

**TOWN OF GAINES PLANNING BOARD MEETING  
JUNE 6, 2011**

**7:30 P.M**

Present: Chairman Theobert Ahlberg; Vice-Chairman Gary Davy; Members Michael Grabowski, James Theodorakos, Molly Preston, Christopher Watt and Jennifer Stillwell

Guests: Sue Smith, Carol Culhane, Jim Navarra, Douglas Syck, Mary Jo Syck, Raymond Burke, Marilyn Miller, Lawrence Spencer, Dawn Spencer, Kristen Marciszewski, Samantha Skryp, Jamie Kent, John Hovanesian, Brenda Hovanesian

Chairman Ahlberg called the meeting to order at 7:30 p.m. with the Pledge of Allegiance to the Flag.

**Approval of May 2011 Minutes**

**On a motion of Member Grabowski, seconded by Vice-Chairman Davy, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>7</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stillwell, Theodorakos, Watt</b>
	<b>Nays</b>	<b>0</b>	

**The May 2011 minutes are approved as is.**

After a question from Marilyn Miller about how the Planning Board would notify the public about meetings to do updates on the zoning ordinance and comprehensive plan for the Town, the board decided to schedule a workshop for June 20, 2011 at 7:30pm for the purpose of discussing changes. Chairman Ahlberg handed to the board (and left copies on the front table for the public) some possible changes for everyone to look over and bring back to the workshop.

At 7:45pm Chairman Ahlberg opened the public hearing for Jim Navarra's application and read to the public the legal notice for the hearing.

**LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the Gaines Planning Board will conduct a Public Hearing to review the application for a Special Use Permit and Site Plan Approval from Jim Navarra for a Cowboy Town for the public on Allens Bridge Road. The Hearing will be held Monday, June 6, 2011 at 7:45 PM in the Gaines Town Hall, 14087 Ridge Road, Albion, New York 14411. All persons attending will be heard for or against the application.

Dated May 23, 2011

Mary Pettit  
Planning Board Secretary

Both Marilyn Miller and Ray Burke spoke for the approval of the application.

With no more questions or comments from the public, Chairman Ahlberg closed the hearing at 7:48pm.

**On a motion of Member Watt, seconded by Member Stillwell, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>7</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stillwell, Theodorakos, Watt</b>
	<b>Nays</b>	<b>0</b>	

**The application for phase 1 of "Legend Trails" is approved and the permit is granted with the conditions already told to Jim Navarra as well as the conditions recommended by the County Planning Board (see attachments).**

**TOWN OF GAINES PLANNING BOARD MEETING  
JUNE 6, 2011**

**7:30 P.M**

**On a motion of Member Grabowski, seconded by Vice Chairman Davy, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>7</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stillwell, Theodorakos, Watt</b>
	<b>Nays</b>	<b>0</b>	

**Town of Gaines is Lead Agency for the Type 2 action under SEQR for the Navarra application**

**On a motion of Vice Chairman Davy, seconded by Member Preston, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>7</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stillwell, Theodorakos, Watt</b>
	<b>Nays</b>	<b>0</b>	

**The action is a type 2 action, no impact for the Navarra Application**

Larry and Dawn Spencer brought forward their application to open a gun shop in the barn located on their property at 2355 Sawyer Road.

After questioning the Spencer's about the need for alarm systems (not required by the ATF), gun storage (guns will be kept in a safe in their house when the shop is not open) and what/if any other items would be for sale (some hunting gear and apparel), the board put it to a vote on whether it would go to county or not.

**On a motion of Member Preston, seconded by Member Watt, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>6</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stillwell, Watt</b>
	<b>Nays</b>	<b>0</b>	
	<b>Abstain</b>		<b>Theodorakos</b>

**The Spencer's application will go to County on the condition that they turn in a statement of where and how the guns will be kept, a statement of their gun inventory (just rifles and shotguns at this point, no handguns), and a block diagram of the property with labels of roads, building, and driveways. Also, a public hearing will be scheduled for Monday, July 11, 2011 at 7:45pm.**

**On a motion of Member Stillwell, seconded by Member Preston, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>6</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stillwell, Watt</b>
	<b>Nays</b>	<b>0</b>	
	<b>Abstain</b>	<b>1</b>	<b>Theodorakos</b>

**The Town will be the Lead Agency of SEQR for the Spencer application. It is a type II action, no environmental impact.**

TOWN OF GAINES PLANNING BOARD MEETING

JUNE 6, 2011

7:30 P.M

The Hovanesian's briefly described their plans to open a mercantile at 14462 Ridge Road that will sell only American made items. Items include things such as clothing and camping gear. Hopefully at some point items from local individuals will be sold.

**On a motion of Member Grabowski, seconded by Member Preston, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>5</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stillwell</b>
	<b>Nays</b>	<b>0</b>	
	<b>Abstain</b>	<b>2</b>	<b>Theodorakos, Watt</b>

**The Hovanesian application will go to County on the condition that they turn in a block diagram of the property with the proper labels. Also, when they have the information available to them, they need to turn in a copy of their proof of ownership of the property at 14462 Ridge Road and their permits from the County and TDA's. A public hearing will be scheduled for Monday, July 11, 2011.**

The Planning Board has been tasked by the Town Board to work on updates and/or changes to the Town's Master Plan and Zoning Ordinance. Chairman Ahlberg has already given the Town Board updates/changes the Planning Board previously suggested. It was noted that the updates have not been adopted by the Town Board yet. The Planning Board feels this should be passed before they go forward making changes. Also, the fee schedule has not been updated to include wind turbines. Both issues should be brought up at the next Town Board meeting.

In regards to zoning ordinance updates, Chairman Ahlberg looked at the possible legalities about apartment housing. The Town cannot outright ban apartment housing, whether it's low income or not. However, they can create specific zones that such housing can be built in.

**With no further business on a motion from Member Watt, seconded by Vice-Chairman Davy the meeting was adjourned at 8:35 P.M.**

Respectfully Submitted,

---

Mary Pettit  
Secretary, Planning Board

# CONDITIONS FOR SPECIAL USE/SITE PLAN APPROVAL FOR “LEGEND TRAILS” PERMIT

Applicant Vincent J. Navarra

The following conditions shall apply:

1. **Area Size and Setbacks:** The theme park shall be a minimum of one (1) acre, front setback of 125 feet, side and rear setbacks of 50 feet. A larger area may be required, depending on the size and scope of the project.
2. **Parking Area:** A parking area for at least 15 cars and two buses shall be initially required. Additional parking may be required if the theme park is expanded. The Town of Gaines Code Enforcement Officer shall monitor the parking situation on a regular basis.
3. **Permanent Structures:** If the theme park expands to include permanent buildings, the applicant shall meet the Town of Gaines Planning Board for approval of permanent structures. All permanent structures shall be built to New York Building Codes and a building permit shall be obtained from the Town of Gaines Enforcement Officer.
4. **Amusement Rides:** Amusement rides, such as Roller Coasters, Ferris Wheels, etc., shall not be permitted.
5. **Signs:** One sign of 20 square feet shall be permitted. Section 501 shall apply for signage regulations. A sign(s) shall be placed so that the view is not obstructed for vehicles entering and exiting the “theme park” parking area.
6. **Food Preparation and Sanitary Facilities:** All food preparation and sanitary facilities, such as restrooms, shall be approved by the Orleans County Health Department.
7. **Emergency Vehicles:** The applicant shall provide an “all year-round service road” for emergency vehicles to reach the theme park area, so that an emergency vehicle is able to respond to any emergency in the theme park area.
8. **Quiet Hours:** The hours between 11:00pm and 8:00am shall be considered a “quiet time” in respect for neighbors. All loud activity shall cease between the above stated hours.
9. **Expansion of the Theme Park:** Any expansion that goes beyond the permitted activities listed above needs to be approved by the Town of Gaines Planning Board.
10. **Liability Insurance:** The applicant shall carry adequate liability insurance for the theme park.

*County development plans and policies:*

For clarification purposes, the parcel is currently not within a State-certified County Agricultural District. June is the annual enrollment month in Orleans County to add viable farmland to an existing agricultural district. However, it should be noted that the benefits of being in such a district primarily pertain to establishments engaged in production agriculture.

**RECOMMENDATION: APPROVAL WITH the following CONDITIONS:**

1. The Gaines Planning Board shall be satisfied that the off-street parking area is of sufficient size and layout such that all vehicles= including any with horse trailers- can be accommodated during times of peak demand without having to back out onto the roadway.
2. The applicant shall comply with all pertinent regulations and obtain any required permits or licenses for the petting zoo or food preparation, such as from the Department of Health or New York State Department of Agriculture and Markets, prior to commencing operations.
3. The Gaines Planning Board shall be satisfied that noise associated with the proposed uses and the location of trails and campfire sites shall be in such a manner that neighboring property owners are not adversely impacted ..
4. The location of any signage shall not obstruct the view of vehicles attempting to exit the property, in the judgment of the Gaines Planning Board.

*Comments:* The applicant has demonstrated much vision in his plans to develop the enterprise. Significantly, this application involves only approval of Phase I, which relates to temporary structures. At such time that permanent structures are proposed, the applicant will apply for a new special use permit and site plan approval. This will provide both the Town and the applicant the ability to anticipate and cope with any unexpected negative impacts. It is presumed the "saloon" is for family entertainment purposes and would not involve the sale of intoxicating beverages. If it has not done so already, the Gaines Planning Board is advised to inquire the length of the season the business would operate, whether overnight camping will be allowed, and whether the exhibit area is adequately accessible to fire personnel and other emergency responders.