

**PUBLIC HEARING
DANIEL GOTTERMEIER AUTOMOTIVE REPAIR SHOP---
SPECIAL USE AUTHORIZATION**

**PUBLIC HRG.
---DANIEL
GOTTER-
MEIER AUTO
REPAIR
SHOP---
SPECIAL USE
AUTHORIZA-
TION**

The Public Hearing scheduled to be held on Monday, December 29, 2003, at the Palmyra Town Hall, Palmyra, New York to consider the special use authorization for Daniel Gottermeier to operate an automotive repair shop under the name of Liberty Auto Service, at 3262 Palmyra-Marion Road, Palmyra, was called to order at 7:30 PM by Town Supervisor David Lyon.

Those present at this public hearing:

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

Also present at this public hearing:

Daniel Gottermeier, 3262 Route 21, Palmyra, applicant
Jeffrey T. East, 3289 Route 21, Palmyra, resident
Robyn East, 3289 Route 21, Palmyra, resident
Gerald R. East 3316 Route 21, Palmyra, resident
Nick Leeuwen, 3298 Route 21, Palmyra, resident
Mark Lindsay, representing *Courier-Journal*
Robert A. Grier, Code Enforcement Officer
Nelson F. Cook, Highway Superintendent
Lynne Green, Town Clerk

The Town Clerk read the legal notice for the Special Use Authorization for Daniel Gottermeier:

**LEGAL NOTICE
TOWN OF PALMYRA
DANIEL GOTTERMEIER – 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 Monday, December 29, 2003 at 7:30 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Daniel Gottermeier, 3262 Palmyra-Marion Rd., Palmyra, NY 14522, for a Special Use Authorization for an automotive repair shop under the name of Liberty Auto Service.

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 3262 New York State Route 21 and is bounded on the North by property reputedly owned by Daniel Gottermeier, tax parcel #65113-00-498903 and bounded on the East by property reputedly owned by Gerald East, tax parcel# 65113-00-543925 and bounded on the South by property reputedly owned by Anni Irmer, tax parcel #65113-00-550802 and bounded on the West by property reputedly owned by New York State Route 21.

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 15, 2003

Lyndall Ann P. Green, Town Clerk

HEARING
OPEN

At 7:32 PM, the Town Supervisor announced that the hearing was open for any comments from those in attendance. Gerald East stood up first and explained that the information in the legal notice needed correcting: the property on the north is owned by Gerald East—not Daniel Gottermeier, East also owns the property to the east as well.

(NOTE BY TOWN CLERK: In actuality, Gottermeier DOES own a very small triangular piece of property [tax parcel #65113-00-498903] directly to the north of the property where his shop is located– the property for which this variance is requested [tax parcel #65113-00-497891]. The legal notice is correct.)

Gottermeier spoke next saying he has been doing this type of work for 16 years for other garage owners and dealers. He has no intention of selling cars there, that what's there now is the way it will stay. He plans to use the fenced area behind and to the side of the shop, and a shed behind the shop to conduct his business. He would like to earn a living doing this and is willing to abide by the rules and thoughts of the town and his neighbors.

Gerald East spoke again, saying he owns the property around Mr. Gottermeier's, and is planning to build a house next door. He likes country living, having lived there 71 years. He is basically opposed to having an automotive repair shop there since Gottermeier has only about one acre of land, which he felt was too small to do what he wants to do. He didn't think he really needs up to 20 cars there and doesn't wish to have the property changed, but he would abide by it if the application is approved.

Nick Leeuwen, also a neighbor, wanted clarification of *"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"*. Supervisor David Lyon called a recess at 7:37 p.m. for Code Enforcement Officer Bob Grier to go to his office to get a code book. At 7:39, Grier returned and read Article VII of Section 7.1 to those in attendance. Leeuwen stated that was all he wanted.

Supervisor Lyon asked Clerk Lynne Green to read the county planning board's recommendation and the town planning board's recommendation concerning this application.

The following are the comments and recommendations:

Town Planning Board meeting December 8, 2003:

Item #6: Recommendation to Town Board– Daniel Gottermeier

Chairman James Hodock asked the board if they have any questions regarding the Special Use Application for an automotive repair shop. Chairman James Hodock asked the applicant to tell the board what he intended to do on his property. Mr. Gottermeier explained that he would like to open an auto repair shop in the building on his property located at 3262 Rt. 21 North. He further stated that this would be his primary source of income and that he would abide by any reasonable conditions set down by the board. Lyman Kaller asked if there would be any unlicensed vehicles and did he plan on selling cars. Mr. Gottermeier said he thought 10 unlicensed and 10 unlicensed vehicles would be on site at any given time and that he had no intention of selling vehicles. Mr. Grier stated that the New York State Code would only allow 1 unlicensed vehicle on private property. William Baker asked if he had enough room to put the cars inside. Mr. Gottermeier stated he could accommodate about 5 or 6 cars inside. Lyman Kaller voiced his displeasure with the sketch that had been filed with the application. He stated it was very difficult for this board and the County Board to evaluate the property using this sketch. He recommended strongly that a better sketch be submitted both to the Town Board and County Board for their review. After some general discussion the Town Planning Board felt this would be a reasonable use of the property given the commercial nature of the surrounding area. After further discussion the Planning Board made a motion.

MOTION: James Hodock made the motion to give a favorable recommendation to the Town Board with reservations and concerns that the applicant provide a detail plan of the property for the proposed business. Second: Neil Gates. Vote: Unanimous.

County Planning Board meeting December 10, 2003:

At its meeting on December 10, 2003, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the special use grant.

The Board does feel that it would be helpful for future review purposes (and may ultimately protect the Town) if all referrals AT LEAST included scaled drawings that have: a title/applicant's name, scale, north arrow, property lines, existing and/or proposed structure location(s), labeled dimensions, driveway and parking locations, screening location(s) and site distance information. Additional information (i.e.: zoning setback and other restriction lines, septic information, perc tests, wetland areas, floodplain delineation, etc.) would be helpful for reviewing new subdivisions or site plans.

Bret DeRoo, Sr. Planner

**TOWN
PLANNING
BOARD
RECOM-
MENDATIONS**

**WAYNE CO.
PLANNING
BOARD
RECOM-
MENDATIONS**

Jeff East, 3289 Route 21 North, was the next speaker. He said he owns the 114-acre farm directly to the west, and opposes the garage. His opposition was principally due to the 10 unlicensed cars. Gottermeier said the number was only an estimate and that it was high—an outside limit.

Supervisor Lyon interjected that this is something the board will consider when making their decision.

Jeff East also was opposed because he feared drainage of oil and other automobile fluids, etc. which could contaminate the creeks which run on his and his dad's (Gerald East) properties. He said he has a business on his property too, and he keeps his equipment under cover, and expects others to do the same.

Nick Leeuwen again spoke up concerned about the line of sight on Route 21 for cars pulling out of Gottermeier's driveway.

Councilman Dave Nussbaumer agreed with Jeff East saying he, too, was opposed to having too many unlicensed vehicles on the property.

**PUBLIC
HEARING
CLOSED**

Supervisor Lyon asked if there were any more questions or comments about the application for a special use authorization by Daniel Gottermeier. Hearing none, he declared the hearing closed at 7:48 PM.

REGULAR MEETING OF THE TOWN BOARD

CALL TO ORDER

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, December 29, 2003, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:49 PM by Town Supervisor David C. Lyon.

**PLEDGE OF
ALLEGIANCE**

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

ROLL CALL

Upon roll call, the following board members were present:

- Town Board Members: David C. Lyon, Supervisor
- David Nussbaumer, Councilmember
- James Welch, Councilmember
- Michael Lambrix, Councilmember
- Kenneth Miller, Councilmember

Others in attendance at the board meeting:

- Mark Lindsay, representing *Courier-Journal*
- Robert A. Grier, Code Enforcement Officer
- Nelson F. Cook, Highway Superintendent

Motion was made by David Nussbaumer to approve the minutes of the December 15, 2003 meeting of the Town Board. Seconded by Ken Miller. Voting was unanimous in the affirmative..

**MTN: APPRV
MINUTES OF
12/15/2003 MTG**

CORRESPONDENCE

1. Petition for municipal water service: A petition dated December 15 was received from residents of Floodman and East Palmyra-Port Gibson Roads. The cover letter indicates "for many homes in this area, the quality of well water is very poor. The ground water contains many minerals at high levels that many residents resort to water softeners and filtration systems only to be unable to drink the water. Landowners I have spoken to in this area have voiced their desire to build on a variety of lots in this area. However, they choose not to due to the poor quality drinking water... .Please consider our request to expand the water district to include our homes." Letter is signed by Annette Yost.

**CORRES-
PONDENCE**

**PETITION FOR
MUNICIPAL
WATER SRVC.
--FLOODMAN
RD.**

In addition to this petition, Supervisor Lyon noted he has also received a petition from part of Parker Road residents requesting water. In addition, a survey is continuing to see if the rest of Parker Road residents would be interested in municipal water.

2. Thank You note to town officials: Town Clerk's office received a thank you card from "Gina of Girl Scout Troop 94" which reads: "Dear Employees of the Palmyra Town Hall, Thank you for the work that you do for the community. You help keep it organized. It is greatly appreciated." Along with the note was a shoe box full of little sealed baggies full of a trail mix she had mixed up so town employees could have a healthy snack. This gesture is part of a service project she is working on for her Girl Scout Troop.

**GIRL SCOUT
THANKS
TOWN
EMPLOYEES**

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

1. Councilmember Miller informed fellow board members that Jay Harding has been working on the parking lot lights. One has been fixed so that it is on permanently, the one by the road is off and on intermittently, and, although the electrical wiring is "kind of a mess," progress is being made. It appears to have been a "major rig job" and wires may have to be pulled. Harding is now making up a list of options and coming up with a wiring diagram.
2. He also noted the ants in the kitchen are gone, that there is a new cigarette disposer on the front portico near the columns, and that

**UPDATE ON
WORK DONE
AT TOWN
HALL**

the kitchen sink drains have more than minor problems. He asked board members for recommendations on a good plumber to call.

Highway Committee – Michael Lambrix, Chairman

HIGHWAY DEPT UPDATE

1. Councilman Lambrix asked Highway Superintendent Nelson Cook to update the board on his department. Town plows have been out during the month but, with the warmer weather, he has his crews working on equipment repairs and on projects around the town barns.

BIDS AWARDED FOR HWY DEPT EQUIPMENT

2. On December 18, Cook took sealed bids for purchase of several pieces of equipment. He handed out a packet with bid details and a summary sheet for each. He feels the bids were awarded to the "most responsible" bidder. He also met with the town attorney and highway department employees before making a final bid determination. He added that specifications for his equipment has become more complicated than in earlier years. He asked the board to authorize the purchase of:

MTN: APPRV WHEEL LOADER PURCHASE

a. Loader: 4 companies picked up specifications, 2 submitted bids. Michael Lambrix made the motion to award the purchase of a new and unused 2004 model Wheel Loader to Five Star Supply, 60 Paul Rd., Rochester, NY at a cost of \$165,790.00. David Nussbaumer seconded the motion. There was no discussion nor were there questions. Voting was unanimous in the affirmative.

MTN: APPRV TRUCK PURCHASE

b. Truck: 3 companies picked up specifications, 2 submitted bids. Michael Lambrix made the motion to award the purchase of a new 2004 minimum 66,000 GVW-rated Heavy Duty current production tandem axle truck cab and chassis to Genesee Truck Sales, 1280 Jefferson Rd., Rochester, NY at a cost of \$77,967.00, as an outright purchase without trade. Dave Nussbaumer seconded the motion. There was no discussion nor were there questions. Voting was unanimous in the affirmative.

MTN: DUMP BODY & HOIST

c. Dump Body and Hoist: at least 3 companies picked up specifications, 2 submitted bids. Mike Lambrix made the motion to award the purchase of a new 2004 Heavy Duty aluminum Dump Body and Hoist to T-W Truck Equipppers, Inc., 174 Colvin St., Rochester, NY, at a cost of \$18,939.00, as an outright purchase without trade. Dave Nussbaumer seconded the motion. There was no discussion nor were there questions. Voting was unanimous in the affirmative.

Supervisor Lyon pointed out that these pieces of equipment were included in this year's budget, that in each case, the lowest bidder received the board's approval, and that the total came in at roughly \$10,000 less than had been budgeted for them.

3. Cook said recycling efforts are underway for Christmas trees left at the curb in the village. The trees are then chipped into a mulch.
4. Michael Lambrix made the following resolution:

**RECYCLING
OF CHRIST-
MAS TREES
IN VILLAGE**

Resolution to transfer the amount of \$1,900.00 from General Fund's fund balance to Common Highway Facilities Reserve. This amount represents a balance in the Garage – Contractual Expense account and would be used towards roof repairs and/or replacement.

**BUDGET
TRANSFER
FOR
GENERAL
FUND**

Dave Nussbaumer seconded the motion. Voting was unanimous in the affirmative.

Resolution to transfer the amount of \$94,500.00 from DA Highway Fund's fund balance to Machine Reserve. This amount represents available excess funds to use for purchase of equipment.

**BUDGET
TRANSFER
FOR DA
HIGHWAY
FUND**

Dave Nussbaumer seconded the motion. Voting was unanimous in the affirmative.

Councilman Welch then asked Cook if there was any more progress on the break room at the highway garage. Cook said there has been. Funds had been generated from emergency work done after the ice storm and at the auction, so that funds could be transferred into the reserve fund to cover construction costs at the highway garage.

Planning Committee – James Welch, Chairman

Action on Public Hearing—Gottermeier: James Welch made the motion to table action on Daniel Gottermeier's request until the January 15th meeting of the Town Board. He said that to be fair to the applicant and to the neighbors, he would go out and view this for himself. Mike Lambrix seconded the motion, and voting was unanimous in the affirmative.

**MTN: TABLE
GOTTER-
MEIER'S
REQUEST
UNTIL JAN.
15 BD. MTG.**

Zoning Committee – David Nussbaumer, Chairman

1. David Nussbaumer made the motion to reappoint Richard Kotwas to the Zoning Board of Appeals, for a five-year term beginning October 1, 2003 and ending September 30, 2008. James Welch seconded the motion. Voting was unanimous in the affirmative.

**MTN: RE-
APPOINT
RICHARD
KOTWAS TO
ZONING BD.
OF APPEALS**

**CEO REPORT
FOR
DECEMBER**

- 2. CEO Report for December: Code and Zoning Enforcement Officer, Bob Grier, provided board members with a report of December's Building Permit activity, as well as a recap of permits issued since March 25, 2003. He said he issued 276 permits this year, which is over 100 more than last year. Dave Lyon asked Grier why this might be. Grier explained that he thinks word is getting out about what is required for permits. He added that the permits have grown dramatically since 1986 when the Code and Zoning Enforcement Officer position changed from part-time to full-time.

Lyon felt there was much better policing of buildings in town and wanted Grier to know that we appreciate it.

- 3. Grier also stated that, concerning increasing the fee schedule, and after further review, he has decided to leave the fees in 2004 the same as they have been in 2003.

AGENDA ITEMS

**TOWN CLERK/
ARCHIVE RPT.
FOR
DECEMBER**

- 1. Town Clerk/Archives Report: Betsy Lewis, Deputy Town Clerk, prepared December's Report to the Board, detailing work and personnel issues during the month. She made a formal request to the Town Board to recognize Jeanne and Jack Drake, who have transcribed minutes of town meetings since 1793, but specifically from 1806 through 1809 during December. The couple regularly comes to the office at least once a week, to put into typed format the handwritten minutes of Palmyra's past. Many times the writing is difficult to decipher, being in several different styles of handwriting. In addition the ink is faded on these yellowed pages. The information is fascinating for the historian, and our old leather-bound volumes can be archived so as not to deteriorate further.

Mike Lambrix read the following resolution thanking the Drakes:

**RESOLUTION
RECOGNIZING THE VOLUNTEER WORK OF
JEANNE AND JACK DRAKE
2003**

**RESOL. TO
RECOGNIZE
VOLUNTEER
WORK OF
JEANNE &
JACK DRAKE**

WHEREAS, the Town has enjoyed the benefits of the volunteer work of Jeanne and Jack Drake during the year 2003, by their transcriptions of the handwritten minutes of meetings dating as far back as 1793 in the Town archives, and

WHEREAS, Jeanne and Jack Drake have served diligently and regularly giving several hours of their time each week in the Town Clerk's office, and

WHEREAS, the Town Board of the Town of Palmyra wishes to recognize them for their efforts and dedication to the Town,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Palmyra does hereby pause in its deliberation to recognize Jeanne and Jack Drake for their special service rendered to the people of the Town of Palmyra.

BY ORDER OF THE TOWN BOARD
DECEMBER 29, 2003
LYNDALL ANN P. GREEN
TOWN CLERK

Mike Lambrix made the motion to approve the resolution. Ken Miller seconded the motion. In the discussion, Miller recommended that all town board members sign the resolution and that a suitable frame be purchased to protect the resolution before it is presented to the Drakes. Voting was unanimous in the affirmative.

MTN: APPRV.
RESOLUTION
FOR DRAKES

- 2. Resolution to increase dog license fees—Local Law #1 2004: Although the Town Board agreed by motion to increase dog license fees for 2004, upon further research, it was found that it can only be accomplished by resolution amending Local Law #2 1986, and after a public hearing of the proposed local law.

The following resolution was read by Town Clerk Lynne Green:

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

BE IT RESOLVED that Local Law 1 in the year 2004 Amending 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 Town Hall, 1180 Canandaigua Road, in the Town of Palmyra, New York at 7:30 p.m. on the 29th day of January, 2004.

BE IT FURTHER RESOLVED that the Town Clerk publish or caused 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: DECEMBER 29, 2003
LYNDALL ANN P. GREEN
PALMYRA TOWN CLERK

RESOL:
INTRODUCE
LOCAL LAW
AND NOTICE
OF PUBLIC
HEARING TO
RAISE DOG
LICENSE
FEES

Mike Lambrix made the motion to approve the resolution and to set the date for the hearing on January 29, 2004. Dave Nussbaumer seconded the motion. Voting was unanimous in the affirmative.

MTN: APPRV.
RESOL. &
SET
HEARING
DATE ON
JAN. 29, 2004

- 3. Closing journal entries for 2003: Supervisor Lyon read the following resolution to close journal entries for 2003 to the town books:

**RESOLUTION
CLOSING JOURNAL ENTRIES FOR 2003**

**MTN: APPRV.
RESOL TO
CLOSE 2003
FISCAL YEAR**

BE IT RESOLVED, that the Town of Palmyra bookkeeper, Petra Anderson, be authorized to make any necessary adjusting and budgetary journal entries in closing the 2003 fiscal year.

After reading the resolution, Lyon made the motion to approve this resolution. Dave Nussbaumer seconded the motion. Voting was unanimous in the affirmative.

**MTN: APPRV
CLAIMS &
VOUCHERS ON
ABSTRACT 60**

- 4. Abstract #60—Claims and Vouchers: Dave Nussbaumer made the motion to approve the claims and expenditures as shown on Abstract #60, which includes voucher numbers 4687 through 4741, for a total of \$103,107.46. Michael Lambrix seconded the motion. Voting was unanimous in the affirmative.

- 5. Conifer Realty Resolution: Received too late to be included on the agenda was a resolution from Conifer Realty concerning funding assistance for their proposed Willow Landing Apartments. Town Clerk Lynne Green read the resolution:

**CONIFER REALTY RESOLUTION
FUNDING ASSISTANCE**

**RESOL:
CONIFER
REALTY
FUNDING
ASSISTANCE**

RESOLVED, that the Town Board of the Town of Palmyra does hereby support the proposal and application of Conifer Realty, LLC for funding assistance from NYS DHCR for the Willow Landing Apartments in order to provide it as affordable housing for the citizens of this community. The Town of Palmyra board encourages NYS DHCR to approve the funding assistance necessary to implement the proposed improvements; and

IT IS FURTHER RESOLVED, that the above statements of support are based upon the facts presented to the town and the assurances of Conifer Realty, LLC, that the Willow Landing Apartments will continue to be operated as housing for the family sector of low income.

**MTN: APPRV
RESOL FOR
FUNDING**

Dave Nussbaumer made the motion to approve this resolution. Ken Miller seconded the motion. During the discussion, Jim Welch asked why this resolution was necessary. Dave Lyon said although it is the same motion passed by the board last year, Conifer hadn't received the funding assistance they had hoped for, so they are reapplying for the assistance and need a new resolution from the board. Voting was unanimous in the affirmative.

6. Motion to Adjourn: At 8:23 p.m., Mike Lambrix made the motion to adjourn the meeting. Dave Nussbaumer seconded the motion. Voting was unanimous in the affirmative. **MTN: MTG. ADJOURN**

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**Next town board meeting is scheduled for Thursday, January 15, 2004
at 7:30 p.m. at the Town Hall.**