meeting, but would have attended had he known. Supervisor Lyon asked if anyone else had other comments. Hearing none, he declared the hearing closed at 7:41 p.m.

**REGULAR TOWN BOARD MEETING**

**CALL MEETING TO ORDER**

At 7:41 p.m., Supervisor Lyon called to order the regular town board meeting, scheduled to be held on Thursday, August 24, 2006, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY.

**PLEDGE TO FLAG**

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

Upon roll call, the following board members were present:

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

**ROLL CALL**

Motion was made by Dave Nussbaumer to approve the minutes of the July 27, 2006 meeting of the Town Board.

**MTN: APPRV  
MINUTES OF  
7/27/2006  
MEETING**

Second: Ken Miller

Vote: 5 ayes. Carried.

## **COMMUNICATIONS**

1. Letter to Board members: A North Creek Road resident sent letters to all Palmyra Town Board members and the Town Clerk with a few matters of concern about things on his property. He was not happy with answers given him by the Code Enforcement Officer, so he wanted the board to understand his complaint and to receive a written response from the board. Dave Lyon will respond.
2. Letter from Ray's Bridge Pub: Every other year, establishments serving alcoholic beverages are required to renew their liquor license. They also must notify the local government of their intent to renew. This letter serves as the required notice for license renewal from October 1, 2006 through September 30, 2008.

**LETTER OF  
COMPLAINT  
FROM NORTH  
CREEK  
RESIDENT**

**NOTIFICATION  
OF INTENT TO  
RENEW LIQUOR  
LICENSE**

At this point, Supervisor Lyon changed the order of the printed agenda to have Bob Hutteman, of Lu Engineers, address the board concerning a proposal to conduct an inventory of road signs in the town. Palmyra Highway Superintendent Mike Boesel explained that grant funding was made available to the Wayne County Highway Department through Congressman Jim Walsh for a signage inventory. Hutteman explained that the town has over 580 road signs. If they are not in compliance with governmental accounting standards, the town could be held liable in an accident legal case. This grant covers signs in the town only, and is for \$10,000. Dave Lyon said funds in reserve have been allocated for the remainder of the amount for the inventory. After the inventory, all signs will be consistent throughout the county, with the county taking over the ownership of the signs, and the county highway department maintaining

**MTN:  
CONTRACT WITH  
LU ENGINEERS  
TO CONDUCT A  
TRAFFIC SIGN  
INVENTORY AND  
ENGINEERING  
EVALUATION**

them properly, replacing them, and adding them as necessary. This will take this burden off of local highway departments. Dave Nussbaumer made the motion to contract with Joseph C. Lu Engineering and Land Surveying, P.C., of Penfield, NY, for an Inventory and Engineering Evaluation of Town Traffic Signs, with a cost not to exceed \$12,500, and that the Town of Palmyra follow through with Wayne County.

Second: Jim Welch

Vote: 5 ayes. Carried.

A copy of the contract is included with these minutes as Attachment A.

## **REPORTS OF STANDING COMMITTEES**

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

**MTN: CONTRACT  
WITH FACILITY  
SERVICES  
RENTAL  
SERVICE  
COMPANY**

1. Ken Miller first updated the board on the Cintas Facility Services Rental Service Agreement, which he had handed to them at the July town board meeting. He arranged to have the agreement changed from the original 60 months to 20 months, with Cintas to service Town Hall with paper goods, soap, air fresheners, etc., and all fixtures, with a minimum of \$15 each time they come to the facility to service it. A representative from Cintas was in attendance and answered some questions. There was some discussion among board members as to the details of the agreement, and wanted to have the town's legal counsel look over the agreement before signing. Ken Miller made the motion to approve the service agreement with Cintas subject to the approval of the town attorney.

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

A copy of the agreement is included with these minutes as Attachment B.

**INFORMATION  
ABOUT MEGA--  
MUNICIPAL  
ELECTRIC AND  
GAS ALLIANCE  
FOR REVIEW**

2. Ken received information about MEGA, Municipal Electric and Gas Alliance out of Ithaca. The cover letter explains, "MEGA is now a non-profit local development corporation with...a public bid process to give municipalities the assurance they are getting the best pricing through a transparent, open procedure that follows the requirements of General Municipal Law. The savings we have accumulated directly benefit taxpayers; money they don't have to spend on electricity and natural gas." Ken asked his fellow board members to review the packet of information, as well as the accompanying Power Sale Agreement. He will get current utility cost numbers from town bookkeeper Petra Anderson and have Paul Rubery, town counsel, look over the information for future consideration.

**Highway Committee – Michael Lambrix, Chairman**

1. Highway Department Monthly Report: Mike Boesel's report for August listed a variety of jobs the Highway crew has worked on during the past month. It includes ordering 650 tons of salt for the upcoming winter, work on Shilling Rd. and assisting the Towns of Marion and Macedon with chip sealing and paving. The town highway crew has been working with Marion, Arcadia and Lyons highway crews to get the jobs done efficiently and timely, and can help minimize overtime. DeSmith Road is in the final stages of milling, rolling and paving. Roadside trees, which are dead or dangerous, were taken down and others pruned back with the help of Empire Tree.
2. Replace boiler and hoist at Highway Barns: Lang Heating and Cooling has installed the new boiler at the highway barns. It is now operational. Quotes for the hoist have had some problems. Mike said he should be able to make a recommendation next month.
3. Other projects in the works: Mike Boesel has applied for a Wayne County Soil & Water Conservation Stormwater Management grant for \$5,000.

**MONTHLY  
REPORT FOR  
AUGUST**

**BOILER  
REPLACED AT  
HIGHWAY  
BARNs**

There has been progress in the sidewalk project from the village line to Town Hall. Part of the culvert between the Palmyra Bible Church and Town Hall has to be filled in to accommodate the new sidewalk. Heavy equipment is now on site and culvert pipe is being extended. Mike received three quotes for the sidewalk project: from Hynes Concrete Contractor in Fairport, Brad Jacobs and Sons Masonry in Macedon, and Sunshine Concrete Company from North Tonawanda. The quotes are for labor only to install the stone base, and to form and pour the sidewalk. Labor costs are set at the prevailing wage rates, as required by law. The lowest quote was from Sunshine Concrete Co., Inc., at \$15,437.50. The Town is responsible for preparing base to grade, sub grade and layout, as well as all material (stone, concrete, rods and sealer). In the ensuing discussion Councilmen Nussbaumer and Lambrix asked for more specific information. Supervisor Lyon suggested that Sunshine sign the specifications. Mike Lambrix made the motion to accept Sunshine's quote contingent upon a better definition of the specifications, at a cost not to exceed \$15,437.50.

**MTN: ACCEPT  
SUNSHINE  
CONCRETE  
QUOTE FOR  
SIDEWALK  
PROJECT**

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

MTN: HIRE  
JASON BLISS TO  
REPLACE STEVE  
KEMP IN  
HIGHWAY DEPT.

- 4. Personnel issues in the Highway Department: George Kachel has been helping out as a temporary replacement for Steve Kemp. Jason Bliss, the proposed new hire, would like to start work on September 12. Mike Lambrix made the motion to hire Jason Bliss to replace Steve Kemp.

Second: Dave Nussbaumer                      Vote: 5 ayes. Carried.

**Planning Committee – James Welch, Chairman**

No report at this time.

**Zoning Committee – David Nussbaumer, Chairman**

CEO REPORT  
FOR AUGUST

- 1. Code Enforcement/Zoning Office August Report: Zoning and Code Enforcement Officer Bob Grier submitted a report showing Permit activity during the previous month.
- 2. Animal Hospital sewer request: Bob Grier has been in contact with the animal hospital. The Office Manager has requested a letter from the town saying that the animal hospital's portion of the sewer project has been approved, so they can submit it to the state. Dave Lyon asked Bob to issue the letter. With the movement by the animal hospital, and requests from several neighbors, it has been proposed that this become a sewer district along Route 21 (Canandaigua Road) south to two properties south of Crestwood Drive, along the east side of the road. MRB Engineering Group would represent the town in the project. Mike Boesel's concern was that there might be problems laying the sanitary sewer pipe at the Town Hall property line because of the storm sewer and culvert.

UPDATE ON  
SANITARY  
SEWER  
REQUEST BY  
ANIMAL  
HOSPITAL

**INFORMATIONAL ITEMS**

ASSESSOR'S  
REPORT FOR  
AUGUST

- 1. Assessor's Report for August: Palmyra Assessor Elaine Herman is already preparing information in anticipation of a 2008 update. Information will be collected during 2007 for that update. She needs a resolution from the town board authorizing the reassessment:

2. Town Clerk's Report for July and August: Activity in the Town Clerk's office during the past two months was outlined in the Report to the Board. One of the counter PC's crashed this month and had to be replaced before sporting licenses could be issued. **TOWN CLERK'S OFFICE REPORT FOR JULY/AUGUST**
3. Letter to Gary Wildey: Last month, word was received from Gary Wildey, long-time chairman of the town Zoning Board of Appeals, that he would not be seeking another five-year appointment on the board after his term expires September 30, 2006. The town board accepted his resignation with regret and appreciation at their board meeting in July. The Town Clerk was directed to prepare a letter of thanks to Gary on behalf of the board. The letter was prepared and all board members signed it at this time. **BOARD SIGNS LETTER OF THANKS TO ZBA CHAIR GARY WILDEY**
4. Fire Department contracts/negotiations update: Mike Lambrix told the board he expects to have completed talks with representatives from the three volunteer fire districts serving Palmyra by September. **FIRE DEPT. CONTRACTS/ NEGOTIATIONS UPDATE**

## AGENDA ITEMS

1. Mini-Storage Unit on North Creek Road: Before considering Scott Gonyeo's request for a Special Use Authorization for a mini storage business on North Creek Road, Dave Lyon asked about the Town Planning Board's recommendation at their August 14th meeting. The Planning Board's meeting minutes reflect that they were told that the business had been sold. Since that means that the new owner would be operating in violation, as the special use permit is non-transferable, the Planning Board made the recommendation to deny the special use permit. Vote was unanimous. Adam Leyens, attorney representing Scott Gonyeo, was surprised, saying the property had not been sold, that he had not been notified that the Planning Board was considering his client's request, and that no one was in violation of any permits. He told the board that the sale of the property and business is contingent on providing the lender with a current Special Use Authorization. Dave Nussbaumer said the board should respect Scott Gonyeo's offer and issue a temporary, 6-month Special Use Permit, "so he can purchase the property and clean it up" and that the agreement be included in the meeting minutes. **MTN: APPROVE 6-MONTH TEMPORARY SPECIAL USE PERMIT TO SCOTT GONYEO FOR MINI-STORAGE BUSINESS**

Second: Jim Welch

Vote: 5 ayes. Carried.

**SPECIAL USE AUTHORIZATION  
FOR SCOTT GONYEO d/b/a: NORTH CREEK MINI STORAGE**

**STATEMENT OF CONDITIONS  
TO OPERATE MINI STORAGE BUILDINGS  
AT 2981 NORTH CREEK ROAD, PALMYRA**

**WHEREAS**, on the 24th day of August, 2006, 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 Scott Gonyeo, Compass Properties, LLC, 144 Village Landing #268, Fairport, NY 14450, for Special Authorization to use the premises as a mini-storage site, at 2981 North Creek Road, Palmyra, under the name of North Creek Mini Storage.

**STATEMENT OF  
CONDITIONS  
FOR NORTH  
CREEK MINI  
STORAGE  
TEMPORARY  
SPECIAL USE  
PERMIT**

**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 Temporary Special Use Permit (up to six months) to Scott Gonyeo with the following conditions:

1. That all State and local codes governing the proposed mini storage operation are 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 property takes place before operations commence to insure Code compliance.
5. That an annual inspection by the Town of Palmyra is conducted.
6. That this Special use Permit is limited to Scott Gonyeo only and is not transferable to future owners.
7. That 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 10 business days of approval.
8. That this special use Permit will also be subject to conditions of original application dated July 27, 2006.
9. That the applicant cannot further subdivide the subject parcel.
10. That if there is an office in the building, it will be a dry office and will not provide water or sanitary faucets.
11. That there will be no outside storage permitted of any kind at any time. Everything must be kept within the buildings at all times.

- 12. All waste will be promptly and properly disposed of.
- 13. The security lights are erected so as not to interfere with the highway and the rights of adjacent tenants.
- 14. That the premises shall be kept neat at all times and all unused space shall be graded and seeded to present a neat appearance. Driveways should be graveled.

This Temporary Special Use Permit will also be subject to recommendations made by the Town Board on February 22, 2007.

I, Scott Gonyeo, 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 willingness to abide by them.

- 2. Mobile Home Park Permit: On August 3, payment and application were received by the owners of Maple Creek Mobile Home Park, on Route 21 North, for a current Mobile Home Park Permit. With this approval, all manufactured home parks in the town would be up to date with their permits. Mike Lambrix made the motion to approve the Mobile Home Park Permit for 2006-2007 at Maple Creek Mobile Home Park.

**MTN: APPROVE PERMIT 2006-2007 FOR MAPLE CREEK MOBILE HOME PARK**

Second: Dave Nussbaumer                      Vote: 5 ayes. Carried.

- 3. Resolution—Transfer of Property at 385 Prospect Drive: Last month, the town acquired from Wayne County, the property at 385 Prospect Drive, Palmyra. In a resolution, the Town Board declared the property as surplus, and became authorized to dispose of the property. The following resolution was presented tonight to the town board for consideration:

**RESOLUTION**  
**TOWN OF PALMYRA**  
**WAYNE COUNTY, NEW YORK STATE**

WHEREAS, the Town of Palmyra has been informed that the Palmyra Community Center, Inc. has a use for the premises at 385 Prospect Drive in the Village of Palmyra; and

WHEREAS, the Palmyra Community Center, Inc. is a Not-For-Profit Corporation supported by the Town and Village of Palmyra, and

WHEREAS, the previous owner has been unable to pay the real estate property taxes and would be willing to execute a quit claim deed releasing its interest to the Palmyra Community Center, Inc., and

**RESOLUTION:  
TRANSFER  
PROPERTY AT  
385 PROSPECT  
DRIVE TO  
PALMYRA  
COMMUNITY  
CENTER**

WHEREAS, by the execution of the deed the previous owner would release any rights it may have in and to the property;

NOW, THEREFORE, BE IT RESOLVED that the Town of Palmyra shall transfer the property located at 385 Prospect Drive, Palmyra, New York, to the Palmyra Community Center, Inc., a New York Not-For-Profit Corporation, to be used to support the programs of the Palmyra Community Center, Inc., upon the Palmyra Community Center, Inc. reimbursing the tax jurisdictions for the unpaid taxes; and

BE IT FURTHER RESOLVED, that the Supervisor shall be authorized to execute any and all documents necessary to complete the transfer of the property at 385 Prospect Drive, Palmyra, New York.

DATED: August 24, 2006

**TOWN BOARD OF THE TOWN OF PALMYRA**

**MTN: APPROVE  
RESOLUTION TO  
TRANSFER  
PROPERTY AT  
385 PROSPECT  
DRIVE,  
PALMYRA**

Supervisor Lyon explained that the Palmyra Community Center was interested in acquiring the property, selling it as a fundraiser, and reimbursing the county for all back unpaid taxes. Since the arrangement would benefit the Community Center, Wayne County and the Town of Palmyra, Dave Lyon made the motion to approve the resolution to transfer the property at 385 Prospect Drive from the Town to the Palmyra Community Center.

Second: Mike Lambrix

Vote: 5 ayes. Carried.

**MTN:  
SCHEDULE  
PUBLIC  
HEARING FOR  
FIRE DEPT.  
CONTRACTS**

- 4. Schedule Public Hearing for Contracts with Fire Departments: The motion was made by Mike Lambrix that the public hearing to discuss the contracts with the three volunteer fire departments which serve the Town of Palmyra be scheduled for Thursday, September 28, 2006, at 7:30 p.m., at the Palmyra Town Hall.

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

- 5. Resolution: To Conduct a Property Revaluation in 2008: The following resolution was proposed to the Town Board:

**RESOLUTION**

**BY THE TOWN BOARD OF THE TOWN OF PALMYRA  
for a 2008 Reassessment Update**

**RESOLUTION:  
AUTHORIZE  
PROPERTY  
REVALUATION  
IN 2008**

WHEREAS, Section 305 of the New York State Real Property Tax Law mandates uniform and equitable assessments; and

WHEREAS, computer-assisted mass appraisal systems, technical advice, and financial assistance are available by cooperative agreement with the New York State Office of Real Property Tax and the Wayne County Real Property Tax Services Agency; and

WHEREAS, the last town-wide reassessment of our real property took place in 2004, and

WHEREAS, the Town Board is convinced that a reassessment is necessary to comply with Section 305 of the New York State Real Property Tax Law;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Palmyra, New York as follows:

SECTION 1. That the Assessor of the Town of Palmyra is hereby authorized to undertake and implement a revaluation/ update for the 2008 Assessment Roll.

SECTION 2. That the Town Board does hereby agree, in conjunction with the New York State Office of Real Property Tax Services Agency, to support the Town's Assessment Staff in this reassessment.

This resolution shall take effect immediately.

DATED: August 24, 2006  
Lyndall Ann P. Green  
Palmyra Town Clerk

**MTN: APPROVE  
RESOLUTION TO  
CONDUCT A  
PROPERTY  
REVALUATION  
IN 2008**

Motion was made by Mike Lambrix to approve the Resolution to Conduct a Property Revaluation in 2008.

Second: Ken Miller                      Vote 5 ayes. Carried.

- 6. Approve Abstract #110 (for vouchers already paid) & Abstract #111 (for vouchers to be paid): Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #110, which includes Vouchers 7428 through 7431, for \$18,975.75; and Abstract #111, which includes Vouchers 7432 through 7488, for \$35,529.27.

**MTN: APPROVE  
ABSTRACTS  
#110 AND #111**

Second: Mike Lambrix                      Vote: 5 ayes. Carried.

- 7. Adjournment: Motion to adjourn was made at 8:38 p.m. by Mike Lambrix.

**MTN: ADJOURN  
MEETING**

Second: Ken Miller                      Vote: 5 ayes. Carried.

Respectfully submitted,

---

Lyndall Ann P. Green  
Palmyra Town Clerk

Attachment A: Engineering Evaluation and Inventory of Traffic Signs Scope of Services

Attachment B: Cintas Facility Services Rental Service Agreement

**Next town board meeting: Thursday, September 28, 2006, at 7:30 p.m.**  
**Palmyra Town Hall**