

TOWN OF GAINES PLANNING/ZONING BOARD MEETING
AUGUST 7, 2013

7:00PM

Present: Chairman Michael Grabowski, Vice-Chairman Raymond Burke
Members: David Thom, Marilynn Miller, George Fleshman (alternate)

Guests: Kathy & Dave Kast, Sandy DeBoard, Melissa Mayback, Oded Kalir,
Tamara Vacanti

Chairman Grabowski called the meeting to order at 7:00PM with the Pledge of Allegiance to the Flag.

Reconvene Meeting

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

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

The August 5th, 2013 meeting was reconvened.

Chairman Grabowski stated that Member Strickland was excused and Member Fleshman was filling in.

Old Business

Oded Kalir Special Use Permit

Chairman Grabowski stated that the application had gone before the county for referral and was approved. Roger Kopas, CEO reported on his finding of his pre inspection with Oded at 13105 Eagle Harbor Rd. The CEO stated that the number of occupants must be less due to the square footage requirements. The room at the top of the stairs would have to stay a common room per maintenance code as well as the north room downstairs and not be used as a bedroom. Extra outlets would need to be installed in the room that only contained one outlet, as well as updating the electrical in the basement. The CEO has stated he needs certification from a licensed electrician. The circuit breakers would need to be labeled. The 40 gallon water heater is going to be replaced by an on demand water heater. There is a guard rail on the deck that needs to be repaired. Remove or reconnect the propane tank outside. Fire extinguishers need to be upstairs and downstairs. CO detectors are needed. Updated thermostat. The CEO has given a list of repairs to Oded. Oded did agree with all findings by the CEO. The discussion of a water sprinkler system was discussed and was found to not be required. This was agreed with by the town attorney. For the record, these requirements are codes from the Property Maintenance Code, Fire Code, Residential Code, Mechanical Code of New York.

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

Carried Ayes 5 Burke, Grabowski, Thom, Fleshman, Miller

Nays 0

To approve county recommendations and following our Article III Section 306 requirements of Certificate of Conformity: At which time the CEO is satisfied that all applicable codes, rules and regulation have been complied with and that the project has been completed in accordance with the approved application, the CEO shall issue a Certificate of Conformity with the Zoning Laws, granting final permission to occupy or use the structure.

CEO stated that building code and fire code of NYS are specific that this building can have a maximum of 14 people not any more. Oded wondered what happens when it becomes an ag district and who has the right to inspect the property at that time. Chairman Grabowski stated when that happens Oded would have to follow the rules of migrant housing. The CEO reviewed Law Section 665 Part C regarding when inspections may take place by the CEO.

Oded has committed to provide food for the cats that are left behind.

Raymond Burke Site Plan Review/Special Use Permit

Vice-Chairman Burke recused himself.

The county has approved the application with the following recommendations:

1. Free standing sign cannot block the site of vehicles attempting to leave the property.
2. Town of Gaines ZBA be satisfied with view of the parking area from the road.

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

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

To approve the site plan / special use permit for the conversion of the residents to a high end arts and crafts business at 14386 Ridge Rd in a historical and commercial district.

The CEO may issue that permit at any time.

The ZBA feels that the location of the parking area is hidden satisfactorily for the historical cobblestone society.

Vice-Chairman Burke returned to the board.

Determination letter for Kast Farm's use variances

Our town attorney is working with Kast Farm's attorney to have a new hearing to change the special use variance to an area variance. Once this application comes before us for an

area variance Mr. Kast asked that we expedite this. The CEO is meeting with Dave Friday morning to see how far they can go with what they are approved for now.

New Business

Ray Burke Area Variance

Town attorney stated that we do not have to have an area variance for non structures. So it is not needed for Ray's driveway. The application fee will be returned to Ray. No action will be taken.

Tamara Vacanti Site Plan Review/Special Use Permit

Tamara explained that she would like to open a business "THE OLD GOAT" with "something for everyone" including antiques, collectibles, and gently used items.

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

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

The Town of Gaines will be the lead agency for the SEQR of the Tamara Vacanti application.

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

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

Town of Gaines is Lead Agency for the Type 2 action under SEQR Tamara Vacanti review.

The CEO reported on his inspection. Chairman Grabowski read what repairs and maintenance have taken place so far.

The CEO will be doing another inspection soon, but stated that huge changes have taken place so far.

Site Plan Review

No changes to exterior. The discussion of parking and customers being able to turn around without having to back out on to 104, handicap parking, lighting of the parking area and number of parking spots needed. Nothing to change drainage will be done. 20 tons of new stone has been put down. Hours of operation will be approximately Wed-Sun 9-6. They would like to open as soon as possible.

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

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

Town of Gaines will record to county for preliminary review for the Tamara Vacanti Site Plan.

Next meeting will be September 9, 2013.

With no further business on a motion from Member Miller, seconded by Member Fleshman the meeting was adjourned at 8:23pm.

Respectfully Submitted,
Carol Claus
Secretary, Zoning Board of Appeals