

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
May 19, 2008

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

Chairman Harvey called the meeting to order at 7:30 PM. The minutes of April 28, 2008, meeting was reviewed. Mr. Frankish made a motion to approve the minutes as submitted. Mr. Hoover seconded the motion. Harvey, Atkins, Hoover, Watkins, Farmer, Frankish voted AYE and McCadden abstained.

PUBLIC HEARING:

Application #05-2008, John & Josephine Schilbe, owners of property at 4700 Jones Rd, requests a special use permit and site plan approval to erect a commercial wind energy conversion system.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

Mike Parks from Northeast Emergency Power and Jack Schilbe were present and presented the site plan to the board.

Mr. Parks stated that they are looking to erect a Bergey 10kw wind turbine on a 100 foot tower to cover Jack Schilbe's electrical usage.

Mr. Schilbe explained to the board that he also owns the adjacent property.

This is a commercial application because of being in the agricultural district and the need of a tower over 100 feet in height to power his farm and house.

The blades will be 12 feet long and the tower will be 100 feet. The total height will be 112 feet to the tip of the blade.

The electrical meter will be on the side of the barn; there will be a lockable disconnect. The wiring will all be underground.

Mr. Parks stated that the tower is rated for 150 mile an hour winds.

The Board noted the information in the application and the plans noted that the design wind speed for the tower is 95 miles per hour, and 40 miles per hour with and inch of ice.

Mr. Freida recited the requirements from the zoning code that are reviewed for a special use permit including lot size, sufficient setbacks, decibel levels, adequacy and location of transmission facilities, determination of height, an erosion control plan, a balance between generation capacity and on-site consumption (i.e.: what is being powered), visual assessment, a noise analysis, calculation of shadow flicker onto neighboring residences, and details on any proposed or FAA required tower lighting. In approving a special use permit for a Commercial WECS, the zoning code requires the Planning Board to find: 1. That generation capacity of the proposed WECS is roughly equivalent to the peak demand load for the buildings and uses located on the premises. 2. That the color of the WECS and support structure have been specified to minimize visual impact to the maximum extent possible. 3. That all practical measures have been taken to minimize the impact on adjacent uses and residences in regard to shadow flicker, noise, and stray voltage discharge. 4. That the WECS has been sited so that it does not pose a hazard to migrating birds.

The decision to erect a 10kw wind turbine was based on a utility bill which shows that they are using between 8,000 to 10,000 kilowatt hours a year. The average wind speed for the site was determined by NYSERDA's consultant based upon the GPS location of where they want to put the tower. The report came back that this property at the location where they propose to put the tower is 5.13 meter per second average wind speed. This will generate annually 9,259 kilowatts a year.

Chairman Harvey asked if there were any comments from the public.

Sue Kotalik - "Visually, I think it's in the wrong spot. He has pick out probably the best view of going up the lake and you're placing this object there to ruin the whole view. I object to doing this for that reason."

Bob Gusciora - "I think the thing that the board should consider is the fact that we are entering the era where visual pollution will be the result. When I look west from my place along the lake, year by year houses are growing like mushrooms and it is becoming more and more and more polluted visually. When you look east, because Gorham prides itself on being a farm community, it's a nice idyllic looking place, and I maintain that a silo has a different presentation to the eye than a windmill. I guess that some of you guys and gals have been down to Cohocton, I have never seen such ugly presentation, and I know that they are bigger, but they belong in Texas where they look okay where

there is miles and miles of room, but not in Cohocton. I think what Calabrese should do is apply for a nuclear plant in Gorham and then we will be all set. This wind stuff is like trying to paint that wall by throwing the paint can from here and cover it nicely. As an electrical engineer I can say that. It's just a little pittance of electricity. The concern I have is visually. My other concern is that I wouldn't want the board to set something up to have a precedent that they are going to be sorry for. You guys and gals on this board have squeezed and squeezed and squeezed the people on the lake with the various rules that are imposed year after year after year about new construction and so on. I think that you ought to look at the lake to the land and maybe make some similar considerations. The other problem is that this is a very expensive proposition. What happens when it breaks? Who is going to pay for it? What if he runs into a financial crisis is the Town going to pay for tearing it down?"

Mr. Frankish asked why they would want to tear it down. "Why wouldn't you want to fix it?"

Mr. Gusciora stated that it would cost tons of money.

Mr. Frankish asked 'says who.'

Mr. Gusciora stated 'says this electrical engineer.'

Mr. Frankish stated 'but you do not know the site you do not know what is available.'

Mr. Gusciora stated 'I know what he is talking about.' "I know precisely what he is talking about. This is sort of like buying a car. Oh it is beautiful it is going to run for 500,000 miles and then you get it and..."

Mr. Parks asked Mr. Gusciora what his life expectancy was on it.

Mr. Gusciora asked what Mr. Parks what life expectancy was on it.

Mr. Parks stated that the life expectancy is 30 years.

Mr. Gusciora asked with what data.

Mr. Parks stated that the manufacture has had these up since the 70's. "We have actually done three re-builds on ones that were put up in..."

Mr. Gusciora stated that he is not going to argue the details, "but I doubt that you are prepared to present a valid reliability assessment of a product."

Mr. Parks stated that they are required to for the NYSERTA funding. "It's on their list for approval. They're not funding anything that is not going to be viable."

Mr. Gusciora stated that he has seen air force planes go down that the air force said was ok. "Trust me it is not going to stand up."

Mr. Atkins asked Mr. Gusciora what he was basing this on.

Mr. Gusciora stated on knowledge.

Mr. Atkins asked Mr. Gusciora to give them (Planning Board) some facts for the record.

Mr. Gusciora stated that the knowledge he has is over 40 years in the electrical engineering industry with the focus on reliability for 30 years. "There is nothing different about the stuff that I worked on and the stuff that they are selling."

Mr. Atkins asked Mr. Gusciora to give them some facts. "You're speaking to the record."

Mr. Gusciora stated that he is asking questions.

Mr. Atkins stated that no, you are telling him what he is deficient in. "And if you are doing that I would like some back up, because this is what we are going to base our decision on."

Mr. Gusciora stated that he would like the back up too, because he is not going to provide it.

Mr. McCadden stated that some of the concerns that you bring up he could understand if it was a large commercial wind farm but in this case it is anything but that.

Ms. Kotalik stated that it seems that you have made up your mind already.

Mr. Atkins stated that they have not even started the discussion (on the criteria for the special use permit). "Ma'am, what are you basing that on?"

Ms. Kotalik stated well that comment. "His comment is well this isn't a commercial facility."

Mr. McCadden stated that you are talking about a farmer, and you are talking about an individual who is putting it up for his own use. "We are talking about a tower that is open that is only 100 feet high."

Mr. Atkins stated that all this (criteria for the special use permit) had been decided and put into the zoning code as a result of a number of public work sessions and public hearings.

Debbie North - "Several of us worked very hard to have a law that would be fair to anyone who wanted to look into wind energy, whether it be what we termed Industrial Wind Farms, which is what the Cohocton project is, or Commercial, which is what Mr. & Mrs. Schilbe wants. Quite honestly what they have come in for tonight is exactly what the farmer or the small business man should be entitled to explore any opportunity to meet their energy use. If Mr. & Mrs. Schilbe want one for their farm I say great. I came down here Saturday morning and I went through the application. The

nearest human occupied building that is not on their property is 1500 feet away. And you can correct me but I believe that is what has been printed in the documentation. So the Town law is written, if you were to bring in an Industrial Wind Farm, like what is in Cohocton, our Town law states 2000 feet from a property line. I think they are being very neighborly by having it set 1500 from the nearest human occupied building other than their own home. If this is what they want to do it is a private business decision that they have made for their private business. If they choose to explore wind energy to power what they need on their farm that is exactly what this law was set up for. We have worked so hard. We put forth an excellent law that protects but supplies opportunity."

Mr. Parks stated that he has a picture of the 10Kw Bergey at three quarters of a mile on his computer for whoever would like to take a look.

Mr. Parks stated that the tower is all galvanized, so it is a light grey color which blends with the sky.

Mr. Schilbe stated that he would like to say something to the board. "I am 73 years old. I am never going to see the value out of this. But it has been my theory right along - we need to find other sources of energy; that is why I bought a hybrid car. All of the money spent at 12 million dollars a month for a war that is nothing but over oil. I hope someday that I can come back and try and see these Arabs eat that oil and eat some sand. Because that is all they got over there is that oil."

Mr. Farmer asked if there is a monitor on the turbine for the output showing the pluses and minus when it is running.

Mr. Parks stated that there is a readout that will be mounted next to the meter to show production.

Mr. Farmer asked if that information could be made a piece of public record.

Mr. Schilbe stated that what he would like to do is when it is all up and running have the Town Board and Planning Board come up and Mike can go through and show everyone what is there and how it works.

In response to the Board's question, Mr. Freida stated that a commercial WECS in the Agricultural District can be up to 200 feet in height.

Mr. McCadden asked what color the blades and the unit would be.

Mr. Parks stated that if they are allowed to they order the blades in black. "The reason that I like the black blades is if they get any ice on them the sun comes out and

melts it off and we are back into production. The unit is white and yellow."

Mr. McCadden asked how big it is in size that people can relate too.

Mr. Parks produced a picture of it on his computer standing about 300 feet from it.

Mr. McCadden asked how often the unit needs to be serviced.

Mr. Parks stated that they will service it at 3 months, 6 months and then annually.

Chairman Harvey asked if there were any more questions from the public. Hearing none, the public hearing was closed.

Part 2 of the Full Environmental Assessment Form was completed by the board. The board determined this to be an unlisted action under SEQR and will not receive coordinated review, since no other discretionary agency approval is required.

Mr. Farmer made a motion to approve the Full Environmental Assessment Form, as submitted by the applicant, making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse negative environmental impacts. Ms. Watkins seconded the motion.

Part 1 was discussed and under "25. Approvals Required:" (Town Board - no; and, ZBA - no) on page 8 was amended by the board.

Mr. Atkins made a motion to accept the amendment on page 8. Mr. Hoover seconded the motion, which carried unanimously.

Chairman Harvey asked if there was further discussion on the motion to approve the Full Environmental Assessment Form. Hearing none, the motion was carried unanimously.

The Board discussed the information required for a Special Use Permit, the additional information that must be shown on the site plan. There was a concern with the unit generating about 56 dbA at the property line. Zoning requires it to be no more than 45 dbA at the property line. The things currently missing on the site plan are: Erosion Control, fencing, and the grounding requirements. Their engineer has to supply to the Zoning Office a statement that the tower and blades meet the ice load standard of a half inch ice load with a 70 mile an hour wind speed.

It was suggested that they also provide a cross section showing elevations as to how much the tower will stick up above the horizon when viewed from on or near Canandaigua Lake. This should address a lot of the public's concerns.

It was mutually agreed between the applicant and the board to turn the time clock off for the applicant to have time to provide all the information required, to the board.

Application #06-2008, Mark & Christine Langan, owners of property at 3961 State Rt. 364, requests site plan approval to build a single family home.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

Mark & Christine Langan were present and presented their site plan to the board.

Mr. McCadden questioned if the existing garage will still have the garage doors on them and if so how were they planning on driving up to it.

Mr. & Mrs. Langan stated that the driveway will continue on to the existing garage.

Mr. McCadden stated that it does not show that on the plan.

Mrs. Langan stated that the gravel already goes to the existing garage.

The drainage was modified to show positive drainage away from the building. The swales should be at least 6 to 8 inches deep.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was closed.

The Short Environmental Assessment Form was reviewed; side two was completed by the board. The board determined this to be an unlisted action under SEQOR and will not receive coordinated review, since no other discretionary agency approval is required.

Mr. Atkins made a motion to approve the Short Environmental Assessment Form, as submitted by the applicant, making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse negative environmental impacts. Ms. Watkins seconded the motion, which carried unanimously.

Mr. McCadden made a motion to approve the site plan with the notation that the swales will be at least 6 inches deep. Mr. Atkins seconded the motion, which carried unanimously.

Application #08-2008, Jonathan & Jane-Louise Sensenig, owners of property at 5299 Crowe Road, requests site plan approval to build a 60 x 120 dairy barn.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

The Zoning Board of Appeals on May 15, 2008, granted the following: a 16.7' variance on the south west front corner for a 33.3' setback and a 4.1' variance on the north west front corner for a setback of 45.9'. The construction is to be started within one year.

Jonathan Sensenig was present and presented his site plan to the board.

Mr. Sensenig stated that the barn will house heifers and milk cows.

The barn will have curtained sides and a concrete floor.

The manure storage facility is about 20 feet from the proposed barn and the manure will be piped from the barn to the facility.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was closed.

The Short Environmental Assessment Form was reviewed; side two was completed by the board. The board determined this to be an unlisted action under SEQOR and will not receive coordinated review, since no other discretionary agency approval is required.

Mr. Frankish made a motion to approve the Short Environmental Assessment Form, as submitted by the applicant, making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse negative environmental impacts. Mr. Hoover seconded the motion, which carried unanimously.

Mr. Frankish made a motion to approve the site plan as submitted. Mr. Hoover seconded the motion, which carried unanimously.

#### MISCELLANEOUS:

Roger Carroll, owner of property at 5100 County Road 11, was present to discuss his previously approved site plan.

Mr. Carroll has provided the Zoning Office new plans concerning all the conditions that were set at the time of approval.

Mr. Freida presented these plans and reviewed them with the board.

The height of the second story addition was discussed at length. At the time the project was started the Town's Zoning requirement was no higher than 35 feet in height. The Zoning Board of Appeals stated that the second story addition was not to exceed the height of the existing second story.

It was decided that the proposed second story will be no higher than the elevation of 740.15.

Fred Lightfoote, Councilmember was present and stated to the board that if any of them get any calls about the newsletter that was sent by the Conservation Board, they are to have them call Nancy Hollenbeck, Town Clerk or a Conservation Board member.

Chairman Harvey stated that the Town Board has hired Clark, Paterson & Lee to work on the Town's Comprehensive Plan Update. The Town has drafted an article in the newsletter to try and get people involved. Clark, Paterson & Lee are going to schedule a kick off meeting with the Planning Board either on June 9, 2008 or June 16, 2008. The Planning Board should also plan on the fact that they will probably be having an extra meeting every month to deal with the Comprehensive Plan.

A joint meeting between the Town Board, Planning Board and the Zoning Board of Appeals was discussed. The Planning Board decided that they thought a joint workshop meeting would be beneficial to discuss some of the lot coverage issues.

Mr. Atkins made a motion to adjourn the meeting at 9:53 PM. Mr. Frankish seconded the motion, which carried unanimously.

---

Thomas P. Harvey, Chairman

---

Sue Yarger, Secretary