

TOWN OF GAINES  
ZONING BOARD OF APPEALS MEETING  
February 4, 2019 Gaines Town Hall

Chairman Gerard Morrisey opened the meeting at 7:00 P. M with the Pledge to the Flag.

Roll Call: Gerard Morrisey, Marilyn Miller, David Thom and Curt Strickland

Absent: Mike Grabowski

Excused: Renee Ebbs, ZBA Secretary (out of town)

Guests: Patricia Morrisey, Jerry Culhane, Jan Albanese, Doug Farley, Corey Black, Jerry Monagan, Lisa Mannella, Toni Plummer, Bill Lattin, Rene Schasel, Ron Mannella  
Town Clerk, Susan Heard, attended to take minutes.

**Update of changes made by the Town Board:**

Chairman Morrisey read in full text the resolutions of the Town Board, Resolution No. 18-0119 making the appointment of the ZBA Chairman, Gerard Morrisey and Co-chair, Marilyn Miller. Resolution No. 19-0119 making appointments to the County Planning Board, Bruce Kirby to serve as Primary member and Chris Watt as the Alternate member. Resolution No. 20-0119 which demands the Zoning Board of Appeals to turn over all documents to the Town Clerk by February 11<sup>th</sup>; and Resolution No. 21-0119 requiring ZBA meetings to be held in the Town Hall, unless meeting expects to exceed the room capacity, with advance notice.

Marilyn Miller commented about her reservations to continue to serve on the ZBA, and serving as Co-Chair. She had only agreed to serve under Mr. Grabowski and her belief he would be Chairman. She felt he was treated poorly by the Town Board and the audience, and should not have been “dumped”. After soul-searching, she decided she would stay in this role.

Chairman Morrisey said the Town Board was asked to take actions regarding various issues, such as the use of Alternates on the ZBA Board, and other problems that existed, and the Town Board has acted. Mr. Morrisey said, “It’s time to move forward, not raise issues that don’t matter, and don’t rehash the past.”

**Reading and Approval of Outstanding Minutes:**

Chairman Morrisey presented minute copies of the August 6<sup>th</sup>, September 10<sup>th</sup>, and December 3<sup>rd</sup> meeting for approval.

December 3<sup>rd</sup> minutes were corrected to add Guest Names: Lisa Mannella, Erin Anheier

Motion by Member Miller to accept the December 3, 2018 minutes, as corrected. Seconded by Member Thom. 4 Ayes; 0 Nays. Carried.

September 10<sup>th</sup> minutes were corrected to remove Jim Navarra from roll call, and moved to Guests. The three motions entertained at the meeting, were changed to read 5 Ayes; 0 Nays. (The Board consists of 5 members, and the Alternate would not vote when the full Board is present).

Motion by Member Strickland to accept the September 10, 2018 minutes, as corrected. Seconded by Member Miller. Ayes 4; Nays 0. Carried.

August 6<sup>th</sup> minutes were in draft form, and the members who were present at the meeting did not appear to recall the events to approve said draft. They will look into the matter.

Motion by Member Strickland to table the minutes of August 6, 2018. Seconded by Member Thom. 4 Ayes; 0 Nays. Carried.

#### **Receipt of correspondence including Town Board Actions:**

The Town Board has requested all documents be returned to the Town, and specifically included the minutes from the December 4, 2017 meeting, on which date there was a Legal Notice published for a Public Hearing to “receive public comment regarding an interpretation application regarding a definition for a proposed retail establishment which was submitted by Mary Ann Wervev of the Zaremba Group.”

Member Miller will look to see if she has any minutes from that meeting; Member Thom raises the possibility of stolen documents; Town Clerk Heard reminded the board that the ZBA secretary terminated her employment in November 2017, therefore, the ZBA did not have a secretary at their December meeting, and the former administration did not supply the ZBA with a secretary for December.

#### **Old Business:**

Gateway to Heaven Church – Final Action. Margie Eason, representing the Church was not present. The ZBA Secretary sent her a letter on January 22<sup>nd</sup> advising of date and time of the ZBA meeting.

Motion by Member Thom to set aside this action until Ms. Eason appears. Seconded by Member Miller. 4 Ayes; 0 Nays. Carried.

#### **New Business:**

Section 523 (d) of the Zoning Ordinance allows the ZBA to appoint persons with expertise in CH District matters. Chairman Morrisey would like to appoint a committee, or individuals, with expertise in this matter. The ZBA could form a mission statement, or a format, which is at the pleasure of this Board. He suggested a few residents that do not have an affiliation with the Cobblestone Society, are not historians, but are just residents that are familiar with the Historical District in Gaines.

Member Strickland said the ZBA made mistakes, from the beginning, but experience and expertise is important. He would like to see someone like Paul Chatfield or Jonathan Hinman, who are the Town’s engineers, and are familiar with Gaines be appointed. He was reminded that Paul Chatfield is now part of the MRB Group.

Chairman Morrisey wanted to clarify we would not be shifting any responsibilities to MRB, but rather just seeking their expertise in the matter.

Member Miller would like the board to entertain one or more firms, to the level of expertise we are seeking.

Motion by Member Strickland to reach out to the MRB Group (Jonathan Hinman) to look at the Dollar General and future uses in the Commercial Historical District, for both development and redevelopment. Seconded by Member Miller. 4 Ayes; 0 Nays. Carried.

**Other New Business:**

Barbara Johnston, from LaBella Associates, has tried to meet with this Board regarding the proposed Solar Energy language. She has reached out and had wanted to make a presentation in December, but did not hear back from anyone.

It was suggested the ZBA may need an extra meeting, as having the MRB Group making a presentation regarding the CH District and the presentation on Solar at the March meeting could be overwhelming.

It was decided to hold a Business Meeting and Special Meeting on February 25, 2019 at 7:00 PM for a presentation about Solar with Barbara Johnston. Secretary to publish a Legal Notice.

The March 4, 2019 meeting, will be a regular meeting for regular business, with a presentation by MRB Group with an overview of the CH District.

The Orleans County Planning Board has maintained a roster of all Town Officials, officers, appointed committee members, etc. for many years. However, this board has determined they don't want their personal information on the roster. Jim Bensley, County Planning Director, said addresses are public information, and residents should know the person listed actually lives in the Town they were appointed to serve for. Member Miller said she's not comfortable having people know where she lives. Chairman Morrissey suggested a Town e-mail account.

**Privilege of the Floor:**

Doug Farley, Cobblestone Museum director, said he was pleased with the "transparency" of the new Chairman and tonight's meeting, he holds no animosity against any of the members, and likes the positive direction we are heading. Mr. Farley said it's super important for the December 2017 minutes of the Public Hearing to be found. He feels the Board's decision regarding Section 523 (d) is a great decision to move forward with expertise. He suggested the Landmark Society of NY would also be a great resource.

**Adjournment:**

Motion to adjourn by Member Strickland at 8:12 P. M. Seconded by Member Thom. 4 Ayes; 0 Nays. Carried.

Respectfully submitted,  
Susan Heard, Acting Secretary