

ASSESSOR

BUILDING
INSPECTOR

PLUMBING
INSPECTOR

TOWN OF LOCKPORT

MUNICIPAL BUILDING - 6560 DYSINGER ROAD
LOCKPORT, NEW YORK 14095

OFFICE OF LANDS,
BUILDINGS, AND CODE ENFORCEMENT

**ZONING
BOARD**

(716)439-9526
439-9527
FAX 439-9532

ZONING BOARD OF APPEALS
MEETING NOTICE

DATE: Tuesday, October 27, 2015

TIME: 6:00 PM

MEETING HELD IN MUNICIPAL BUILDING
(6560 DYSINGER ROAD)

SCHEDULED AGENDA FOR MEETING TO DATE

Approval of September 22, 2015 minutes.

1. **7048 Slayton Settlement Rd -96.01-1-5-Karl B Kowalski-**
Requesting area variance to construct a 140 ft wind turbine.

Nancy



Filing Fee: \$150.00

APPLICATION MUST BE FILED BY THE 5th OF THE MONTH

**TOWN OF LOCKPORT
6200 ROBINSON RD.
LOCKPORT, N.Y. 14094**

BOARD OF APPEALS REQUEST

- 1. PREVIEW ()
- 2. SPECIAL PERMIT ()
- 3. VARIANCE (X)

BUILDING DEPT. – 439-9527

(PLEASE PRINT)
PROPERTY LOCATION:
7068 Slayton Settlement Rd, Lockport, NY 14094

(PLEASE PRINT)
PROPERTY OWNER: Kowalski, Karl B.

OWNER ADDRESS: 7048 Slayton Settlement Rd

STREET #: 7068

CITY/STATE/ZIP: Lockport, NY 14094

PHONE #: 7166282189

SIGNATURE: _____

Located on the N-S-E-W side. Between Day Road/Drive and Harrington Road/Drive.

Property is located in an area zoned Agricultural

(PLEASE PRINT) Karl Kowalski
APPLICANT NAME: _____

DESCRIPTION OF PROPOSAL: Installation of a

STREET: 7068 Slayton Settlement Rd

10 kW Agricultural Small WECS on a 140'

CITY/STATE/ZIP: Lockport, NY 14094

Self-Supporting Lattice tower

PHONE #: 7166282189

SBL #: 96.00-1-11

APPLICATION WAS DENIED FOR THE FOLLOWING REASON Height > 35'

**APPLICANT SHALL PROVIDE ALL NECESSARY PLOT PLANS, DRAWINGS, ELEVATIONS
AND DATA REQUIRED TO THE BUILDING DEPARTMENT**

**APPLICANT IS REQUIRED PRIOR TO ANY HEARING, TO NOTIFY ANY AND ALL
ADJACENT PROPERTY OWNERS OF THE INTENTION OF THIS PROPOSAL**

I HEREBY DEPOSE AND SWEAR THAT ALL OF THE STATEMENTS ABOVE ARE TRUE.
(Signature of Applicant)

DATE: _____ 20_____

APPLICANTS SIGNATURE: _____

Niagara Wind & Solar

September 21, 2015

Building Department
Town of Lockport
6560 Dysinger Road
Lockport, NY 14094

Dear Building Inspector,

Re: Building Permit application for a 10 kW Agricultural WECS at 7068 Slayton Settlement Rd, Lockport, NY 14094

This is to request a building permit for the installation of a 10 kW Osiris Energy Wind Turbine on a 140' Self – Supporting Lattice Tower at the above address for Karl & Tina Kowalski. The energy generated will be used to offset their farm's energy use.

Since the town does not currently have a wind ordinance, we sited the turbine to be well within industry standards and NYSERDA requirements. We are requesting an area variance from the 35' height limit for this location. Per discussions with the town attorney (attached email), I'm also attaching additional relevant information requested for this project.

Please find attached:

- Authorization Letter
- ZBA Application
- Area Variance Request Support Information
 - Site Plan
 - Satellite view of site
 - Parcel Map
 - Picture of similar install
 - Manufacturer specification sheet
 - Tower Drawings
 - NYSERDA PON 2439 Summary and Siting Guidelines
- Additional Information Requested
 - Communication from Town Attorney
 - Ag District Map
 - NYS Ag & Markets Guidelines for Small Wind Energy Facilities
 - Section 301 of Ag District Law 25-AA
 - Energy Use Graph

Please let me know if you require any other information.

Sincerely,

Padma Kasthurirangan, MSEE
NYSERDA Small Wind Installer #3201

Niagara Wind & Solar, Inc.
7510 Porter Road Suite 4 Niagara Falls, New York 14304
ph: 716-215-1930 fax: 716-215-1932
Email: padma@niagarawind.com www.niagarawind.com

August 3, 2015

Town of Lockport
6560 Dysinger Road
Lockport, NY 14094

Re: Building Permit Application
7048 Slayton Settlement Road
Lockport, New York 14094

To whom it may concern,

I hereby authorize Padma Kasthurirangan of Niagara Wind and Solar, Inc. to act as our authorized agent in all matters concerning the permitting and zoning applications for the installation and commissioning of a Small Wind Energy Conversion System at our premises.

Regards,

A handwritten signature in black ink, appearing to read "Karl Kowalski". The signature is written in a cursive style with a large initial "K".

Karl Kowalski

Niagara Wind & Solar

Area Variance Request Support RE: 7068 Slayton Settlement Rd, Lockport, NY 14094

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

The proposed project is a 10 kW small WECS on a 140' Self-supporting Lattice tower located in a farm to offset the farm's energy use. The farm and the turbine are located in a state certified county run agricultural district (NIAG004). NYS Ag & Markets considers small wind turbines a farm structure or farm operation (see attached guidelines). The proposed project will not have a detrimental effect on the current character of the neighborhood.

2. Whether the benefit sought by applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance:

The typical height of towers for small wind structures vary from 100' – 160' depending on the energy needs and the wind resource at the site. The higher the tower, higher the wind speed and consequently higher the production. At a minimum, the lowest part of the blades needs to clear the tallest surrounding structure by 30'. This is not achievable without a variance as the current zoning limits maximum height to 35'.

3. Whether the requested area variance is substantial;

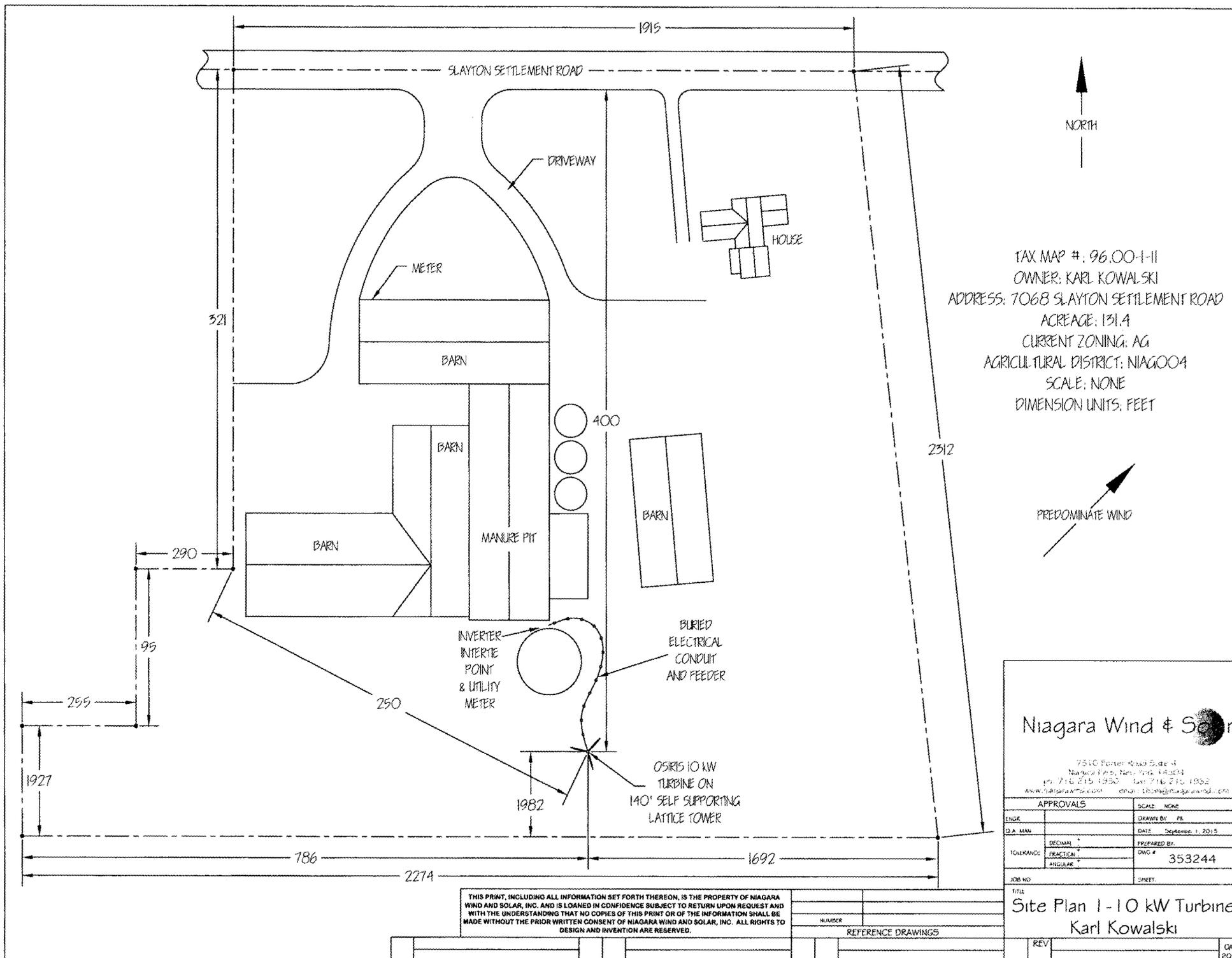
The variance is substantial in that the total height of the project is 158' and the current limit is 35'. But the requested height is well within industry standards and manufacturer recommendations. Also, there already exist several transmission towers and cellular towers in the town at the requested height which are designed to the same standards as the small wind towers.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

No. Please see attached picture of a similar install. The tower is hot dip galvanized and appears grey similar to grain bins and other farm structures in the agricultural district. The turbine itself is all white with white blades.

5. Whether an alleged difficulty is self-created:

No. The variance is requested because the town currently does not have an ordinance regulating wind turbines. The project meets both industry standards and comparable standards in other towns in western NY. The system is eligible for funding from NY state's RPS program thru NYSERDA (PON 2439 for small wind systems) and federal funding thru the USDA REAP program. The current NYSERDA program is scheduled to sunset on December 31, 2015. All of the abovesaid grants require an approved permit to proceed. A delay due to waiting for the ordinance could result in the project being disqualified from funding consideration in 2015.



TAX MAP #: 96.00-1-11
 OWNER: KARL KOWALSKI
 ADDRESS: 7068 SLAYTON SETTLEMENT ROAD
 ACREAGE: 131.4
 CURRENT ZONING: AG
 AGRICULTURAL DISTRICT: NIAGOO04
 SCALE: NONE
 DIMENSION UNITS: FEET



Niagara Wind & Solar

7510 Porter Road Suite 4
 Niagara Falls, New York 14304
 ph: 716.215.1950 fax: 716.215.1952
 www.niagarawind.com email: info@niagarawind.com

APPROVALS		SCALE: NONE	
ENGR.		DRAWN BY	FE
D.A. MAN.		DATE	December 1, 2015
TOLERANCE	DECIMAL *	PREPARED BY	
	FRACTION *	DWG #	353244
	ANGULAR *	JOB NO.	
		TITLE	

Site Plan 1 - 10 kW Turbine
 Karl Kowalski

REV		010
		2015

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NUMBER	REFERENCE DRAWINGS



1 Fairholm Avenue
Peoria, IL 61603 USA
Phone 309-566-3000
FAX 309-566-3079

PURCHASER: NIAGARA WIND AND SOLAR
NAME OF PRODUCT: NEW YORK
140 FT MODEL RT TOWER
FILE NUMBER: 210562
DRAWING NUMBER: 210562-01-D1 AND 210562-01-F1

I CERTIFY THAT THE DESIGN OF THE REFERENCED ROHN STANDARD PRODUCT HAS BEEN REVIEWED UNDER MY SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEW YORK. THE FOUNDATIONS ARE STANDARD FOUNDATIONS DESIGNED IN ACCORDANCE WITH ANSI/TIA-222-G PRESUMPTIVE CLAY SOIL PARAMETERS. THE DESIGN REVIEW DOES NOT VERIFY THE SUITABILITY OF THE REFERENCED PRODUCT OR THE STANDARD FOUNDATIONS FOR A SPECIFIC SITE OR APPLICATION.

CERTIFIED BY: _____

A handwritten signature in black ink, appearing to be "D. G. Brinker", is written over a horizontal line.

DATE: _____

9-11-15



Niagara Wind & Solar

Additional Questions:

1) Confirm that parcel is in the AG district and what size is it.

Please see attached site plan and AG district Map. The parcel is 131.4 acres located in Agricultural District NIAG 004 (not including other contiguous and non-contiguous parcels owned by the applicant in the town).

2) Proof that the parcel is a farm as defined by the Ag & Markets Law.

Please see attached section 301 of Ag District Law 25AA. The relevant farm definitions for the proposed project are highlighted.

3) Proof that the wind turbine will be used to power the operation of the agriculture use.

Please see attached energy use graph and Wind Resource Assessment. The proposed project is expected to meet 42% of the farm's current energy consumption. Hence, all of the energy will be used for agricultural use only.

4) A full set of plans and specifications

Attached

Energy Use Graph

Karl & Tina Kowalski - 7048 Slayton Settlement Road Lockport, New York 14094

Osiris 10 kW Turbine on 140' Tower

2014/15

Month	Total kWh	Total Cost	Turbine Output
May-14	4,145	\$676.16	2,092
June-14	3,460	\$601.55	2,092
July-14	4,720	\$375.52	2,092
August-14	3,267	\$582.52	2,092
September-14	4,512	\$407.06	2,092
October-14	3,775	\$569.25	2,092
November-14	7,242	\$473.81	2,092
December-14	4,028	\$874.13	2,092
January-15	6,945	\$490.70	2,092
February-15	7,158	\$777.28	2,092
March-15	5,151	\$798.84	2,092
April-15	<u>5,576</u>	<u>\$611.11</u>	<u>2,092</u>
TOTALS	59,979	\$7,237.93	25,100
		Cost per kWh	\$0.1207
		Projected % Savings per Year	42%

