

APPROVED
on 12/13/10

**Town of Geneseo Planning Board
Regular Monthly Meeting Minutes
November 8, 2010
7:00 – 8:30 P.M.**

Members Present:

Dwight Folts, Chair
Tom Curtin
Hank Latorella
Marcea Clark Tetamore
Mark Shepard
Patti LaVigne
David Woods

Others:

Ron Maxwell, CEO
Jim Oberst, MRB Engineering
Jim Coniglio, Town Attorney
Michael Hedges, Windtamer
Roy Teitsworth, Genesee Country Christian School, windtamer
Susan Teitsworth, Genesee Country Christian School, windtamer
Jennifer Bielicki, Genesee Country Christian School, windtamer

1. **Call to Order:**

Chair Folts called the regular monthly meeting to order in the board room of the Town Offices at 7:00 p.m.

2. **Review of Minutes:**

The minutes of the June 28, 2010 Planning Board meeting were reviewed.

Marcea Clark-Tetamore made the MOTION to accept the minutes as presented.

Mark Shepard SECONDED the motion.

All in favor: Dwight Folts, Hank Latorella, Mark Shepard and Tom Curtin, Marcea Clark-Tetamore. Patti LaVigne.

Opposed: None.

Abstained: David Woods (Did not attend June 28, 2010 meeting.)

MOTION PASSED.

3. **Code Office Report:**

The list of Town Building Permits (and other permit information) for the period 06/01/2010 through 10/31/2010 was received by the Planning Board with the following discussion.

Marcea Clark-Tetamore asked if Morgan Management had paid their outstanding bills. Ron Maxwell stated that they had.

Patti LaVigne asked what was going on in regards to the bulldozer at Eagle Pt? CEO R. Maxwell stated that the homeowner was replacing their private retaining wall.

Tom Curtin asked for an update on Peter Bruckel's project. Chairman Folts stated that he had received a letter from CEO Maxwell that was sent to Peter Bruckel. The letter, dated Nov 2, 2010 outlined what was required from Peter Bruckel prior to issuance of any Certificates of Occupancy for the new buildings. Chair Folts read that letter to the board at this time and commended CEO Maxwell on the completeness of the letter.

CEO Maxwell stated that 2 of the duplexes and one six unit apartment bldg. were complete and they were waiting for power to the site. Jim Oberst, MRB Engineering stated that he had received the as built drawings as an email at 4:00 PM. He said he had not had the opportunity to review them yet.

Marcea Clark-Tetamore requested an update on Lakeville Estates.

CEO R. Maxwell stated that he had correspondence from Jim Bonsignore and Scott Harter in regards to re-aligning 2 lots to allow for a garage on the model home site. When they came for all the variances for the park, they did not include this lot. CEO R. Maxwell stated that he was unable to issue a permit for the garage as it will not meet the codes. They may be coming to the Planning Board to request an amendment to the approved site plan to modify the lots lines to allow for the garage. At this time nothing has been submitted.

Also, for lot #9, the gas line wasn't where they thought it was, and they had to put the new house further back on the lot. They want to have a deck in the back of the house. We are trying to figure out how to allow for that given the location of the berm.

CEO R. Maxwell stated that we have not received the final plans for Phase II. He stated that when those are received and signed, Jim Oberst, MRB Engineering, will do a site visit to make sure all was done according to the approved site plan.

4. Village of Geneseo Planning Board report- David Woods

August meeting- Special use permit for University Hots
Corrin Strong subdivision approval for a four-lot subdivision creating two new building lots

September meeting A committee has been formed to work with Alliance for Business Growth and a Main Street improvement grant. The design guidelines are being presented tonight to the public and merchants. It is a competitive grant program after January 1st. Each Village is establishing their own criteria and the owner of the building will apply for the grant.

Marcea Clark –Tetamore asked what the status of the Village Board proposal to paint lines on Second Street for parking spaces? D. Woods said that was a Village Board issue. It was stated that the issue was dead.

October meeting Special use permit for Papa Jay's café
Renewal of the special use permit for lights at the Genesee Volley club
Special use permit was denied for conversion of 18 Wadsworth from a single family to a two family
Site plan review for 42 Court Street apts.

Marcea Clark-Tetamore asked R.Maxwell about the status of Hills Tavern. He stated that nothing is happening and a final C of O has not been issued. The kitchen equipment is not in yet.

R. Maxwell stated that the Hampton Inn construction is moving forward. It will be 3 stories.

5. SITE PLAN REVIEW, SPECIAL USE PERMIT CONCEPT APPROVAL **PER WIND ENERGY CONVERSION SYSTEMS, Chapter 103** **For a Wind Tamer, wind turbine to be located on the school grounds** **Genesee Country Christian School 4120 Long Point Road, Tax Map # 90.-1-4.2** **Jennifer Bellicki, applicant**

At this time, Chair Folts asked those present regarding the Windtamer to introduce themselves.

Susan Teitsworth stated that she was the principal of the school.
Roy Teitsworth stated that he was Susan's husband.
Jennifer Bellicki stated that she was the business manager for the school.
Michael Hedges stated that he was a representative with WindTamer turbines.

M. Hedges stated that the Windtamer turbine, model 80GT was donated to the school. He stated that this particular model had been discontinued because the dollars spent per kilowatt hour was below the industry standard. At this time he submitted the engineered drawings/ spec sheet of the tower to board members.

He stated that the school wanted to install the tower on the school grounds as a science project as well as a supplement to the energy needs of the school. He stated that it would contribute 15-20% of the energy used. Susan Teitsworth stated that the wind tower could be a reference in the study of energy, wind, and stewardship of the land. It would an opportunity for "hands on" learning.
Discussion followed:

School grounds/ location of tower

The school consists of 13 acres and is owned by a not for profit.
The property is zoned A/R, agricultural residential and the site is considered agricultural. The school itself was granted special use permit, use class # 15; the underlying zoning of the property is agricultural.

The tower is to be located on the school grounds behind the school. The tower height is 28'.
Given the setback requirement of 1 ½ the tower height, a 42' setback is needed.
There was discussion regarding the requirements for Planning Board approval to include:

Review of Wind Energy Conversion Systems, Chapter 103 requirements

§103-2 Applicable zoning district

1. Agricultural zoning district requirement met

103-4 Special use permit and site plan requirement-

Applicant will need to submit a special use permit application

Site plan review:

§106-35

D. Woods asked Jim Coniglio, Town Attorney, if the Planning Board could waive site plan requirements? Town Attorney, Jim Conglio stated that there were some requirements of the site plan review that the Planning Board could waive and referred to § 106. 35, 3 (b) [3].
It was stated that the code as written would accommodate the proposed tower.

§103-5 Plans.

A.

Chairman Folts stated the plans submitted are the site plans for the construction of the school and do not show the gymnasium addition.

CEO R. Maxwell stated that a copy of the site plan for the gymnasium should be in the Code Enforcement office files. A copy of that site plan can be made by the applicant. That site plan should show the property lot lines, and the existing structures on the site. The wind tamer site can be shown on that site plan. All the utilities are underground.

- (1) A dimensional representation is to be supplied to the Town Engineer.
- (2) Design data is to be supplied the Town Engineer.
- (3) Manufacturer's certification will be submitted to the Town Engineer

C. In addition to the site plan material listed above, the Planning Board may, at its discretion, require the following materials: (1) (2) & (3)

After discussion there was consensus of the board members to waive the requirements of §105-5 C (1), (2) & (3).

§103-6 Setbacks

M. Hedges stated that the tower location on the site plan will be in compliance with the required setbacks of 1 ½ times the tower height.

§103-7 Noise

M. Hedges was directed to determine as best he could the ambient night time noise level. M. Hedges stated that the tower creates a noise level of 43 decibels. He was asked, if feasible, to collect data on the wind speeds in the area and to relate the noise level to real life noise. Chairman Folts stated that we don't know how loud 43 decibels actually is.

There was further discussion regarding the wind speed at the proposed location. Chairman Folts stated that since there was a weather station at the school, that perhaps site specific data could be collected.

Discussion followed regarding the requirement for a fence.

Marcea Clark Tetamore stated that because it is a school she is reluctant to waive the requirement for a fence. Hank Latorella had questions about liability if the board waived the fence and someone got hurt. Hank Latorella stated he had concerns about metal fatigue making the wings fly off. He asked if we were liable if something like that happens?

M. Hedges stated that there is not an issue with the wings breaking off.

It was stated that there is nothing to grab onto to climb this pole. M. Hedges stated that there was a breaker box on site, but that the conduit will be trenched underground. T. Curtin stated he was ok w/o the fence. M. Shepard stated that he was ok w/o the fence as long as we state the requirement is based on larger ones. CEO R. Maxwell stated that the larger ones are meant to be climbed, either on the inside or outside. That is not the case here.

Jim Oberst, MRB Engineering asked M. Hedges if there was any issue with electromagnetic interference? M. Hedges said no.

Jim Oberst requested that the path of the underground conduit be submitted.

Chairman Folts directed M. Hedges to send the information via email to Sarah Neal in the code office as soon as possible. She will make sure that it is sent on.

Chairman Folts stated that a public hearing site plan review and special use permit will be scheduled for December 13, 2010. Discussion regarding waiving some of the site plan review will need to be with concurrence with the Town Engineer.

Marcea Clark-Tetamore made a motion that a recommendation be made to the Town Board into revising the code to allow for wind turbines such as was presented. This will probably not be the last request.

Tom Curtin seconded. Motion passed with ayes from D. Folts, P. LaVigne, T. Curtin, H. Latorella, M. Shepard, M. Clark Tetamore, & D. Woods.

Chairman D. Folts asked Jim Conglio if he would review the existing law and advise the Town Board.

5. **Adjournment:**

There being no additional business, the meeting was adjourned at 8:30 p.m.

Tom Curtin made a MOTION to adjourn the meeting at 8:30 p.m.

Marcea Clark- Tetamore SECONDED the motion.

All in favor: Dwight Folts, Mark Shepard, Hank Latorella, Marcea Clark Tetamore and Tom Curtin, David Woods, Patti LaVigne.

Opposed: None.

MOTION PASSED.

Respectfully submitted,

Sarah Neal, Secretary pro tem
Town of Geneseo Planning Board

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