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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, October 9, 2014

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CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Paul Gargiulo; Chairman, Meredith Engle, Tim Marion, Peter Paulsen, Anthony Pavese, Paul Symes, Shari Riley; Code Enforcement Officer
Absent: John Litts, Michael Guerriero; Town Board Liaison

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

New Public Hearings

Passante, Jeff and Dawn 847 N Chodikee Lake Rd SBL#79.2-2-2.120, in R1 zone.
The applicant would like to create a 2 lot subdivision in a R-1 zone. Lot 2 needs one buildable acre to meet the dimensional codes. Once the wetlands and buffer is removed, lot 2 has .69 buildable acreage. A variance of .31 acres is required.
Jeff and Dawn Passante were present for the meeting.

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times
Email: dale@ulsterpublishing.com

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:
WEEK OF: October 2, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:
TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

43 LEGAL NOTICE
44 TOWN OF LLOYD ZONING BOARD OF APPEALS
45 NOTICE OF PUBLIC HEARING
46

47 Notice is hereby given that a Public Hearing will be held by the Town of Lloyd Zoning Board, Ulster County, State of
48 New York, on the application of Jeff and Dawn Passante for property at 847 N. Chodikee Lake Rd. (SBL: 79.2-2-2.120),
49 Highland NY, 12528, proposing an area variance.
50

51 The public hearing will take place at the Town of Lloyd Town Hall on Thursday, October 9, 2014, at 7:00PM,
52 or as soon thereafter as may be heard.
53

54 _____
55 Date: September 23, 2014
56

57 Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at
58 prober@townoflloyd.com
59

60 Paul Gargiulo made a Motion to open the public hearing, this was seconded by Tim Marion. All ayes.
61 The Board reviewed this variance at the prior meeting and were waiting to see if there would be any public
62 comments. There was no public comment.

63 Paul: Under the laws of zoning, there is one thing that we have to keep in mind, and this piece of property
64 does not break that threshold. We measure zoning by public health, safety and welfare.
65 The Board went over the ZBA DECISION and was read by Anthony P. (See attached)
66

67 A **Motion** was made to close the public hearing by Paul Gargiulo, seconded by Paul Symes. All ayes.
68 A **Motion** to accept this decision was made by Anthony Pavese, seconded by Paul Symes. All ayes.
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71 **Administrative Business**
72

73 Internal interpretation on wind turbine energy.

74 Shari: A gentleman came into the Building Department and wanted to get a permit to install a wind generator.
75 (photos were passed around) The only thing in the code is under 100-32, if you look under C(1) it says non-
76 commercial small wind energy facilities shall be allowed in the Agricultural zone, R2 zone and Light
77 Industrial zone. He is in the Walkway-Gateway District on North Roberts Rd. We felt we could not give him
78 a permit because it was not allowed. He challenged our opinion on that so we are coming to you for an
79 interpretation; What is the difference of what the code meant by putting that in the code book and what the
80 Building Dept. felt was the intention. We felt it was kind of like solar power panels, it is alternative power
81 source compared to what the code is talking about as a wind turbine. So it is here in front of you because we
82 cannot make that determination. With all of the information that we have, we would like you to determine
83 whether or not this is something that a building permit could be issued for, or not even because it has more to
84 do with alternative electricity than the actual wind turbines the code is addressing.

85 Paul: If you look at the code book, section 100-32, the word is small. They talk about small wind facilities not
86 being allowed in the 2010 code. In my opinion this wind facility is small (looking at a photo of a proposed
87 residential turbine), as described in the code book and hits a threshold.

88 Tim: I would base it on height also. If it is not too high you really don't see it.

89 Anthony P: Non commercial use, for a residential home, that is what is being considered for small use? A
90 commercial powered would be to power a commercial entity of whatever and/or generate money for it.
91 Anthony Giangrasso, Deputy Building Inspector, showed photos of different wind turbines to the Board.
92 Anthony G: The Building Department is getting about 5 or 6 solar panel permits per week. Solar panels are
93 going up all over Lloyd. Systems are coming in with solar panels and also the wind turbine as part of the
94 package. The turbine is connected to the solar panels, as alternate energy, to offset when the sun is not
95 shining. This is coming. The code that we have says small, but what is small? Some have 80ft to 110ft
96 rotors that you could hear 10 miles away. I have pictures of a possible residential unit this is 23” high with 18”
97 rotors. The code is already outdated. It does not give you any specific size of anything.
98 Shari: Maybe you would like to make a recommendation to the Town Board as to how you see changing the
99 code so that it is more specific to newer technology.
100 Anthony P: The proposal was for a non-commercial use, and also for use in the Walkway-Gateway District.
101 (More discussion about the definition of small continued)
102 Shari: So right now what I hear you saying is that you would recommend the law changing. But, if this
103 gentleman came in with an application for a variance
104 Anthony P: I would ask the Board to put restrictions to require certain wattages, heights, widths, weight, so on
105 and so forth, this way it is consistent and fits to the zone. The code now was thought out, but only for certain
106 zones and right now this gentleman is not in these zones.
107 Shari: So would you have him come to you for a variance? Right now it would be a use variance because that
108 use is not allowed in the zone.
109 Anthony P: I agree with that but I do think someone needs to update the code with more restrictions.
110 Shari: Would you recommend it to be in all residential zones?
111 Paul G: A certain size, with Planning Board recommendation. We would have to go see where it was. I
112 would not want these to be seen from the Rail Trail, because I know what the Rail Trail means to the
113 community.
114 Shari: I guess you, as a Board, can make a recommendation of what you would like to see the law be.
115 Paul G: Maybe certain sizes for certain zones and other sizes for other zones.
116 Tim: The problem is a guy owns his house from 20 years ago and now they put this new zone and he cannot
117 have a windmill because he is in the Walkway District. Maybe it can be worded that it needs to be put in a
118 certain place where it cannot be seen.
119 Shari: Or maybe with a special use permit, because a special use permit can put conditions on it. For instance,
120 it would be allowed in all districts and the special use permit then determines how high and other conditions.
121 Paul G: I will go with a special use permit only if we maintain the word small.
122 Paul S: Small needs to be defined.
123 Peter S: I think small can be defined as non-commercial.
124 The Board discussed some different options for an update to the code. More research will be done by the
125 Board.
126 Anthony P: (to Anthony G) What is your opinion on the whole thing?
127 Anthony G: The small ones are tiny. If someone comes in and wants to put one on his roof, I agree there
128 should be a limit. We have people coming in for solar panels 5kw and 7kw, seems to be the norm. I think if
129 you put wattage on the turbine, the smaller are only doing 75 watts or 100 watts. My whole thing with the
130 green energy is we have permits coming in for solar and we are going to have more for these, when someone
131 comes in and I have to tell them no you cannot have that part of the system, you can only have the other half
132 of the system, the solar panels, they want to know why.

133 Anthony P: I read this code, that if it is for non commercial small wind energy it does not matter the size. It is
134 saying what the use is; it is not to sell electric, it is to power your house. Right now it does not matter if it is
135 80ft. It just says as long as it is being used for non commercial small wind energy.

136 Shari: The code has a lot more information than that first page; I do hear what you are saying. If you read
137 through this code and determine that this code does not apply to that (meaning a smaller watt residential wind
138 turbine) that is the interpretation that we are possibly looking for. That the current code because of how it is
139 explaining the siteplan and the kilowatts so on and so forth, your interpretation is that, that does not apply, then
140 we are getting somewhere. If you read through the code and feel that it does apply than we have that answer.

141 Anthony G: We are getting more of these applications in now and I feel the code is too restrictive.

142 Paul: Maybe at a Tri-Board Workshop we can work something out and come to some decision. A small
143 energy system might be classified around a 10 kilowatt system and anything over the 10kw you would have to
144 get into the physical size.

145 Anthony G: 5.5 or 7.5 KW is the solar panel size they are putting up, I am trying to compare the size of the
146 solar panel with the turbines.

147 Paul: 500 watts is .5 kilowatt.

148 Shari: You could make a recommendation that in an updated code that they are allowed in residential zones
149 under so many kilowatts.

150 Paul G: Why wasn't this written in for the residential zone?

151 Shari: I am not sure but can you make an interpretation that less than 15 kilowatts is not being represented in
152 this code. Because it says 100 kilowatts, and that is so much larger than this. If this code is putting a threshold
153 of 100 kilowatts to define small, which is only allowed in the current code, that this is so minute that you do
154 not feel that the current code applies to that. (Referring to the smaller turbine) Paul made the point that they
155 are talking about a much larger, 100 kilowatt, wind energy than what we are talking about. I understand Paul
156 that you want the Planning Board and Town Board in on this discussion before you guys make any decision on
157 an interpretation so that everybody is on the same page.

158 Paul: We could make a decision tonight in saying that the word small is not correct in this paragraph. We
159 could say anything under 15kw is small and anything over 15kw is large.

160 Shari: But this code says small, you may want to say small is over 15kw and goes to 100kw and that
161 residential is 15kw or less and does not apply to this code.

162 Tim: How about 10kw or larger is considered small?

163 Anthony G: Yes, and I need to know what it should look like.

164 Paul: How about no larger than 4ft in any direction, height, width, or diameter.

165 Tim: Why not limit it to a maximum of 10kw and 10yrs or 20yrs down the road you can always change the
166 law. As generators of the same size start to put out more power you can always change the law.

167 Anthony G: 10kw could run a home.

168 Shari: We know what small is. You have to define if something less than that is residential. As a Board you
169 should research this more and make a determination some other time. But, on this proposed application you
170 could make the interpretation that this particular one is not what the code is referring to.

171 Anthony P: So 1) we want to open the zoning for wind turbines, 2) try to nail down size and 3) maximum
172 production for small non commercial use.

173 Shari: This may need to go for a special use permit so that each individual application gets looked at.

174 The Board continued discussion.

175 Shari: I think the definition of small wind needs to be changed to something else and leave the rest of the code
176 alone because that would take care of the larger ones. Then, add a part to the code that is a more residential
177 type and have it go for a special use permit.

178 Paul S: Do we know what the surrounding Towns have done with this?

179 Shari: No research has been done yet.
180 Paul G: This will be tabled until next month; everyone should come back with some ideas. We would like to
181 get the Boards together and see where they would like this to go. I would like something sent to the Planning
182 Board, they are being put on notice to look at the code, chapter 100-32. The Zoning Board is having a big
183 problem with it and it will be coming to them in a future meeting. Maybe they can do some homework and jot
184 some notes and ideas down so that they don't get hit with it all at one time, let them know that the problem is
185 size.
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187 A **Motion** was made to accept the minutes from the August 8, 2014 ZBA Meeting by Paul Syms, seconded by
188 Peter Paulsen. 3 Ayes, 0 Nays, 1 Absent, 2 Abstain. Tim Marion, abstained; Anthony Pavese abstained.
189 A **Motion** was made to accept the minutes from the Sept. 11, 2014 ZBA Meeting by Paul Gargiulo, seconded
190 by Tim Marion. 3 Ayes, 0 Nays, 1 Absent, 2 Abstain. Anthony Pavese, abstained; Paul Symes, abstained.
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192 **AMotion** to adjourn was made by Tim Marion, seconded by Paul Gargiulo. All ayes. 8:04pm.
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