

TOWN OF GAINES PLANNING/ZONING BOARD MEETING
July 7, 2014 7:30PM

Present: Chairperson Michael Grabowski, Vice Chairperson Marilynn Miller,
Members: Curtis Strickland, Raymond Burke, David Thom

Guests: Dirk Biemans, Jerry Culhane, Rebecca Gillman, Keely Johnston, Kim
Rowe

Chairperson Grabowski called the meeting to order at 7:30PM with the Pledge of
Allegiance to the Flag.

Approval of June 2, 2014 Minutes

On a motion of Vice Chairperson Miller, seconded by Member Strickland, the following
was

Carried Ayes 5 Grabowski, Miller, Burke, Strickland, Thom
Nays 0

The June 2, 2014 minutes are approved as is.

Old Business

Site Plan and Special Use permit for Blue Ridge Greenhouses, Inc. (Intergrow)

Chairperson Grabowski reviewed the County Planning Boarding comments and stated that
they added a number 14 to our 13 Conditions which states Intergrow-Blue Ridge
Greenhouses, Inc agrees to provide sufficient off-road parking spaces to accommodate
additional demand for parking, if any, due to the expansion of production capacity. (see
below for final recommendations). Member Burke asked if there were any plans to grow
marijuana at the facility. Mr. Biemans stated no.

On a motion of Member Strickland, seconded by Member Thom the following was

Carried Ayes 5 Grabowski, Miller, Thom, Strickland, Burke
Nays 0

To approve site plan based on conditions set by county.

Vice Chairperson Miller inquired if they had any future plans to expand. Mr. Biemans
stated no that they do not have any more land in the surrounding area to expand. It was
then stated as to why the power lines were coming in from Route 279. This was needed to
feed Phase 3 and 4. Phase 1 and 2 will be fed from Route 98. CEO Kopas wanted to
comment on #5 of the conditions for the record which states "Intergrow-Blue Ridge
Greenhouses, Inc agrees to make application for a building permit from the Town of
Gaines Code Enforcement Officer for the phase 4 expansion which shall be heated only by

natural gas and built according to the approved site plan. The Code Enforcement Officer shall issue a Certificate of Occupancy when the phase 4 expansion is complete and meets New York State building Code specifications”, as the phase 4 addition is 100% agricultural and NYS building codes (101.22) are exempt from the CEO issuing a Certificate of Occupancy and building permit. CEO Kopas stated he can ensure that the site plan and zoning be enforced, but can not do code enforcement and recommended that this be removed from Conditions #5.

On a motion of Member Thom, seconded by Member Burke the following was

Carried Ayes 5 Grabowski, Miller, Thom, Strickland, Burke
 Nays 0

To amend Condition #5 to state Intergrow-BlueRidge Greenhouses, Inc. agrees the phase 4 expansion shall be heated only by natural gas and built according to the approved site plan.

On a motion of Vice Chairperson Miller, seconded by Member Thom the following was

Carried Ayes 5 Grabowski, Miller, Thom, Strickland, Burke
 Nays 0

To approve site plan with amended conditions.

New Business

Site Plan and Special Use permit for Cobble Ridge Co-op

Chairperson Grabowski asked Ms. Rowe to review her plans. She stated one day a week she would like to have a garage sale, one day a week a farmers market, and two days a week a flea market outside of the Co-op. About 25 vendors would be responsible for setting up their own tents to start. Ms. Rowe also stated she would like to sell hot dogs and hamburgers outside until she can put on an addition with a kitchen. After discussing her plan, it was stated that the ZBA needs more specific information such as, dates that this will run from and to, days of week as to what will take place, how many vendors, and a better site plan of how things will be laid out, parking etc. Chairman Grabowski asked Ms. Rowe when she could get this information to us and she stated within a week she will have revised her plans. Once we have the revised plans we will send them to our town attorney for review, hold a public hearing, and send it to county with conditions for review.

With no further business on a motion from Member Burke, seconded by Member Strickland the meeting was adjourned at 8:43PM.

Respectfully Submitted,
Carol Claus
Zoning Board of Appeals Secretary

Final Conditions for Phase 4 Site Plan approval for Blue Ridge Greenhouses, Inc. (“Intergrow”)

Site plan approval is granted by the Town of Gaines ZBA on July 7, 2014 to Blue Ridge Greenhouses, Inc. (“Intergrow”), based upon the revised site plans submitted to the Town of Gaines ZBA on 6/3/14 by Mike Metzger of Metzger Civil Engineering, to construct the fourth phase of an existing greenhouse consisting of a 318,214 square foot (7.3 acre) greenhouse expansion at the rear of the property, an 11,546 square foot building addition for storage, and a 3,947 square foot building addition for a generator room with the following conditions:

- 1- Intergrow-Blue Ridge Greenhouses, Inc. agrees to be responsible to remedy and/or correct and current and/or potential drainage and/or flooding problems due to construction of greenhouse, accessory building and/or service road.
- 2- Intergrow-Blue Ridge Greenhouses, Inc. agrees to consult with Albion Fire Department and/or Albion Fire Chief and also agrees to implement any recommendations by the Albion Fire Department and/or Albion Fire Chief, that has been reviewed by the Town of Gaines ZBA and/or Chatfield engineers that has been determined to be necessary for safety and/or access concerns relating to the operation of greenhouses. Intergrow-Blue Ridge Greenhouses, Inc. will provide a letter/documentation of said review to the Town of Gaines ZBA prior to the start of any construction.
- 3- Intergrow-Blue Ridge Greenhouses, Inc. agrees to manage and/or correct any excessive problems with stagnant water within the existing irrigation pond that would create a health hazard to the neighboring residences.
- 4- Intergrow-Blue Ridge Greenhouses, Inc. agrees to acquire all necessary permits and/or letters from all other governmental agencies, including but not limited to the Orleans County Health Department, US Army Corps of Engineers and NYS Department of Environmental Conservation prior to commencing operation.
- 5- Intergrow-Blue Ridge Greenhouses, Inc. agrees the phase 4 expansion shall be heated only by natural gas and built according to the approved site plan.
- 6- Intergrow-Blue Ridge Greenhouses, Inc. agrees to provide screening for any outdoor dumpsters and/or receptacles in order to conceal it from view from neighboring residential properties and/or Oak Orchard Road.
- 7- Intergrow-Blue Ridge Greenhouses, Inc. agrees that all buildings constructed shall be within the required setbacks in the Town of Gaines Zoning Laws.
- 8- Intergrow-Blue Ridge Greenhouses, Inc. agrees to provide handicap parking spaces as required by New York State Law.
- 9- Intergrow-Blue Ridge Greenhouses, Inc. agrees to store all chemical/pesticides within accessory buildings and also agrees to dispose of said chemicals/pesticides as per NYS DEC regulations.
- 10- Intergrow-Blue Ridge Greenhouses, Inc. agrees to use certified operators (as the same applied to operators certified to do site work under a Phase 3 Storm Water Management Plan or so-called SPEDES permit or similar excavation plan) for all excavation or site work for the projects.

- 11- Intergrow-Blue Ridge Greenhouses, Inc. agrees to implement recommend changes made by Chatfield Engineers in a letter dated 4/23/14, items 1 through 9.
- 12- Intergrow-Blue Ridge Greenhouses, Inc. agrees to install a series of engineered swales on their southern property line as mutually agreed upon with said property owner to direct the flow of water to existing drainage ditches. To be installed and reviewed by the Town of Gaines Code Enforcement Officer.
- 13- Intergrow-Blue Ridge Greenhouses, Inc. agrees to notify the Town of Gaines ZBA, in writing, of any proposed changes to the site plan, so that the Town of Gaines ZBA can review and approve said changes.
- 14- Intergrow-Blue Ridge Greenhouses, Inc. agrees to provide sufficient off-road parking spaces to accommodate additional demand for parking, if any, due to the expansion of production capacity.

Zoning Board of Appeals Chairman – Michael P. Grabowski



Dated: 7/7/14