

**PUBLIC HEARING
SPECIAL USE AUTHORIZATION
JUDY CASLER**

The Public Hearing scheduled for Thursday, March 25, 2004, at the Palmyra Town Hall, Palmyra, New York to consider the special use authorization for Judy Casler, 4027 N. Main Street, Marion, NY, to operate a nail salon at 3609 Cole Rd., Palmyra, was called to order at 7:30 PM by Town Supervisor David Lyon.

**PUBLIC HRG. --
--CASLER NAIL
SALON---
SPECIAL USE
PERMIT**

Those present at this public hearing:

Town Board Members: David C. Lyon, Supervisor
David Nussbaumer, Councilman
James Welch, Councilman
Ken Miller, Councilman
Councilman Mike Lambrix was absent

Also present at this public hearing:

Judy Casler, 4027 N. Main Street, Marion
Marcia E. Wise, 4577 Harbor View, Pultneyville, sister of Judy Casler
Ora Rothfuss, Wayne County Planning Department
Todd J. Pipitone, reporter for the *Courier-Journal*
Robert A. Grier, Code Enforcement Officer
Nelson F. Cook, Highway Superintendent

The Town Clerk read the legal notice for the Special Use Permit for a nail salon at 3609 Cole Rd., Palmyra:

**LEGAL NOTICE
TOWN OF PALMYRA
JUDY CASLER – SPECIAL USE AUTHORIZATION**

**LEGAL NOTICE
OF HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, March 25, 2004 at 7:30 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Judy Casler, 4027 N. Main St., Marion, NY 14505, for a Special Use Authorization to operate a nail salon at 3609 Cole Rd., Palmyra, NY.

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 3609 Cole Road and is bounded on the North by property reputedly owned by Adolf Irmer, tax parcel #65113-00-334841 and bounded on the East by property reputedly owned by Adolf Irmer, tax parcel #65113-00-393785 and bounded on the

South by Cole Road and bounded on the West by property reputedly owned by Ronald Shultz, tax parcel #65113-00-319772.

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: February 26, 2004

Lyndall Ann P. Green

Palmyra Town Clerk

HEARING OPEN

The Town Supervisor announced that the hearing was open for any comments from those in attendance. Ms. Casler explained that she is considering the purchase of 3609 Cole Rd. for her residence, as well as for her proposed business as a nail salon in an in-law apartment there. She currently operates a nail salon in Marion and wants to move her business if the Special Use Permit is approved. In addition, she has arranged with a massage therapist and a person who owns a tanning bed to use her nail salon on a part-time basis, by appointment only, to offer these services to area residents.

Supervisor Lyon asked if there were questions from the public or from board members. Ken Miller asked Casler if she understood the codes for signs compliance. She said she would go over them with Bob Grier. Grier said there should be fire separation between the business and the residence. Request was made to hear the town Planning Board's recommendation regarding this request. The minutes of their March 8th meeting show their discussion centered around her license to operate the salon, insurance, number of customers at any one time, parking, and her part-time partners. The Planning Board approved the recommendation for the shop. Supervisor Lyon asked if there were any more questions or comments. Hearing none, he declared the hearing closed at 7:42 PM.

HEARING CLOSED

PRESENTATION ON FARMLAND PROTECTION PROGRAM

At this point, Supervisor Lyon introduced Ora Rothfuss. He is currently the Agriculture Development Specialist for the Wayne County Planning Department. He has been with the county about six years; before that, he was on the Macedon Town Board. He grew up in Macedon on a family farm. Now he lives in North Rose.

His position is devoted to help farmers get in business, stay in business, and to help town boards see where agriculture fits in with the county. He explained that area counties have seen a major loss of agricultural land. With many residents moving out of the city to live in the country, it becomes a real challenge to get the next generation interested in farming and in farmland protection.

The Farmland Protection program has certain benefits to the farmer, by designating the property unavailable for housing development

encroachment, and by grants for an easement declaring this land for agricultural use.

Rothfuss: This is a tool available to farmers. Macedon, Ontario, Walworth and Arcadia are all involved in this. An easement value of the property for grant purposes is derived by taking the high value of the property if developed, and the low value if kept as undeveloped land. In Palmyra, Frank Koeberle has expressed an interest in the Farmland Protection program. Also, since the town is involved in updating the Comprehensive (Master) Plan, such a designation would be important to know. Rothfuss can be a resource to the Comprehensive Plan committee, as well as to the town planning board if there is an interest in applying for a grant, in addition to answering questions people may have. The grant program is extremely competitive, so he can help estimate the value of the land to see if applying for the grant is feasible.

Lyon: This is okay to investigate, but it is not too urgent for Palmyra, compared to other towns.

Rothfuss: Tonight's visit is just to raise awareness of the program.

Supervisor Lyon thanked Ora Rothfuss for coming and for making his presentation.

REGULAR MEETING OF THE TOWN BOARD

The regular meeting of the Town Board, Town of Palmyra, scheduled for Thursday, March 25, 2004, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:51 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:

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

ROLL CALL

Motion was made by Ken Miller to approve the minutes of the February 26, 2004 meeting of the Town Board.

MTN: APPROVE MINUTES OF 2/26/2004 MTG.

Second: Jim Welch

Vote: 3 ayes. Dave Nussbaumer abstained. Motion carried.

COMMUNICATIONS

**INQUIRY
ABOUT BOARD
PARTICIPATION IN
WAYNE CO.
FAIR PARADE**

- 1. A letter was received from the Union Agricultural Society at Palmyra which sponsors the Wayne County Fair asking the town board of they would be interested in participating in the Firemen's Parade on August 13, 2004 in Palmyra. A poll was taken of board members and consensus was that they would participate. Town Clerk is to reply to the request.

**FOLLOW-UP
OF PETITION
FOR WATER
SERVICE**

- 2. An e-mail was received from a resident of Floodman Road following up on the petition for water service. Lynne Green responded to her e-mail explaining the timeline, the current preliminary work that is being done to form a new water district, and funding challenges the town is encountering.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

**UPDATE ON
TOWN HALL
BUILDING
ISSUES**

- 1. Ken Miller noted that the parking lot lights are working properly, and are on a timer. It is now time for cleanup from winter: putting away shovels, salt, etc. Also, he is working with a list of people who have been issued keys to the building. He is trying to determine if those people still have a legitimate need to have keys.

**GARDEN CLUB
REQUEST TO
USE BLDG**

- 2. A building use request was received from the Palmyra Garden Club. Lynne Green gave the background to the request, explaining that this club is a group of local residents who get together to beautify the community by planting flowers. They are not a formally-organized not-for-profit, and couldn't provide the "evidence of comprehensive general liability insurance in the minimum amount of one million dollars (\$1,000,000.00)" naming the town as an additional insured on the policy, which the typical building use request requires.

A town employee is a member of this group and is willing to be the on-site employee at the meetings one evening a month, so the group wouldn't have to pay custodial fees. They have trouble finding members' homes which can accommodate the people and which has sufficient parking. Town Hall would be perfect for their monthly meetings. It was noted by Supervisor Lyon that they provide a special service to the community, and felt it would be appropriate to waive the insurance requirement.

Ken Miller made the motion to approve the Palmyra Garden Club's request for the year 2004.

Second: Dave Nussbaumer

Vote: 4 ayes

**MTN: APPRV
GARDEN CLUB
BLDG. USE
REQUEST FOR
2004**

Highway Committee – Michael Lambrix, Chairman

1. Highway Superintendent Nelson Cook explained that with the milder weather, his crew has been able to finish up the locker room expansion at the Highway Department. He would like to set up a date when board members could see what they've done.

**HIWAY DEPT
LOCKER RM
EXPANSION
COMPLETE**

2. He also said the new front-end loader has been received and the payment will be due next month.

**FRONT-END
LOADER RECD**

3. His report also included information that MRB Engineering Group has completed the plans for the Lusk/Goldsmith/Shilling intersection reconstruction. In order to proceed, it is necessary for the town board to approve a resolution to accept the Short Environmental Assessment Form—the "Negative Declaration." After the form is signed, we wait for the Department of Environmental Conservation (DEC) to give its final approval for the project.

**GOLDSMITH/
LUSK/
SHILLING
INTERSECTION
RECONSTRUC
TION RPT.**

Cook "hopes to move forward rather quickly" after getting final authorization from town attorney.

At this point, Dave Nussbaumer made the motion to approve the Negative Declaration for the Lusk/Goldsmith/Shilling intersection reconstruction.

Second: Ken Miller

Vote: 4 ayes

**MTN: APPRV
NEGATIVE
DECLARATION
FOR
INTERSECTION
RECONSTRUC
TION**

Dave Lyon asked Lynne Green and Nelson Cook to set up a meeting of affected area residents for 7:30 PM on Thursday, April 8 to inform them of what to expect during the reconstruction of the intersection.

Planning Committee – James Welch, Chairman

On March 18, James Welch attended the Comprehensive (Master) Plan meeting with other community members and representatives from Stuart I. Brown Associates, Inc. The group has met twice so far, going over items listed in the 1998 edition of the Plan, updating it to reflect more recent changes. When the updated plan has been finalized and approved by the committee, the committee will announce a date and time for a public hearing

**PLANNING
COMMITTEE
RPT—MASTER
PLAN UPDATE**

—to add input or make changes. The updated plan will then be presented to the town and village boards for their input and/or approval.

Zoning Committee – David Nussbaumer, Chairman

CEO REPORT

- 1. CEO Report for March: Code Enforcement Officer Bob Grier submitted a report detailing permits issued through 3/25/2004. Dan Wooden and Bob spent most of the week of March 22nd at an inservice training session.

LITIGATION UPDATE

- 2. Litigation: He updated the board on several items in litigation:
 - Trolley Road violations—on hold now. Code Enforcement Officer to determine next step.
 - Havert's Garage—goes to court April 7. Both local judges recuse themselves due to conflict of interest.
 - Blackburn was convicted.

UPDATE PERMIT FEES

- 3. Vacation: Bob will be taking a vacation from April 8 through 23.
- 4. Permit Fees: At this time Bob Grier said he would not increase permit fees. He did, however, say that to the recent New York code for an "operating permit," a fee would need to be added to the schedule. This is an annual permit for some businesses, which requires monitoring for certain safety hazards, such as fire, etc.
- 5. Swimming Pool permits: In the February 26th Code Enforcement Officer's report to the town board, Bob Grier asked the board to consider the following pool fees to encourage installation safety:
 - a. Create a 3-month swimming pool permit—down from 12 months.
 - b. Charge a \$100 deposit fee, refundable when final inspection is completed, if within the 3-month time frame. If not, the applicant forfeits the deposit and must take out another 3-month permit, along with a new \$100 deposit.
 - c. Require an inspection prior to filling the pool, to ensure the electrical work and the barrier, if required, are in place.
 - d. Add a re-inspection fee of \$25 when an applicant calls for an inspection but they aren't ready when the inspector goes there.

Dave Nussbaumer made the motion to approve the 4 points of Grier's swimming pool installation safety permit. In discussion, the question was asked what would happen if the pool owner installed the pool without an inspection and the permit had expired. Grier responded that the pool owner would be brought into court for the violation.

**MTN: APPRV
NEW SWIM-
MING POOL
INSTALLATION
REQUEST &
FEES**

Second: Jim Welch

Vote: 4 ayes

INFORMATIONAL ITEMS

1. Report to the Board from the Town Clerk's office: Collecting town and county taxes is now winding down. Last day we can accept payments is March 31st. After that, unpaid bills are sent to the county. Deputy Clerk Betsy Lewis detailed items which were accomplished in the office, as well as archival matters. Welcome home to Beth Hoad who has been in Southern California since Fall. Betsy prepared a list of agreements, annexations, contracts, resolutions, etc. in the vault. She highlighted those which need attention or which are scheduled to expire soon. This list will prove quite valuable in staying on top of these items, and making sure they get the attention they need before they expire.
2. Dog Licensing fees—final steps: Word has been received from Albany that the 2004 Local Law #1—increase in dog licensing fees—can proceed. With the paper work completed, I have been informed by the Department of Agriculture and Markets that starting in June, dog renewals will have the new rates listed.
3. NYMIR Land Use Training Program on CD: New York Municipal Insurance Reciprocal has sent us a CD called NYMIR Land Use Training Program—Second Edition for town board, planning board and zoning board members to complete. It deals with law affecting planning and zoning practice in NY State. A "testing" phase at the end of the CD can lead to NYMIR certification in knowledge of land use issues. Each board member is encouraged to participate.

**TOWN CLERK
OFFICE
REPORT TO
THE BOARD**

**2004 LOCAL
LAW #1 IN
EFFECT
STARTING
JUNE 2004**

**NYMIR CD
AVAIL FOR
BOARD
MEMBERS'
USE**

AGENDA ITEMS

1. Judy Casler's request for Special Use Authorization: Jim Welch made the motion to approve the request for a Special Use Authorization to operate a nail salon at 3609 Cole Road, using the

**MTN: APPRV
SUA FOR JUDY
CASLER'S
NAIL SALON**

standard restrictions of the permit and in accordance with the recommendation of the planning board. He added that the commercial part of the house be in compliance with zoning and building codes.

Second: Dave Nussbaumer

Vote: 4 ayes

**RESOL:
INTRODUCE
LOCAL LAW
#2 FOR 2004:
DOG SEIZURE
FEE
INCREASES**

2. Resolution: Local Law #2 for 2004: Dog seizure fees increase: The following resolution was introduced to the town board:

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC NOTICE AND HEARING
TOWN OF PALMYRA**

BE IT RESOLVED that a Local Law amending Local Law No. 2 in the year 1986 entitled "Dog Control Law of the Town of Palmyra" be and it hereby is introduced before the Town Board of the Town of Palmyra, County of Wayne and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the Town Board, and

BE IT FURTHER RESOLVED that the Town Board hold a public hearing on said proposed Local Law at the East Palmyra Fire Hall, Whitbeck Road, in the Town of Palmyra, New York, at 8:00 p.m. on the 22nd day of April, 2004.

BE IT FURTHER RESOLVED that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

DATED: March 25, 2004

Lyndall Ann P. Green
Palmyra Town Clerk

**MTN: SET
PUBLIC
HEARING ON
4/22/2004**

Dave Nussbaumer made the motion that the public hearing for Local Law #2 be set for April 22, 2004, at 8 p.m. at the East Palmyra Fire Hall.

Second: Jim Welch

Vote: 4 ayes

**RESOL:
CONTINUE
ARCHIVES &
RECORDS
MGMT.
FUNDING**

3. Resolution: Continue Archives and Records Management funding: A request was received from Gail Fisher, Regional Advisory Officer for the Local Government Records Management Improvement Fund (LGRMIF), saying that the benefits to local governments will end on December 2005 unless our legislators are notified and convinced to continue funding. She recommended the following resolution be introduced to board members, and asked for their approval:

RESOLUTION OF SUPPORT
FOR THE ELIMINATION OF THE SUNSET PROVISIONS OF THE
LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF)
AND THE CULTURAL EDUCATION FUND (CEF)

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

WHEREAS, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

WHEREAS, the Town of Palmyra has benefited from technical assistance, training, publications and five grants totaling \$58,382, supported by the LGRMIF, and

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of (name of local government/institution), and to the cultural and scientific needs of the people of New York State,

THEREFORE BE IT RESOLVED that the Town Board of the Town of Palmyra supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

Dated: March 25, 2004

Dave Nussbaumer made the motion to approve this resolution to show our appreciation and support for this funding.

Second: Ken Miller

Vote: 4 ayes

All town board members present signed the resolution.

**MTN: APPRV
RESOL. FOR
CONTINUED
FUNDING OF
ARCHIVES
GRANTS**

4. Shilling Road intersection reconstruction—Negative Declaration:
The Short Environmental Assessment Form was received for the

MTN: APPRV.
NEGATIVE
DECLARATION
FOR SHILLING
RD RECONS-
TRUCTION

Shilling Road reconstruction project, at the intersection of Goldsmith and Lusk Roads. In order to certify that the project would have no adverse impact on the environment, Supervisor Lyon would need to sign the form after board approval. Dave Nussbaumer made the motion to approve the Negative Declaration.

Second: Ken Miller

Vote: 4 ayes

PUBLIC INFO
MEETING ON
THIS RECONS-
TRUCTION
SCHEDULED
FOR 4/8/2004

To go along with this approval, Dave Lyon recommended having a public information meeting on Thursday, April 8, letting affected area residents know of the proposed closing of these roads for a period of time this summer for the reconstruction. It was decided to have this meeting at 7:30 p.m., so the board to have a regular meeting at 8 p.m. if any action were deemed to be necessary. Clerk Lynne Green is to work with Highway Superintendent Nelson Cook to mail out invitations to this meeting as soon as possible.

MTN: APPRV
ABSTRACT #63

- 5. Abstract #63: Motion was made by David Nussbaumer to approve the claims and expenditures as shown on Abstract #63:

Voucher Numbers	Total
4936 – 5035	\$81,915.69

Second: Ken Miller

Vote: 4 ayes

MTN: ADJOURN
MEETING

- 6. Motion to adjourn: Motion to adjourn was made at 8:23 p.m. by Dave Nussbaumer.

Second: James Welch

Vote: 4 ayes

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Next town board meeting is scheduled for Thursday, April 8, 2004 at 8 p.m. at the Town Hall, with public information meeting at 7:30 p.m.