

PUBLIC HEARING OF THE TOWN BOARD
Palmyra Town Hall
February 14, 2023

At 7:00 p.m., Deputy Supervisor Welch called to order the public hearing, scheduled for Tuesday, February 14, 2023, at the Palmyra Town Hall, 1180 Canandaigua Rd., Palmyra, New York.

LEGAL NOTICE

The following is the legal notice that had been printed in the Town's official newspaper, *The Times of Wayne County*, and posted on the Town Hall's bulletin board before the hearing, and in accordance with law.

TOWN OF PALMYRA
NOTICE OF PUBLIC HEARING
ON PROPOSED SPECIAL USE PERMIT

PLEASE TAKE NOTICE that Jeff Cook/ Cook Properties NY, has submitted an application to the Palmyra Town Board for a Special Use Permit for a proposed Expansion of the Marquart Village Mobile Home Park (the "Project"), to be constructed and developed on Macedon Center Rd. in the Town of Palmyra; and that the construction and development of said Project will require the issuance of a Special Use Permit by the Palmyra Town Board; and the Town Board must schedule a Public Hearing on the proposed Project to seek public comments concerning the nature and scope of the proposed Project.

PLEASE TAKE FURTHER NOTICE that a Public Hearing will be held on the proposed Special Use Permit application by the Town Board of the Town of Palmyra, Wayne County, New York on February 14th, 2023 at 7:00 PM., at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, NY, at which time all interested persons shall be heard.

PLEASE TAKE FURTHER NOTICE that the Town Board will accept written comments or questions from the public concerning the Special Use Permit Project sent to the Town Clerk by e-mail at townclerk@palmyrany.com, or dropped off in person. Any such written comments or questions must be received in this manner by the Town on or before Noon on February 13th, 2023, and, if timely received, such written comments or questions will be read into the Minutes of the Public Hearing.

A copy of the proposed Special Use Permit application is available for review at the Town Clerk's Office at 1180 Canandaigua Rd, Palmyra, New York during regular business hours.

Dated: January 27, 2023

BY ORDER OF THE TOWN BOARD OF THE TOWN OF PALMYRA TOWN BOARD

Irene Unterborn, Town Clerk

COMMUNICATIONS RECEIVED PRIOR TO MEETING

The following two communications were received February 13, 2023, and emailed to the board for review. They are also contained in the board meeting packets for this evening.

Eric & Nancy Vanderstyne
2423 Maple Ave
Palmyra, NY 14522

February 13, 2023

Dear Town Board:

Please see the following, regarding the proposed Expansion to the Marquart Village Mobile Home Park (the "Project") to be constructed and developed on Macedon Center Rd. in the Town of Palmyra, NY

We are against, and don't see any benefits, for the nearby property owners, as well as other existing residents of the Town of Palmyra, for a proposed Special use permit application that would allow for the expansion of the Marquart Village Mobile Home Park for the following reasons:

- Property value and home resale value will decrease dramatically, especially for property owners directly bordering the proposed expansion.
- Safety issue with Mobile home residents in proximity, usually children, entering fenced pastures occupied by horses.

- Country setting would be disrupted with view of park, increased noise, lighting, and traffic.
- Added Strain on local services: police fire and rescue. Average yearly response calls for Wayne County Sheriff Dept. was 179 per/year from 2016-2022 for the existing park. (Does not include NYSP)
- Disappearance of existing farmland & wildlife.
- The expansion is very close to and could disrupt Federal wetlands.
- The existing Marquart park (both North & South sides) of Macedon Center Road should be updated and modernized before any expansion project should even be considered.
- To our knowledge there are already six mobile home parks in the Town of Palmyra, none of which are at capacity, affordable housing in the area already exists.
- Added Drain to the Pal-Mac school system and tax base in general.

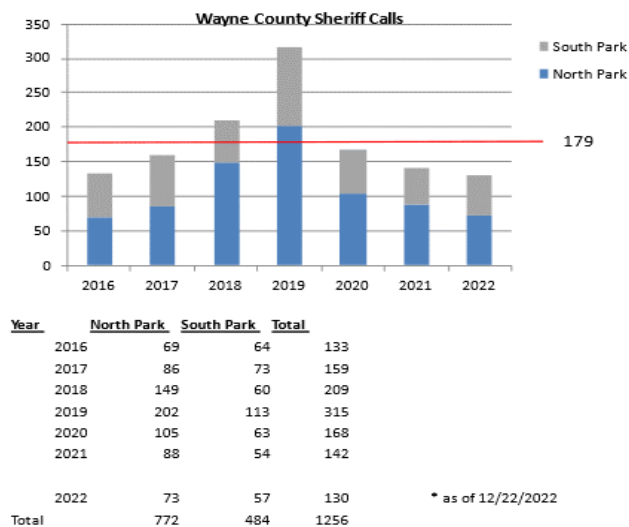
Questions concerning the Proposed Marquart Village MHP Expansion

1. Have existing code violations been addressed? If not, when will these code violations be remediated?
2. Which requirements from the Palmyra “Mobile Home Ordinance” does the existing Marquart Village MHP need to comply with? Which requirements will the proposed Expansion, if granted, need to comply with?
3. What are the SEQR impacts on Community Resources?
 - Police
 - Marquart Village has averaged 179 calls annually to the Wayne County Sheriff’s office over the past 7 years (NYSP calls are not included in data – awaiting FOIL response)
 - What happens to the number of calls when Marquart Village is operating at full capacity + 50 new mobile homes?

- Will the police call volume double as the occupancy doubles??
- School
 - How many additional students enter PMCSD?
 - What is the PMCSD response? (Mobile Home Ordinance 600.2 requires a written response by a school district official.)
- Fire
 - Palmyra is facing a shortage of firefighters
- 4. How does an Expansion to the Marquart Village MHP fit into Palmyra’s Master Plan?
 - i. Why is this expansion necessary when Palmyra currently has multiple MHPs that are operating at < 100% capacity?
 - ii. Palmyra has 6 MHPs, 5 gas stations, 4 convenient stores, 2 pizza shops, and Zero (0) grocery stores. How does this project benefit/improve Palmyra?

Respectfully submitted by: Keith May, 2450 Maple Ave., Palmyra, NY 14522

Backup



HEARING

Councilman Welch led those present in the Pledge of Allegiance to the Flag.

Upon roll call, the following Board members were present:

James Welch, Deputy Supervisor
Brad Cook, Councilman
Doug DeRue, Councilman

Supervisor Kenneth Miller and Councilman Todd Pipitone were absent.

ATTENDANCE

Also in attendance: Jackie Krocke, Michael Jaromin, Matt Krolak, Don Wilkins, Dean & Tammy Heckman, Chris Heckman, Jeremy Bedette, Dave Matthews, Eric & Nancy Vanderstynne, Glenn Thornton, Roger Westerman, Larry Westerman, Roger Dunlap, Chris & Jeff Johncox, Jeff Cook, Charles & Julie Hartman, Ann & Joel Neal, Ricky & Breanne Pulver, Pat & Maggie Converse, and Keith May.

AGENDA

OPEN PUBLIC HEARING:

At 7:01 PM, Councilman Welch Made the motion to open the public hearing on the proposed special use permit for Marquart Village Mobile Home Park.

Second: Brad Cook

Vote: 2 Ayes. Carried

Deputy Supervisor Welch asked who would like to address the board, either in favor or against the proposed project.

The first to comment was **Mr. Dean Heckman, 2647 Maple Ave**, who spoke on behalf of his wife Tammy, son Chris, and his neighbors. He prepared the following statement, and maps for the board:

February 14th, 2023 Palmyra Town Board Hearing & Special Meeting Marquart Village Mobile Home Park Expansion

February 14th, 2023

Dean & Tammy Heckman

As neighboring property owners of the planned MVMHP Expansion Project, we are providing the following Comments, Questions and Considerations to the Palmyra Town Board.

It is our hope that decisions being made by the board do not impact the "quality of life" we, and other residents, currently enjoy as this is why we moved here over 30 years ago. We would also like to ensure that all decisions effect our community in a positive manner and fully support the Town's overall Master Plan.

Comments, Questions & Recommendations

Please note that this is not an exhaustive list as it is based on the limited information gathered during the 9/22/2022 Town Board Meeting, 1/9/2023 Planning Board Meeting and 1/26/2023 Palmyra Town Board Meeting and reviewing official Town Board Meeting Minutes.

Comments:

1. We appreciate Mr. Cooks' willingness to invest in our community and for his patience as he - and his company - navigate the numerous legal and bureaucratic requirements necessary for a project of this magnitude.
2. We would also like to commend the Town Board for scheduling this Public Hearing so Town Residents can provide their input regarding this matter.
3. Based on the information gathered while attending Board Meetings and reviewing official Meeting Minutes, we have concluded that the Special Use Permit has already been approved – just not officially – and that it will be officially approved tonight.

Questions:

1. What is the Town of Palmyra's Master Plan?
 - o Is it to be the provider of "low-cost housing" for the area?
 - o Is it to reduce tillable farmland to increase tax revenue? What is it?
2. Does the issuing of a Special Use Permit for the MVMHP Expansion fully align with the town's Master Plan?
3. At the REGULAR MEETING OF THE TOWN BOARD held on July 28th, 2022, under the REPORTS OF STANDING COMMITTEES, Supervision—Animal Control, Historian, Justices, and Finance: -Kenneth Miller, Chairman – item 2. stated the following: *"Update on Proposed Marquart Sewer Project: Mr. Cook and Supervisor Miller met with Marty Amann from the WCWSA. They are no longer planning to expand their property and sewer project as it will be very cost prohibitive. The owner of Marquarts have decided to sell the additional property instead."*
 - o What changed?
4. Then, at the REGULAR MEETING OF THE TOWN BOARD, PALMYRA TOWN HALL on August 25, 2022, under the REPORTS OF STANDING COMMITTEES, Supervision—Animal Control, Historian, Justices, and Finance: -Kenneth Miller, Chairman – item 2. stated the following: *"Update on Proposed Marquart Sewer Project: Supervisor Miller spoke with Glenn Thorton, and learned that they are still interested in pursuing the project. it does look as if the project would have to be dedicated to the town, which is a scenario actually preferred by the board."*

- o What changed? Why is the Town so interested in this project?
- 5. At the September 22nd, 2022 Palmyra Town Board Meeting, Mr. Cook stated that he would be willing to sell some of the proposed MVMHP Expansion land to neighboring property owners.
 - o So, we ask Mr. Cook and Cook Properties, is this option – regardless of the Special Use Permit outcome – still available?
 - o If YES, we would like Cook Properties to consider selling land outlined in white (shown below) to the following neighboring property owners:

Jeremy & Shauna Bedette 2477 Maple Avenue Palmyra, NY 14522	Dean & Tammy Heckman 2467 Maple Ave. Palmyra, NY 14522	Eric & Nancy Vanderstyne 2423 Maple Avenue Palmyra, NY 14522
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 - o Regarding neighbors being offered an opportunity to purchase property from Mr. Cook and Cook Properties, we are asking that a “fair market value” be assessed as this land will essentially be “Evergreen” and undeveloped.

Recommendations:

1. Follow the January 9th, 2023 Town of Palmyra Planning Board recommendation to disapprove the Special Use Permit required for this proposed project to move forward. The Vote for this recommendation was 3 Nay and 2 Yea with conditions.
2. Save the farmland – don’t expand.
3. If the issuing of a Special Use Permit for the MVMHP Expansion does not fully align with the town’s Master Plan, then this request should be declined.
4. Clean-up and fix what is currently in the park.
5. Should the Special Use Permit be approved, we respectfully request that the MVMHP Expansion be scaled back and limited in the following manner:
 - o Designate the expansion an age 55+ only community.

Expand to the West of the current park and no further North than the existing parks’ Northern-most boundary. Please see the Google Maps image below. Anything in yellow to be considered for the expansion project.



Thank you, Dean & Tammy Heckman

The board was asked by the public to address some of Mr. Heckman's questions found under "Comments, Questions & Recommendations." Councilman Welch asked Glenn Thorp, engineer for the Marquart project to aid in answering these questions.

Referring to question #4. Nothing has changed, they are still interested in the project. Facilities within the park will be owned by the park owners, with the forced main being dedicated to the town. Councilman Cook asked if they would still pursue the sewer project in the existing park if this expansion does not happen. The owner of the existing park said that that is a difficult question, but at this time they will pursue it regardless. (Referring to question #3).

Referring to question #2, does this align with the master plan? The plan has not been revised since 2004. A statement from the public (informed by their lawyer) that the comprehensive plan was required to be updated every ten years. The town clerk and councilman were unaware of any such requirement.

In reference to question #1, what does the owner consider low-cost housing? Price point would be between \$100K to \$125K.

Jeremy Bedette, 2477 Maple Avenue spoke on behalf of his wife, daughters, and neighbors. He began by thanking the town board for having the hearing, and to for Mr. Cook (owner of park) for being accessible. Mr. Bedette commented on portions of the following statement that he provided.

After Mr. Bedette finished speaking, Councilman Welch asked Code Enforcement officer to clarify a statement that was made requiring a 25 Acre requirement made by the WC Planning Board, as this contradicts the owners ability to be able to sell a portion to neighboring residents as a buffer. Mr. Sheridan stated that the 25 acre requirement is indeed a minimum requirement and the expansion would need a variance.

Statement from Jeremy & Shauna Bedette regarding MVMHP Expansion

- Thank you to Mr. Cook/Cook Properties
- Thank you to Palmyra Planning Board and Town Board

September 2022 Meeting

- Although this process has been ongoing since 2020, which includes a time when Cook Properties stated on record that they no longer wished to pursue the project, only going to focus on time frame from September 2022 (when we became involved) until present.
- September 2022 meeting, proposal including concept plan map submitted, placed further most trailer approximately 50 yards from North wood line.
- Following the September 2022 meeting, a conversation with Mr. Cook took place in the hallway outside of the meeting. During that conversation, Mr. Cook advised they (Cook Properties/Wayne County Properties) want to be "good neighbors" and we discussed him selling a portion of the property (specifically the wood lot at the North end of the property) to us as a buffer.
- Mr. Cook also stated during that meeting that plans could be adjusted to move the "furthest trailer" farther South and scale back the plans.
- Mr. Cook also advised during that conversation, that they (Cook Properties/Wayne County Properties) would be willing to install fencing, trees, berms, etc. in order to help disrupt the views of the park and provide an even greater buffer.

December 2022 Palmyra and Wayne County Planning Board Meetings

- At a public hearing held by the Palmyra Planning Board on December 12, 2022, Mr. Thorton (representing Cook properties) presented a new plan which instead of scaling back plans, brought furthest trailer right to the edge of the Northern wood line.
 - Note: This would place trailer mere feet from the property line if Mr. Cook was to sell, as discussed, the woods to the North of the property.
- Mr. Thorton also advised during this meeting, as well as the December 14th Wayne County Planning Board meeting, that they (Cook Properties) exceeded the 25-acre requirement as the property being discussed is 26.14 acres.
 - NOTE: This is in contradiction to Mr. Cook's willingness to sell a portion of the property (approx. 4-5 acres) which would place them under the 25-acre requirement. Was Mr. Cook sincere in his willingness to sell a portion of the property as a "buffer" or not?

- The Wayne County Planning Boards recommendation was not unanimous and included several comments/considerations.

January 2023 Palmyra Planning Board Meeting

- At the January 9, 2023, planning board meeting, the board voted to submit a recommendation to the Town Board NOT approving the application
 - Vote was 3 – No, 2 – Yes with conditions
 - Conditions included:
 - 55+ community
 - Lighting requirements
 - Berm, landscaping, and other “screening”
 - Points made against approval:
 - Permanent loss of farmland and wildlife habitat
 - Lower property values of nearby properties
 - Strategic Plan: 6 trailer parks in Palmyra. Current vacancies. Saturation point.

Concerns as adjacent property owner

- Current issues with trespassing including individuals with guns claiming having permission to hunt
- Expansion (as presented) would result in trailers 300ft from my back door and 150ft from the property line.
 - Increase in trespassing, disturbance of wetland and potential for littering and habitat pollution
 - Increase in light pollution, especially during late fall, winter, and early spring months.
- Moved out here for peace, for quality of life, to get away from concentrated living.
- Decrease in property value

Recommendations

- Should Cook Properties approach the board with a new plan in the future, the following recommendations are being proposed:
 - New trailers/park does not extend any farther North than the current park
 - The expansion is designated as a 55+ community
 - Lighting, screening, landscaping be taken into consideration
 - Stipulation that no further expansion will be approved
 - Should there be a 25-acre requirement, board to approve exemption to ~~at~~ ^{allow} the sale of up to 10 acres to neighboring residents to preserve some land and wildlife habitat and also provide an even greater buffer

- Undeveloped land estimated valued \$105,200. Cook Properties sell a portion of the property to the North and East (specifically the woods and portion just south of the wood line) at a fair market value. *See photo below.



Jeff Johncox, 2391 Maple Avenue, stated that he is the closest neighbor to the existing park (30-year resident), and he has never had the problems with trespassing or other issues previously mentioned by his neighbors. The only difference to him is that there are now horses all around him with the smell of manure, and the only light pollution is from the barns...but that he and his wife choose to live there. He continued to comment that he thinks that the newest part of the existing park looks “like it is heading the right way.”

Roger Dunlap, 2455 Maple Avenue, commented that the Planning Board did an investigation of the six existing parks and they are under capacity. He did not understand why the town was even entertaining this, and think it to be an injustice to do so. He stated that the sheriff is there on a regular basis and we do not need to invite more crime to the area. He also was concerned with the potential burden on the school system as there could possibly be upwards of an additional 160 students.

Jackie Krocket, 2745 Daansen Rd, wanted to know the cost of the trailers at the existing park. Mr. Cook said they are \$60K - \$70K, and that the trailers in the expansion would be bigger and more expensive. Each lot would be 7,500 Sq ft, and yes, they could bring their own, new trailers, and could accommodate double wides.

Mike Jaromin, 2819 Macedon Center Rd, wanted to know the age of the trailers that would be allowed brought into the park. Jeff Cook said that they would have to be new. Mr. Jaromin asked again what actual year requirement would be allowed. Discussion ensued. Mr. Cook said new, never lived in, would be considered new.

Ann Neal, 2464 Maple Ave, wanted to know what the board sees as the value of the proposed park to the Town of Palmyra? Mr. Welch explained that the board was here to accommodate the applicant as he has the right to apply, as well to accommodate and listen to those at the hearing. The point of the hearing is to gather information and opinions from the community, as well as the applicant, about the proposed project, so they can make the correct decision.

Keith May, 2450 Maple Ave, wanted clarification as to the procedure that will follow the hearing. Mr. May was informed by the board that a decision by the board needs to be made by March 23, 2023, and only at that point, if a decision to move forward is made. Then, final plans (because the conditions could be changed by the town board), SEQ, etc. will be brought back to the planning board. There will also not be any final decision from planning unless they hear from the school regarding impact. CEO Sheridan said that the district has always said that any children need education will be accommodated. Mr. May reminded the board that they are making a decision for the whole of Palmyra, and to keep in mind the impact on the community, the police impact and school impact.

Jeremy Bedette, voiced a concern that the application on the table is the only option. Mr. Sheridan explained the board can approve, approve with conditions, or disapprove. This is the plan now, and there are options. Again, these are all preliminary plans, unless they are approved. Councilman Cook asked how many acres there are, and was told just over

26-acres are involved. Again Mr. Sheridan explained they are following the Mobile Home Code, and that the code has many requirements when it comes to lighting, setbacks, etc, while also maintaining a green factor to the project.

Dave Mathews, 2018 Meadow Drive, wanted to know who has final approval of the project, and referred to it as a subdivision. Mr. Sheridan stated that this decision is for the Town Board to make, and that this is not a subdivision, it is one property.

Councilman Welch asked if anyone else had any questions. Asked again. And then one final time.

Councilman Cook thanked everyone for coming out, and assured everyone that the board is taking the time to review all the information given. Councilman Welch asked the developer if this would be a cost-effective project if it was cut in size. He said “probably not.”

One more time, any questions?

Pat Converse, 2406 Maple Ave, asked if there had been a market analysis done as there were six mobile home parks in the area. The developer said his answer was still the same, and that the need was strong, and that he was willing to invest millions of his dollars in that belief.

Mr. Johncox asked what the time frame was for the project. The developer stated that he expected to have 25 per year, or 3 yrs.

Mr. May asked when the last time the park was to capacity, and was told has not been at capacity since before he purchased it.

CLOSE HEARING

At 7:51 PM, as there were no questions, Councilman Welch thanked all that came to the hearing, and made the motion to close the public hearing.

Second: Brad Cook

Vote: 3 Ayes. Carried

MOTION TO ADJOURN

At 7:52 PM, Doug DeRue made the motion to adjourn the meeting.

Second: Brad Cook

Vote: 3 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

**REGULAR MEETING
PALMYRA TOWN HALL
THURSDAY FEBRUARY 23, 2023 AT 7:00 PM**