

TOWN OF KENDALL  
PLANNING BOARD  
MEETING MINUTES

Tuesday, June 22, 2010 – 7:00 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:06 p.m.

ROLL CALL:            Paul Gray, chair                    - present  
                             Tom Cole                                - present  
                             Jeff Conte                               - present  
                             Phil D'Agostino                      - present  
                             Joyce Henry                            - present

ALSO PRESENT:    Larry Gurslin, Code Enforcement Officer  
                             Dan Gaesser, Supervisor & Town Board Representative  
                             Joyel Miesner, Recording Secretary  
                             Bruce Newell, 17141 Norway Heights  
                             Charles Akey, 16175 Carr Road  
                             Kathleen Akey, 16175 Carr Road

APPROVAL OF MINUTES

Minutes from May 25, 2010 were reviewed. Phil moved to accept the minutes. Seconded by Jeff.

WINDMILL REQUEST UPDATE

Larry stated that the Akeys wind energy application was about 95% complete. He said that the Ag. Data Statement and some signatures would be available that evening. Larry discussed the timeline for presenting the application to the town planning board, the county planning board and presenting variances to the zoning board. Paul Gray discussed the variances that would be required and said that the application would need to go before the zoning board. He said that both the planning and zoning board would need to send a referral to the county planning board. He said the application would need a fairly complete site plan. Paul Gray discussed the process the county planning board would use to make their recommendation to the town planning board. The Akeys presented the planning board with updated information on the purchase of more property. Paul Gray began to discuss each of the requirements on the Wind Energy Systems worksheet. Paul Gray showed a picture to the board that Glenn had taken of the site. Glenn stated that the picture was taken from the site of the turbine base, facing south. Paul Gray continued to discuss the requirements on the Wind Energy Systems worksheet. Tom asked which requirement would need a variance. Paul Gray said a variance would be needed for the ground clearance of the rotary blade. Tom said a six-foot variance would be needed. Glenn said he would like to ask for a ten-foot variance, because of the poles used by the company vary in length. Paul Gray continued to read through the requirements on the Wind Energy Systems worksheet. Paul Gray mentioned an error in the text of the residential wind energy ordinance. He said the intent was for neighboring property to be 500 feet from center of the wind tower, but the ordinance reads 500 feet from the fall zone. Paul Gray said this error would be corrected in the future. Larry said he would like to verify the measurement used before the information went to the county planning board. Paul Gray said that it was critical to determine the location of the neighboring property to determine if a variance would be needed. Discussion took place about the distance form

the neighboring property to the windmill site. It was determined that based on the measurements at hand a variance may not be needed. Paul Gray said that if the unit were placed closer than 200 feet from a tree a statement would be needed. The statement should explain that unit could withstand the turbulence created by the placement of the unit. Glenn presented the board with a photo of trees around the site and explained the wind patterns around the site. Glenn described the photo and discussed the strength and stability of the unit. Paul Gray noted that the photo showed that the fall zone was free of obstructions. Discussion took place about the set back distance of the neighboring property. Paul Gray read through the application. Paul Gray asked if Wind Tamers was NYSERTA certified. Glenn said the Wind Tamers was not certified. Paul Gray asked Glenn if not being certified affected the ability to receive NYCERTA credits. Glenn said it did. Glenn described the NYCERTA certification process. Tom asked if the ordinance required NYCERTA certification. Paul Gray said it does not. Paul Gray asked Glenn if he could provide documentation stating that the unit meets the required industrial New York State standards. Glenn said he could have the engineer write a letter stating the unit meets the required industrial New York State standards. Paul Gray asked Glenn about the colors of the unit. Glenn said the colors were white and blue. Paul asked if the identification ratings would be on the system. Glenn responded with yes. Paul asked Glenn if a high voltage warning sign would be placed on the unit. Glenn said Wind Tamers does not typically put a high voltage warning sign because it tends to scare people and that the structure is fairly benign. Tom asked if the high voltage sign was required by the ordinance. Paul Gary said it was not required. Paul Gray asked Glenn if the system was equipped with an electromagnetic break control system. Glenn said correct it is a manual shorting break. Paul Gary asked what would happen if the grid went down. Glenn said that if the grid went down the unit would free spin. Paul asked Glenn if the wiring would be under ground. Glenn said there would be buried conduit. Discussion took place about lighting and grid connection. Discussion took place about the site drawings and a seal on one of the drawings. Discussion took place about the county planning board process. Tom asked if Paul intended on sending the application to the county planning board before the variance hearing occurred before the zoning board. Paul said yes he would like the request from the zoning and planning board to go to the county planning board. Discussion took place about the SEQR. Tom made a motion to send the application to the county planning board. Phil seconded the motion, all in favor. Paul asked if Mr. Akey had taken out a bond. Mr. Akey asked for clarification on the type of bond he needed. Glenn disagreed with the need for a bond. Discussion took place about why the bond is needed. Discussion took place about a case in which a windmill was inactive and was not removed by the owners. Discussion took place about the \$750 permit fee. Glenn said that the fee was exorbitant. Tom explained that the fee was set by the town board. Glenn asked why the fee was in the law. Paul Gray explained that the fee was not in the law and was set separately by the town board. Larry suggested that Glenn go before the town board and share his thoughts on the wind energy fee. Glenn said he felt it was in the best interest of the Town of Kendall to change the fee if they would like to be seen as pro green energy. Mr. Akey asked how the town board came up with the fee figure. Dan said the town board researched throughout the country and said that the fee was comparable to other towns in the USA. Larry asked Paul Gray to give a timeline of events. Paul said the referral application would have to go to the county planning board by the 15<sup>th</sup> of July. The county planning board will meet on the 22<sup>nd</sup> of July. The zoning board will meet on the 13<sup>th</sup> of July and the planning board will meet on the 27<sup>th</sup> of July. Discussion took place about what is needed to be sent to the county planning board.

#### REPORT FROM CODE ENFORCEMENT

Larry said that code enforcement was the majority of the workload but that he has seen an increase in the need for building permits. He said he was pleased that the Junk Yard ordinance and Container ordinance were given to the town board and that he was in support of both ordinances. He said he would be talking with the town board about camping and campers and their definitions. Discussion took place the definitions of camping and camping units. Larry discussed the reconstruction of a pole barn on Lakeland Beach. Larry explained that owner was given permission by code enforcement to build a pole barn on the west end of the property. The owner erected the pole barn on the east side of the property.

#### TOWN BOARD REMARKS

Dan said that he believed the Junk Yard ordinance and Container ordinance hearing on July 6<sup>th</sup> would be well attended. Paul Gray said the Junk Yard ordinance and Container ordinance was approved by the county planning board. He passed out a copy of a letter containing the county planning board remarks. Discussion took place about the county planning board remarks. Discussion took place about a letter on Craigslist that talked about the Junk Yard and Container ordinance. Discussion took place about the letter on Craigslist and concerns expressed by the public about the Junk Yard ordinance and Container ordinance.

#### CPB REPORT

Paul Gray mentioned upcoming county planning board referrals.

#### MORATORIUM ON STRUCTURES

Paul Gray passed out a packet discussing fences to the planning board. Discussion took place about the problems some residents have with fences placed on lake property. Paul Gray discussed Yates' fence ordinance. He discussed fence materials and height. Paul Gray asked the board to review and research the topic of lake property fences. Discussion took place about using trees as fencing. Discussion took place about the high-water mark being used as a reference point for setbacks.

#### NEXT MEETING

Tuesday July 27, 2010 at 7:00 pm

ADJOURNMENT: Phil motioned to adjourn. Seconded by Joyce, all in favor. Adjourned at 9:41 pm.

Respectfully submitted,

Joyel Miesner  
Recording Secretary