

neighboring property. Mr. Stapleton asked if the roof overhang is included in the setback. Mr. Lawson said it is not taken into consideration in zoning.

Mr. Levesque motioned to grant the Area Variance requested by the Kassouf's allowing the construction of a garage be located 34' from the roadside and requiring that the 5' side setback on the property line be adhered to as outlined above. Mr. Vaillancourt seconded and the motion was carried unanimously.

#3. Peter Wiemer requesting a Special Permit to construct two 155' tall wind turbine towers on property located at 2809 Butts Rd., Specifically Section 349.00-2-73 (old # 10-1-13).

Mr. Levesque noted that Part II of the application had been previously completed. He stated that this portion of the application had been removed and replaced with blank pages as it is the responsibility of the Lead Agent to complete that portion of the SEQRA. Mrs. Thomas stated that the application had been forwarded to the Chaut. Co. Planning Dept. for their review and she had received a reply from Don Jacobs stating that the application does not include any of the criteria that would require a recommendation from the Planning Dept. She said she had also spoken to Dave Denk, NYS DEC and he stated that at this time they are not focused on these types of applications, but are more concerned with large style wind farms.

The Zoning Board of Appeals of the Town of North Harmony as lead agent, held a Public Hearing to review the full Environmental Assessment Form for the wind turbine application submitted by Mr. Wiemer. Parts 1, 2 and 3 were reviewed in their entirety.

Mr. Levesque motioned for a Negative Declaration on the SEQRA application of Mr. Wiemer, stating that in the Determination of Significance section of the SEQRA item A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. Mr. Churchill seconded and a roll call vote was taken: Mr. Levesque, yes; Mr. Churchill, yes; Mr. Vaillancourt, yes; Mr. Michalak, yes; Mr. Komar, yes. The motion for a Negative Declaration was carried unanimously.

Mr. Levesque motioned that a Special Permit be granted to Peter Wiemer for the construction of two 155' wind turbine towers at property located at 2809 Butts Rd., Sec. 349.00-2-73 to include the parameters listed:

- 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)

Criteria to be adhered to:

- guy wires are prominently marked
- 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
- Acceptance of site plan and establishment of appropriate tower fall zone

Mr. Komar seconded and a roll call vote was taken: Mr. Levesque, yes; Mr. Churchill, yes; Mr. Vaillancourt, yes; Mr. Michalak, yes; Mr. Komar, yes. The motion was carried unanimously.

Mr. Levesque adjourned the hearing at 9:45 PM.

Nancy Thomas – Town Clerk