

November 15, 2010

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order at 8:00 P.M. by William Amacher, Chairman, followed by the Pledge to the Flag and welcomed everyone to the meeting.

Members present: William Amacher, Chairman
Jeffrey Hurtgam, John Phillips, Roger Schreader
Gerald Kroening, alternate
Member absent: Douglas Mawhiney
Also present: George Bush, Councilman
Clifford Burch, Building Inspector
Gary Billingsley, Attorney
Robert Klavoon, Wendel Duchscherer Eng.

The minutes of the meeting of October 25th were not available.

SITE PLANS:

2010-12 (10-04-10) LINCOLN PARK NURSERY, 5705 Shawnee Road, Sanborn, N.Y. 14132
Applicants: Thomas and Cheryl Maloney, 147 Old Niagara Falls Boulevard
Amherst, N.Y. 14228
Business: Retail Garden Center

The following have been submitted: Site Plan Review (Applicant Checklist), Application for Site Plan Approval and Agreement, Short Environmental Assessment Form, Agricultural Data Statement, copy of Proposed Site Plan, copy of Deed and measurements, copy of letter to Clifford Burch and Cambria Board Members with proposal for Phases 1, 2 and 3, copy of NYSDEC Wetland CB-10 received 9/20/10 and tonight received copy of Revised Site Plan with copy of pictures of different aspects of the site and copy of Instructions to assemble greenhouse and letter dated May 15, 2008 from New York State Department of Environmental Conservation.

Mr. and Mrs. Maloney were present at this meeting. He said he does have some trees planted on the premises as he had a contract to purchase them and they were received and needed to be planted. He was putting in poles for a portable structure and Building Inspector informed him that he could not put them in as he didn't have a Building Permit but could plant the trees as they could be moved if necessary.

Mr. Maloney stopped with the poles when informed. He had a well drilled and power pole was installed today which will be for power to operate the well. He has a stone parking area for loading zone and a portable John.

There are wetlands on this property and must, per letter dated May 15, 2008, "make sure that all work that is done is done outside of the 100 foot buffer zone". Also, "this boundary is identified with pink plastic flagging consecutively numbered from 1 through 19 east to west across the property on the east side of Shawnee Road".

Mr. Klavoon said he has talked with Mr. Maloney regarding this proposal. He should keep activity to one (1) acre. Also discussed the potential need for permits from D.E.C. regarding storm water management and perhaps a coordinated review.

Mr. Maloney said they are constructing a cold frame for a hoop house which goes on four inch pressure-treated wood, to protect annuals and perennials from the weather. Parking area will be dirt with stone on top. There will be green space with trees planted. A well was dug by Frey and there is a ditch along Shawnee Road.

Mr. Maloney said they would like to open in the Spring of 2011.

D.E.C. may have a concern because of storm water disturbance.

Mr. Klavoon suggested to Mr. Maloney to contact D.E.C. before going any further on this operation.

Counsel said the applications this evening are for Site Plan Approval. If the Planning Board is satisfied with the information as supplied, they can act on the Site Plan Approval. Neither of the two applications require a public hearing.

Chairman said the board will take comments tonight.

Mr. Klavoon said there are D.E.C. issues on this application for a nursery.

Counsel asked Mr. Maloney if there is a time frame when he wishes to open for business?

Mr. Maloney said he would like to open in April 2011.

There are no plans at this time for the rest of the property. He owns approximately ten (10) acres. Trees that were ordered are on the property now.

A motion was made by Mr. Phillips and seconded by Mr. Schreader to table application
Unanimously approved, motion carried.

2010-13W (09-29-10) ARROWHEAD SPRING VINEYARDS

4746 Cambria-Lockport Townline Road, Lockport, N.Y. 14094

Applicants - Duncan and Robin Ross

Subject - Wind power installation for farm and winery

The following have been submitted: Application for Site Plan Approval and Agreement, cover letter dated September 28, 2010 to Mr. Burch and Mr. Lane from Duncan & Robin Ross, Section 3, Non-commercial wind energy systems used for agricultural operations 1 (a) through (o); Short Environmental Assessment Form, Agricultural Data Statement, picture of windmill, copy of letter dated July 23, 2010 to Thomas Fleckenstein Re: USDA, NYSERDA – Arrowhead Spring Vineyards Wind Turbine, data pertaining to Wind Turbine, and copy of Site Plan for 10KW wind turbine; and cost figures were submitted tonight.

Mr. Fleckenstein from Niagara Wind and Solar, 7510 Porter Road, Suite 4, Niagara falls, N.Y. 14304, was present at this meeting on behalf of Duncan and Robin Ross, applicants.

Mr. Fleckenstein said applicants would like to construct a 10KW Class Wind Turbine on their property for farm and winery use. There would be a 120 foot guyed tower and grid tie-in; 132 feet in height to the tip of the blade. Property is located in an Agriculture-Residential zone. They would be exempt from a lot of the regulations on windmills. They would not need a special permit because it is for farm use, non-commercial in Agriculture district. Mr. Fleckenstein said wineries are bona fide agricultural.

The tower would be placed approximately 400 feet west of Cambria-Lockport Townline Road, north of the creek. There is a SERDA stimulus grant available which expires on December 31, 2010. Mr. Fleckenstein said they need to obtain a building permit and begin construction soon in order to take advantage of the grant.

There were eleven (11) people present from the area of the proposed wind energy system. Some concerns expressed were:

Kirk R. Brown, 5180 Lower Mountain Road, Lockport – Mr. and Mrs. Ross have a beautiful home and do a good job with the winery. By placing a windmill on their property, will take away the Escarpment view. They have a very small winery. Mr. Brown said the windmill would be directly behind his home. It is an archeological sensitive area. Don't need a windmill, opposed to the windmill and would the cost justify their consumption? They can plant corn or soybeans, that is agriculture.

John Sidebottom, 4874 Cambria-Lockport Townline Road, Lockport, has the same feelings as Mr. Brown, opposed to the erection of a windmill. This is a health hazard, noise of turbine, flickering in the sun light, lower resale value of homes in the area. It will obstruct the view of the Escarpment. Windmill should be placed miles away from homes. This is a start and these things are new, it will affect the neighborhood.

Chairman said the regulations are in compliance with New York State laws and regulations.

Counsel said the regulations are in compliance with Local Law and the health issues were considered by this board.

John Lytle, 4854 Cambria-Lockport Townline Road, Lockport, lives on the Escarpment immediately above the winery – concerned about the humming noise of the blades which would be constant. Mr. and Mrs. Ross are wonderful neighbors. Mr. Lytle said he lives on the highest part of the Escarpment, looks at the edge from his living room and patio. He said he has a large investment in his home and would decrease the value of the home.

Gale Calhoun, 4717 Cambria-Lockport Townline Road, Lockport, lives on the Town of Lockport side, is concerned about the beauty of the landscaping and noise from the windmill; have consideration for the neighbors. Also, would keep birds away and there should be more distance from other homes.

Daniel Schrader, 4747 Cambria-Lockport Townline Road, Lockport, lives on the Town of Lockport side, said windmills will have an effect on the environment.

Kirk Brown – noise will keep birds away. The Ross's own approximately 25 acres. Feels this is a money issue. Concerned for Niagara Escarpment. One windmill erected and then there will be more, never going to stop. Stop it now.

Steve Harris, 3945 Upper Mountain Road, Lockport, lives on the Escarpment. He said he doesn't want a windmill at the bottom of his hill. Do not need any more power. They are trying to get money from NY SERDA. Will ruin the Escarpment.

Kirk Brown said the consumption of power has gone down, energy going down. They want to sell power back to the grid. Asked how does the base of the windmill go into the ground? Mr. Fleckenstein said it will be six (6) feet into the ground. Windmill is not big.

Regarding archeological site and New York State Office of Park Recreation and Historic Preservation, per letter dated July 23, 2010, "based upon review, it is SHPO's opinion that the project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places".

Mr. Fleckenstein mentioned there are wind energy systems: 4 in the Town of Royalton, 2 in Somerset, 2 at Camp Kenan, and 1 in Olcott on Lake Road near Sanger farm. They are on larger acreages, not on 25 acre parcels.

The total cost to build this windmill on Arrowhead property is approximately \$70,000. Also, mentioned, there are grants available.

Mr. Burch said this Wind Energy System will be of no monetary benefit to the town. The grant money is funded from by tax payers. The only ones benefiting will be the property owners.

Mr. Lytle said his property goes down the Escarpment. He said trees have been cut down in the Escarpment without permission. Per Zoning Ordinance, trees are not permitted to be removed in the Escarpment Zone. Destroys the Escarpment and the view. Neighbors have cleaned out a lot of trees, wish to preserve what is already there.

The windmill will be 800 – 900 feet away from Mr. and Mrs. Ross's home.

Chairman asked how far will windmill be from the Escarpment, and the answer was it will be more than 500 feet from the Escarpment.

Mr. Sidebottom said this will be a critical decision for Cambria.

Applicants are following New York Agriculture and Markets guide line and are following Windmill regulations regarding Wind Energy Conversion and the Right to Farm in New York State.

There were eleven (11) people present regarding this proposed Wind Energy System.

Mr. Fleckenstein said there will be no flickering with small windmills. It will be approximately 400 feet off of Cambria Lockport Townline Road and approximately 400 feet north of the creek. During the winter months there is the highest production. Some power will go into the grid.

There will be another meeting on this proposed Windmill issue on Monday, November 29th.

Mr. Hurtgam asked what is the life expectancy on these windmills?

Mr. Fleckenstein said 25 years and some now are 30 – 35 years.

Sean Manning, one of the owners of Freedom Run Winery on Lower Mountain Road, said 132 feet is not small. He is not in favor of this proposed windmill.

A meeting is scheduled for Monday, November 29th at 7:00 P.M.

A letter is to be sent to Mr. and Mrs. Duncan Ross asking them to attend the November 29th meeting.

Board members completed vouchers for the year 2010.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreder to adjourn at 9:35 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____