

TOWN OF GAINES ZONING BOARD OF APPEALS MEETING

October 17, 2011

7:00 P.M

Present: Chairman Raymond Burke; Vice-Chairman Douglas Syck; Members Carol Culhane and Curtis Strickland

Absent: Member Philip McKenna

Guests: Mary Jo Syck, David Allchin, Jennifer Allchin, Valerie Beam, and Rich Beam

Chairman Burke called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Approval of June 2011 Minutes

On a motion of Vice-Chairman Syck, seconded by Member Culhane, the following was

Carried	Ayes	4	Burke, Culhane, Strickland, Syck
	Nays	0	

The June 2011 minutes are approved as is.

The legal notice from the Batavia Daily News regarding the meeting was read by Chairman Burke.

The Zoning Board went through the use variance application with the applicant. The purpose of the use variance is to open and operate a farm market/shop—selling items such as frozen packaged organic meats, breakfast, lunch, and ice cream among other items— opened all year long in a residential/agricultural (RA) district. Currently there are no sections in the Towns Zoning Ordinance allowing commercial type businesses in an RA district. A seasonal tourist business would be allowed in this district, but the business must be closed at least two months of the year. This is a hardship for the applicants, Jennifer Allchin and Valerie Beam, because closing could result in the loss of customers and revenue and they would have to keep feeding the animals that would otherwise be butchered for sale in the store. It was also mentioned they are one of the only certified organic beef providers in the area.

The applicants plan on expanding the parking area and creating a bigger turnaround area. It was recommended that the applicants determine that exact amount of handicap spaces required.

SEQR

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

Carried	Ayes	4	Burke, Culhane, Strickland, Syck
	Nays	0	

The Town of Gaines Zoning Board of Appeals will be the lead agency for the SEQR for the Allchin/Beam application.

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Changes made to the application include: the acreage on the SEQR to 25.35 instead of 14 and the footage on the hand drawn map of the property layout to 1995.62 instead of 1499.

Within the paperwork of the application, the property was referred to as a commercial property several times including the property information from the real property tax office and the purchase offer; therefore, it is understandable why the applicants would believe they were able to operate a commercial business.

Jennifer Allchin thanked the board for their time at looking at the application.

Allchin/Beam Application

On a motion of Member Culhane, seconded by Vice-Chairman Syck, the following was

Carried Ayes 4 Burke, Culhane, Strickland, Syck
 Nays 0

The use variance application submitted by Jennifer Allchin and Valerie Beam to open and operate a business at 14877 Ridge Road is to go to the County Planning Board for their October 27, 2011 meeting.

Public Hearing

On a motion of Vice-Chairman Syck, seconded by Member Strickland, the following was

Carried Ayes 4 Burke, Culhane, Strickland, Syck
 Nays 0

A public hearing regarding the use variance application submitted by Jennifer Allchin/Valerie Beam will be held on October 31, 2011 at 7pm at the Gaines Town Hall.

With no further business on a motion from Member Strickland, seconded by Vice-Chairman Syck the meeting was adjourned at 7:40 P.M.

Respectfully Submitted,

Mary Pettit
Secretary, Zoning Board of Appeals