

Town of Gaines

Zoning board of Appeals

September 10, 2019

Called to order – 7:00

Present: Morrissey, Miller, Thom, Strickland: Absent : Navarra

Guests: T Carpenter, Kim Pritt, Toni Plummer, Kevin Wright, Chris Watt, Ray Burke, Dan Strong, Susan Heard and Lynda Blake

Opened with Pledge of Allegiance

Reading and approval of minutes from meeting of August 13, 2019

Motion was made by Strickland; seconded by Miller Aye – 4; Nay – 0

Carried

Public Hearing

Kevin D. Wright: The Notice from the Batavia News was read regarding area variance for front setback and lot size for Kevin Wright, 2861 Allens Bridge Road, Albion; tax map 60.-1-20.

No Comments received

It is known as a SEQR Class 2. The following questions were asked and answered:

1. Undesirable change will be produced – No
2. Whether the benefit sought by the applicant can be achieved by some method other than a variance – No
3. Is it substantial – No
4. Will it have an adverse effect or impact on environmental conditions – No
5. Is it self-created – No

Hearing declared closed by Morrissey

Owner is buying land on the south and east – sub-division has no effect on building new house. 100 feet x 203 feet – pre-existing lot – front set-back at 80 feet. No issues – the house can be rebuilt after the fire.

Motion made to accept the variance – Made by Thom seconded by Miller Aye – 4 Nay 0 Carried

Public Hearing

Carpenter Farms and Fancy property application to purchase Preston property at 14877 Ridge Road tax map 41-1-41. It is known as a SEQR Class 2. The following questions were asked and answered:

1. Undesirable change will be produced – No

2. Whether the benefit sought by the applicant can be achieved by some method other than a variance – No
3. Is it substantial – No
4. Will it have an adverse effect or impact on environmental conditions – No
5. Is it self-created – No

No comments received or made by public.

Letter from County Planning Board was read stating that their August meeting was cancelled; the Town may make the decision. Mr. Carpenter will adhere to all previous restrictions. Dan Strong asked if a business plan had been approved – yes – it is continuous use, just change of ownership.

Hearing was close by Morrisey

Motion to accept this application was made by Miller seconded by Thom. Aye – 4 Nay 0 Carried

Continued Discussion Fair Haven Treasures – Ray Burke, 14386 and 14398 Ridge Road Tax map 51-1-8.31 for 40’ x 48’ pavilion. What would the pavilion look like? Height and size of railings, type of roof. Thom asked if there are code requirements for railings. Burke gave dimensions of rafters, said roof would match the roof on the existing barn. Morrisey read from the Zoning Book. Strong mentioned that all site plans have requirements that needed to be followed. Miller asked, aside from parking considerations and code requirements, what more is needed? Miller said Board needs to follow code letter for letter for all applicants.

It was discussed that this property is in the CH District which has more stringent code requirements. Burke asked Morrisey why he didn't recuse himself since he is a member of the Cobblestone Society when he did recuse himself when they applied. Burke said Morrisey said Morrisey should recuse himself because he appears to be favoring the Cobblestone Society – Morrisey said the zoning ordinances are not written by the Cobblestone Society. Morrisey also stated he wanted to see more detailed drawings of proposed pavilion to show side view that will be visible from Route 98 and Route 104. Burke does not want to pay \$300.00 for this. Chris Watt asked if there was an engineering blueprint included in the original application. Thom stated that Burke does not want to spend money if the application is not going to be approved. Morrisey does not object to the plan, but wants to see a side view. It was mentioned that extreme detail was required from Dollar General's site plan, why not for Burke.

Per zoning officer, some questions asked by CPB have not been answered – proposed changes, grass parking, occupancy allowance and details of project. Strickland asked if the county might send the application back to get these questions answered. Miller asked if there were other problems. Strong said the County looks at town ordinances to see if there are met. The County Board staff members look at all applications prior to presenting to the Board, which also looks over all applications. Miller said there is a potential delay either way. Morrisey referred to 1004 of Zoning Ordinance re intersections, appearance, lighting, storm water, fire lanes, etc. Morrisey has concerns – wants to see a sketch of the pavilion because it will be visible from Route 98 and Route 10 Cobblestone Buildings. Morrisey chose not to recuse himself and no board member actively requested he do so. Morrisey asked the board – do we schedule a public hearing, ask for more information or table? Strong stated the application needs more detail. Drawings must be submitted since proposed pavilion

exceeds 1500 sq. feet. Strickland wants a drawing, Thom wants to see the appearance of railings. Thom moved to table discussion. Burke withdrew the application. End of discussion.

New Business

Application by Chris and Karen Watt, 3121 Oak Orchard Road, tax map parcel 62.-1-5.1 to subdivide this parcel with 98 +/- acres remaining with Watts on Oak Orchard and East Bacon Road and 43 +/- acres with large frontage on Eat Bacon Road (sold to Kast Farms).

Application was not provided to Board members due to inadvertently being omitted from Board packet, but will be made available to them 9/11/19. The application, and attachments, was presented to Town of Gaines in a timely manner. The mistake was not Chris Watt's. Dan Strong got the tax map to show the Board. Chis Watt has the survey. Miller wanted more time. Miller wanted to know why we ask for more information from Burke, but are ready to go ahead and schedule the public hearing for Watt? It was decided to schedule the public hearing for 10/8/19 at 7:05. The application will be available for pick up at Town Clerk office. Motion to schedule hearing made by Thom seconded by Strickland Ayes – 4 Nay – 0 Carried

Chairperson's Report – (FOIL)

There has been a Freedom of Information request for anything regarding Dollar General's site plan and special use permit. There was a request for minutes from Board Meeting for November 2017 and July – September 2018. Morrisey presented email sent 8/1/1/18 that included draft of 8/6/18 meeting and another email dated 9/24/18 that included 9/10/18 meeting. Board need to review these old minutes.

The secretary of the meeting was unable to attend. Morrisey requested Lynda Blake and Susan Heard to take minutes. Supervisor Joe Grube approved this. Miller asked if the position can be filled by appointment or does it need to be advertised. Morrisey indicated it is a Town Board appointment, not the ZBA and does not need to be advertised, it's a Town Board decision.

The ZBA requests the Town of Gaines appoint a new secretary. Ayes – 4
Nay – 0 Carried

There is training available Monday, September 30, 2019 by Assoc. of Towns at Quality Inn, Batavia 9am – 2pm. There is additional training available in November – more information to follow.

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Toni Plummer commented, re Burke's proposal, that when there is any proposal within the CH district, there are more criteria to be looked at. The Cobblestone Society should not be blamed for these additional restrictions.

ADJOURNMENT

Motion to adjourn was made by at 8:43 by Strickland Seconded by Thom
Aye – 4 Nay – 0 Carried

Respectfully submitted – Lynda Blake, Acting Secretary