

# LeRoy

## ZONING BOARD of APPEALS

March 28, 2017

The LeRoy Town Zoning Board of Appeals held a Public Hearing on Hungerford and Warne variance applications. It was held at the LeRoy Town Hall, 48 Main Street, LeRoy, NY 14482, at 7 P.M.

Present: John Rider, Chairperson  
Debbi Jackett  
Bob Uberty  
Matt Gilligan, Alt.

Absent: Laura Brodie

Recording Secretary: Jake Whiting

Others present: CEO/ZEO Jeff Steinbrenner, Ken Davis, Pat Davis, Meghan Gaffney – United Wind, Fawn Will, Ray Detor – LeRoy Airport, Eileen Dries, Stephen Barbeau

The Public Hearing was called to order at 7:01 P.M. by Chairman Rider.

Area Variance for a windmill: Dick Warne of 7380 Griswold Rd. would like an area variance to reduce the amount of required setback as required by Town Code 165-64 (B) and (4) to install a residential windmill.

Area Variance for a windmill: Les Hungerford of 7236 Griswold Rd. would like an area variance to reduce the amount of required setback as required by Town Code 165-64 (B) and (4) to install a residential windmill.

**\*As the variance requests are for the same thing, and as they are neighbors, both requests were dealt with jointly.\***

Meghan Gaffney (United Wind) has spoken with Jeff and the Planning Board regarding the code. The existing code was written for industrial windmills, not for residential use. Specifically, she is asking for code variance for visual impact assessment, shadow flicker map, and financial assurance. This was all addressed previously with the Planning Board. Meghan further stated that other towns have different codes for residential vs. industrial use. NYSERDA recommends the setback be equal to 1.5 x height of the structure, not the one thousand (1,000) feet required by the Town of LeRoy.

Ray Detor, owner of the LeRoy Airport, raised his concerns: multiple towers could have an effect of aircraft; the distance between the airport and the windmill towers, and if the wind velocity could affect incoming planes. Mr. Detor stated that he would like to see the windmills lighted. Ms. Gaffney stated that she contacted the FAA and the windmills passed their approval requirements. She further stated that planes would not fly at 150 feet – to which Mr. Detor responded that he wants to make sure all planes are able to fly into and out of his airport. The airport is federally funded, both by the Town of LeRoy and himself personally. At this point, Board member Ms. Jackett reminded them to direct comments and concerns the ZBA and not each other.

Pat Davis, a neighbor, stated that if the windmills jackknife themselves at 35 MPH she imagines it to be like a tractor trailer needing to slow down. Ms. Gaffney responded that the 35 MPH is tailbone offset from the rotor. The turbines are certified by PH to withstand wind speeds up to 135 MPH. The blades would only slow the only time they come to a complete stop is when the electricity is out.

Fawn Will, resides at 7260 Griswold Road, would have the windmills nearly in her back yard. She states that United Wind has never contacted her regarding the windmills. The only information she has received is from the Town of LeRoy and from attending meetings at the Town Hall. She continued by stating that she bought her home for the view and that she is also worried about the safety issue. There are children that live in the trailer park and also more children reside across the street. There is no fence around the windmill. As such, the children may be compelled to try and climb the tower structures. While she understood she purchased a home in an agricultural / residential area. There would be zero benefit from the towers to anyone other than the landowners. She went on to tell of a landing strip that is located nearby on Griswold Road. She does not want the resale value of her home lowered.

Continuing discussion ensued between board member Jackett and United Wind representative Gaffney. There is a question of noise level. The noise would be continual, within the immediate windmill area. The noise level would be equivalent to a running dishwasher. United Wind presented photos for the visual impact to the ZBA. She answered the board's questions regarding fencing (no), will they look like ones existing on Route 20 (no). The Board pondered the photos for five (5) plus minutes.

Chairman Rider makes the statement that he would not like the windmills in his backyard. United Wind's Meghan Gaffney requests that the Town and County Planning Board recommendations be read aloud. She asked this a couple different times and finally Board member Jackett read the recommendation from the county.

The four (4) findings and decisions:

**WARNE INSTALL WIND TOWER CLOSER THAN 1,000 FEET FROM THE RIGHT-OF-WAY OF ANY PUBLIC ROAD. 165-64.B(4)**

Area Variance Findings & Decision by the Zoning Board of Appeals:

Whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:

1. Yes 3 No 0

Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Reason: D. Jackett states she thinks it could be erected in a different location.

2. Yes 1 No 2

Whether the requested variance is substantial:

3. Yes 3 No 0

Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

4. Yes 3 No 0

Whether the alleged difficulty was self-created:

Reason: D. Jackett states "yes, choosing to put this up"

5. Yes 3 No 0

**The Benefit to the applicant does not outweigh the detriment to the neighborhood or community and therefore the variance is denied.**

Record of vote:	Aye	Nay
Chairperson Rider	2	
Jackett	M	
Uberty	X	
Member Gilligan	X	

(alternate)

**WARNE INSTALL A RESIDENTIAL WINDMILL CLOSER THAN 1000 FEET FROM A RESIDENCE OR BUILDING 165-64.B (2)**

Area Variance Findings & Decision by the Zoning Board of Appeals:

Whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:

1. Yes 3 No 0

Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

2. Yes 1 No 2

Whether the requested variance is substantial:

3. Yes 3 No 0

Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

4. Yes 3 No 0

Whether the alleged difficulty was self-created:

5. Yes 3 No 0

**The Benefit to the applicant does not outweigh the detriment to the neighborhood or community and therefore the variance is denied.**

Record of vote:	Aye	Nay
Chairperson Rider	X	
Jackett	M	
Uberty	2nd	
Member Gilligan	X	

(alternate)

**HUNGERFORD INSTALL WIND TOWER CLOSER THAN 1,000 FEET FROM THE RIGHT-OF-WAY OF ANY PUBLIC ROAD. 165-64.B(4)**

Area Variance Findings & Decision by the Zoning Board of Appeals:

Whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:

1. Yes 3 No 0

Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Reasons: D. Jackett states the reason is clearer here – he can use his side yard

2. Yes 0 No 3

Whether the requested variance is substantial:

3. Yes 3 No 3

Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

4. Yes 3 No 3

Whether the alleged difficulty was self-created:

Reason: D. Jackett states “yes, choosing to put this up”

5. Yes 3 No 3

**The Benefit to the applicant does not outweigh the detriment to the neighborhood or community and therefore the variance is denied.**

Record of vote: Aye Nay

Chairperson Rider X

Jackett M

Uberty 2nd

Member Gilligan X

(alternate)

**HUNGERFORD INSTALL A RESIDENTIAL WINDMILL CLOSER THAN 1000 FEET FROM A RESIDENCE OR BUILDING 165-64.B (2)**

Area Variance Findings & Decision by the Zoning Board of Appeals:

Whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:

1. Yes 3 No 0

Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

2. Yes 0 No 3

Whether the requested variance is substantial:

3. Yes 3 No 0

Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

4. Yes 3 No 0

Whether the alleged difficulty was self-created:

5. Yes 3 No 0

**The Benefit to the applicant does not outweigh the detriment to the neighborhood or community and therefore the variance is denied.**

Record of vote: Aye Nay

Chairperson Rider X

Jackett X

Uberty X

Member Gilligan (alternate)

**MOTION** to close the public hearing was made by J. Rider and seconded by Matt Gilligan. **Closed at 7:49 PM.** Continued signing BAN documents until 8:20 P.M.

Respectfully submitted,

*Laura Brodie*, Jake Whiting acted as Secretary in L. Brodie’s absence