

**Ancram Zoning Board of Appeals**  
**October 26, 2010, 7:00PM**  
**Meeting Minutes--DRAFT**

Board Members Present: Chair Leah Wilcox, Sheldon Waldorf, Sue Bassin, Fred Schneeburger, Alyson Kozlowski, Sheldon Waldorf

Alternate: William Lutz

Clerk: Samantha Langton

Others Present: Joe Crocco, Barbara Crocco, Douglas Passeri, Greta Barlow, Daniel Block

Chair Wilcox opened the meeting at 7:01pm.

**MINUTES FROM MEETING ON 9/7/2010**

Mr. Waldorf motioned to approve the minutes without amendments, Mr. Lutz seconded. The board unanimously approved the minutes.

**Correspondence**

Training

Chair Wilcox distributed information about training opportunities.

**NEW BUSINESS**

**Next Meeting:**

There will be a meeting on November 9<sup>th</sup> to consider 2 area variances.

**Crocco**

Application 10-6 132 Carson Road, tax map 225.-1-9. Mr. Crocco wishes to obtain a Special Use permit to construct a 10kW wind turbine 120' high with 11 foot long blades for a total height of 131'. The building inspector wrote a denial. The application fee was paid. The Planning Board gave approval with the condition that Mr. Crocco's adjacent 2 lots are combined or there is a deeded easement on lot 225.-1-8 to allow the falldown height. A SEQR short form and visual addendum was submitted. Notices for the public hearing were in the Register Star on 9/14/2010 and in the Columbia Paper on 9/21/2010. Mr. Crocco submitted certified mail receipts for notices to abutting property owners.

Mr. Crocco presented maps of the properties and showed the location for the wind turbine on the vacant lot. He explained that he would prefer to keep the lots separate in order to avoid the legal process to merge them. Mr. Crocco presented the board with a draft easement for the initial lot (205.-1-8).

Chair Wilcox asked Mr. Crocco about the distance from the turbine to the closest neighbor's house. Mr. Crocco said that the building was at least 350 feet away. Mr. Passeri added that the neighbor's house is more than 350' and that NYSERDA removed the 300' requirement from wind turbine applications. Chair Wilcox inquired about emergency vehicle access to the turbine. Mr. Crocco informed the board that there is access through Pulver's field.

Chair Wilcox addressed the issue of the area variance. This property is located in the R district. These are 3 acre nonconforming lots, so the side yard setback is 20% of the lot width, or 28.5 feet. The placement of the turbine would be 9' from the side lot line.

Mr. Crocco addressed the area variance questions: The turbine would not result in a change in the character of the neighborhood, ie, there is already a similar turbine 0.25 mi northeast on Pulver's farm and 2 new turbines were approved to be built across the road. There was no other possible location for the turbine that would eliminate the need for a variance. The magnitude of the variance is minimal. There would be a positive physical and environmental effect on the area because the power generated will cover all of the Croccos' energy and significantly reduce their carbon footprint. The turbine will be located against a tree backdrop so there would be little physical impact. The difficulty was self-created because zoning regulations were in place when Mr. Crocco bought the property. There is little detrimental effect, the turbine is within the requirements of the town, others approved, and the top of Winchell mountain has excellent wind.

Ms. Bassin asked Mr. Crocco how many meters there were. Mr. Crocco responded that there was only one meter.

Chair Wilcox noted that earlier this year, the ZBA granted a special use permit for Mr. Gershon to build 2 Bergey Excel wind turbines, the same model that Mr. Crocco will order. These turbines give off 54 decibels of noise, equal to that of a refrigerator. Observations from the Pulver's turbine revealed that noise was not a problem. In addition, flicker would only be present at sunrise and sunset if the turbines are turning and if the sun is at the correct angle. Signs, banners, and flags would not be allowed for aesthetic reasons. A fence is not required to prevent climbing in order to make maintenance accessible. There is no evidence that a turbine reduces property value. Finally, an abandonment clause was instated for Mr. Gershon so that the property owner is required to remove the tower after 90 days without use.

### Public Hearing

Opened at 7:20pm.

Mr. Block, the abutting property owner to Mr. Crocco, stated that he objects to the tower as it is not attractive. They are near the highest hills at ~1,300' elevation. The tower will be 100 feet high so they will be visible over the hills. Mr. Crocco removed trees so there is no privacy. Mr. Block also stated that he believed the noise would be significant.

Chair Wilcox asked if he had evidence that the noise would be heard from his house. Mr. Block stated that he listened to the turbine on the Pulver's property and it made significant noise. Mr. Schneeburger asked Mr. Block how far he was from the proposed turbine. Mr. Block responded that he thought it was about 200 feet. Mr. Passeri said that it was over 350 feet. Mr. Block stated that he was concerned that if he sold his property, the new owners would not be happy about the turbine. Mr. Crocco said that he would like to buy Mr. Block's property.

Mr. Lutz asked Mr. Passeri if the location of the turbine could be further back. Mr. Passeri explained that it was best in the current position due to wind.

Mr. Crocco showed aerial photographs of the location from August. He explained that he clear cut an area for an additional field. He is applying to become part of the agriculture district. Roland Vosburgh, from the Columbia County Planning Department, visited and wrote a letter in support. A grant was obtained from the USDA. Ms. Wilcox explained that according to Ag and Markets, a wind turbine in an agricultural district does not require a special use permit. Mr. Crocco's land is not yet in the agricultural district.

Public Hearing closed at 7:30pm.

SEQRA review:

The board agreed that there is no significant visual or environmental impact. The board voted unanimously in favor for a negative declaration.

Mr. Crocco went over his answers for all of the environmental impact questions as well as the easement draft.

Chair Wilcox read through the resolution with terms for the special use permit (attached). Ms. Bassin suggested that tax map numbers are included on the easement. The original lot numbers on the deed are different from the tax map numbers.

Mr. Schneeburger motioned to take a vote to approve the area variance and special use permit, Ms. Bassin seconded. The vote was as follows:

Mr. Waldorf: yes

Mr. Schneeburger: yes

Ms. Kozlowski: yes

Ms. Bassin: yes

Chair Wilcox: yes

Mr. Lutz did not vote because he was an alternate and all of the board members were present.

Mr. Waldorf motioned to adjourn the meeting, Ms. Bassin seconded, all were in favor and the meeting was adjourned at 7:50pm.