

[Click Here to upgrade to  
Unlimited Pages and Expanded Features](#)

The PLANNING BOARD of the TOWN of CAMBRIA was called to order by William Amacher, Chairman, at 7:10 P.M. and then welcomed everyone to the meeting followed by the Pledge to the Flag.

Members present: William Amacher, Chairman  
Jeffrey Hurtgam, John Phillips, Roger Schreader, Sr.  
Gerald Kroening, alternate  
Member absent: Douglas Mawhiney  
Also present: Matthew Foe, Councilman and liaison to Town Board  
Joseph Ohol, Councilman  
James McCann, Building Inspector  
Gary Billingsley, Attorney  
Randy Roeseler, Wendel Duchscherer Eng.

#### SITE PLAN:

**2013-03 (04-30-13)** Owner - Gary and Judy Heppner, 5399 Cambria Road, Sanborn, N.Y. 14132  
Agent's Name - Niagara Wind and Solar, Inc., 7510 Porter Road, Suite 4,  
Niagara Falls, N.Y. 14304  
Agent's representative - Thomas Fleckenstein of Niagara Wind & Solar  
Subject - Installation of a 10kW WECS (windmill) on a 140 foot Lattice Type  
Self-Supporting Tower

The following have been submitted: Cover letter dated April 30, 2013, which stated the following addressed to: Zoning Board of Appeals, Town of Cambria:

1. Application to the Town of Cambria ZBA
  - a. Site Plan
  - b. Electrical Drawing
  - c. Picture of installed WECS system
2. Agricultural Data Statement
  - a. Site Plan
  - b. Parcel Detail
  - c. Satellite View showing Parcel
3. Long Form Environmental Assessment Form

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to approve minutes of meeting of April 15, 2013, as presented. Unanimously approved, motion carried.

**2013-03 (04-30-13)** Gary and Judy Heppner were present at this meeting along with Thomas Fleckenstein, representative of Niagara Wind and Solar.

Counsel gave a little preview about windmills. The board may proceed tonight regarding SEQR and could make a recommendation tonight. The Public Hearing on the windmill will be held by the Zoning Board following this meeting. The board may want to fine-tune due to regulations on wind energy systems due to progress and/or changes in technology.

Some possible changes are: expanding height of a non-commercial system and/or give board permission to waive the requirements over 100 feet. Two ways, could be amended - 1) expand the height from higher than 100 and 150 feet could be considered as non-commercial or 2) give Zoning Board permission to waive the requirements under certain circumstances. Over 100 feet would be commercial with Special Permit and no Area Variance. One hundred fifty-two (152) feet to the tip of the blade appears to be a customary height for systems used by residences.

Residents normally wouldn't want a windmill above 150' or anything with 100 kW turbine. He said once the height of the windmill goes over 200 feet, a different set of rules applies under Federal regulations. Resident's windmills could be defined as under 200' and 140' tower.

Counsel asked Mr. Fleckenstein whether wind speed increases the higher you go?

Mr. Fleckenstein said the higher you go, the more wind there is.

Mr. Fleckenstein said if you can get above the trees and buildings, works better. He said mature trees are about 80' to 100' tall; do not want to impact on farm operations, turbine, like area supporting tower. Mr. Fleckenstein said the proposed tower will be out in the adjacent field a little. At the final site plan stage, the exact area where windmill will be placed will be shown.

Mr. Phillips asked why this will be commercial?

Counsel said any windmill over 100 feet is defined as commercial.

Mr. Roeseler said some of the windmill manufacturers supply information on residential towers. He also asked about landscaping? Where is it going to be? Applicant could provide pictures indicating where you can see it from the road at anything over 100 feet.

Does the Planning Board have any thoughts, any specific things from Local Law?

Applicants will satisfy Town Engineer's requirements, including information on noise levels, manufacturer's information, type of soils on site for foundation design, ice thrown, tower failure.

Mr. Roeseler said there are 18 conditions in Commercial Wind System. Power produced do not need a waiver or inspection for tower of this size.

Decommission and restoration addresses the above items.

Town Engineer will recommend to the board how applicant should address conditions of Commercial System for this particular windmill and installation, and which conditions are applicable.

The final Site Plan will have exact location where windmill will be placed and will need a letter from the P.E. stamped approving the soil for that particular design.

Mr. Fleckenstein will draft a document to be reviewed by Mr. Roeseler ready for next meeting on June 17<sup>th</sup>.

Mr. Schreader asked if the windmill will be tied in with solar panels?

Mrs. Heppner said solar is for the house and windmill for the garage, two separate things and buildings. They are applying for a NYSERDA Grant.

Planning Board will be Lead Agent; Zoning Board will hold the Public Hearing tonight after this meeting. Planning Board will give recommendation on June 17<sup>th</sup>. No action on SEQR by the Planning Board this evening, will do everything on the 17<sup>th</sup> if all of the information is presented.

#### REPORTS:

Building Inspector ó Cambria Fire Co., new fire hall on Upper Mountain Road - they constructed a new building and added an area for tractor pulls. Concerned about MS4 drainage. They should have come to the town for approval of this proposed use (tractor pulls). Per Mr. Schreader, there is one scheduled for the Fall of 2013.

Chairman ó Two culverts were installed on Mr. Teeto's property on the corner of Baer Road and Route 31. What is he planning to do? Did he get a culvert permit? He has to abide by town specifications. Building Inspector will inquire from Mr. Teeto on this culvert issue.

Attorney ó MS4 Regulations ó in effect when more than one (1) acre of land is disturbed. Is there a procedure, who makes the determination on MS4? Does one board handle this issue between Building Inspector and the town? It was said the engineer makes determination, similar to Wetlands issue.

Mr. Roeseler said the purpose of this regulation is to protect water quality during construction and after construction, to minimize erosion, especially activity and land use, provide protection to the waterways, activities and land use, and planned development. MS4 applies to any development, of one (1) acre or more disturbance. Address storm water permits. Applicant's engineer should understand all of this. When receipt of an application, the MS4 should have been taken care of. Applicant still needs SPDES and D.E.C. information while project is in progress.

Attorney - asked if there are findings to be reviewed?

Mr. Roeseler said some findings are prepared with storm water management plan. Board or Building Inspector and engineer to review and is up to the town to accept the information and sign off that applicant is in compliance.

Mr. Schreader asked if the MS4 applies to a building lot of more than one acre?

Answer was yes if more than one acre of land is disturbed.

Next regular Planning Board meeting will be June 17<sup>th</sup>.

A motion was made by Mr. Hurtgam and seconded by Mr. Schreader to adjourn at 7:59 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: \_\_\_\_\_



*Your complimentary  
use period has ended.  
Thank you for using  
PDF Complete.*

[\*Click Here to upgrade to  
Unlimited Pages and Expanded Features\*](#)