

**TOWN OF NORTH HARMONY
ZONING BOARD OF APPEALS**

Wednesday 2/27/08 8:00 PM

BOARD MEMBERS PRESENT:

James Levesque

Jay Churchill

Paul Marlinski

Joe Komar

Roger Vaillancourt

Dick Barton

Greg Michalak

Brad Lawson, Zoning CEO

David Stapleton, Attorney

Others Present:

Bobby & Ashley Hammond

Shelly Stevens

David & Margaret Smith

Richard, William & Lynne Peterson

Jon Foster

Ernie Prichard

Peter Weimer

Mr. Levesque brought the hearing to order at 7:35 PM.

#1. Bobby Hammond & Ashley Stevens requesting an Area Variance to place a manufactured home with a block foundation on a sub-standard size lot and closer to side setbacks than allowed in Sec. 407 of the Zoning Code. Property located at 6856 Eggleston Hill Rd., Specifically Sec. 364.00-1-26 (old # 8-1-8.2.4.1).

Mr. Levesque asked if this case was a re-hear. Mr. Lawson said the Hammond's had appeared at the January hearing and been granted a special use permit for a manufactured home on a sub-standard size lot and an area variance for side setbacks of 22'. He said since that time the deal for the home had not gone through and they were going to purchase a similar, but slightly wider home that would require 20' side setbacks (25' is code). Mr. Levesque asked if anything else had changed in their request. The Hammond's said no. The board reviewed Town Law 267b. items 1.-5.

Mr. Levesque motioned that an Area Variance be granted as outlined above for side setbacks not to exceed 20' on either side, on property located at 6856 Eggleston Hill Rd., Sec. 364.00-1-26. Mr. Komar seconded and the motion was carried unanimously.

#2. Peter Wiemer requesting a Special Permit to construct a 140' tall wind turbine tower on property located at 2809 Butts Rd., Specifically Section 349.00-2-73 (old # 10-1-13).

Mr. Levesque asked Mr. Wiemer what his plans are. Mr. Wiemer said he has two homes on Butts Rd. (both located on same lot 10-1-12.1) and he would like to install at least one and maybe two wind turbines to provide power to the homes. He said the turbines would be solely for personal use at the homes. Mr. Levesque asked if the excess power could be sold back to the grid and if this bore any resemblance to a commercial venture. Mr. Wiemer said no. He said in fact National Grid has no obligation to purchase any overages generated and he is allowed one year to use what has been generated/metered and at the end of that time he has to start over. Mr. Levesque asked if the turbine generated power goes directly to the home or to the grid and then the home. Ernie Pritchard, Contractor stated that the power from the turbine goes directly to the home and provided a diagram that shows how this is done with parallel lines. He stated that if the wind is not blowing, the home draws power from the grid. Mr. Churchill asked if Mr. Wiemer would be self-sustaining with one or two turbines. Mr. Wiemer said that he understands that a windmill at that location

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with the clearing he is planning could generate 11-13,000 kWh per year and that would be an average years usage in a small home. Mr. Pritchard said when the utility receives an energy credit they have the option to pay the turbine owner at about \$.03 per kWh (they charge about \$.13 per kWh). He said it is in the owners best interest to use as much of the electricity as possible. Mr. Marlinski asked if the cost of the tower is about \$65,000. Mr. Wiemer said that NYSERDA will provide grant funding of about \$29,200.00 for the windmill. Mr. Levesque asked that the contractor provide the following information:

- Noise levels generated by the turbine
- Collapse or fall zone for the tower
- Address visibility of the turbine for aircraft (i.e. hot air balloons)
- On advice of counsel, provide Environmental Assessment Form (EAF) and complete SEQRA according to Zoning Code Sec. 619

Mr. Weimer assured the board that if the tower were to fall, it would be on his property and not on a road, etc. Mr. Marlinski asked how cutting trees effects the windmill. Mr. Pritchard said that any object in the winds path can intrude on its effectiveness. Mr. Marlinski asked the elevation of the proposed location of the tower. Mr. Pritchard said it is 1,447'.

Mr. Lawson said that Sec. 619 of the Zoning Code does not specifically include wind turbine towers and since it is customary for applications of this type to be forwarded to the Planning Board for their review and recommendation; perhaps they could address this exclusion at that time. Mr. Levesque asked if anyone wished to speak regarding the application and encouraged neighbors to speak at this time since there are members of the Planning Board in attendance at the meeting who will be reviewing the application.

Lynne Peterson said that she does not feel that the windmill will interfere with any bird migratory patterns. Mr. Levesque stated that the turbine is approximately 22' in diameter. Mr. Pritchard provided an article which gives bird mortality rates by cause and stated that this turbine is not generally hazardous to birds.

Mr. Lawson said that the FAA would have to be addressed in relation to aircraft and landing fields. Mr. Lawson asked if any approval was necessary from National Grid on the turbine. Mr. Pritchard said yes. Mr. Lawson advised the applicant that both towers must be requested and addressed in the SEQRA even if they are to be built at separate times or not at all. Mr. Wiemer said he had sent a personal letter to his neighbors explaining his intentions.

Mr. Levesque forwarded the application of Peter Wiemer requesting a Special Permit to build a 140' wind turbine at property identified above to the Planning Board for their review and recommendation.

Mr. Levesque adjourned the hearing at 8:25 PM.

Nancy Thomas
Town Clerk