

**TOWN OF NORTH HARMONY
PLANNING BOARD**

Tuesday March 25 , 2008 at 7:00 PM

**PLANNING BOARD: WALTER GEIST, STEVE SENSKE, RICHARD SENA,
RICHARD JOHNSON, JULIE LESCYNski, JOHN WARNER, PATRICK RICE**

**OTHERS PRESENT: HOWARD FELDT, CHARLES RUGG, JOHN GROVER, BOB
ALLISON, TOM FERRI , LOUISE ORTMAN, CHARLES MUSE, JOE AND BETSY
BERGEN, CLAYTON AND HELEN EMICK, CRAIG JOHNSON, JIM FOX, GREG
PETERSON, JENNIFER DOUGHERTY AND ADAM WALTERS, PHILLIPS LYTL;E;
JOHN AND MARYANNE JOHNSTON, JOSEPH KOMAR, RANDY HOLCOMB, SALLY
CARLSON, DAVE STAPLETON, DENNY VANT, JOANNE SWANSON, KATIE
SMITH, JIM LEVESQUE, ROBERT YATES, BETH WARD (TOWN COUNCIL); BRAD
LAWSON (ZONING CEO)**

Tonight's meeting took place at the Senior Citizens building to accommodate the public. This meeting was not a public information hearing. It is a chance for the board to discuss any updates on ongoing projects.

Mr. Sena opened the meeting with a referral from the Zoning Board to the Planning Board.

Wiemer personal windmill project

Mr. Sena said the Board has reached a decision to recommend in favor of the project with a couple of stipulations. One of the problems is that windmills are included in the Zoning Code with cell towers. Somewhere down the line the Board will have to get together and redo the zoning for personal windmills. There is a portion of Sec. 619 of the Zoning Code that talks about towers. Mr. Sena said that at discussions two weeks ago the board wanted to make sure the following requirements are met:

- guy wires are prominently marked

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- placing fencing around the guy wires and ground connections in an "L" shape so the installer can have access to do any maintenance
- after six months of in-operation the tower must be removed
- no lighting on the tower

Mr. Sena said the board also recommends waiving the following stipulations associated with the cell tower/wind farm zoning. Much of the wording in Sec. 619 does not address the specifics of personal wind turbine construction. At the recommendation of Brad Lawson four additional stipulations specific to this application are requested.

They are as follows:

- 1) Acceptance of a guy style tower
- 2) No bonding necessary
- 3) Waive the cell tower fee enacting a fee reasonable to an average residential project of this cost (i.e. \$35.00)
- 4) Acceptance of site plan and establishment of appropriate tower fall zone

Mrs. Lescynski asked how far from the road the windmill will be. Mr. Sena said that he believes it will be far enough from the road so if it topples it would not fall into the road way. Mr. Johnson said he visited a wind mill in Cassadaga that is a little shorter than the proposed tower but the noise was almost non-existent. Mr. Johnson said he believes the requirement for the distance of the tower from the road is 120% of the tower height. He suggested there should be some type of bonding to make sure the tower gets taken down if need be. Mr. Senske said one of the neighbors did contact him and tell him the tower is technically higher than informed. The tower is about 155 feet with the addition of the wind turbines; although the neighbor clarified this he does not oppose the windmill. Mr. Lawson said if the tower is not taken down in a timely fashion after it is in-operable there would be a violation and the property owners would receive notice under the new junk law. They would receive seven days notice that the tower needs to come down and if they do not comply, the town could enforce a fee of \$250 a day if the judge imposes it. Mr. Lawson said he believes after spending \$60,000 on the project that the owners will do their best to maintain the windmill.

On a motion by Mr. Sena, seconded by Mrs. Lescynski, the Planning Board unanimously recommended approval of the Special Permit request of Peter and Kathy Wiemer to construct a 140' tall wind turbine tower for personal use on property located at Sec. 349.00-2-73 (old #10-1-13)

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provided the criteria outlined above are strictly adhered to.

Work Session for R-6 Resort District

Adam Walters, Jennifer Dougherty, and Greg Peterson of Phillips Lytle appeared to represent developer John McGraw. Mr. Walters said they have prepared a submittal to the Planning Board in response to the last meeting about the rezoning. Mr. Walter's also said they are at the beginning of the environmental review process, and fully intend to do an Environmental Impact Statement (EIS). Mr. Walter's wants the people to be aware that they are asking for the property to be re-zoned to a district that doesn't exist yet. After there is feedback on that, site plans will be submitted to the board for review. Mr. Walters said they hope that at the time the Planning Board makes a recommendation on the site plan, they will also make a recommendation to the town board on what the parameters of the new district should be. He said at that point the town could hold public hearings. Mr. Walters said they are months from this happening. First, will be the scoping process. He explains scoping is when there is a public review on what the contents of the environmental impact statement should be (the SEQRA provides for public comment on the draft scope document). The scoping process takes about 60 days and is expected to be done at earliest by May. He said issues need to be studied, one of which is obviously height. Mr. Walters also said it would be highly premature to make a recommendation to the town board without an environmental draft statement that has extensive photo simulations of the proposed project from 20 or 30 different locations in the community. He understands that height concerns people have, but thinks the picture may put people at ease.

Mr. Giest asked Mr. Walters if the Victorian design motif was the final design or if it could be changed at a later date. Mr. Walters replied that the Victorian style was what the project developer thought the design should be. He said it might be changed if the ordinance did not allow for the style in some way.

Jennifer Dougherty said her goal after the last session was to try and change the draft code R6 district to meet what she thought were significant concerns in terms of the last meeting. Ms. Dougherty said initially we spent a lot of time talking about lot coverage and decided that lot coverage should only mean building coverage. She revised what the R6 District should be and took out the wording "lot coverage" and put in "building coverage". Ms Dougherty said the amount of building coverage is only at 25%. There were a lot of items that could not be directly dealt with in the R6 zone so she went back to the Town of North Harmony code and found supplemental regulations and devised a resort regulation modeled after section 600 of the code where it talks about different types of development. Ms. Dougherty also

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tried to deal with the building and lot coverage and spoke specifically to building coverage and limited it to 25% and then we move down the lot coverage just to include all impervious caricatures such as parking lots to try and put your arms around it and limit the amount of development to be on the premises. Ms. Dougherty said these are her ideas meant as a way to advance the conversation. She emphasized these are only suggestions and she in no way means to say this is what the board said it should be. Ms. Dougherty tried to adjust the setbacks so there would be a buffer zone, they now include a minimum front yard of 300' minimum side yards of 150' and a minimum rear yard of 50' feet. Concerning landscaping Ms. Dougherty outlined their intent and purpose. Most significantly in all the codes that are surveyed was adding trees and shrubbery for screening.

Mr. Johnson asked about a section on supplemental parking (Exhibit B., para. d.). Ms. Dougherty replied that the parking will follow codes of North Harmony.

Mr. Rice asked if the AFD members present had any questions about the project. They replied that their questions had been answered at the previous meeting. Mr. Rugg said the department had recently completed a sample dispatch and a ladder truck would be sent on the first alarm. He said there are 4 aerial trucks within 12 miles of the location. Mr. Geist asked if this was adequate coverage. Mr. Rugg said yes. Mrs. Lescynski asked what the approximate response time is. Mr. Rugg said response time is quicker at night than during the day. He said the dept. would require a couple of high rise packs which include extra lengths of hose. He also noted that 90% of the time the sprinkler system in the hotel knocks down the fire.

Mr. Senske suggested that while looking at the proposed project as a possible R6 District, the PB should think about the rest of the town as well. He feels the town should first create an R6 District, and then let the developers come in and decide if they can develop within the guidelines. Mr. Senske suggests the board look at the setbacks now and come up with some reasonable ideas as to footage. Mrs. Lescynski said she would like the building to be 100 feet from the shore of the lake. The board discussed that if the minimal lot size is 10 acres would 400 feet be a good distance for the project from the road. Mr. Rice said the property is unique as there are not a lot of neighbors to infringe upon. Mr. Senske said if you give them 400 feet they may have to build up instead of out. Mr. Senske said he would like to decide if 10 acres is enough land to provide enough footage for setbacks. It was suggested that there be a buffer between parking lots and private property. Mr. Senske said most other projects are not going to be this size and the parking concerns will be different.

Although this meeting is only to discuss the issues not to make any decisions the most prominent numbers as far as setbacks for the project were 75 feet from the lake, 300 feet from the front and 150 feet on the sides. These numbers were

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discussed among the board bearing in mind that this leaves room for a buffer from other properties and may limit some destruction of vegetation. It was also discussed to buffer parking from other property lines as well.

Mr. Lawson presented some work to the board showing that the building could be built to be 8 stories tall and reach heights of 92.8 or 96 feet. Most buildings are now made with fire retardant materials and limiting height is not limiting what can be done with a project. The work done by Mr. Lawson was done for the board to serve only as an example.

The board recognizes that this project would create jobs and tax for the town. Mr. Holcomb, Assessor for the town said the top 3 floors would not be included in an IDA project and would go on the rolls at full valuation. The rest of the property most likely would be included. They typically take 50% and tax what the assessed value is on the project without the top three floors.

Pat Rice suggested holding a public meeting with 10 minute intervals in which the public may voice their opinions. This meeting will be held at the Senior Citizen building on April 8, to begin at 7:00. The meeting will end at 10:00.

Bonnie Coulter – Planning Board Clerk