

**TOWN OF GAINES PLANNING BOARD MEETING
JULY 11, 2011**

7:30 P.M

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

Guests: Sue Smith, Carol Culhane, Raymond Burke, Marilyn Miller, Jason Foote, Connie Mosher, Lawrence Spencer, Dawn Spencer, John Hovanesian, Brenda Hovanesian, Barb Gray, Don Karcz, Ruth M. Drew, Kenneth Drew, Amanda Clemens, Scott Clemens, Duane Putnam, Guy Smith

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

Approval of June 2011 Minutes

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

Carried	Ayes	7	Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos, Watt
	Nays	0	

The June 2011 minutes are approved as is.

Jason Foote, from Chatfield Engineers, handed to the board letters in regard to Lakeridge Fruit and Cell Towers to look over and discuss with Code Enforcement Officer Robert McGaffick.

At 7:37pm Chairman Ahlberg opened the public hearing for the Spencer 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 Lawrence and Dawn Spencer to run their gun shop, previously located on Ridge Road, out of the barn on their property on Sawyer Road. The Hearing will be held Monday, July 11, 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 June 22, 2011

Mary Pettit
Planning Board Secretary

Amanda Clemons expressed her opposition to the shop due to her concern about increased traffic and the risk of people driving at excessive speeds down Sawyer Road.

There was a concern about a shooting range being available, but it was made clear that a public shooting range is not part of the permit and therefore not allowed. The Spencer's are allowed their own private shooting range, but any private range is not allowed to be used publically or as part of the shop.

The hearing was closed at 7:54pm.

**TOWN OF GAINES PLANNING BOARD MEETING
JULY 11, 2011**

7:30 P.M

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

Carried	Ayes	6	Ahlberg, Davy, Grabowski, Preston, Stillwell, Watt
	Nays	0	
	Abstain	1	Theodorakos

The application for the Spencer's to run and operate a gun shop out of the barn on their property on Sawyer Road is passed and a Special Use Permit is granted. Conditions include those in the Zoning Ordinance that apply to the application (section 708, section 605, section 606) as well as conditions from the County and Town Planning Board (see attached)

At 8:10pm Chairman Ahlberg opened the public hearing for the Hovanesian 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 John and Brenda Hovanesian to open a mercantile selling only American made goods at 14462 Ridge Road, Albion. The Hearing will be held Monday, July 11, 2011 at 8:15 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 June 22, 2011

Mary Pettit
Planning Board Secretary

Both Carol Culhane and Sue Smith spoke in favor of the shop.

Ray Burke passed along Mr. Hemmingway's, from the Cobblestone Society, approval.

The Public Hearing was closed at 8:15pm

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

Carried	Ayes	5	Ahlberg, Davy, Grabowski, Preston, Stilwell
	Nays	0	
	Abstain	2	Theodorakos, Watt

The Hovanesian application is passed and they are granted a Special Use Permit to open and operate a mercantile at 14462 Ridge Road. Conditions include those in the Zoning Ordinance that apply to their permit (section 525) as well as the following:

- 1. Parking are shall remain the same, with two "Handicap" spaces.**
- 2. 2. Delivery trucks should not block access to parking area or block any portion of Ridge Road.**

**TOWN OF GAINES PLANNING BOARD MEETING
JULY 11, 2011**

7:30 P.M

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

Carried	Ayes	5	Ahlberg, Grabowski, Preston, Stilwell, Theodorakos
	Nays	0	
	Abstain	2	Davy, Watt

The Town of Gaines will be the Lead Agency on the SEQR for Agricultural Wind Towers for David Kast and Christopher Watt. It is a Type II Action, No Impact.

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

Carried	Ayes	7	Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos, Watt
	Nays	0	

Master Plan updates from the June Workshop as well as additional updates discussed at this meeting will be presented to the Town Board at their next meeting, July 12th 2011, for approval.

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

Carried	Ayes	5	Ahlberg, Grabowski, Preston, Stilwell, Theodorakos
	Nays	0	
	Abstain	2	Davy, Watt

Wind Energy updates from the June Workshop as well as additional updates discussed at this meeting will be presented to the Town Board at their next meeting, July 12th 2011, for approval.

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

Carried	Ayes	6	Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos
	Nays	0	
	Abstain	1	Watt

Fee Schedule updates from the June Workshop will be presented to the Town Board at their next meeting, July 12th 2011, for approval.

**TOWN OF GAINES PLANNING BOARD MEETING
JULY 11, 2011**

7:30 P.M

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

Carried	Ayes	7	Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos, Watt
	Nays	0	

Zoning Ordinance updates from the June Workshop as well as additional updates discussed at this meeting will be presented to the Town Board at their next meeting July 12, 2011 for approval.

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

Carried	Ayes	7	Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos, Watt
	Nays	0	

Old West Theme Park updates for the Zoning Ordinance from the June Workshop will be presented to the Town Board at their next meeting, July 12th 2011, for approval.

copies of all the updates being presented to the Town Board were given to the Planning Board members and secretary to review. They are on file in the Town Hall

With no further business on a motion from Member Preston, seconded by Member Stilwell the meeting was adjourned at 9:18 P.M.

Respectfully Submitted,

Mary Pettit
Secretary, Planning Board

**SPENCER APPLICATION FOR HOME OCCUPATION (GUN SALES)
CONDITIONS FOR SPECIAL USE PERMIT**

1. The applicants shall comply with all pertinent gun regulations and all permit and licenses, State and Federal, shall remain current.
2. If the sale of hand guns is added, the applicant agrees to notify the Town of Gaines Planning Board that the sale of hand guns has been added and all necessary permits and security measures are to be in place. The Special Use Permit needs to be modified by Town of Gaines Planning Board.
3. Exterior signage shall not obstruct the view of vehicles attempting to exit the property.
4. The applicant agrees to have a parking area that provides ample turn around space, so that vehicles are not backing out on Sawyer Road. Also, the driveway is to be kept in good condition to support customer traffic.
5. Any shooting range is to be strictly for personal use.

Orleans County Planning Board
Planning and Zoning Referrals

**11-22 GAINES Request for Site Plan Review and Special Use Permit for Home Occupation
(gun shop) at 2355 Sawyer Rd. in Residential/Agricultural (RA) District.**

Compatibility of various land uses with one another:

The application would facilitate the relocation of Eagle Outfitters from 14462 Ridge Rd., also in the Town of Gaines (and for which another County Planning Board referral, #11-23, has been submitted for a new retail use by another party). The site is in a rather isolated area and is surrounded by single-family residences (north and south) in low density, a woodlot (east) and farmland (west). The residence to the north is over 500 ft. away from the proposed use. The residence to the south is over 200 ft. away, and there is a tree and brush area between the proposed use and the adjoining residence which serves as a buffer. The gun shop would be located with a 20 ft. by 15 ft. section in the northwest corner of the barn. Guns would be stored in a sage in the applicants' residence immediately to the north. At the present, the applicants desire to sell long guns exclusively; they will subsequently notify the Gaines Planning Board if this changes.

Traffic generating characteristics:

Site contains a looped driveway with two points of ingress/egress, such that vehicles would not have to back out onto Sawyer Rd. to exit. A 45 m.p.h. speed advisory begins north of the parcel due to two sharp curves in Sawyer Rd. at the Gaines-Carlton border. There is an abundance of land on the 87.4 acre site to expand off-street parking if necessary.

Drainage:

A State freshwater wetland (KT-2) is located at the southeastern edge of the parcel. However, this is over 2,200 ft. from the project area, and is not expected to be impacted.

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

1. The Gaines Planning Board shall be satisfied with the procedures for the security of guns and their delivery by suppliers.
2. The applicants shall comply with all pertinent regulations and obtain all necessary permit and licenses, including but not limited to those of the state and federal governments, before commencing operation.
3. Exterior signage shall not obstruct the view of vehicles attempting to exit the property, as determined by the Gaines Planning Board

Comments: One of the site plan illustrations identifies a target area outdoors. It has been clarified that this is strictly for the personal use of the applicants.