

**PUBLIC HEARING AND
REGULAR PLANNING BOARD MEETING HELD MAY 06, 2008**

Present: Michael Chase, Chairman
Laurent Gurewitch
Vincent DelGatto, Jr.
Judy Robinson
Absent: Daniel Cianfoni

Others attending: Deborah Frederick, Pam Twitchell, Betty Ross, Chris Livermore, Terry Duerr, Lynn Johnson

Recording: Rita J. Gurewitch, Planning Board Clerk

Chairman Chase called the meeting to order at 7:05 pm.
The minutes from the April 2008 meeting were read and approved upon motion.

CL ENTERPRISE – CHRIS LIVERMORE – 28 CENTER STREET

Chairman Chase opened the public hearing and had the clerk read the legal notice. Mr. Livermore, of CL Enterprises has requested a Special Use Permit at 28 Center Street. He would be operating a truck and trailer repair shop (tenant to property owner Carl Duerr). He is a ASE Certified Master Truck Technician. Mr. Livermore Chairman stated it is heavy truck and trailer repairs. Chairman Chase asked for any comments from those present.

Betty Ross: What are the hours of operation?

Chris Livermore: Basically Monday through Friday, 8am to 5 pm, but it is a 24 hours emergency service, that is usually completed at the breakdown site. Occassionally repairs will have to be done on site. No double tractor trailers.

Deborah Frederick – What kind of truck repair?

Chris Livermore – heavy truck repair, engines, cabs, trailers. 90% will be repaired elsewhere. 10% on site.

Pam Twitchell – Will most be done behind the building?

Chris Livermore – Yes.

PBM Judy Robinson – A trail will be going behind the building, will the area be cleaned up and maintained?

Chris Livermore – I have a storage trailer to store things. It is body repair only. No fiberglass.

PBM Laurent Gurewitch – No diesel engines to run, all trucks out back. What about the lighting?

Terry Duerr – Any existing lighting that's there will be used. Will be painting the building.

Chris Livermore – If this location is successful (he has been in business 1993), he has two full time employees. He will use two bays and three workers.

Chairman Chase – Special Use Permits are reviewed yearly.

PBM Vince DelGatto – How many trucks repaired on site in a week?

Chris Livermore – One this week.

PMB Judy Robinson – She is concerned about road damage. Some of the trucks 40 ton. No impact on air quality. Ingress & egress is to be off Route 21.

Deborah Frederick – Will there be a buffer?

Terry Duerr – He will make the property nicer.

PBM DelGatto – 8 to 5 is reasonable.

Pam Twitchell – Are you open Saturday?

Chris Livermore – Yes, any noise will be inside the building and won't be heard.

PBM Robinson – Not to have junk pile around.

Chris Livermore – Oil is contained and DOT maintained. All oil is picked up and recycled.

Betty Ross – The dairy when is operation was all night and we got used to that.

Deborah Frederick – Do you tow?

Chris Livermore – No. We are located at the Baker Rental Building in Canandaigua now.

The Public Hearing was closed at 7:27 pm.

Chairman Chase open the regular meeting at 7:30 pm.

The minutes of the April meeting were review and approved upon motion.

Chairman Chase addressed those present stating that this is the third request from separate individuals to have a heavy motor vehicle repair shop at this location. Various other Public Hearings, both by the Planning Board and Zoning Board of Appeals have been held for this location. Due to Village Code Section 100-52K “no motor vehicle service station or auto repair shop and no driveway to any such use shall be established within

200 feet of the boundary line of any residential district” the village attorney was contacted to see if the previous area variance would carry to this property location. It is the interpretation of this Planning Board that the current variance obtained within the last six months from the Zoning Board of Appeals does not need to be revoked or terminated, ergo a variance is currently in place for this location for the same business description.

A Short Environmental Assessment Form was submitted. The board proceeded in reviewing the SEQR. After completing Part II of the EAF, Ms. Robinson introduced the following NEGATIVE DECLARATION resolution, seconded by Mr. DelGatto who moved its adoption:

WHEREAS: In accordance with Section 8-0113 Article 8 of the New York Environmental Conservation Law, the Planning Board of the Village of Manchester has conducted an initial review to determine whether CL Enterprises project may have a significant affect on the environment, and;

WHEREAS: The Planning Board has compared the application and plans submitted with the criteria set forth in Part 617.7 of the Regulations, and;

NOW, THEREFORE, BE RESOLVED, The Planning Board of the Village of Manchester, as lead agency, has determined on the basis of that review that (1) The proposed project constitutes an “Unlisted Action” since it has not been classified as a Type 1 Action or a Type II, and (2) that the proposed action described will not have a significant environmental impact and an Environmental Impact Statement will not be prepared.

The above resolution was put to roll call vote, which resulted in the following:

Michael Chase	Voting	“AYE”
Judy Robinson	Voting	“AYE”
Vincent DelGatto	Voting	“AYE”
Laurent Gurewitch	Voting	“AYE”

The resolution was thereupon declared duly adopted.

RESOLUTION – SPECIAL USE PERMIT – CL ENTERPRISES

WHEREAS, the proposed special use (HEAVY TRUCK MOTOR VEHICLE REPAIR SHOP) is consistent with the general intent of the village’s Comprehensive and Strategic Plans, and;

WHEREAS, the location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the use district, and;

WHEREAS, the operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use, and;

WHEREAS, the proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provisions of this Article, and;

WHEREAS, the Code Enforcement Officer shall make an on-site visit not less than one (1) time each year to ensure that the use is being operated in accord with the conditions specified to protect public health and safety, the quality of natural resources and the value of property. If the CEO determines that a violation exists, the certificate of occupancy shall be null and void and a new special use permit application shall be required, and;

THEREFORE BE IT RESOLVED, that the Village of Manchester Planning Board, does hereby grant a special use permit to CL ENTERPRISES, Chris Livermore.

BE IT FURTHER RESOLVED, that the egress/ingress will be off of State Route 21.

The above resolution was offered by Michael Chase, seconded by Vincent DelGatto, Jr. and put to a roll call vote as follows:

Michael Chase	Voting	“AYE”
Judy Robinson	Voting	“AYE”
Vincent DelGatto	Voting	“AYE”
Laurent Gurewitch	Voting	“AYE”

The resolution was thereupon declared duly adopted.

OTHER BUSINESS:

Ms. Frederick stated her concerns with air quality about the SEQR granted. Chairman Chase said the Public Hearing was closed, but that the engines of the trucks are not allowed by law to run for long periods of time.

Ms. Frederick inquired as to the status of Paddocks (apartment complex on State Street). No building permit has been issued as of this date.

Ms. Frederick inquired as to the possibility of a community garden. Clerk Rita Gurewitch informed her that Trustee Sharon Trimm from the Village of Shortsville is considering starting a community garden and will give Ms. Frederick contact information.

Mr. Duerr inquired as to mailing addresses of property owners on Center Street. Clerk Rita Gurewitch informed him that the Freedom of Information Law would require him to fill out the necessary request forms.

The next Planning Board Meeting will be Tuesday, June 03, 2008 at 7:00pm.

Meeting adjourned on motion at 8:11 P.M.

Respectfully submitted,

Rita J. Gurewitch
Clerk/Treasurer