

**TOWN OF KIRKWOOD
PUBLIC HEARING**

August 4, 2009

A public hearing regarding the adoption of a Local Law of the Town of Kirkwood for the year 2009 which would amend the Town of Kirkwood Zoning Local Law to allow any tower, pole or structure that convert wind energy to mechanical work, often referred to as windmills, in a Residence (R), Residence (R-1), or Agricultural/Rural Residence (A/R-R) District subject to a special use permit and site plan approval by the Planning Board was held on August 4, 2009 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Linda Yonchuk
Councilman William Diffendorf, Jr.

Also Present: Herbert A. Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner

Supervisor Kniffen verified that he had affidavits of posting and of publication in the Press & Sun Bulletin and The Country Courier, affidavit of mailing to neighboring municipalities and that a short EAF had been filed. It was noted that no recommendation has been received from Broome County in this regard.

Mr. Kline explained that the intent is to be pro-active in regard to regulations for possible wind farms. He explained that this local law defines a windmill or wind turbine; it converts wind energy to mechanical work. He said that the Planning Board recommended excluding the type of windmills that are considered a lawn ornament, which may be only 10 feet high. To install a windmill a person would have to get a special permit from the Zoning Board of Appeals and have site plan review by the Planning Board.

Mr. Kline reviewed various regulations as follows: A windmill can only be located in the following districts: Residence (R), Residence (R-1), and Agricultural/Rural Residence (A/R-R). There can only be one windmill per tax map property, which would exclude windmill farms. The windmill cannot be more than 30 feet high measured from the ground to the top of the highest blade. In regard to noise, measured at the boundaries of the property, it cannot exceed 50 decibels. The windmill must be located in the rear of the property and it has to be set back at least 1 ½ times the height of the tower. The windmill cannot have any climbing pegs lower than 15 feet from the ground. If there area any access doors to the windmill they have to be locked. There has to be warning signage on the windmill. The minimum distance from the ground to the lowest part of the rotor is 14 feet and it has to be maintained in compliance with the manufacturers specifications. The Town Engineer would review all the plans and specs for any windmill and neither a radio or television tower could be put on top of a windmill. If the windmill has not been operational for 12 successive months, it is then considered abandoned, but it has to be kept structurally sound and it cannot have any moving parts. A windmill must also be maintained in accordance with the New York State Building Code – Property Maintenance Code.

Marchie Diffendorf, Chairman of the Planning Board added that basically the reason for the law was because of one request for a windmill in the Town and since it was not allowed any place the Town Board requested the Planning Board to draft a law addressing this. He also noted that since there was only one request the Board decided to limit the law and make it as simple to apply as possible.

Lois Whittemore noted a concern in regard to the limit of 50 decibels and 30 feet in height. She said that she feels this is unrealistic.

Hearing no additional comments, Supervisor Kniffen ordered the hearing closed at 6:10 PM.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk

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March 4, 2008