

TOWN OF GAINES PLANNING/ZONING BOARD MEETING
JULY 16, 2013 7:00PM

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

Guests: Deborah Brundage, Melissa Maybrack, Sandy DeBoard, Oded Kalir,
Bill Lattin, Meredith Minier, Mrs. Gould, Ursula O'Connor, Larry Williams,
Mary Anne Braunbacht

Chairman Grabowski called the meeting to order at 7:01PM with the Pledge of Allegiance to the Flag.

Approval of July 1, 2013 Minutes

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

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

The July 1, 2013 minutes are approved as is.

Opening of Public Hearing Oded Kalir Site Plan

Chairman Grabowski read the public hearing notice at 7:05pm:

PLEASE TAKE NOTICE that the Town of Gaines Zoning Board of Appeals will conduct a Public Hearing to review the application for a Special Use Permit for Oded Kalir Farm Labor Housing located at 13105 Eagle Harbor Knowlesville Road Albion, New York. The Public Hearing will be held on Tuesday July 16th, 2013 at 7pm. at the Gaines Town Hall 14087 Ridge Road Albion, New York 14411. All persons attending will be heard for or against the application.

Dated July 3, 2013

Carol L. Claus
Secretary
Zoning Board of Appeals

The public was asked if they had any comments or questions . Sandy DeBoard inquired about septic issues, animals being left behind by the laborers, and contamination of the surrounding well water from chemicals used on the farm. Melissa Maybrack stated that her well water was contaminated and she could not afford to hook into public water. She also stated that she is on a fixed income, feels bad for the cats that are left behind and she ends up spending her own money to feed them. Chairman Grabowski stated that the county has approved this site plan.

Closed at 7:12pm

Opening of Public Hearing Ray Burke Site Plan

Ray Burke recused himself.

Chairman Grabowski read the public hearing notice at 7:13pm:

PLEASE TAKE NOTICE that the Town of Gaines Zoning Board of Appeals will conduct a Public Hearing to review the application for Special Use Permit for property located at 14386 Ridge Road Albion, New York. The Public Hearing will be held on Tuesday July 16th, 2013 at 7pm. at the Gaines Town Hall 14087 Ridge Road Albion, New York 14411. All persons attending will be heard for or against the application.

Dated July 3, 2013

Carol L. Claus
Secretary
Zoning Board of Appeals

Chairman Grabowski explained that this is zoned as an ag single family home and that they would like to get a special use permit to allow it to be used for commercial retail.

Chairman Grabowski stated the county has approved this site plan. The public was asked if they had any comments or questions. Larry Williams asked what this location was going to be used for. Burke gave a quick overview of selling upper scale art and a food co-op.

Mary Ann Braunbacht stated she understands the art but not the food co-op. Meredith Minier inquired about changes to the exterior of the building. Burke stated that there will be very little change, just maintenance work. He also stated the driveway will become circular, running north to south from 104 to 98. Bill Lattin stated it was an excellent use of the building and good for the town. He also asked what would happen if this property was sold. Chairman Grabowski informed him that the special use permit comes up for review every two years for review as well as, if the property is sold the special use will no longer be in effect. The new owner would have to come before the board for their own special use permit. Deborah Brundage inquired about the hours. Burke stated that as of right now it would be Friday, Saturday, Sunday from about noon to 9PM and by appointment.

Closed at 7:24pm

Review of Oded Kalir Special Use Permit

Per Oded the health department has approved the home for 16 people, he is planning on only having 14. The laborers will be here from August through November (harvest season). He stated the septic system functions well and if problems come up he will address them. He believes that the septic was done in 1995 with 6-7 lines of 100' leach lines. Oded also stated that his farm has grown and is in need of more workers because of the high yielding crops they now have. He addressed the issues of the cats stating that he would purchase feed for them. Member Strickland also stated that many times at his farm he has cats dropped off and it becomes a major problem. You either have to feed them or let them starve. Chairman Grabowski stated that changing this from a single use home to a migrant home the main concern is still for public safety and health for the individuals living there. He stated that a preoccupancy inspection will be done by the code enforcer. The code enforcer will determine the safety issues and Oded must allow for an inspection at anytime by the code enforcer with prior notice. Chairman Grabowski reviewed sleeping quarters and closet space requirements for each individual. Also, stating that a smoke detector must

be in every room and 2 carbon monoxide detectors. Our code enforcer will also check for fire exits, water supply, and toilet facilities and ensure they meet our requirements. Chairman Grabowski also stated that if there are violations the permit may be revoked. Oded stated that the County Health Department does an inspection monthly. Chairman Grabowski requested a list of requirements by the Health Department. This application is being tabled until our code enforcer has a chance to inspect the home and a list from the county has been reviewed by the board. Further discussion will take place at the August 5th meeting at 7:00PM. The previous SEQR will apply to this special use permit.

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

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

Town of Gaines will forward this application to county for review.

Raymond Burke Special Use Permit

Ray recused himself.

This special use permit is in front of us because this is a single use home that would like to be used for retail use. The site plan review was accepted by the county.

A review of hours of noon – 9PM Monday - Friday, signs will be one large one in front and a small one at the driveway on 98, and the food co-op was discussed. The public hearing was positive. They would like to be open by sometime in September.

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

Carried Ayes 4 Grabowski, Thom, Strickland, Miller
 Nays 0

Town of Gaines will forward this application to county for review.

Further discussion will take place at the August 5th meeting at 7:00PM.

With no further business on a motion from Member Strickland, seconded by Member Miller, the meeting was adjourned at 9:17PM.

Respectfully Submitted,
Carol Claus
Secretary, Zoning Board of Appeals