

TOWN OF GAINES PLANNING BOARD MEETING  
OCTOBER 3, 2011

7:30 P.M

Present: Chairman Theobert Ahlberg; Vice-Chairman Gary Davy; Members Michael Grabowski, James Theodorakos, Molly Preston, Jennifer Stilwell

Guests: Sue Smith, Carol Culhane, Raymond Burke, Connie Mosher, Douglas Syck, Mary Jo Syck, Mary Neilans, Richard Neilans, Valerie Beam, Rich Beam, Jennifer Allchin, David Allchin, Carol Patterson

Chairman Ahlberg called the meeting to order at 7:30 p.m. with the Pledge of Allegiance to the Flag.

**September 2011 Minutes**

**On a motion of Member Preston, seconded by Member Theodorakos, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>6</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos</b>
	<b>Nays</b>	<b>0</b>	

**The September 2011 minutes are tabled till the next Planning Board meeting so that members can listen to a recording of the September meeting. There was a discussion among board members over the wording of a sentence from the first paragraph of page 3. The sentence in question is: “It was also mentioned that providing the waivers is not based on the recommendation of Town Attorney Doug Heath...” Member Grabowski feels this should be changed because the board was not provided with any advice from Attorney Heath.**

Since the September meeting Member Grabowski spoke with Attorney Heath and was informed that an e-mail was sent to Chairman Ahlberg before the September meeting that informed him that the site plan reviews did need to go to County for the wind turbines for Christopher Watt, David Kast, and James Kirby. Member Grabowski wanted to know why this was not presented to the board as it could/would have affected how members voted on the issue. Chairman Ahlberg said the e-mail was just conformation that the site plan reviews do go to county, not that the board could not waive them.

**Executive Session**

**On a motion of Member Stilwell, seconded by Member Preston, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>6</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos</b>
	<b>Nays</b>	<b>0</b>	

**The Planning Board will go into an executive session for personal reasons at 7:46 pm.**

TOWN OF GAINES PLANNING BOARD MEETING  
OCTOBER 3, 2011

7:30 P.M

**Resume Regular Meeting**

**On a motion of Member Theodorakos, seconded by Member Stilwell, the following was**

<b>Carried</b>	<b>Ayes</b>	<b>6</b>	<b>Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos</b>
	<b>Nays</b>	<b>0</b>	

**The Planning Board will leave executive session and the meeting will resume as normal at 8:14 pm.**

After a question from the public Chairman Ahlberg clarified that the executive session was for personal legal issues.

Chairman Ahlberg informed the Allchins and Beams that since they withdrew their Special Use application there is no more business to be discussed with the Planning Board and that Attorney Doug Heath was working on an update to the Zoning Ordinance for the October meeting of the Town Board.

In regard to the wind energy law, Chairman Ahlberg discovered that while the correct copy of the law is filed with the State and in the Town's local law book, an inaccurate copy was given to the Town officials and the public which led to some confusion. In section 728, the incorrect version says "special use permit" and the correct version says, "site plan review". Therefore, it was within the Planning Boards power to waive the site plan reviews for the Kast, Kirby, and Watt wind turbines.

Chairman Ahlberg clarified some information about the applications for the turbines from Kast, Kirby, and Watt. All three had met the required setbacks and they were all for one turbine. Also, the site plan reviews were waived because not doing so would create a hardship that was not the applicants fault. They would lose out on grant funds because the Town did not act accordingly and there was confusion with the Wind Energy Law.

With no further business on a motion from Member Stilwell, seconded by Vice-Chairman Davy the meeting is adjourned at 8:51 P.M.

Respectfully Submitted,

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Mary Pettit  
Secretary, Planning Board