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By: _____	Rosaria Peplow, Town Clerk
Date: _____	

**ZBA MEETING MINUTES**  
**TOWN OF LLOYD ZONING BOARD**

**Thursday, November 13, 2014**

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**CALL TO ORDER TIME: 7:00pm**

**PLEDGE OF ALLEGIANCE**

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

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

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**Administrative Business**

**Discussion on Wind Turbines.**

Paul: Mr. Timpierio has requested a wind turbine for his residence. Since what he is requesting is not addressed in the code and it is small enough that it will not cross any thresholds, my motion is to make this exempt from the code.

Tim: The problem is the utility pole.

Shari: It is his, and that would be through the building permit. The original reason the turbine is before you is for an interpretation. It was not an actual variance or anything that needs any type of action other than the interpretation that this particular turbine is not what the intention of the code was for.

Tim: If you left the law the way it is written could you just grant a variance depending on the situation for every case that comes in?

Shari: No, a variance means that you are giving them a certain relief and it's the definition in question.

Tim: Wouldn't that be a special use permit?

Shari: That would have to be changed in the law and the Planning Board would have to review each one. So if we leave the law the way that it is, this would allow each one to come before you as an interpretation of whether or not the type of turbine meets the current law.

Paul: My suggestion is that anything less than 10kw in a residential zone would need a special use permit, with this the Planning Board would understand the site impact.

Tim: If you deal with each case as it comes in you can tailor the layout per project through the building department.

41 Shari: To require a special use permit the Town would have to change the law. What we could do for  
42 instance, some of them are just in addition to solar panels. If we had a question, and are now just  
43 understanding the intent of the law, which is the smaller turbines and which are maybe in addition to a solar  
44 panel, may not need to be sent to the ZBA because we would understand that is not part of what this law's  
45 intention was. Even though the code says non commercial, small and other definitions, the code is still  
46 referring to larger type of wind turbines in those particular type of areas where we do not want them. If it ever  
47 comes up that there is a particular area that we are unsure is suitable for turbines, or  
48 that maybe we are unsure meets that threshold, then it would come back to you for an interpretation for each  
49 individual one.

50 Paul: This is fine. I just thought that we could solve this by making an amendment to the law, 10kw or  
51 smaller and leave it up to the Planning Board to make the final decision.

52 Shari: The Board can send a memo to Dave Barton to present this information to the Town Board. When the  
53 Town Board is looking to update the code book, they can look at this and decide if this is something that they  
54 want.

55 The Board discussed the current code on wind turbines and the size of turbine.

56 A **Motion** that this application is not addressed in the code and therefore it should be exempt in this particular  
57 case at this period in time was made by Paul Gargiulo, seconded by Tim Marion. Paul Symes – Aye, Paul  
58 Gargiulo – Aye, Tim Marion – Aye.

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60 The Zoning Board will review any wind turbine application the building department needs interpretations on.

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63 A **Motion** was made to accept the Meeting Minutes from the October 9, 2014 meeting was made by Tim  
64 Marion, seconded by Paul Symes. All ayes.

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67 A **Motion** was made to adjourn by Paul Gargiulo, seconded by Paul Symes. All ayes. 7:15pm