

Town of Manchester Planning Board Meeting Minutes

August 20, 2024 – 7:00pm

Present: Board Members Tammy Worden, Lee Sander, Christine Ciardi, and Pauline DeCook; Chairman Scott VanAken; Code Enforcement Officer Steve DeHond and Secretary Laurel Pitcher.

Absent: Board Members Jefferey Flower and Steve Buerman.

Also Present: Property Owners Steven Gardner and Courtney Gardner and Neighbors Todd Cummings and Christie Cummings.

Application #4658-24: Consider Siteplan – Use Variance #4658-24 submitted by Steven Gardner who is requesting to operate a used car sales business on property located at 1022 State Rt 21, tax map no. 20.00-1-47.111 in a A-1 district pursuant to Chapter 325 Section 325-62.1-325-65.3-Table 25-2 permitted uses.

Steven Gardner began by giving the Planning Board an overview of his property and what he intends to do with it. He said that he currently has a shop there and the land is zoned AG, but that a Cornell study which was presented to the Board shows that the land is not farmable. Steven said that he would have a maximum of ten unregistered cars on the property at any given time. He also said that he plans to be open by appointment on the weekdays between 4:30pm and 7:00pm; Saturdays from 9am to 1pm; and closed on Sundays. He also said that there would be no visible impact from the road.

Board Member Lee Sanders verified that the applicant is trying to start a used car dealership. He also asked if he is currently selling cars. Applicant Steven Gardner does not currently sell cars, but he has in the past. According to New York State rules, he must have a legitimate address in order to operate this dealership, and that’s why he’s bringing this project before the Board.

Chairman Scott VanAken asked Mr. Garnder where he plans to source vehicles from and if he’ll fix them himself. Steven said that he gets vehicles from online wholesale auctions. He also said that he’s not looking to be a repair business, so he wouldn’t need to obtain a repair shop license through New York State.

Scott then asked the applicant how he plans to handle warranty concerns. Steven Gardner said that he plans to send recalls out to a dealership, and anything else he would most likely repair. Chairman VanAken clarified with the applicant whether he would have a repair area on site, and Mr. Gardner said that he does have a small repair area.

Board Member Tammy Worden asked how the applicant plans to handle disposal and leakage of fluids. The applicant said that he doesn’t have much fluid waste; he said that most oil changes would be outsourced because it doesn’t make sense for them to do that onsite. Steven said that most of the used oil he would have onsite would be from personal vehicles and that it is all contained.

Chairman Scott VanAken continued the meeting by reading some of the minutes from the County Planning Board meeting. Those are as follows:

Comments

1. Was the property zoned Ag with the current use restriction when purchased? This information is relevant to whether the hardship was self-created.
2. Does the applicant plan on hiring employees in the future?
3. What are the hours of operation? Will the noise level be appropriate for the area?
4. Where will the vehicles be displayed? On the ground? Will vehicle repair be taking place? There is potential for environmental contamination if equipment is not properly stored. Proper containment and disposal of fluids needs to be taken.

CRC Comments

1. In the event that the Town grants the use variance, conditions/restrictions should be imposed to restrict operations to automotive sales.

Findings

1. The hardship is not unique to this parcel. Surrounding AG zoned parcels have a lack of viable farmland sue to the existing land cover, the presence of open water and wetlands, and previous mining activities as well.
2. There is a lack of dollar and cents proof for other possible uses that could be viable. Information needs to be provided to show that the property is incapable of earning a reasonable return on any of the uses allowed in the AG Zoning District.

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CPB Comments

1. The applicant's dollar and cents analysis only take into account automotive sales. Can another (Agricultural Use) be achieved – for example solar or residential? The applicant must provide dollar and cents analysis for each use permitted in the AG Zoning District.
2. The Town Board should consider rezoning this area as the lack of viable farmland, the presence of open water and wetlands, and previous mining activities are shared by the adjacent properties and are not unique to this parcel.
3. The Town ZBA should consider whether the automotive use is the “least” variance from the code that would grant relief to the applicant.
4. Will there be outdoor storage? Aerials indicate that vehicles are currently being stored outside. Will/are the vehicles be placed on top of concrete? Will there be automotive repairs occurring?

The Ontario County Planning Board decided that this project has the potential for significant adverse county-wide and/or inter-municipal impacts; noted that this application is incomplete due to the need for additional information on economic viability of all other permitted AG uses; and recommended for disapproval of this application.

Steven Gardner addressed the County Planning Board's comments by saying that he does plan to hire employees. He said that the noise levels produced by his business are less than the gravel pit next door, so it shouldn't be a problem. Mr. Gardner also reiterated that there will be nothing visible from the road and he will not be doing any repairs outside. He also said that he has received a denial from a solar company, so that is not an option for this property. Steven said that he currently has cars stored outside and plans to continue that. He said that the cars are stored on millings.

Chairman Scott VanAken asked for neighbor comments, and there were none. All neighbors present said that they were in support of this project.

A motion was made by Tammy Worden to refer Siteplan – Use Variance #4658-24 submitted by Steven Gardner to the Town of Manchester Zoning Board of Appeals. Motion seconded by Lee Sanders. All voted “Aye.” Motion carried.

Steve DeHond briefly discussed the history of this project. He reminded the Board that this project was reviewed and denied by the ZBA two years ago as well because there weren't enough votes in favor to overturn the County Planning Board's decision.

Previous Minutes:

The Board decided to wait until the next Planning Board meeting to vote on the minutes from the July 16, 2024 meeting since there were not enough members present from that meeting to hold a vote.

Meeting was adjourned at 7:37pm.

Respectfully submitted,

Scott VanAken

Chairman, Planning Board

Laurel Pitcher

Recording Secretary