

**TOWN BOARD  
TOWN OF KENDALL  
PUBLIC HEARING – PROPOSED LOCAL LAW #1 of 2008  
AMENDMENT TO THE TOWN OF KENDALL ZONING ORDINANCE  
REGULATING WIND ENERGY CONVERSION SYSTEMS  
Thursday August 21, 2008 7:30 p.m.**

Supervisor Gillman opened the Public Hearing at 7:37p.m., and led the Pledge of Allegiance.

**ROLL CALL**

Councilman Gaesser	present
Councilman Joseph	present
Councilman Schuth	present
Councilwoman Szozda	present
Supervisor Gillman	present

Also present: Planning Board Chairman Paul Gray, Attorney Leone, 18 members of the public.

Councilman Schuth introduced the Local Law, gave an overview of the course of action thus far, and outlined rules for participation in this Hearing.

Supervisor Gillman asked for a show of hands of those present who were not Kendall residents. He reiterated that the Hearing was for this specific law, not to debate the merits of Wind Energy.

Clark Lindsay, Kendall – asked if a “town-wide”, municipal venture has been considered, so that all residents can benefit.

Chairman Gray responded that with an average price tag of \$2,000,000 per tower, Kendall could not afford a municipal venture.

Mr. Lindsay asked why this is not being put to referendum/on the ballot in November. Attorney Leone answered that it would be possible. Timing is an issue. The moratorium is ending soon. The Town Board is within its power to pass this local law.

Mr. Gray pointed out that another extension to the moratorium would put the Town at risk of legal challenge.

Brian Convery – Questioned why 450 feet was chosen as a maximum height, and feels this is too high, and feels it could lead to negative impacts. Has devaluation of property been considered?

Mr. Gray responded that this is a preliminary step. An overlay district should be determined after an application is received.

Mr. Convery asked what would happen if a company were to fail. Would there be a bond or letter of credit prior to production of the towers? He suggests the letter of credit as a more secure choice.

Mr. Gray said this would be part of the negotiations process if a wind energy company approached Kendall.

Mr. Convery wants to see a balanced approach to wind energy implementation. Supervisor Gillman stated that Mr. Convery's input will be considered.

Bob Hart – applauded the law and the forethought invested; not concerned about heights, or property values being affected. He stated he has personal experience with wind towers and sees no real problems.

Gary Williams – gave commendations to the Planning Board's work.

Bob Wilson – asked what tax benefit a Town typically receives from each tower.

Chairman Gray responded that an average is \$5000 per megawatt, during actual usage, not potential generation. Specifics would be discussed during negotiations with an interested company. This law provides the town with options.

Attorney Leone described P.I.L.O.T. (payment in lieu of taxes) programs.

Curt Crumb – finds the setbacks confusing because there are eight different setbacks. Chairman Gray responded that different areas do need different protections.

Mr. Crumb would like to see the wording for setbacks to be from a property line, not a residence.

Supervisor Gillman said that will be considered.

Potential benefits to Kendall residents, such as lower taxes, or lower energy prices were discussed.

Brian Convery – asked the Board to highlight any changes to the document so that they are easy to find.

Steve Rocco – opposed to any wind towers

Brian Convery – expressed adjacent property value concerns

Jim Sweeney – in favor of wind energy; feels any risks are well worth taking considering potential benefits.

Linda DaRue, Town of Hamlin, a member of the former Wind Energy Committee in Hamlin – commended the comprehensiveness of the law, but warned it should have increased setbacks, and that the Board needs to continue its study of all aspects of possible industrial wind turbines.

Curt Crumb – suggests referendum if Kendall is approached by a commercial entity

Mary Crumb – asked if a tower-owning company should sell to another company, would the new owner be held to all the original rules.

Attorney Leone answered affirmatively.

Mrs. Crumb asked when this law will be take effect.

Councilman Schuth answered that due to moratorium constraints, it should be enacted by September 14<sup>th</sup>.

Mrs. Crumb expressed her disappointment at the low turnout at the Public Hearings.

Councilman Joseph pointed out that laws can be amended, if necessary.

Supervisor Gillman stated that the town has to act on the law to maintain our homerule rights.

Attorney Leone explained that having no rules in place creates a situation in which a company could step in, subject to few regulations at all. Local rule is imperative.

Supervisor Gillman asked if anyone else wished to speak, assuring all present that their comments would be considered.

With no one else wishing to be heard, Supervisor Gillman closed the Public Hearing closed at 8:42 p.m.

Respectfully Submitted,

Amy K. Richardson  
Kendall Town Clerk