

TOWN OF KENDALL
PLANNING BOARD
MEETING MINUTES

Tuesday, March 23, 2010 – 7:00 p.m.

CALL TO ORDER: Chairperson Paul Gray called the meeting to order at 7:03 p.m.

ROLL CALL: Paul Gray, chair - present
 Tom Cole - absent
 Jeff Conte - present
 Phil D'Agostino - present
 Joyce Henry - present

ALSO PRESENT: Paul Hennekey, Deputy Code Enforcement Officer
 Lynn Szozda, Town Board Representative
 Joyel Miesner, Recording Secretary
 Bruce Newell, 17141 Norway Heights
 Charles Akey, 16176 Carr Road
 Kahtleen Akey, 16176 Carr Road
 Glenn Steed of Wind Tamers Turbines, 156 Court Street, Geneseo

APPROVAL OF MINUTES

Minutes from February 23, 2010 were reviewed. Joyce moved to accept. Seconded by Jeff.

RESIDENTIAL WIND ENERGY SYSTEM

Glenn Steed the installation coordinator for Wind Tamers Turbines passed out a packet containing information and diagrams of the type of windmill the Akey's wish to place on their property. Glenn stated that the wind units produced by Wind Tamers Turbines are different from traditional windmills and described the differences. He stated that the units are smaller with a maximum height of around 35 feet and that there are no exposed blades. The blades are enclosed with in a shroud. He also stated that Wind Tamers Turbines windmills are a lot quieter, generally as loud as a refrigerator when it is running. He said that the units have not had any issues with birds flying into the blades because the birds see the windmill as a whole unit rather than just the turbine. He also said that the shrouded blades prevented ice buildup on the blades, which in turn, prevented ice from slinging off of the blades. Glenn stated that according to his measurements the Akey's have just over one and a half acres and would like a waiver for the two-acre requirement. He described the technical unit in the packet given to the board he stated that the unit on the Akey's property would be just under 35 feet tall. The anchor pad will stick out of the ground about two feet and the unit will be 20 to 25 feet. Glen stated they would need a waiver for the minimum height above ground for the blades because the code says that the blades must be 35 feet above ground. He also stated that because of the windmill's shrouded design the company feels that it is a safer unit because nothing can come in contact with the tips of the rotating blades. Glen stated they are also looking for a waiver for the setback. He said the ideal location to capture the wind on Akey's property is on the northwest corner. He referred to the drawn map given to the board. Glenn stated that Wind Tamers Turbines would like to place the unit 40 feet off of the north property

line and 40 feet off of the west property line. He said it would still give a fall zone radius of 114% of the unit size. Glenn stated that one reason this location was chosen was because they would not need to remove any vegetation or change any of the trees on the property. Glenn stated that Wind Tamers has a mobile demonstration with a smaller turbine that could be viewed by the board if they were interested in getting a visual of the product. He stated that he would be more than happy to set up a time so the board can look at it. Paul Gray asked how big the unit would be in KW. Glenn responded that it is a 3.5 KW unit. Paul Gray asked if it is manufactured and made in Geneseo. Glenn Responded Yes, we put as much of the unit together as we can then transport it to the job site and assemble it. On site the job takes usually a day to a day and a half of crane work and assembly. Paul Gray asked what the turbine portion of the unit weighed. Glenn responded that that turbine portion of the unit with the shroud weighed 2,800 pounds and that the pole weighs 2,600 pounds. Phil asked if Wind Tamers Turbines had any units around the area in service now. Glenn responded, yes we do. The closet one is in Leroy. Jeff asked if the unit in Perry is the same size as the unit that will be on the Akey's property. Glenn's response was that he believed it is a 3.5, as well. Glenn checked and confirmed the information. Joyce asked if this was the unit discussed in an article six weeks ago in the Democratic and Chronicle. Glenn said that it was quite possible and that Wind Tamers has been getting coverage lately from R News. Glenn mentioned that he just joined up with the company yesterday and that this was his first day and that he could not speak of that matter to intelligently. Joyce said that the article said that this unit was not yet approved for reimbursement from the government for wind energy. Glenn responded that there are reimbursements funds that are being applied to this unit and that some certification through NYSERTA does require additional data for them to receive more reimbursements. He stated that because the units are newer the company is still collecting data. He said there are federal funds and state funds that supplement cost. Joyce asked how many units have been installed and are being used. Glenn responded eleven units are installed with another one being installed tomorrow and two more units being installed next week. Joyce asked if it was too early to know if there was any fail rate. Glenn responded there should not be and that the company is warranting the units for 10 years. Glenn stated that the company has many engineers involved at Clarkson University studying the units. Paul Gray asked how long have Wind Tamers windmills been in use. Glenn responded that he believed that the first installation was finished at the end of December last year or the beginning of January of this year. Glenn then added that units are new to the market but the research has been going on for a long time. Paul asked if the unit had a break system to limit rotation. Glenn responded yes it does. Joyce asked if the top portion of the windmill turned toward the direction the wind was blowing. Glenn said correct. Joyce asked if the unit swiveled as a pole with in a pole. Glenn said, basically yes unit has a heavy duty sleeve that is custom manufactured for this application. It is a sealed unit with bearings and the unit is bolted and swivels. Paul Gray said I assume this has slip ring down in the tubing in the pole. Glenn responded yes. Paul Gray asked if the large part of the bell is down wind. Glenn said yes. Paul Gray said he assumed Glenn had review the Town of Kendall residential ordinance on windmills. Glenn said yes he had. Paul Hennekey asked if there was an estimated weight for the windmill. Glenn replied that he could not speak to that at the moment, but could find out and get back to Him. Phil asked if Akey's home is located west of West Kendall road. Kathleen Akey responded with, no we are east of the West Kendall Road. Discussion took place about the location of the Akey's Home. Paul Gray described the process the

Akeys will need to go through to get the permit and describes possible dangers caused by windmills. Paul Gray states that the Akeys have come before the planning board for a pre-application meeting and that the application form has not been made yet. Paul said he would work with code enforcement to get the form done. Paul describes what information is need for the application. Paul Gray states that because Akeys do not meet all of the ordinance requirement and that they will need to get a variance from the zoning board and that both planning and zoning boards will issue the permits to the county. Paul Gray read through section 7:28 of residential ordinance and described whether or not the Akey's property met the requirements. Glenn asks if the company can proceed with a hand drawn map as long as all structures including the unit are located appropriately and then draw in the fall zone. Paul Gray said Glenn was right. Paul Gray then gave reasons of why a detailed drawing is needed. He continued to describe what should be shown on the map, including roads, bodies of water, underground utilities, property boundaries and the location of the tower. Paul Gray said a circle on map should be drawn around the fall zone. Paul describes how the landscaping should look after completion. Paul Gray and the other board members proceeded to ask Glenn questions about the windmill. Paul Gray asked Glenn if he was anticipating the fall zone to be 120%. Glenn responded that it should be just over 114% to 115 %. Paul Gray pointed out that the Town of Kendall requires 150%. Glenn said that the Akeys would be asking for a waiver for the fall zone. He stated the reason for this being that the location on the property where the windmill is to be placed gives the Akeys maximum benefit of the wind on their property. He also stated that at that location there would not be any removal of any trees. Joyce asked how far away are the surrounding homes were. Glenn responded with a quarter mile and stated that the surrounding areas on the west and north sides of the property are open fields and that the only adjacent structure is to the east. Paul Gray asked if there was a reason why the company builds there windmills lower to the ground. Glenn said that because of the unit we do not need a taller tower. It does not benefit us to have a tower that is 10 -15 feet taller. He also said that the lower height made the windmill less obtrusive. Paul Gray asked what the diameter blades are. Glenn responded 96 inches. Paul discussed the type of application the Akeys would need to fill out. Paul Gray said he saw no reason why the short SEQR could be used for the residential application, unless someone on the board has an objection. Glenn said that would be great. Paul Gray stated special use permits required that an agricultural data statement be completed. Paul Gray stated that a removal agreement stating that the company is willing to remove the unit and that an agreement to pay town-consulting fees needed to be completed. Paul Gray stated that the tower must be certified. Paul Gray asked if there was any means of climbing up on the pole. Glenn said no. Paul Gray asked if the windmill was located closer than 500 feet to another resident. Glenn said across the road it might be. Paul Gray said that the distances would need to be verified. Paul Gray asked if the windmill had lights. Glenn said no. Paul Gray asked if the windmill had any obtrusive colors. Glenn said it would be blue and white. Paul Gray asked if the electrical system would be under ground. Glenn stated that everything would be buried. Paul Gray asked about electromagnetic interference. Glenn responded with the fact that the company is using cell phone meters in the units for testing pressure and wind speed. He said he could not imagine electromagnetic interference being a problem. Paul Gray mentioned that the windmill diagram had a brand name or logo on it and said that the ordinance required there be no brand names or logos. Glenn said he assumed that the name would fall under permanent identification of manufacture. Paul Gray said the planning board would discuss the matter. Paul Gray

asked who would be involved with the electrical hook up of the windmill. Glenn stated that the company takes care of permitting and that they would be working with National Grid, the Akey's electric company. Joyce asked what the distance from the bottom of the scoop to ground surface would be. Glenn stated that it would be between 20 feet and 25 feet, probably about 22 feet or 23 feet. Phil asked if it was possible for something to be thrown into the windmill, for example a football. Glenn responded with if something was thrown in to the windmill it would come out the backside. If something was jammed in the windmill chances are it would stop the turbine and or blades. Joyce asked if the factory building the unit would be doing the maintenance. Glenn said yes. Joyce asked how difficult would it be for the owner to find someone else to do maintenance if the company was no longer in business. Glenn stated that the principle itself is wind energy, the design is different, but the components are the same. Paul Gray asked what the blades were made of. Glenn responded with aluminum. Jeff asked if the company would be subcontracting some of the work. Glenn said that the company subs out the digging, but the company pours the concrete. The company does the installation, but subs out the crane. The electrical is subbed out to licensed contractors, but we provide the materials. Joyce asked what speed is the breaking system set at. Glenn said the unit has been tested up to 75 miles per hour wind speed with no adverse affects on unit and no breakdown of the generator, if the wind speed gets much above that its will start slowing it down. Paul Gray asked at what RPM does the mechanical break cut in. Glenn said he could not answer that question right now, but he could let him know if he liked. Jeff asked what the shroud was made of. Glenn said fiberglass and the blades are in a metal housing. Paul Gray asked what gage was the metal. Glenn responded with the front is aluminum, the baffle is sheet metal and the rest is aluminum. Paul Gray said on the site shown by the map it shows 40 feet in each direction to the unit's location. Glenn said yes. Paul Gray asked what the height is. Glenn responded 35 feet Paul Gray stated that the fall zone has to be 50 feet from the lot line. Glenn repeated why the location was chosen. Joyce recommended setting up a time with the Zoning Board to observe the demonstration. Paul Gray said that the next step would be to get together with Code Enforcement and discuss specific issues and visit the construction site. Discussion took place about setting up a sight observation. Discussion about variance applications took place. Glenn asked if there was any thing that could be done to keep the ball rolling. Paul Gray mentioned section 728b of the ordinance. Paul Gray asked if there were any other questions for the board. Glenn said no and pointed out where his contact information could be found on the packet. Glenn and the Akeys left the meeting. Further discussion took place about the property, placement of the windmill and design of the windmill.

REPORT FROM CODE ENFORCEMENT

Paul Hennekey mentioned a building permit for a 900 square foot pole barn on lake property. A question arises about whether or not the owner constructing the barn would need to go to get approval from the town board because of the moratorium. Paul Gray read the moratorium. It was determined that the town board did not need to get involved because the moratorium is for accessory structures more than 900 square feet. Paul Hennekey said that he brought up the case because he wanted to talk about the rear set back that is going to be 20 feet from the edge of the right of way. Paul Hennekey asked if the measurement should be taken from the center of the road for a 20-foot rear set back. Paul Gray said no, what is the road width. Paul Hennekey responded 50 feet. Discussion took place about the differences between the lake property and rear and front set backs.

Paul Gray said that the Planning Board was proposing a measurement of 66 feet from the center from the road. Using a map that was distributed to the board Paul Hennekey described the dimensions and layout of the property.

TOWN BOARD REMARKS

The joint meeting between the school and the town board that was to be held on Wednesday, March 24 was mentioned.

CPB REPORT

Paul Gray discussed the spring local government workshop that will be held at Burgundy Basin Inn in Pittsford on Friday, May 14th. Paul Gray mentioned four referrals that went before the County Planning Board. Paul stated that he had sent board members a copy of the referral that could be reviewed online. He stated that the Yates referral might be the most informative because they are revising their camping unit regulations. He discussed last month's referral regarding the area variance to allow a manufactured mobile home in a RA district. Paul Gray mentioned that the code enforcement officer of Lyndonville had issued a permit for the demolition of the Old Mill restaurant and the construction of a new restaurant. The code enforcer failed to realize that the process had to go before the Country Planning Board. The Lyndonville code enforcement officer went to the Country Planning Board hoping they could offer an opinion. The Country Planning Board said there was nothing they could do because they had no referral, no information, or no site plan. However the village had the ability to proceed without the Country Planning Board.

MORATORIUM

Paul set out maps of the lake property. Discussion took place about the laws and regulation of other towns. Paul said that he liked the Yates the ordinance and looked at Albion, Medina, Clayton, and Canandaigua. The board and Bruce Newell looked at and discussed the lake front lot maps, right of ways and setbacks.

NEXT MEETING

Tuesday April 27, 2010 at 7:00 pm

Phil motioned to adjure. Seconded by Jeff. All in favor. Adjourned at 9:45 pm.

Respectfully submitted,

Joyel Miesner
Recording Secretary