

**TOWN OF GAINES PLANNING BOARD MEETING
NOVEMBER 7, 2011**

7:30 P.M

- Present: Chairman Theobert Ahlberg; Vice-Chairman Gary Davy; Members Michael Grabowski, James Theodorakos, Molly Preston, Jennifer Stilwell
- Guests: Constance Mosher, Carol Culhane, Marilynn Miller, Douglas Syck, Mary Jo Syck, Mary Neilans, Valerie Beam, Jennifer Allchin, David Allchin, Jean Klatt, Carol Patterson
- Excused: Christopher Watt

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

Zoning Board of Appeals overrode the County Planning Boards recommendation to deny the Allchin/Beam use variance. The County also overrode the site plan therefore the Planning Board needs to vote whether or not to override the County and approve the site plan. Everything is the same from when the Allchin/Beams turned in a site plan and special use permit in September. The board reviewed a draft version of the resolution passed by the Zoning Board regarding the application.

**Overruling of County Recommendations and Approval of Site Plan for Allchin/Beam
On a motion of Member Theodorakos, seconded by Vice Chairman Davy, the following was**

**Carried Grabowski-Aye
 Theodorakos-Aye
 Davy- Aye
 Stilwell-Aye
 Preston-Aye
 Ahlberg-Aye**

The site plan is approved and the County Planning Board recommendations are overruled. The reason for the Town of Gaines Planning Board overriding the County Planning Board recommendation for “Denial” for Site Plan Approval is that the Town of Gaines Zoning Board on October 31, 2011 at a legal meeting had approved a “Use Variance” by overriding the County Planning Board recommendation of “Denial”. When the Town of Gaines Zoning Board approved the Use Variance for Allchin/Beam, the Town of Gaines Planning Board needed to complete the application by also overriding the County Planning Board recommendation for “Denial” for Site Plan Approval.

The Allchin/Beams can go forward as far as the Planning Board is concerned, they have overruled county and approved the site plan. They do need to meet with Code Enforcement for a CFO.

Enter Executive Session

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

**Carried Ayes 6 Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos
 Nays 0**

The board will go into executive session at 7:46pm for legal matters.

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Exit Executive Session

On a motion of Vice-Chairman Davy, seconded by Member Stilwell, the following was

Carried Ayes 6 Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos
Nays 0

The board will leave executive session and resume the regular meeting at 8:45pm.

Before voting on the September minutes Member Grabowski wanted to make a clarification that based on the dialogue that happened during that meeting it's his opinion that when asked a direct question on the topic of the opinion of or if there was an opinion of Attorney Heath regarding the situation it was unclear at best and he felt misled or he misunderstood the answer.

September 2011 Minutes

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

Carried Ayes 5 Ahlberg, Davy, Preston, Stilwell, Theodorakos
Nays 1 Grabowski

The September 2011 minutes are approved with the following addition on the first paragraph of page 3, "The Planning Board members all had copies of the site plans for all 3 applications (Kast, Kirby, and Watt) and all 3 site plans for the wind towers exceeded the setbacks required in the Town of Gaines "Wind Energy Law" and Agriculture and Markets guidelines, which is one and half times the tower height (140 feet) or 210 feet". In regards to the issue brought up at the October 3rd meeting on page 3 first paragraph sentence: "It was also mentioned that providing the waivers is not based on the recommendation of Town Attorney Doug Heath..." no changes are to be made.

October 2011 Minutes

On a motion of Member Theodorakos, seconded by Vice-Chairman Davy, the following was

Carried Ayes 6 Ahlberg, Davy, Grabowski, Preston, Stilwell, Theodorakos
Nays 0

The October 2011 minutes are approved as is.

With no further business on a motion from Member Grabowski, seconded by Member Preston the meeting is adjourned at 8:59 P.M.

Respectfully Submitted,

Mary Pettit
Secretary, Planning Board