

TOWN OF GAINES PLANNING/ZONING BOARD MEETING
May 5, 2014 7:30PM

Present: Chairperson Michael Grabowski, Vice Chairperson Marilynn Miller,
Members: Curtis Strickland, Raymond Burke

Absent: Member Dave Thom, Alternate Member George Fleshman

Guests: Michael Metzger, Dirk Biemans, Sharon Harding, John Russell, Jerry
Culhane

Chairperson Grabowski called the meeting to order at 7:31PM with the Pledge of Allegiance to the Flag.

Approval of April 23, 2014 Minutes

On a motion of Member Strickland, seconded by Vice Chairperson Miller, the following was

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

The April 23, 2014 minutes are approved as is.

Old Business

Site Plan and Area Variance Lake Ridge Fruit Company

Chairperson Grabowski stated that there are two parts to Lake Ridge Fruit: A. Area Variance B. Site Plan Review. Lake Ridge Fruit is looking for a 25' property line set back instead of the Town of Gaines 50' set back. Chairperson Grabowski read the following from the County Planning Board – CPB completed its review of the proposal and voted to recommend approval subject to meeting stated conditions and/or modifications. Recommendation 14-09A. Approval with the following condition: The owner of the property to the east is unwilling to sell sufficient land to avoid the need for the side setback variance. Recommendations 14-09B. Approval with the following condition: Either the Gaines Zoning Board of Appeals 1) approves the area variance, or 2) the applicant withdraws the request for an area variance and acquires the land necessary for the minimum side setback of 50'. *Comments:* If the owner of the property to the east is unwilling to sell a sufficiently wide strip of land- thereby eliminating the need for the variance- despite this applicant's good faith effort, it is the County Planning Board's position that the variance should be granted and the project should proceed. The structure as proposed would be aligned with the buildings north of it along their eastern edges. The parcel is not within Orleans County Agricultural District No. 3, but is immediately adjoined by it on its east, west, and south sides. The acquisition of additional land to the east to provide sufficient setback would appear to involve one or two rows of trees in an orchard; however, that appears to have occurred with a prior acquisition without any loss of fruit production capacity.

Chairperson Grabowski requested comments or discussion of the county referral. He also stated that they could agree with the county referral or make our own conditions with a majority plus one vote. Mr. Russell was asked if the neighbors had been approached about selling a piece of land and he stated that they have and they do not want to break off the land, or go through the process and expense of getting lawyers involved. Member Burke stated that we have a 50' setback rule and we should stick to it. Member Strickland stated we should go with the county recommendations. Vice-chairperson Miller stated we should go with the county proposed recommendations as none of the neighbors disapproved of it at the Public Hearing. Chairperson Grabowski concurred that none of the neighbors disapproved nor contacted us anonymously to state any concern, and we should approve with the recommendations from the county.

On a motion of Vice Chairperson Miller, seconded by Member Strickland, the following was

Carried Ayes 3 Grabowski, Miller, Strickland
 Nays 1 Burke

Approval of 14-09A and 14-09B with the recommendations with County Planning Board.

Site Plan and Special Use permit for Blue Ridge Greenhouses, Inc. (Intergrow)

Chairperson Grabowski asked Michael Metzger of Metzger Engineering (Intergrow's Engineering Firm) to discuss and address concerns that were raised by the Town of Gaines engineering firm- Chatfield. Mr. Metzger stated that these concerns will be revised and returned to the town engineers by the end of the week. Chatfield reviewed the Phase 4 plans dated March 26, 2014 and the revised plans from April 15, 2014. Chairperson Grabowski then read Chatfield's comments.

1. Temporary silt fence should be added in several locations. For instance on the north side of the proposed 20' wide farm access road on the north side and on the south side of the proposed building between the building and the swale, and also on the south side of the turnaround.
2. I assume that stormwater calculations will be provided when the Stormwater Pollution Prevention Plan (SWPP) is submitted. We will review both at that time.
3. The size of the HDPE pipe from the roof leaders to the pond should be determined based upon anticipated volume from the appropriate storm duration.
4. What is the status of the State Environmental Quality Review (SEQR)?
5. Only one temporary check dam is shown. Consideration should be given to installing additional check dams.
6. Provide a driveway detail.
7. The proposed driveway between the Phase 4 building and the existing irrigation pond states that a 10' wide farm access road is provided but it scales out at 20' wide. Please correct this item.
8. Show the property lines and label them accordingly and show a dimension of the distance from the buildings to the property lines.

9. In the Engineers Report on page 1 under Project Description, the size of the existing greenhouse facility should be filled in to replace the XX acres.

Mr. Metzger responded to each comment:

1. He agrees with Chatfield in regards to the silk fences and can do them without a problem.
2. Stormwater (SWPP) will be completed tomorrow (5/6/14) with stormwater calculations in it.
3. Calculations for piping will be enough to carry to the pond.
4. SEQR was requested for entire project when doing Phase 3. Chairperson Grabowski stated that because there are changes to the scope and size of Phase 4, county would like SEQR to be redone. Chairperson Grabowski also stated that SEQR forms have changed and are now done online and we will take care of this.
5. Mr. Metzger stated that there are actually three check dams and believes Chatfield has only seen one. He will discuss this with Chatfield and confirm that three is enough.
6. As far as the driveway detail goes nothing is changing. They are only extending the farm lane – it will go back 2500'. He will discuss this with Chatfield. CEO Kopas inquired if this lane is safe enough and able to handle heavy equipment such as fire equipment and tractor trailers. Mr. Metzger stated that when completing Phase 3 they had to have a letter from the fire chief stating the lane was acceptable. CEO Kopas stated he has a letter from the fire chief but there is no date on it. CEO Kopas then stated that he believes there is to be turnaround every 500' and asked Mr. Metzger if there are any exemptions to this. CEO Kopas will investigate this further.
7. The proposed lane is 20' wide and the 10' is a typing error.
8. The property lines are shown on the plans they are just not labeled. They will label them and he stated that property lines are within the limits.
9. The size of the greenhouse on the application was overlooked and will be taken care of.

Member Burke asked where the swale on the right side went. Mr. Metzger stated it all ends up in the pond. He then reviewed how all the water gets to the retention pond. He was asked where does the overflow from the retention ponds go and he stated into the federal wetlands. Vice-chairperson Miller asked if the DEC approved of this. Mr. Metzger says that being federal wetlands there is not a concern of flooding them, only if filling them in. Again, it was stated that there would be no change to the driveway or parking lot and there would be no new pavement. There would be no one driving back there except to maintain the equipment in the generator room as needed and there is already access to this area. The only things that will be new are the green house and the two new roofs for the new buildings. All product and packing takes place in the front. Vice-chairperson Miller asked Mr. Biemans about an evacuation plan for employees. CEO Kopas stated depending on what type of building depends on the type of evacuation, as well as hazmat is needed. CEO Kopas is waiting to see from the engineers if it is a building of F2, U, H1, H2. CEO Kopas stated we are still waiting for stamped hazmat plans. Mr. Biemans stated he has never heard of this nor has anyone else that grows or the Dept of Agriculture. CEO Kopas stated

the State Dept regulates building codes. Mr. Biemans stated that the Dept of Agriculture is looking into it and will get back to him. Once they do he will contact CEO Kopas. Member Burke stated that he has concerns if the retention pond overflows it will flood out the neighbors to the north. Mr. Biemans says no. Member Burke again stated he is concerned for the neighbors to the north and south of being flooded out. Mr. Metzger then stated he would discuss all issues with Chatfield. Mr. Biemans will work with CEO Kopas on all outstanding issues. Mr. Metzger asked if we could send this to county for the next meeting as they are on a timeline. Chairperson Grabowski stated that the county will send it back to us if it is not a complete plan and at this time we do not have that. Chairperson Grabowski stated if all issues are resolved and received by the town we may call another meeting, but need at least five days to do that. All information has to be to county by the third Thursday of the month. Member Burke again stated he wants to make sure the homes to the north and south of Intergrow are protected from flooding.

With no further business on a motion from Member Burke, seconded by Vice Chairperson Miller the meeting was adjourned at 8:57PM.

Respectfully Submitted,
Carol Claus
Zoning Board of Appeals Secretary