

REGULAR ZONING BOARD OF APPEALS MEETING
June 11th, 2009

MEMBERS PRESENT: John Moorhead Dan Leary
Lorraine Morris Rick Stevens
ZBA Secretary/Alternate Paige Boratko Robert Decker
ZBA Attorney Scott Chatfield

ALSO PRESENT: Mr. and Mrs. Ralph Singh Rakieten, Rodney Weaver, Robert Hill Jr. Robert Hill III

CORRESPONDENCE:

- ZBA Minutes of May 14th, 2009
- Codes Report from CEO R. Herrmann –May, 2009
- Application from Mr. Ralph S. Rakieten for Special Permit (#042.-02-23.1) Chapter 30.2, paragraph B – W.E.C.S.

Chairman John Moorehead called the meeting to order at 7:00 p.m. Robert Decker made a motion to open the Hearing for Mr. Ralph S. Rakieten. Dan Leary seconded the motion and it passed with all in favor. The ZBA secretary read the legal notice posted in the Post Standard Newspaper.

HEARING#1 - Mr. Ralph S.Rakieten – 1736 State Rte 5 East, Elb. #040.-02-23.1

REFERENCE: ZBA FILE TM #038.-02-12.0

Application for special permit from Mr. Ralph S. Rakieten to construct a Wind Energy Conversion System. Mr. Rakieten and his wife were present before the board along with their representative Mr. Rodney Weaver of Rural Generation Wind. Mr. Rakieten gave a brief summary of his application plans and Mr. Weaver came forward and explained that the proposed tower height will be 80ft. with a fourteen-foot blade (94ft). Rick Stevens noted that the Elbridge Town code states that 100ft. is the height limit. Mr. Weaver went on to explain that the tower is a 10kw hydraulic system that tilts at the base and lowers for maintenance. It is a non-climbing monopole and does not need a fence. The tower also has an automatic high wind shut down at forty-five mile an hour winds. There are resistors and transistors inside the turbines that sense vibrations to prevent ice build up on the blades. All requirements are stated by N.Y.S.E.R.D.A. There are three different braking systems within the system. 1) High wind shut downs. The system turns out of the wind at 20 miles per hour winds, at 45 miles per hour the system turns 180 – degrees and shuts down. 2) A mechanical shut down inside the head of the turbine in case there is an electrical failure. 3) Electrical power failure.

Rick Stevens asked if all the electrical runs underground. Mr. Weaver stated that all the electrical runs underground from the generator to the house through conduit and will be four ft underground due to this property being tillable land. Robert Decker questioned the sound decibels. Mr. Weaver replied that the turbine puts out 62 decibels at 12ft.

Dan Leary asked if the existing driveway would be the one used for the construction and maintenance of the turbine. Mr. Weaver replied that it would be.

Robert Decker question if the tower is removed if the unit is not operational?

Mr. Weaver replied that it is stated in their contract and also a requirement of N.Y.S.E.R.D.A. that the unit must be decommissioned if it is not operational with in or for a 12 month period.

Chairman John Moorehead asked if there was anyone present to speak in opposition.

Mr. Robert Hill Jr. was present and came forward to ask if the Wind system was for commercial use and if Mr. Rakieten was making a profit. Rodney Weaver stated that the wind system is for a residential application and all residential turbines are grid tied into a bi-directional meter which spins backwards into the grid. As the electricity is used, it draws off banked

kilowatts. It is mandated by N.Y.S.E.R.D.A. and the electric company that by the end of the year, any excess power that is not used will be bought back by the electric company at a wholesale price. The turbine is not allowed to produce more than 110 percent of their capacity. But in respect will not allow the turbine to produce more than 110 percent.

Mr. Hill also express concerned for the flight of the bird. Mr. Rakieten also expressed his concern for the birds and has contacted the N.Y.D.E.C. to check on the impact of area wildlife. He produced a letter from the N.Y.D.E.C in response to his inquiry which states that there is no endangered species or and significant or negative impact from the wind turbine.

Attorney Scott Chatfield suggested going through the short form E.A.F as it will address the environmental issues.

Mr. Robert Hill III was present and asked what provisions are in place for the airport which is relatively close and also for Mercy flight He questioned if there will be lights on the turbine. There was a brief discussion on the pros and cons of the lighting. Attorney Scott Chatfield stated that a letter from the F.A.A. will address the height and lighting these issues.

The application and site plan was submitted to the County Planning Board for prior review which they indicated that there were no inter community or County wide concerns.

On a motion made by Robert Decker and seconded by Rick Stevens the hearing was closed at 8:05 p.m. after the boards review the short E.A.F. and issuing a negative declaration with respect to the environmental impact statement associated with the applicants proposal.

Chairman John Moorehead continued the regular meeting and Attorney Scott Chatfield suggested that the board review the criteria in of 30.42” B” A through H.

Dan Leary stated that the sketch drawing of the site has all the information but is not signed by a licensed professional as stated in the criteria of 30.42 “B”.

Robert Decker questioned where the emergency shutdown sign will be posted? The criteria state it should be posted permanently near the road frontage.

Attorney Scott Chatfield stated that we are unsure at this point what is acceptable to the Town Board as far as signage.

On a motion of Robert Decker seconded by Dan Leary to the following resolution:

Resolved: That the Town of Elbridge Zoning Board of Appeals approves the Special Permit for Mr. Ralph S. Rakieten to construct a Wind Energy Conversion System to be located at 1736 State Rte 5 East, Elbridge NY

With the following conditions that the criteria in 30.42.6 “B” B-I be met:

- 1) A signed site plan drawn by a licensed professional is submitted to the Town of Elbridge Code Enforcement Officer.
- 2) A letter from the F.A.A. addressing the height and any required lighting.
- 3) Applicant to provide such signs required by the Town Board in regards to the required emergency shutdown.

ADOPTED: 5 - AYES

0 - NAYS

It passed with all in favor at 8:25p.m.

Chairman John Moorehead continued the regular meeting and asked if there were any other questions from the audience. Mr. Hill Jr. came forward with a letter from N.Y.S. Office of Real Property Services which he read about real property valuation for farms. He stated that the Assessment Review Board directed him to approach the Zoning Board. He wishes to consolidate all his parcels to be combined as one. Attorney Scott Chatfield stated that the Zoning Board has no jurisdiction over the consolidation of parcels. Mr. Chatfield directed Mr. Hill to either go to tax mapping in down town Syracuse and tell them that they are all under the same ownership, assuming that there is unanimity of titles; or go to the Assessor and request that he do it administratively. He stated that the Assessor refused. Attorney Chatfield also stated that he could also apply to the Planning Board and apply for “unsubdivision”, the elimination of lot lines. There could be issues with multiple residents with Zoning regulations and also if your properties are not uniformly owned.

Chairman John Moorehead continued the regular meeting with a review of the previous month’s minutes of May 14th 2009. Dan Leary requested that it be added in the minutes that the building permit for Mr. Tracy’s barn was issued subsequent to the permit of the house.

APPROVAL OF MINUTES: A motion was made by Rick Stevens and seconded by Lorraine Morris to adopt the minutes of May 14th, 2009 with an amendment to the hearing for Mr. Tracy stating that the permit for the barn was issued subsequent to the permit of the house. It passed with all in favor at 8:40 p.m.

NEW BUSINESS: None

OLD BUSINESS:

- ZBA Attorney Scott Chatfield e will fax over a “Standards of proof” for each type of application (variance permits, use permits, special use permits, and interpretations). The Special permit will need to be tailored for each application.
- Creation of the new Zoning Application is in the works.

ADJOURNMENT: With no further business, on a motion made by Robert Decker and seconded by Dan Leary, the meeting was adjourned with all in favor at 8:50 p.m.

Respectfully Submitted
Paige Boratko, Secretary

