

Ancram Zoning Board of Appeals
June 15, 2010, 7:00PM
Meeting Minutes

Board Members Present: Sheldon Waldorf, Sue Bassin, Leah Wilcox, Will Lutz, Alyson Kozlowski, Fred Schneeberger

Others Present: Beata and Rafal Graczkowski, Jonathan and Jane Meigs, John Mason (Register-Star), Doug Passeri (Hudson Valley Wind Energy), Greta Barlow (Hudson Valley Wind Energy), Robert B. Wilcox, Joe Crocco, Donna Hoyt, Daniel Bloch, Samantha Langton

Chair Leah Wilcox called the meeting to order at 7:02pm.

MINUTES FROM MEETING ON 5/11/2001

Shelt asked to change his name in the minutes from “Shel” to “Shelt.”

Mr. Schneeberger motioned to accept the minutes, Will Lutz seconded. Motion passed.

PUBLIC HEARING

Application 10-1 Erection and installation of 2 wind turbines at 143 Carson Rd.:

Ms. Wilcox explained that the last meeting was left open for comments at a public hearing tonight with reference to the application submitted by Mr. Michael Gershon to erect two wind turbines on his property. The applicant submitted a new, larger map that more clearly delineates the distances between the towers and the property line as well as between the two towers. All board members acknowledged that they visited the site. There are currently trees where the wind turbines will be erected.

Mr. Passeri explained that trees will be removed in the direction of the prevailing winds, to the northwest. The most mature trees are 60-70 ft and not too many mature trees will be removed. The exact number of trees to be removed was not established.

Ms. Wilcox opened the public hearing and acknowledged that the neighbors’ petition will be addressed.

Mrs. Graczkowski, an immediate neighbor of Mr. Gershon, asked the board members to introduce themselves. Ms. Bassin explained that the board members have many years of experience on the Zoning Board of Appeals. Mrs. Graczkowski reviewed the new map.

Mr. and Mrs. Meigs submitted two additional names to the petition and read a letter they prepared that highlighted the following points:

- A fallen wind turbine would extend across Carson Road and more than 20 feet onto property across the road.
- Wind turbines in a woodlands area are more vulnerable than those in open areas because trees may fall and damage guy wires and make the entire structure unstable. Although some trees upwind of the prevailing winds will be removed, other trees may fall onto the guy wires during a heavy storm.
- The trees on the Gershon property are not tall enough to create a visual buffer.

- Mr. Mark Mayhew, project manager for NYSERDA and program director of On Site Wind Incentive, did not have an application for this project. Additionally, HVWE is not listed as an eligible wind installer.
- Mr. Mayhew expressed reservations about placing two turbines in such close proximity to each other due to turbulence and wind shadow, which compromises efficiency.
- One turbine would be more efficient, but a larger turbine may not fit on this property.
- Mr. and Mrs. Meigs suggested that the Ancram ZBA contact Mr. Mayhew.

Mr. Passeri responded that he submitted an application with NYSERDA under Alternative Power Solutions, the eligible installer, located in Syracuse, NY. Mr. Passeri agreed to check with NYSERDA.

Mrs. Meigs said that NYSERDA informed her that there were only two applications from Columbia County, one from Ghent, one from Elizaville.

Ms. Wilcox asked Mr. Passeri if Alternative Power Solutions made a site visit.

Mr. Passeri added that the wind turbines meet all of the guidelines for state grants.

Ms. Wilcox asked why NYSERDA had reservations about placing 2 turbines so close to each other, and Will Lutz noted and Mr. Passeri agreed that these two turbines would not be in line, one in front of the other, with the prevailing wind, but rather over 400' apart and in a plane facing the prevailing wind.

Ms. Wilcox addressed the concern of trees falling on guy wires. Mr. Passeri said that it would be unlikely for the guy wires to be affected by falling trees since they are made of very strong steel cables. Mr. Passeri also noted that there is no documentation of guy wires being damaged from trees. Mr. Meigs asked how many wind turbines are built in the presence of trees, Mr. Passeri said that they can be built anywhere where there will be sufficient wind. Ms. Barlow added that the area will be opened up to maximize the wind generation.

Mrs. Meigs expressed concern about this being Mr. Passeri's first project and his lack of experience. Mr. Passeri explained that there is an eligible installer on the project.

Mrs. Graczkowski addressed the concern about the requirements for space between the wind turbines and the house. Mr. Passeri answered that it was 150-300 feet. Mrs. B. added that the house is the minimum allowable distance to the wind turbines. The north tower would also be closer to their house than to the Gershons'.

Mr. Passeri acknowledged that a requirement for the NYSERDA grant was for the wind turbine to be 300 feet from any habitable buildings.

Ms. Wilcox believes that from a rough visual calculation the Graczkowski house is about 260 feet from the wind turbine location. Mr. Gershon agreed to recheck the distance.

Mrs. Graczkowski questioned about the maintenance of the towers. She stated that any maintenance would be an inconvenience to Mr. Gershon's neighbors since he is not present very much in the winter.

Ms. Wilcox ascertained that Mr. Gershon met the usage requirements for NYSERDA. She explained that NYSERDA reviews historical usage data. Mr.

Graczkowski commented that the Gershons have only been in this residence for 2 years and perhaps they were able to embellish their energy usage by keeping their stove on throughout the winter. Ms. Wilcox clarified that their total annual usage for the two meters was 22,000kW and the expected energy output from the two turbines is 17,000kW. Each turbine would generate no more than 10% more than the usage at each site, as required by NYSERDA. The Board also explained that according to the Building Inspector the turbines met the Ancram zoning regulations.

The Board discussed the issue of the tower distance to property across Carson Rd., which the Meigs measured to be 20'.

Mr. Meigs acknowledged that the tone of their letter was harsh, but they are still in favor of one wind turbine, just not two.

Ms. Wilcox read a note from the Town of Northeast discussing the wind turbine on the Pulvers' property. There were no complaints and all neighbors were content with the turbine. Mrs. Graczkowski added that the Pulvers' property was much larger than Mr. Gershon's. Mrs. Wilcox explained that our town's Comp Plan is in favor of alternative energy and the building inspector determined that this was an approved use. Mrs. Graczkowski criticized Mr. Gershon's use for energy and explained that he would only use it to heat his garage of cars that run on gasoline. The Board explained that it is not their place to pass judgment on energy usage.

Furthermore, the Board determined that if the towers could fall across the road and onto someone else's property, there would need to be a falldown easement. According to Mr. Passeri, the tower height cannot be reduced any further without significantly reducing wind energy generation. Mr. Passeri also said that according to his measurements, no easements are required. Mrs. Bassin said that this is a matter of "fact" and that the information can be obtained. The total distance to other property will have to be determined before this is resolved. It was suggested by the neighboring property owners that the town does not own Carson Rd., but has a right of way. Mr. Amato's house may be too close to the towers to meet the 300' NYSERDA guidelines, guidelines which are required for grant money but not to meet zoning regulations. Finally, a call to Central Hudson confirmed that there must be 2 towers because there are 2 meters on Mr. Gershon's property. There must be a separate tower with each meter since the energy generated by the turbines is netted against the usage at the meter.

Next, the board discussed the neighbors' petition.

Additional Response to Points #1 & 2, the need to proceed with caution and consider the site: Special use permits require the ZBA to take a closer look at property. Also, this is the third meeting on this application with an extended public hearing.

Additional Response to Point #3, natural scenic resources and visual impacts: Referring to an aerial map with property lines overlaid on it, Mrs. Wilcox pointed out the portions of Carson Road where there are spectacular view of the Catskill Mountains, views that are interrupted by houses and trees, development that has taken place over the last 10 or so years. Before reaching the Gershon residence, the road becomes lower than the field to the west and there are no views. By the Gershon residence Carson Road is wooded on both sides. . With respect to the Graczkowski residence to the north of the Gershon property, Ms. Wilcox noted that most of the windows on the Graczkowski house appear to be on the front and the back (to the east and west) so there is limited or no view of the wind turbines (to the south). Mrs. Graczkowski argued that the turbines would

create noise disturbance. Mr. Passeri said that the turbines generate 50 decibels, which is not very significant. Ms. Wilcox noted that the amount of sound is diminished further away from the turbines. Mrs. Graczkowski expressed her concerns about a possible accident with the towers landing with rotating blades and that she did not see any board members coming to visit the site. With respect to whether or not the Pulvers could further subdivide their land causing greater disruption of the view near Sawchuck Road, it was commented that the Pulvers may have sold the subdivision rights to the Dutchess Land Conservancy.

Remaining points on the petition were read, but were not commented on.

Mrs. Graczkowski expressed concern about the towers falling on her property while her children are playing outside. Mr. Graczkowski said that this was a political issue and that individuals should not have wind turbines. Ms. Wilcox explained that our town decided to allow individual wind turbines but not wind farms. Mrs. Graczkowski also added that, unlike the Pulvers', Mr. Gershon's property is too small.

Ms. Wilcox explained that based on site visits and research, she has determined that the visual and noise impact from the turbines would be small.

Mr. Crocco asked how many sections each tower came in and Mr. Passeri explained that each tower would have ten ten-foot sections. In case of an emergency, all that is required is a ratchet and a wrench to take apart the towers.

Ms. Wilcox said that once the public hearing is closed, the board has 62 days to make a decision. They can close the public hearing but since the board still needs additional information, they must either schedule another meeting at which the requested information is presented or decline the application.

The case was left open and the public hearing was adjourned.

The Board decided that the fall down issue needed to be dealt with and asked Mr. Passeri to come to the next meeting with maps, plans and measurements to include the properties across the road, verification of the road width and names of those property owners who may be impacted, as well as letters from them agreeing to an easement arrangement, if necessary. Ms. Wilcox explained that the wind tower law that the Zoning Revisions Committee is considering will contain setbacks appropriate for wind towers. The ZBA may require a fall down easements if setbacks cannot be made. The Board questioned whether it would be easier to change the location of the towers closer to the Pulvers and to acquire an easement from the Pulvers.

The next meeting date was set for June 29th, 2010, at 7:00pm.

Shelt then motioned to close the public hearing. Will seconded. All approved the motion. Shelt motioned to adjourn the meeting, Fred seconded, the motion carried. Meeting was adjourned at 8:37PM.

Submitted by,

Samantha Langton
Clerk
Zoning Board of Appeals