

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
April 23, 2007

PRESENT: Chairman Harvey            Mr. Frankish  
          Mr. Atkins                    Mr. Hoover  
          Ms. Watkins                  Mr. McCadden  
          Mr. Farmer

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Atkins made a motion to approve the March 26, 2007, minutes as presented. Mr. Frankish seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #09-2007, James & Sharon Allen owners of property on South St., requests final subdivision approval on .976 acres known as lots 2 and 3 on approved preliminary map.

Mr. Allen contacted the Zoning Office and requested that his application be adjourned until next month.

Chairman Harvey opened and adjourned the public hearing until May 14, 2007, at 7:30 PM, in the Gorham Town Hall.

The Planning Board suggested that Mr. Allen have a plan in place at the public hearing on the access to lots 4 and 5.

MISCELLANEOUS:

On behalf of Carmen Laviano, MRB Group has written to Gordon Freida requesting that condition 13 on the Section I, Phase C resolution, plan for temporary detention pond upland be presented to the Ontario County Soil and Water for review and recommendations, be waived. Condition 15: A design plan for sidewalks and trail system be presented to the Town. Mr. Laviano believes it is the responsibility of the residents if they so desire, to install a trail or sidewalk. A trail system is therefore not being proposed by Mr. Laviano for inclusion within the East Lake View Estates Subdivision.

Condition 13 and Condition 15 on the East Lake View Estates-Section I, Phase C resolution was discussed.

Supervisor Calabrese is setting up a meeting with himself, Chairman Harvey, MRB Group and Sniedze Associates. At that time, if a compromise can be made on the uphill drainage, the applicant can present it to the board on May 14, 2007, to amend the resolution.

On condition 15. A design plan for sidewalks and trail systems be presented to the Town. The board agreed that they would be willing to waive a plan for sidewalks, but would not be willing to waive the trail system. The Planning Board decided to refer the question to Jeff Graff, Town Attorney as to whether Mr. Laviano is still the controlling interest in the Homeowners Association and will discuss this again on May 14, 2007.

The recommendations from Supervisor Calabrese on Wind Farms, Wind Generators in Agricultural Districts and Non-Commercial for Subordinate to the Principle Use and Solely for on Site Use was discussed.

#### WIND FARMS

Wind farms will only be allowed in the pink area on the wind density map and would require a re-zoning to an Industrial Zone. This was discussed as spot zoning and it was suggested that something be done like the telecommunication overlay district, and make it a wind farm floating zone. If notification is going to be sent within two mile radius of the windmill farm, a cost to the applicant will need to be written in the law for the postage. This could be quite costly. The board felt that the setbacks were way too restrictive and believe that the setbacks should be set at 1 ½ to 2 times the maximum height of the tower. A clause that the Town will not support an "Eminent Domain" for wind farms can not legally be put into the local law, but it can be put into the comprehensive plan. The Planning Board did not agree that Wind Farms will be detrimental to the farming in the community. Wind Farms have been endorsed by Farm Bureau as a viable source of agricultural income. If wind farms are limited to the overlay areas there should be no problem. Reclamation of land has been put into the draft. The reclamation of the agricultural land also needs to be addressed. The Planning Board agreed with the 300 feet maximum to tip of the blade height for Wind Farms.

#### WIND GENERATORS IN AGRICULTURAL DISTRICTS

The board believed that the farmer should be entitled to more than one generator for sole use if geographical restrictions prevent only one from being used effectively. The board agreed that they be allowed in all of the Agricultural District. The setbacks should be 1 ½ to 2 times the maximum height of the tower. The board agreed with the height not to exceed 200' to the tip of the extended blade.

Chairman Harvey will rewrite the Wind Energy Local Law Draft based on the comments discussed tonight. This will be discussed further on May 14, 2007.

The board reviewed and discussed powers and duties for the Town of Gorham Conservation Board. The Planning Board made a suggestion that they would like the Conservation Board to also look at applications that involve steep slopes over 15%, forested areas and scrubbed forested areas.

E. on the draft of the powers and duties "The Board may request assistance of the Department of Environmental Conservation in the preparation of any report." The Planning Board decided that this could be removed from the draft of the powers and duties. All boards can request assistance of any department or agency at any time; it does not have to be written in their powers and duties.

Chairman Harvey will draft a copy of the powers and duties for the Conservation Board for review and discussion on May 14, 2007.

Mr. Atkins made a motion to adjourn the meeting at 9:28 PM. Mr. Frankish seconded the motion, which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary