

August 21, 2008
Zoning Board of Appeals Minutes
Oswego Town Hall

Chairman: Greg Auleta
Board Members: Timothy Anderson, Robert Baker,
Robert Dexter, Debra Jaskula
Attorney to the Board: Kevin Caraccioli
Secretary: Joyce Molinari

Call to Order: The meeting of the Town of Oswego Zoning Board of Appeals was called to order at 7:01 p.m. by Greg Auleta, Chairman.

Attendance: Those in attendance were:

Greg Auleta	Chairman
Tim Anderson	Member
Robert Baker	Member
Robert Dexter	Member
Debra Jaskula	Member
Graham Seiter	Representing Kevin Caraccioli
Joyce Molinari	Secretary

Approval of June 19, 2008 Meeting Minutes: All approved. The Minutes were accepted.

Acceptance of Agenda: Greg Auleta asked that a draft letter requesting that the Town Board take action regarding windmills be added to the agenda in the Open Board Discussion. All were in favor of the Agenda; it was accepted.

New Business: Public Hearing - Oswego Town Fire Department Area Variance for a New Sign Permit (Application #2008-3)

Greg Hermann spoke on behalf of the Town Fire Department, which wants to erect a new sign to replace the portable one they have been using to advertise events, fire safety messages, etc. They have had trouble with the portable sign blowing away frequently causing it to be damaged. He stated that the new sign will be five (5) feet tall and six (6) feet wide.

Discussion continued concerning the exact dimensions of the sign and whether the regulation of two (2) feet x two (2) feet is for the sign only, or includes the poles, base, etc., in order to understand how much variance would be needed, if granted.

For the record, Greg Auleta read the letter from Martin Weiss, representing the Oswego County Department of Planning, which stated that no significant County impact was involved. Therefore this should be decided as a local issue.

Debra Jaskula asked for clarification concerning the location of the sign. Greg Hermann indicated that it would be the landscaped grassy area in front of the Fire Station. Debra went on to ask about the inclusion of the pipes to support the sign as part of the measurement.

Next, the question of the blocks used to support the sign was addressed, as to whether they would be part of the variance. It was decided that the variance needs to be for the sign only.

In addition, it was noted that the request was for an unlighted sign and that the Fire Department might, in the future, want to add lighting. Greg Hermann asked if the option to add minimal lighting at a future date could be added to the wording of the variance.

Greg Auleta read one letter from Helen Puppardo and another from Bernie Tocchio, both owners of property within 1500 feet of the Fire Department property. Each letter stated support for the project.

Tim Anderson made a motion to grant an additional four (4) foot, eight (8) inch variance on the width and an additional five (5) foot variance on the height, with the option of lighting in the future. The motion was seconded by Debra Jaskula.

The Secretary called the roll, which was as follows:

Greg Auleta Yes
Tim Anderson Yes
Robert Baker Yes
Robert Dexter Yes
Debra Jaskula Yes

All ayes. The Motion passed.

Public Hearing – Peter Wiltsie (with John MacDonald, Contractor), Height variance for wind turbine (Application #2008-4)

John MacDonald presented and explained the site map (location of house & wind turbine sites in relation to County Route 20 and neighboring land owner boundaries); also the acreage of the site (60 acres). He continued by explaining the specifics of the wind turbine (120 foot monopole with a 10 kw wind turbine on top, the height being determined by NYSERDA-“New York State Energy Research & Development Authority”).

Questions were asked by various members of the Board concerning the distance to neighbors, to Caven Cove, and the elevation where this project would be located in relation to other properties in the area. Mr. MacDonald explained that it is 500 feet to County Route 20, 250 feet to the nearest property line, and about 440 feet to the neighbor on Caven Cove. Also, he stated that the elevation between the Wiltsie site and Caven Cove is basically level with the grade dropping off to County Route 20.

Mr. Wiltsie is also interested in doing some solar collection for energy to his home and the contractors for that possibility have stated that it is a perfect spot as the land is open, with very little in the way of trees. He is also considering geo-thermal as a heat source recovery system, which would be used for both heating and cooling. The goal is to meet all or as many of the energy needs as he can with renewable energy, electric and heat.

Greg Auleta asked, for the record, if Mr. Wiltsie plans to sell to the power grid any energy not used. Mr. MacDonald said that they would, but that NYSERDA won't let you produce much more than what you need. They want the home owner to match the load to what is needed for that home, and what is not used turns the meter backwards.

Mr. Auleta asked that Mr. MacDonald explain the safety procedures that are necessary in order to protect anyone working on the utility lines from being electrocuted by back feed during a power outage.

Mr. MacDonald explained that NYSERDA oversees everything. They spend two days inspecting the entire installation and hookup. The contractor who installs the wind turbine enters a five (5) year agreement to service the entire wind system. National Grid will also oversee the installation, hookup, and connection to the utility company's power grid. The protection system is set up so that if the power goes out, the wind turbine shuts down instantly so that there is no back feed at all. Once the power from the utility company is restored, the

turbine will not come back on for another fifteen (15) minutes.

Greg Auleta made clear with Mr. Wiltsie that he intends to install only one tower and would not object to having that as part of the resolution if the variance is granted.

Other questions from Board members covered the length of each blade (12 feet), the overall height to the very top (132 feet), the amount of noise (approximately the same as a whole-house air conditioner and less than the noise from the wind on a windy day), and the color (white).

Greg Auleta also clarified with Mr. Wiltsie that he will not be putting any signs or lettering on the pole or blades and would not object to that being stipulated in the variance, if granted.

Other questions from Board members included the zoning of this area (Open), whether wind speed determined the construction of the tower (the height but not the construction), what knot winds the tower can withstand (the Burgee can withstand hurricane and tornado force winds), and whether this is a commercial use (residential only).

The aesthetic impact was discussed and how far away the tower will be seen (as far away as County Route 20 and possibly the rise on the other side).

For the record, Mr. Auleta read the letter received from Mr. Weiss of the Oswego County Department of Community Development, Tourism and Planning, regarding the application by Mr. Wiltsie, which stated that it had been determined that no significant county impact was involved. Therefore this should be decided as a local issue.

It was confirmed that all 35 notifications went out to the neighbors within 1500 feet of Mr. Wiltsie's property and the Secretary is in possession of the receipts.

Public Comment on Application #2008-4, (Peter Wiltsie – Height Variance Request)

Dennis Place identified himself as a neighbor whose property is adjacent to Mr. Wiltsie's. He stated that he objected to the construction of the wind turbine, as he would have to look at it every day from his back door. He also stated that the construction of the house had caused rain runoff to come onto his land.

Mr. Wiltsie responded that he had done everything he could to be in compliance, and the DEC is satisfied with everything he has done. He explained that Mr. Place was getting the same amount of water before construction began, but that he (Mr. Wiltsie) had done everything to ensure that any runoff from his property would go to County Route 20, rather than to Mr. Place's property. He explained that there was an eight (8) inch line, which comes onto his own property, from up the hill, and he has taken that line and water and moved it so it runs to the front, to County Route 20.

Mr. MacDonald added that there had been an eight (8) inch pipe that goes from Dauphin's property and discharges water onto the Wiltsie property and a culvert, which ran through, also. All of those problems have been corrected by running all of the water, drainage and rain, down to the ditch at County Route 20. It was a problem that existed before Mr. Wiltsie bought the property.

Greg Auleta clarified with Mr. Place that the objection he was raising, for the purposes of this hearing, was the visibility of the tower.

Debra Jaskula asked if there were trees between Mr. Place's property and the site of the wind turbine. The answer was that there is a hedgerow and a stone wall.

The next neighbor to speak was Theresa Hogan, 85 Caven Cove Drive. Mrs. Hogan asked about the safety for children in the area, as she had seen a wind turbine on Wiltsieville Road that has substantial wiring that anchors the pole.

Mr. MacDonald explained that this one would be a monopole, without wires. The one on Wiltsieville Road is a lattice tower with guide wires.

Mr. Auleta asked about the regulation for a ladder, which has to be 12 to 14 feet above ground level. Mr. MacDonald clarified that this one has no ladder. In order to service the turbine, pegs must be installed.

Mrs. Hogan asked about the bat and bird population. Mr. MacDonald told that they had contacted DEC about that and learned that there is a colony of an endangered bat species in Volney but not near this property, so there is no danger. Also, migratory birds fly at a higher altitude, so that also would not be an issue.

Mr. MacDonald also brought up how the possibility of abandonment as a problem in the future is handled. He explained how, at least for the first five (5) years it has to be maintained by the contract with NYSEERDA. Also, the contractor who installs it services the wind turbine through a five (5) year service contract that costs \$500 per year. The wind turbine lasts 35 years, and then the motor must be rewound, so it's a 30-35 years worth of power the owner is buying, and then it gets extended beyond that.

Greg Auleta made clear that the Zoning Board would be concerned about (1) certification from the power company and NYSEERDA, (2) a limit of one on this property, (3) the color is and remains white or gray, (4) the noise level not exceed the listed decibel level of the manufacturer, (5) and no signs or lettering other than that of the manufacturer be placed on the tower or propeller.

Mr. Auleta went on to state that since the height allowed is thirty-five (35) feet, the variance for the pole and the blade would be ninety-seven (97) feet. The structure is one-hundred twenty (120) feet plus the length of the blade, which is twelve (12) feet, requiring the ninety-seven (97) additional feet as a variance.

Discussion followed as to whether a wind turbine is part of or excluded from Article III, Section B of the Town of Oswego Land Use Control and District Regulations Ordinance. It was decided that the variance would fall under Article III, Section A3, for Open Land Use, Residential. Mr. Auleta also explained that, in order for Mr. Wiltsie to qualify for the grant from NYSEERDA, that state agency must be assured that the Planning Board and the Zoning Board have acted upon this application and find it in compliance with the Town's regulations. So, in this case, the granting of a height variance is something the Zoning Board needs to do. Therefore, Greg Auleta ruled that it is within the provenance of the Zoning Board of Appeals to act on this.

Tim Anderson made a motion to allow a height variance above the thirty-five (35) foot limit of an additional ninety-seven (97) feet for a wind turbine built in compliance with NYSEERDA's standards, with the following conditions: (1) that the appropriate certification from National Grid and NYSEERDA be obtained before operating, (2) that there be a limit of one (1) wind turbine on the property in question, (3) that the color will be and will remain either white or gray, (4) that the noise level shall be maintained at the manufactured decibel level and shall not exceed that, (5) that no signs or lettering beyond normal manufacturing identifications be placed on the structure. The motion was seconded by Debra Jaskula.

The Secretary called the roll, which was as follows:

Greg Auleta Yes
Tim Anderson Yes
Robert Baker Yes
Robert Dexter Yes
Debra Jaskula Yes

All ayes. The Motion passed.

Following the roll call, Graham Seiter said that Part 2 (Project Impacts and Their Magnitude) of the Full Environmental Assessment Form (SEQR) should now be done. The answer to all twenty questions was "No".

Therefore, a motion was made by Debra Jaskula that the Zoning Board of Appeals declare that there be a negative declaration. It was seconded by Tim Anderson.

The Secretary called the roll, which was as follows:

Greg Auleta Yes
Tim Anderson Yes
Robert Baker Yes
Robert Dexter Yes
Debra Jaskula Yes

All ayes. The Motion passed.

Open Board Discussion: Greg Auleta presented a proposed draft of a letter from the Zoning Board of Appeals to Vicki Mullen, Town Supervisor, asking that the Town Board enact regulations quickly, concerning wind generated power facilities, both residential and commercial.

Tim Anderson made a motion that the draft letter be passed on to the Town Board, with the exclusion of the word "temporary". All were in favor.

Old Business: None

Adjournment: The motion to adjourn was made by Bob Dexter and seconded by Tim Anderson. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Joyce Molinari
Secretary to the Zoning Board