

**Ancram Zoning Board of Appeals
June 29, 2010, 7:00PM
Meeting Minutes**

Board Members Present: Sheldon Waldorf, Sue Bassin, Leah Wilcox, William Lutz, Fred Schneeburger

Others Present: Doug Passeri, Greta Barlow, Daniel Block, Douglas Brenner, Sheila Clark, Hugh Clark, Donna Hoyt

Chair Leah Wilcox called the meeting to order at 7:04pm.

MINUTES FROM MEETING ON 6/15/2010

Ms. Bassin moved to approve the minutes from 6/15/2010, Mr. Lutz seconded, and the board unanimously passed the minutes.

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

The board discussed issues raised by abutting property owners, Mr. and Mrs. Meigs, that were not addressed at the previous meeting. These issues included the precise distance of the towers to the road and fall down distances, turbine flicker, whether the Gershon property is too narrow, abandonment of wind turbines, and the possible construction of one turbine instead of two.

1. Measurements from the road: Mr. Passeri brought maps to the board with precise measurements of the towers to the road. He obtained precise measurements of Carson Road from deeds and a survey map. The deeds show that this road is 50' wide and is owned by the town. The distance from the base of tower 1 to the opposite side of the road is 112' and from tower 2 to the opposing side of the road is 113'. Since both towers are 111' tall, they would not reach the property across the road.
2. Falldown issues: Chair Wilcox spoke to Mr. Mike Bergy and Mr. Ken Craig from the Bergy Company and Mr. Mayhew from NYSERDA to discuss falldown issues. She wrote a memo with regards to their conversations and sent them to the board members. Mr. Craig, an engineer from the Bergy Co., explained to Ms. Wilcox that in 30 years of business constructing turbines on ~7,000 sites, there have been no liability claims. 2 blade failures knocked towers down. In order for the tower to fail, all 3 sets of 3 guy wires have to break. If a lower guy wire breaks, the tower would remain standing, but if an upper guy wire were to break, the tower would collapse over itself to the next guy wire. Mr. Craig explained that only an extremely large tree could damage a guy wire and he had never seen it happen. Anchors for the guy wires are constructed stronger than necessary to prevent failures. The only possible way for anchors to be removed would be by undoing a bolt, ie, through vandalism. However, the bolts are stripped upon inception in order to prevent such vandalism. Only if the anchors were removed could the towers fall in a straight line, like a tree. Mr. Mayhew added that these towers crumple down on themselves and do not fall like a monopole or an uprooted tree.

The chair asked Mr. Mayhew about their setback requirements of 300' from human occupied buildings. Mr. Mayhew said that this setback was instated to avoid noise disturbance, however, modern wind turbines do not produce a lot of noise, so they are reconsidering this requirement. The Meigs had addressed the issue of the distance of the towers to each other. Mr. Mayhew stated that the recommended distance to avoid wind shadow or turbulence is 10 times the rotor diameter. The rotor diameter of Mr. Gershon's turbines will be 22', so the turbines would have to be 220' away from each other if they were built in line. The towers will be 450' from each other, so there will be no wind shadow and turbulence. Large trees could back up wind and reduce efficiency, but it is not a danger in this case. Mr. Mayhew said that he was not informed that the applicant had 2 meters, and he agreed that with 2 meters, Mr. Gershon would have to erect 2 separate turbines.

3. Flicker: Mr. Mayhew stated that flicker is not an issue for non-commercial turbines. Flicker is caused when there is sufficient sunlight, there is an unobstructed line of sight between a residence and the turbine, and it must be observable within the residence. The turbine must be oriented towards the receptor so that a shadow would be cast. The wind direction and position of the sun must also be correct. The Chair used a map to locate the position of the Gershon property on the west side of the road. Flicker is possible at sunrise, when a shadow would be cast to the field west of their property. The Graczkowski's residence is 340' to the north. The shadows would not be cast to the north towards the Graczkowski's house. The sun would have to be extremely low for a 100' tower to cast a 350' shadow to the north. Furthermore, there are trees on the Graczkowski's property where the shadow would be cast. Mr. and Mrs. Meigs observed flicker at 7:30am from a wind turbine on the Pulver's property. It is possible that what they observed was shadow and not flicker.

4. Gershon Property size: The building inspector approved the size and shape of the Gershon property to construct wind towers. The current zoning requirement is a 50' front yard. The town board is willing to enter into an agreement so that Mr. Gershon can proceed.

5. Abandonment: There is a 90 day abandonment period before the towers are deconstructed. Other towns have a one year period of abandonment. Our Zoning Revisions Committee would like to add an additional year to that period to allow time for repairs. The Chair would like to change the 3 month period to 1 year. The board agreed that an inspection for abandonment would have to be triggered by neighbors since it would be too laborious for the town building inspector to maintain regular inspections. The board decided that an abandonment clause was necessary in this case. Mr. Hugh Clark, chair of the ZRC, explained that the abandonment clause the town was discussing for the new zoning laws included one year of abandonment and one year for the property owners to make repairs. The Board asked Mr. Clark and Ms. Hoyt to consider adding something to the new laws that would require that repairs are made to towers that are damaged and unsafe.

Chair Wilcox read from the zoning manual with reference to the 4 general permissions ZO38 and responded with the following comments (abbreviated):

1. There are no visual or sound hindrances and falldown is inapplicable.
2. There are no impacts on uses of adjacent lands
3. The towers are reasonably accessible for emergency responders.
4. The towers meet prescribed requirements of the district.

5. Recommendation to proceed with installation of 1 turbine and the reevaluate in the future before constructing the second turbine: The board agreed that there is no reason to prohibit a second turbine from being installed since both fall within all regulations. The building inspector approved both towers as they meet setback requirements. In addition, NYSERDA may not have grant money available at a later date. It is easier to apply for one grant for both of the turbines than to apply for two separate grants at different dates. Mr. Passeri added that NYSERDA allows grants for up to 3 turbines at one site with diminishing grant money per turbine. Finally, the towers will not be restricting any open space of scenic views. The ZRC is considering a non-commercial wind tower law that allows the construction of more than 1 tower at a site so long as each meets the requirements.

The board acknowledged the effort made by Mr. and Mrs. Meigs for their attempts to address what turned out to be major issues with the placement and use of wind turbines. This stimulated the Board and the ZRC to research the effect of wind turbines in greater detail. As a result, this case was much better handled and a better law will be written.

The Board agreed to change the 90 days abandonment clause and use the language from the proposed law for the approval. The following recommendations for approval were made for the Town Board:

For point #1, the date was set at June 29th, 2010. Point A was removed. Point B, no banners. Points C, E, and F were approved. The word “periodic” was changed to “inspections as needed” from D.

Mr. Lutz made a motion to accept the application for Mr. Gershon. Mr. Schneeburger seconded. The application was unanimously approved. Mr. Passeri gave a check for \$1,000 to the Clerk as escrow.

COCHAIR

The board elected Mr. Schneeburger as cochair of the ZBA.

TRAINING

The Board will review the responsibilities of the ZBA written by the ZRC and meet on July 20th at 7:00pm to discuss.

Pace University put together training for people involved in land use. Component 5 is on variances.

ZBA books were passed out to board members.

Mr. Waldorf motioned to adjourn the meeting, Ms. Bassin seconded. The meeting was adjourned at 9:00pm.

Submitted by,

Samantha Langton
Clerk
Zoning Board of Appeals