

October 24, 2011

The regular monthly meeting of the PLANNING BOARD of the TOWN of CAMBRIA was called to order at 7:00 P.M. by William Amacher, Chairman, followed by the Pledge to the Flag and then welcomed everyone to the meeting.

Members present: William Amacher, Chairman  
Jeffrey Hurtgam, Douglas Mawhiney, John Phillips, Roger Schreder, Sr.  
Also present: Clifford Burch, Building Inspector  
Donald Lane, Deputy Building Inspector  
Gary Billingsley, Attorney  
Robert Klavoon, Wendel Duhscherer Eng.

A motion was made by Mr. Schreder and seconded by Mr. Hurtgam to approve minutes of Work meeting, recessed, and reconvened with Regular meeting on September 19, 2011 as presented. Unanimously approved, motion carried.

**07-16 Martin Kroening**, 4165 Upper Mountain Road, Sanborn, N.Y. 14132, was present at this meeting.

He had submitted a letter dated October 13, 2011 in which he requested a revision to a previously approved Subdivision, No 07-16, that will affect Subdivisions No. 08-14 and No. 09-09. He said he wishes to add 75 feet in width to Lot No. 07-16 on the north property line, making this lot **200 feet** in width by 225 feet in depth. This will move Subdivisions No. 08-14 and No. 09-09 75 feet to the north.

Building Inspector had no concerns on this issue. He said Mr. Kroening has plenty of room to do this.

A motion was made by Mr. Phillips and seconded by Mr. Mawhiney to **approve** this request of Mr. Kroening to make previously approved Subdivision Lot No. 07-16 200 feet by 225 feet, and to move the next 2 lots, No. 08-14 and 09-09 75 feet to the north. Unanimously approved, motion carried.

Mr. Kroening said the closing on this lot will be after the first of January 2012.

**2010-13W Arrowhead Spring Vineyards**  
**(09-29-10)** Applicants – Duncan and Robin Ross  
4746 Cambria-Lockport Townline Road, Lockport, N.Y. 14094  
Subject – Wind power installation for farm and winery

Present at this meeting: Duncan Ross – owner of Arrowhead Spring Vineyards  
Charles Malcomb representing Hodgson & Russ, 140 Pearl Street,  
Buffalo, N.Y. 14202  
Thomas Fleckenstein, Niagara Wind and Solar

Subject: Wind turbine, free-standing lattice tower design, with no cables supporting it, allowing land surrounding the structure to be farmed. Location of wind turbine to be on the north east corner of the property, tie in to power grid using an existing power pole. New York State setback rules for farm wind turbines is 1.1 times the height, or 145 feet.

Fax on file dated 10-17-11 consisting of 3 pages

## Wind turbine permit revision

Cover Letter

Summary of Revisions, Revised Site Plan, other information (per NYSERDA, Energy Innovation Solutions)

Mr. Ross said he wishes to:

1. Change the location of the proposed windmill from 400 feet from the road right-of-way (Cambria Lockport Townline Road) to approximately **145 feet** from the road right-of-way on the north east corner of his property;
2. Free-standing lattice tower design, which will have no cables supporting it, allowing the land surrounding the structure to be farmed;
3. Tie in to the power grid using an existing power pole at the nearest point, rather than at a building;
4. Remote net metering (use shorter wire);
5. Setback is 1.1 times the height, or 145 feet.

Mr. Phillips said, previous request of setback of windmill at 400 feet from Cambria Lockport Townline Road, the land was lower and there were trees nearby. In the proposed new location, neighbor concerns, wind turbine will be more in the open area and a little higher.

Mr. Ross said with the new location, there will be less cable to the closest pole.

Mr. Phillips asked if this is the only power pole on the opposite side of the road?

Mr. Ross said it is the only pole available. Regarding setback, the Town setback is 100 feet.

Mr. Klavoon asked if proposal comes under SEQR?

Counsel said SEQR was taken care of previously with Site Plan.

Mr. Phillips asked, does State regulations supercede Town regulations? More land use for production. The road is quite a distance from the lot line, about 20 feet.

Cambria's residentially focused rules specified 1.5 times the height. Per letter, State setback is **1.1 times the height**, or 145 feet, where the blades could fly to.

Mr. Malcomb said general standard is 1.5 times the height for farm operation. Can be superceded by State law which is 1.1 times the height.

Counsel said applicant may use the 1.1 times the height.

Mr. Burch said this is a safety issue, the road is quite a distance to the east. Original was approximately 400 feet west of property line and from the road.

A motion was made by Mr. Schreader and seconded by Mr. Hurtgam to **amend original Site Plan of Arrowhead Spring Vineyards**, Duncan Ross, owner, dated January 24, 2011, based on changes requested in Fax dated October 17, 2011 as follows:

1. Location of wind turbine shall be approximately 145 feet from the road (Cambria Lockport Town Line) right-of-way, on the north east corner of applicant’s property.
2. There will be underground cable to the closest power pole.
3. Use a free-standing lattice tower design with no cables supporting wind turbine.
4. Remote net meter to the grid.
5. Per New York State setback regulations, for farm wind turbines, 1.1 times the height, or 145 feet.
6. Base of Wind turbine will be approximately nine (9) feet.

Secretary was directed to poll the board:

Mr. Mawhiney	-	“aye”	to	amend	the	original	Site	Plan
Mr. Schreader	-	“aye”	“	“	“	“	“	“
Mr. Hurtgam	-	“aye”	“	“	“	“	“	“
Mr. Phillips	-	“aye”	“	“	“	“	“	“
Mr. Amacher	-	“no”	“	“	“	“	“	“

Four “ayes”, One “no” Amendment approved

**2011-10 (10-06-11) Modern Recycling, Inc.**, 4746 Model City Road, Model City, N.Y. 14107  
a/k/a Cambria Recycling Facility, 5204 Lockport Junction Road, Lockport, N.Y. 14094  
Request for expansion of operations – Composting

Ms. Kristin Price and Katy Duggan-Haas were present at this meeting on behalf of Modern Recycling.

Mr. Klavoon from Wendel Duchscherer Eng., said no action can be taken this evening on the Modern application for composting. D.E.C. will be Lead Agent regarding SEQR. Modern cannot move forward until the determination by D.E.C. for negative declaration. Also needed is a report from D.O.T. regarding truck traffic.

Ms. Price said 4.6 acres and one stock pile as shown on Existing Conditions Plan, Sheet No. 1, is the proposed composting operation area. She said there will be tractor-pulled equipment to windrow the materials, width of 17 feet and 5 feet high to aerate into 2 passes, material will be turned frequently at first. It will be temperature and moisture controlled. There is water from the storm water pond on site and have a water truck Food is stored on site and processed within 48 hours. All goes through a grinder and no food waste is stored on site. Type of food waste, like scraps, that come from hospitals, grocery

stores, and chain stores. Things that stores, like Walmart, don't sell, are picked up in a special truck. There are different ways to pick up.

This proposed site is close enough to generate sufficient material to make cost effective. There is an under supply of handling this material.

Questions and answers:

- Mr. Amacher : Are there any other sites in the area?  
Ms. Price: Modern does not have any other sites.  
Mr. Amacher: There is a composting business in Lancaster, food waste – organic.  
Mr. Amacher: What type of rodent control is proposed?  
Ms. Price: Wood chips are mixed with food products, yard waste under two (2) inches; keep turning the windrows helps with rodent control.  
Mr. Amacher: The texture is quite small.  
Ms. Price: There is some nitrogen processed from these products.  
Mr. Mawhiney: What happens when turning the windrows?  
Ms. Price: Food waste  
Mr. Amacher: What per cent of food waste in a windrow and Ms. Price said about 10 per cent.  
Ms. Price: 1,000 tons of food waste accepted a year, 10,000 tons of yard waste  
Mr. Schreader: Could there be ground seepage?  
Ms. Price: Produce is immediately mixed, no storage  
Mr. Phillips: Where does it stay before put on the truck?  
Mr. Mawhiney: How long are the materials in the windrows fermenting? Would material take longer to ferment in the Winter as material doesn't ferment as fast in Winter?  
Counsel: How long does the material stay on the site before it is ready for sale?  
Ms. Price: It will be 6 to 8 months in the windrows. Keep replacing as material is stockpiled or sold.  
Mr. Mawhiney: How many windrows are there at one time?  
Ms. Price: There are 30 windrows, wait until one is finished and moved out and then start another windrow. Material doesn't come in on a daily basis. It is a six (6) day operation. No work done on Sundays, Christmas or New Year's Day. There will be no animal waste.

REPORTS:

Chairman – Everyone all set for the schooling on Thursday, October 27<sup>th</sup>, 5:00 P.M. to 9:00 P.M., 5 board members attending.

Building Inspectors – Beverly Greig Fabian, Cambria Wilson Road, wishes to make her lot bigger, add 140 feet, will necessitate moving lots  
Logging operation on Lower Mountain Road, formerly Greig property, no effort to buy the property.

Planning Board  
Reports – cont.

-5-

October 24, 2011

Attorney – no report

Board members – no report

A student from Royalton Hartland Central School and her mother were present this evening fulfilling student's requirement for Government class.

Next meeting will be November 21<sup>st</sup> at 8:00 P. M.

A motion was made by Mr. Schreader and seconded by Mr. Mawhiney to adjourn at 7:45 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

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