

TOWN OF GAINES  
PLANNING BOARD MEETING

January 2, 2024

Meeting called to order by Chairman Watt at 7:00 P.M.

Pledge to the Flag

Present: Chris Watt, Doug Bower, Craig Lane, Justin Kirby, Gerald Monagan and Janet Cheverie, Town Clerk

Absent: Sherman Gittens, Engineer with MRB Group

Guests: Laura Bentley, Ken Draper, Gabrielle Barone, Scott Ceurvels, Esq., David Matt, Scott Henning, Robert Brown III

Motion by Bower; 2<sup>nd</sup> by Lane to recess for the Public Hearing for the Lake Ontario Fruit expansion at 7:02 PM

Aye 5; Nay 0

PUBLIC HEARING FOR COMMENTS ON THE LAKE ONTARIO FRUIT EXPANSION

Letter from resident Paul E Taylor was read by Clerk Cheverie. His concern was with the large trucks going in & out of the location and the diesel fumes that prevent him from opening his windows. Any expansion, he believes, will increase truck traffic. He thanked the board for considering his opinion on this matter.

Mr. Monagan indicated that there is nothing anyone can do about the traffic, however he believes the diesel fumes can be addressed. He said it takes 15-25 minutes to staple crates. The trucks currently are left running. If the trucks were shut off when staged and parked, that would be helpful to at least reduce the amount of fumes. Chairman Watt asked if Lake Ontario Fruit would oppose putting up a sign advising the waiting trucks that they need to turn off their engines while waiting. Scott Henning advised that will not be a problem. Chairman Watt also suggested replanting pine trees to act as a buffer. Mr. Henning advised that National Grid cut 10' off the tops and the existing ones died. Robert Brown III also noted that the front of the property is owned by the State. He also indicated that it would not be a problem for them to put in more trees. Chairman Watt also indicated that if they doubled or tripled the number of trees, it would show good will to the neighbors.

Motion by Kirby; 2<sup>nd</sup> by Bower to close the Public Hearing at 7:07 PM

Aye5; Nay 0

Motion by Lane; 2<sup>nd</sup> by Bower to resume the regular meeting of the Planning Board

Aye 5; Nay 0

Chairman Watt indicated that due to a family emergency, the Town Engineer, Mr. Gittens, is not able to attend the meeting tonight.

Mr. Matt, Engineer for Lake Ontario Fruit, stated they have installed 3 of the 4 pond remediation requests. The only one left is the vegetative part and that can't be done in the winter.

Chairman Watt reported that Mr. Gittens wants to view the improvements personally, so the board will not take action tonight until he inspects it and approves the improvements. He will request that it be completed ASAP.

Mr. Matt requested conditional approval.

Chairman Watt said that is possible, however, there will be conditions on the approval. If Mr. Gittens says it's not up to par, everything is off. The board can make a conditional approval of the building permit pending his approval. If we get through the winter with no complications, the vegetation will need to be finished before a certificate of use will be issued.

Attorney Ceurvels understands that per the letter that was received.

Chairman Watt stated that photos can be deceiving. He was dismayed over the weir being constructed on the back side of the dam with a channel to the weir. The current design is just inviting a flood. He questioned why it would be designed that way. That may be the reason why there is so much build up in the pond. He has never seen one constructed that way.

Mr. Brown admitted that he has never seen one constructed that way, but they are doing the best they can.

Chairman Watt also was dismayed that schedule 40 was used instead of schedule 80. That is quite a span. There is concern about ice. Schedule 80 is more than twice as strong as schedule 40, however we will leave it up to our engineer for approval. I know it would have been more money, but it might be cheaper in the long run.

Attorney Ceurvels asked if it is conditionally approved, can the board be specific that the vegetative strip is not required now but in the Spring?

Chairman Watt stated yes, we know you can't do it now. The other side of the pond goes to the creek. We need to be sure the clogging is reduced/minimized between now & good weather. It is a highlighted question on SEQR.

Chairman Watt asked the members of the board if they would like to make a conditional motion on the site plan and special use permit?

Motion made by Lane; 2<sup>nd</sup> by Bower to make conditional approval of the site plan and special use permit, pending approval by Mr. Gittens.

Ayes 5; Nay 0

Other things that need to be addressed are grass on the filter strip, slope needs to be seeded, no washout below the dam to creek and grading and seeding needs to be done. The Town Engineer will be checking the pitch before the building permit is issued. Any other weir improvements must be completed before a Certificate of Use is issued.

Chairman Watt also stated that another condition is there needs to be a maintenance plan completely spelled out. We may also need to wait for the DEC approval before a Certificate of Use is issued. There will also need to be time limits on when the Code Enforcement Officer inspects the pond, for example every 3 months forever. The erection of a sign about the trucks turning off their ignitions before the Certificate of Use is issued.

#### ADOPTION OF MINUTES

Motion by Bower; 2<sup>nd</sup> by Lane to adopt the minutes of December 13, 2023 Planning Board Meeting.

Aye 5; Nay 0

#### OLD BUSINESS:

CVE Solar Project, aka Pescara Solar Project, did not submit anything until today. Please take a good look at what was presented. They did come up in certain areas, but other items are not high enough, such as fencing. The Gaines portion is over 7000 feet. They indicated they can take it down and load it at a rate of 40 second/feet with a bobcat. That is not possible since the fencing has posts in the ground. It would require special equipment to remove the posts. Additionally, there are 3 bolts per post as well as a lot of clips holding the metal fence.

Mr. Kirby asked if the review of this could be offloaded to Mr. Gittens as he would have trouble finding the issues.

Chairman Watt indicated that he will not be on the Planning Board for forever and we won't always have the engineer around. It's important that the members educate themselves on these types of things.

Draper/KD Flooring Special Use Permit- Mr. Draper attended this meeting. Chairman Watt advised him that the Board was not able to do anything with his application since there is no diagram on the paperwork and there were several blank pages.

Mr. Draper indicated that he shares a driveway with Jim Kirby. The parking lot was expanded to accommodate 4-5 cars. 90% of his business is returning customers or referrals from prior customers. It is not likely that there will be many cars there at any given time.

Chairman Watt indicated he needs a plot map with all dimensions as well as square footage for the business.

Mr. Draper stated he would be working out of the house and garage. He is hoping to build a 24x36 building in the Spring.

Chairman Watt stated that home businesses have a percentage of how much can be used for a business.

Mr. Draper asked for clarification on the map that is needed.

Chairman Watt said there needs to be locations for the house, other buildings, lines for house, driveway and property lines.

Mr. Draper asked if the survey from when he purchased the property would be sufficient.

Chairman Watt stated that if the buildings are on it and there is an overlay showing the changes, it will probably be acceptable.

Mr. Draper indicated that it will not obstruct Jim Kirby in any way.

Justin Kirby asked if Mr. Draper could get feedback before the next meeting.

Mr. Draper indicated that was possible.

Chairman Watt advised him to give it to the Codes Enforcement Officer and discuss it with him.

Justin Kirby asked if a deadline for submission and meeting with codes by January 26, 2024 would be sufficient.

Chairman Watt stated there are also a bunch of boxes that need to be checked.

ADJOURNMENT

Motion by Bower; 2<sup>nd</sup> by Kirby to adjourn meeting at 7:59PM.

Aye 5; Nay 0

Respectfully Submitted

Janet Cheverie  
Gaines Town Clerk