

**TOWN OF BETHLEHEM  
BOARD OF APPEALS**

**September 3, 2008**

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York was held on the above date at the Town Offices, 445 Delaware Avenue, Delmar, New York. Chairman Hodom, presiding.

PRESENT: Michael Hodom, Board of Appeals Chairman  
Michael Moore, Board of Appeals Counsel  
Dave DeCancio, Board of Appeals Member  
Ken Umina, Board of Appeals Member  
Matt Watson, Board of Appeals Member  
Lennie Micelli, Board of Appeals Member

Mark Platel  
Justin Harbinger  
Tracy Sturm

AGENDA: Hank Digeser (Gould Erectors) – Public Hearing  
Brian Jordan

Chairman Hodom called the meeting to order at 7:00pm.

**PUBLIC HEARING**

**Hank Digeser (Gould Erectors ) – 542 Rt. 9W, Glenmont**

Chairman Hodom opened the public hearing. Mr. Platel said the applicant is proposing to construct a wind turbine sixty-three (63) feet in height, which will exceed the maximum height requirement of twenty-five (25) feet for accessory structures by thirty-eight (38) feet in a Mixed Economic Development Zoning District.

A motion to indent the Public Hearing notice into the record was offered by Mr. Watson, seconded by Mr. Umina and approved by all Board members present.

Notice is hereby given that the Board of Appeals of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday September 3, 2008, at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Hank Digeser (Gould Erectors) for a variance under Article V, Districts, Use and Area Requirements, Section 128-37, MEDD, E) miscellaneous standards 1) Accessory structures b) Height for the construction of a wind turbine for power and display.

Mr. Digeser presented. He said he is the Vice-President of Gould Erectors located at 542 Route 9W, Glenmont, as well as the property owner. It is a heavy construction business. They want to expand their business and one (1) area they are interested in is renewable energies. The market area west of Syracuse is very acceptable to this type of renewable energy equipment and east of here is not. Most of the local Towns zoning laws do not address windmills. They are proposing to erect a windmill at their facility that is about sixty-three (63) feet high. It will be mainly used for display. It will generate some power. It's capable of generating five (5) kilowatts of power which is about the same as a small household generator but it runs twenty-four (24) hours a day. The ambient noise is roughly thirty-two (32) decibels or the equivalent of a chirping bird. It would be constructed on the rear of the facility and the visual impact of the neighbors would be minimal. They are about a quarter mile from the Thruway.

Mr. Platel said wind turbines were not addressed in the Town Code. Chairman Hodom said Section 128-10 lists height exceptions. It doesn't specifically make a statement regarding wind turbines but he wondered if wind

turbines should be considered under this section of the Zoning Law; specifically the last sentence of Section 128-10 (A). Mr. Platel said the determination was that a wind turbine was not a necessary mechanical apparatus for the site. Chairman Hodom said the Board had discretion as to whether they thought wind turbines should be included into this section. Mr. Micelli agreed they should look at that section of the Zoning law because wind turbines were an up and coming form of energy. Mr. Watson asked if they could make that determination. Chairman Hodom said they could discuss it in those general terms and possibly interpret that section of the Zoning Law to include wind turbines. Mr. Umina suggested that if the Board made that determination it should be sent to the Town Board to be accepted as a change to the Zoning Law. Mr. Digeser said he had dropped off copies of about ten (10) municipalities' Zoning Codes, throughout the state, that relate to wind turbines. Staff said the Planning Department was currently investigating the issue.

When asked, Mr. Digeser said the monopole wind turbine didn't have guide cables. It was supported by the foundation. The wind turbine would be used more for demonstration purposes for clients. It was not intended for power generation of the facility. At the requested height the energy generated would be between one (1) and two (2) kw per hour; enough to light a few light bulbs.

Chairman Hodom asked Mr. Digeser if he would consider erecting the wind turbine for demonstration purposes, as needed, and then taking it down in between times. Mr. Digeser said he could that but he would prefer to keep it up full time. The structure erected has a lattice support steel frame in one (1) piece. The erection time is about two (2) hours. The dismantle time would take about the same amount of time. He would prefer to keep it up because its newer technology and he would like to have some longevity use to see how the unit will perform. He wanted to be able to have sufficient information for a customer.

The three (3) blades on the turbine are fiberglass and eighteen (18) feet in diameter. Chairman Hodom asked how often he would be demonstrating. Mr. Digeser said he had about twenty (20) clients that were interested in the product. NYSEDA is based here in Albany and AWS Wind, a large wind consulting firm, is also headquartered in Albany. Hudson Valley C.C. is developing a renewable energy program. He has also contacted Bethlehem Central High School's technology department to let them know it would be available for them to bring students to see how it operates. Mr. Digeser said Gould Erectors would construct the wind turbine. Mr. Micelli asked where the potential clients were located. Mr. Digeser said they were in Rensselaer County, Berne and other rural areas around the Capital District. He was trying to market schools and municipalities as well as private homeowners. Mr. Micelli said there were a variety of utility companies in the area. They would like to see the meter go in the opposite direction and sell energy back to the grid. Mr. Digeser said this system sells the excess energy back to the grid. Other schools he has contacted are RCS and HVCC. He said that RCS is interested in putting one up at their facility. He said that for every dollar a person pays on their utility bill, one half cent goes to a NYSEDA fund. They fund energy saving programs and new energy producing methods. For wind they have certain vendors that are pre-approved for installation. The incentives amount to about fifty percent (50%) of the cost.

Chairman Hodom asked if the wind turbine could be of less height than requested and still accomplish the same end result. Mr. Digeser said he wanted it high enough so the system could be tested. He thought sixty-three feet would be high enough for wind speed to produce electricity. Mr. DeCancio asked the approximate height of the trees around the site. Mr. Digeser thought they were around eighty (80) feet high in the back. Chairman Hodom asked Mr. Digeser to generate calculations showing that he needed the height requested. When asked about the construction of the monopole, Mr. Digeser said the first forty (40) feet would be solid weld and the last twenty feet would be bolted. Lights are not required and not planned. Chairman Hodom asked him to also produce documentation on the decibel level. Mr. Digeser said to make the turbine work, he needed between nine (9) to twelve (12) miles of wind speed. He said the annual average wind speed at the site was about eight (8) miles per hour. The net electrical power generated at that speed would be about one (1) kilowatt hour but he could supply more specific information. Mr. Micelli asked if Mr. Digeser was on a Niagara Mohawk demand meter. Mr. Digeser said they had three (3) meters, one being demand. Mr. DeCancio asked if there were automatic shutoffs during high wind times. Mr. Digeser said yes; there was also a shutoff if the grid lost power. That was a safety mechanism so if a person was working on the lines, the wind turbine would not be pumping electricity into the line.

Mr. Digeser said he purchased the first two (2) wind turbines produced by the company and per the literature it

was the quietest on the market. He said there was an operating wind turbine in Berne. It's a different model and one hundred ten (110) feet high with thirty (30) foot blades. He would find out the location. He said he has spoken with the business next to him and they were not opposed.

Mr. Digeser said his property was secured at night. He did not plan on placing a ladder on the structure.

Mr. Watson listed the items the Board asked from Mr. Digeser; the address of the windmill in Berne, literature of the noise level and stats on minimum heights and noise levels.

Marcia Flansburg, 25 Asprion Road. She said the applicant's property was directly in her back yard. Because this turbine was a model, she wanted to know if after it is sold would they be getting more? Mr. Digeser said they would not be doing more wind turbines on the site for energy because the wind isn't great enough to generate enough electricity to make it economical. She asked how it would effect the Canadian geese in the area and the birds that she feeds. She said that birds could get killed flying through wind turbines. Mr. Digeser said he didn't have any data on that but he would look into it. She asked if the noise from the turbine would be twenty-four (24) hours a day. Mr. Digeser said yes. Ms. Flansburg wanted to know how loud it would be. She said she was worried about property values if the windmill was visible. She asked where on the property the windmill would be located. Mr. Digeser said it would be next to the most recent building they had constructed. He said he wanted to try a few things with the windmill and might be able to set it up at ten (10) feet and simulate the noise it would make. He would let her know. He had been looking into different windmills for the last five (5) years and this was the quietest he had seen. Mr. Digeser said he could have the additional information requested within seven (7) days.

Hearing no further comments, Chairman Hodom declared the hearing closed at 7:30pm.

## **APPLICATIONS**

### **Brian Jordan**

The Board received an application from Brian Jordan for a variance under Article V, Section 128-40, Planned Development District (G). The applicant wishes to construct a garage within the fifty (50) foot buffer area.

A motion to set the public hearing for October 1, 2008 at 7:00 was offered by Mr. DeCancio, seconded by Mr. Watson and approved by all Board members present.

## **DISCUSSIONS**

The Board reviewed the draft minutes of August 20, 2008.

A motion to approve the minutes as drafted was offered by Mr. Micelli, seconded by Mr. DeCancio and approved by all Board members present.

A motion to adjourn was offered by Mr. Micelli seconded by Mr. DeCancio and approved by all Board members present.

The meeting adjourned at 7:35 PM.