

TOWN OF EAST BLOOMFIELD

Planning Board Minutes September 18, 2014

Planning Board Members Present: Brad Bennett, Brud Hedges, Julie Pellett, Daniel Compton, Karl W. Smith, Kip Jugle.

Absent: Gene Rogers.

Others Present: Andy Hall (CEO), Kim Rayburn (Secretary), Michelle Chase (Owner), William Singer (Owner)

Bennett opened the meeting at 7:30 pm and Rayburn read the public hearing.

I. 7:30pm # TSP1-14 Special Use Permit for keeping horse's on property of less than 5 acres which is an allowable use with a Special use permit per Article X, section 135-74 of Town Code. Owner Michelle Chase of Tax map #80.00-2-4.140 Lands located at 3029 Bailey Rd Bloomfield, NY 14469.

Bennett asked Chase if her intention was to have two horses, she stated that she would like one horse at this time but she would own no more than two. Compton asked her if she owned a horse at this time, Chase stated that she does and it is currently being boarded in Stanley. A discussion was held on the site plan; there will be a second shed /run in horse stall located on the property and two fenced in grazing areas that take up approximately $\frac{3}{4}$ of the property and are around two hundred and fifty feet wide. Compton asked if the horse was for recreational use, Chase stated that she shows horses and enjoys trail riding with her friends.

Bennett asked about the removal of manure as Chase had stated in her letter of intent that she would be hauling the waste off site. Chase stated that she has a dump trailer and would be hauling the manure off site to her parents' house as they have thirty five (35) acres.

Smith made a motion and Pellett seconded the motion to close the public hearing, as there were no public comments. All Board members present voted aye, vote was carried unanimously.

Compton made a motion and Hedges seconded the motion to declare this an Unlisted Action with a negative declaration with no further review required.

All Board members present voted aye. Vote was carried unanimously.

Planning Board Decision:

Compton made the motion and Smith seconded the motion to approve # TSP1-14 Special Use Permit for keeping a maximum of two (2) horses on a property of less than 5 acres Article X, section 135-74 of Town Code. Owner Michelle Chase of Tax map #80.00-2-4.140 Lands located at 3029 Bailey Rd Bloomfield, NY 14469.

Whereas:

- 1. Construction of shelter that meets building code shall be in place before the arrival of a horse**
- 2. Proper fencing shall be maintained**
- 3. Follow the letter of intent as provided to the Board**

Record of Vote:

Brad Bennett Aye
Brud Hedges Aye
Julie Pellett Aye
Dan Compton Aye
Karl W. Smith Aye
Kip Jugle Aye

All Board members present voted Aye, Vote carried unanimously.

II. 7:45 TSP6-11 Amendment to existing Special Use Permit for the sales of used cars, Owner William Singer tax map # 81.00-1-25.120 located at 6678 St Rts 5&20 would like to erect two additional Commercial structures, one pole barn for the repair of vehicles and one shed for the storage of parts.

Bennett stated that the original request and approval for a Special Use Permit was for the sale of used cars. He read the original letter of intent which stated William was moving the used car sales lot from the neighboring parcel that is owned by his brother onto his lot, and he was also going to bring the existing sales structure, an underground electric service and water service to his lot. The letter of intent also stated that William would eventually be looking to add a pole barn type structure that will contain an office /sales area and a space for repairing and cleaning vehicles. Bennett asked Singer what the current situation was at the lot, Singer stated that he has a little sales shed he brought over from his brothers lot. He would now like to erect an approximately 17 x 25 pole barn to work on vehicles, and a second structure/storage shed to store his parts and tires in. Bennett asked about the electric and water service, Singer stated that he does have an electric service but does not have water. Bennett asked if there were any other structures on the property, Singer stated there was not. Jugle stated that currently there is a truck body and a semi-truck storage container on the property. Singer stated that he had to take down a building/structure he had erected without obtaining a building permit, so the semi-truck container is there temporarily for storage until he can get a building up. Bennett asked if the wheels were under the container, Singer stated they were not, but he kept them so they can be put back on when the storage is no longer needed. Bennett stated that once the wheels are removed it is no longer mobile and it does become a structure. Singer stated that he took the wheels off to make the container easier to get in and out of as he cannot climb in and out of it with the wheels on, but it is temporary. Singer stated he has operated for fifteen (15) years on a very low budget and that he already has the materials to build the storage shed; eventually he would like to put up a nice building with bathroom facilities, but at this time he cannot afford it.

Bennett asked Singer if he had employees, Singer stated that he does not, however he has people that do work for him as private contractors. Bennett asked if there were any facilities for them, Singer stated there was not. Bennett asked what they did when they needed to use facilities; Singer stated they do whatever they choose to do. Bennett asked if there were vehicle repairs being done now and what types of repairs. Singer stated that there is and they repair anything they would encounter when purchasing a used car such as transmission and engine changes to brakes and tune ups. Jugle stated that brakes and tune ups were all that was discussed at the original SUP review, nothing was ever discussed about this type of work. This type of work is a full blown repair shop and it is drastically different than the original intent. He asked if there were facility's in place for waste disposal, hazmat materials, etc. Singer stated that he does not do oil changes, Compton asked if he purchased used cars and sells them to the public without changing the oil, Singer stated that he has oil changes and tires done at Trombley Tire in Canandaigua, they do the NYS inspections also. He asked about changing out an engine or transmission ,Singer would need to deal with fluids by doing this type of work.. Singer stated he does not deal with fluids as he takes the entire engine out with the oil still in it. Bennett asked what happens to the old engine, Singer stated that most of the time he takes it to the junk yard and there is a core charge, or it may sit at his lot in case they need it for parts. Singer stated that he is trying to clean up the property and make it look better; he is trying to help the community with his business which is buy here pay here, and if someone that has purchased a car from him and it needs a repair they will fix it at a very reasonable cost to them to keep them going.

Jugle stated that he would be in favor of pulling the existing SUP because Singer is currently operating significantly different than his original SUP was granted for. Bennett commented that Singer had stated when he sells a vehicle and there is a problem with it the purchaser brings the vehicle back for repair, so now Singer is operating as a service and repair shop not just a used car lot which puts him in violation of his current SUP to have a used car lot. Singer stated that he does not solicit work but repairs vehicles he sells. Singer stated that he tries to help out his customers, some are making payments to him for the vehicle, and they will not be able to afford a repair bill on top of the monthly payment so he does the repair and adds the cost onto what the customer owes him. He stated that he does not solicit work, he gets his own cars ready for sale and repairs cars he has sold if needed.

Bennett stated that before we amend the SUP we need to get Singer into compliance with what is there now.

Jugle stated that a detailed site plan and a better description of all the structures will be needed. He is uncomfortable amending the current SUP with the information they were provided. A structure which was not up to code was erected without a permit and the Code Enforcement Officer had to go through a lengthy and pricey process to get that structure removed.

There are two additional structures on the property now and Singer is requesting another two additional structures. He stated that with the history of the property and the current concerns surrounding the property we need more information on the definite size of the buildings, what they are going to be made of, and where they are going, the use intention for each structure and the site plan should show the electrical path. Bennett stated that if there will be any additional outside lighting it will need to be downward facing and dark sky compliant. Also the Board wants to know what will be done with the existing two (2) temporary structures and asked Singer to supply them with a timeline of events for the proposal. A discussion was held on the truck body and trailer container and Singer stated that he could remove them after the storage shed is erected, but he would like to keep them until both buildings are built. Singer stated that he should be able to erect both buildings by spring time of next year. Compton asked if Singer was going to reconstruct the structure that he took down, Singer stated he would not. The existing 17x 25 concrete pad will be used for one of the structures.

Jugle commented that a single building vs multiple buildings would be better, but that is not what is proposed. Compton and Jugle stated that a service or repair shop would be held by different standards than just a used car sales lot. Singer must have a plan in place for the fluids because a leak could occur even if he is not conducting oil changes. There are engines and transmissions being swapped out that could create a loss of or a need of fluids. Bennett informed Singer that his original SUP was for the sale of used cars/passenger vehicles only, but The Board has seen other vehicles for sale. Singer stated he has a tractor trailer for sale on his lot now, The Board told him he is not allowed to sell anything other than cars and passenger vehicles.

Singer asked if he could continue doing his customer service repairs, the Board stated he could not until his SUP has been amended and approved. The Board would like to have Singer come back with a completed plan for their review before any decisions can be made and a public hearing has been held.

Jugle made a motion and Hedges seconded the motion to table the request until singer can provide the requested detailed site plan and supporting documents. All Board members voted Aye, vote was carried unanimously.

The Board discussed the possible need for additional buffering due to the condition the property has been seen in. There has been brakes, used oil, batteries, motors etc.

III. Discussion

A discussion was held on the driveway for the Dollar General. The DOT has made a change to the driveway entrance but they have not sent approval or a driveway permit as of this date.

Bennett updated the Board regarding the court case in West Bloomfield between the gravel pit and the Town. The court ruled in favor of the Town on their rezoning.

IV. Minutes of August 21, 2014

Bennett made a motion and Compton seconded the motion to approve the minutes of August 21, 2014

All board members present voted Aye, with the exception of Pellett and Smith who were absent at the August 21st meeting. Vote was carried.

V. Meeting Adjourned

Smith made a motion and Hedges seconded the motion to close the meeting @ 9:20 pm.

All Board members present voted Aye, Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary