

Planning Board  
Village of Dexter  
Special Meeting  
August 22, 2022  
**Minutes**

Quorum: Yes

Meeting called to order at 6:30 PM by Chairman Stephanie Ferguson

Members present: Stephanie Ferguson, Deborah Harmann, Tammy Hanson, Brian Moore, Charlene Mannigan

Also present: Eugene McIntosh; applicant, Jamie McIntosh, Garrett Ives, Mary Wilder

Absent: Carol Oliver, Todd Reinhardt

Privilege of the Floor: None

Motion Charlene Mannigan 2<sup>nd</sup> Brian Moore to approve the minutes from the regular Meeting held March 28, 2022

Ayes: 5 Stephanie Ferguson, Deborah Harmann, Tammy Hanson, Brian Moore, Charlene Mannigan

Nays: 0

Correspondence:

Chairman Ferguson asked if everyone had received the solar information forwarded from Jefferson County Planning

Old Business:

Mr. Millington, code enforcer, spoke to JoCinda Evans after the March Meeting to confirm that opening a gift shop at 132 E. Kirby would not fall under an allowed use as it is an R-1 district and would not meet the criteria falling under a home occupation.

New Business:

Eugene McIntosh has submitted a Special Use Permit to run a business of selling lawnmowers and snowblowers at his residence located at 231 West Kirby Street. Items are primarily sold on Facebook Marketplace and picked up at residence.

McIntosh: Sells lawnmowers and snowblowers on Facebook. Items are repaired off site. Does replace blades and paint items at W. Kirby residence. Upon sale items are picked up at residence. Plans to build a workshop for personal use. A lean to will be attached along the side of the workshop to store lawnmowers.

Board: Before the meeting drove by residence and saw lawnmowers lined up along the side street. Will this be a maintenance issue with the village?

McIntosh: Mr. Millington has been by the house numerous times. Each time he says there is a problem it is fixed and then he comes back with another problem. The Board of Trustees told me I needed a special use permit.

Board: The lean to attached to the proposed workshop will house the mowers?

McIntosh: Mowers will be brought back to roadside during the season and moved to lean to off season. Switched out with snowblowers.

Board: The challenge is that according to village zoning law a home occupation can be carried on entirely within a dwelling unit not to occupy more than 25% or an accessory building. Items cannot be left outside in the yard.

McIntosh: Didn't anticipate all mowers would need to be contained, thought the purpose of the special use permit was to allow mowers to be left outside on the lawn to sell.

Board: Letter from Mr. Millington on May 9<sup>th</sup> 2022 specifically states that for home occupations the business be carried on "entirely within a dwelling unit or accessory building". Special use permits are to allow a home occupation to be conducted. In order for the board to vote for a permit to be approved the zoning criteria needs to be met. Therefore, all items will need to be wholly contained.

McIntosh: So, applying for a Tax ID, DBA, and permit has all been a waste of time and money? If all mowers are stored, nobody will see them if not alongside the road. Thought I was here to change zoning.

Board: Was our understanding that all items were being sold online. How many are typically sold off the side of the road? McIntosh: 8-10

Board: Location is within a residential R-2 area. A use variance could try and be sought through the zoning board.

McIntosh: Right of way has never been an issue with mowers lined up along the road in the last 7 years. Selling mowers is a way to make some extra money. Would a portable garage suffice to contain everything?

Board: Where are unsold items being placed off season now?

McIntosh: Items are lined up behind the shed in the back of property, with garbage bags over each.

Board: The items cannot be lined up behind shed off season. Everything needs to be inside that pertains to the business.

Jamie McIntosh: Frustration lies because for the last 7 years there has been no issue. But now it is even though every hoop has been jumped through.

Board: The board will not be able to approve anything until everything is contained within a structure.

McIntosh: Why is it that now it has become a problem?

Board: If lean to is fully enclosed it would work.

Jamie McIntosh: Everything is not going to fit in the lean to. Can snowblowers and lawnmowers be stored in two different places if wholly contained? Board: Yes

McIntosh: How do I conduct business in the mean time?

Board: Two days a week. Only. Like a rummage sale, then it all needs to be put away. A zoning permit will need to be obtained for a shed 12x12 or less. There would be many benefits to enclosing all items. It would satisfy the Boards but also enhance your property.

Motion Tammy Hanson 2<sup>nd</sup> Charlene Mannigan to accept Eugene McIntosh's Special Use Application as complete.

Ayes: 5 Stephanie Ferguson, Deborah Harmann, Tammy Hanson, Brian Moore, Charlene Mannigan

Nays: 0

Motion Brian Moore 2<sup>nd</sup> Deborah Harmann to send McIntosh's Special Use Application to County Planning for review at their September 27<sup>th</sup>, 2022 meeting.

Ayes: 5 Stephanie Ferguson, Deborah Harmann, Tammy Hanson, Brian Moore, Charlene Mannigan

Nays: 0

Motion Charlene Mannigan 2<sup>nd</sup> Brian Moore to schedule a public hearing on October 24<sup>th</sup>, 2022 at 6:30pm to hear comments on McIntosh's Special Use Permit.

Ayes: 5 Stephanie Ferguson, Deborah Harmann, Tammy Hanson, Brian Moore, Charlene Mannigan

Nays: 0

Garrett Ives: Proposing an auto repair shop to be located at 349 Lakeview Drive, will have a 4yd waste dumpster, customer vehicles will be parked outside. Anything being worked on will be inside. No painting. Came to village office today to have water service turned on and was informed that special use permit approval was needed to operate the business. Came to meeting tonight to discuss.

Board: Light Industrial zone, fits criteria for zoning

Ives: Currently holds contracts with Fed Ex, Fleece Trucking, Widrick's, along with 1000 customer base. No items at building currently. Deadline to be out of current space is August 31<sup>st</sup>, 2022. Allows two Fed Ex trucks at a time. Does tires, air, brakes, motor repairs, no painting. Business hours are Monday through Friday 8am-5pm and occasional Saturdays. Have three permanent employees. NYS required signs along with one 4'x8' advertising sign to be hung on building. Building is 7,000sq ft, kitchen, bathrooms. Bought M&K name last year.

Board: Be sure to include on site plan drawing any lighting, noise, parking, oil, waste disposal. Can change light bulbs to LED as long as they remain downlit.

Ives: Will use current lights, just change bulb type.

Board: Have everything back to clerk with in the next week for the code enforcer to review, you can call Mr. Millington this week to discuss plans.

Motion Deborah Harmann 2<sup>nd</sup>, Charlene Mannigan to hold meeting Monday August 29<sup>th</sup>, 2022 at 6:30 to review special use permit application submitted by Garrett Ives for Auto Repair Shop.

Ayes: 5 Stephanie Ferguson, Deborah Harmann, Tammy Hanson, Brian Moore, Charlene Mannigan

Nays: 0

Next meeting to be held Monday August 29, 2022 at 6:30pm.

Motion Brian Moore 2<sup>nd</sup> Tammy Hanson to close meeting

Meeting adjourned at 7:35pm.

Respectfully submitted, Danielle Queior