

Town of Cambria Planning Board Meeting Minutes

May 15, 2023

Call to order

A meeting of Town of Cambria Planning Board was held at **7:00 pm** on **May 15, 2023**. Chairman, Amacher welcomed everyone to the meeting followed by the Pledge of Allegiance.

Attendees included:

William J. Amacher, Chairman
Roger Schreader, Vice Chairman
Michael Sieczkowski, Member
Gerald Kroening, Member
Garret Meal, Member
Gary Billingsley, Attorney
James McCann, Building Inspector/Code Enforcement
Matthew Cooper, Deputy Building Inspector/Code Enforcement
Krista Brocious, Clerk Planning /Zoning Board

Members not in attendance included: Chad Brachmann, Alternate, and Ben Musall, Town Board Liaison

Approval of minutes

A motion to approve the minutes of April 17, 2023, made by and seconded by all in favor, so carried.

New Business

KIN LOCH FARM
4299 Ridge Rd., Lockport
Special Events

PSE-2023-002
SBL#78.00-2-24.11

Alexandra Plante was present. She stated that the events they are planning to have at Kin Loch are the same as last year.

Chairman Amacher requested that Ms. Plante update the board on the status of the sign she had gotten approval for last year. Ms. Plante briefly explained that there were issues with the contractor and that she is looking for a new one and still plans to have the sign completed.

Ms. Plante explained that they will be expanding the size of their lavender fields this year. She stated that they have three types of events at the farm. They have classes, wedding and small

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party events, and u-pick events. Weddings accommodate 120 people or less and the u-pick events accommodate up to 300 people per day.

The farm is not regularly opened to the public unless an event happens there.

Motion

A motion to approve the Special Event application for Kin Loch Lavender Farm was made by Mr. Kroening and seconded by Mr. Schreader, all in favor, motion carried.

TURNER PROPERTIES/MODERN-TEC
4935 Lockport Rd., Lockport
Site Plan-Wind energy conversion system

PSP-2023-005
SBL#121.00-2-73

Padma Kasthurirangan of Buffalo Renewables and Chris Matyas of Modern Tec Inc. were present. The turbine is 176' to the tip of the blade.

Chairman Amacher asked Mr. Matyas if he intended to combine the two properties and he responded that he would if necessary.

Mr. Billingsley explained that this turbine requires a Site Plan, one Area Variance, and a Special Permit. The Niagara County Planning Board recommended approval of all three.

Ms. Kasthurirangan explained that the Turbine will connect to the existing grid and be net metered.

They are applying to the Army Corps of Engineers regarding the national wetland on the property.

The motor of the turbine will follow the direction of the wind. If the blades become iced over, it will cause the blades to be off balance and therefore not to move so that ice is not thrown from the blades.

Ms. Kasthurirangan stated that the turbine is 221' away from the building. The turbine has a life span of about 20 years. After that time Mr. Matyas can repower it or remove it. Installing the Turbine will take approximately two weeks to construct and 3-4 days with the crane to assemble. The turbine will not be ready to install on the property until next spring. The cables would all be underground. It is a 481 system. It is a mostly non-commercial turbine.

Mr. Billingsley recommended the Board not do anything with SEQR until he could speak to the Town engineer. Approval of this Site plan would be subject to an area variance and special permit granted by the Zoning Board. Mr. Billingsley recommends Mr. Matyas consolidate the two lots.

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There is concern from the Board and Mr. Billingsley about the adequacy and safety of the fall zone. There is some discussion on this.

Motion

A motion to table the matter until the Zoning Board has had a chance to review was made by Mr. Schreder and seconded by Mr. Meal, all in favor, motion carried.

A motion for the applicant to consolidate the two lots, research the decommissioning of the turbine, review the safety of the fall zone on the adjoining property, and make sure any regulations on the wetlands are met made by Mr. Kroening, and seconded by Mr. Schreder, all in favor, motion carried.

FLYNN, Shawn & Lisa
2990 Carney Drive
Site plan-Ace Heating & Cooling

PSP-2023-006
SBL#119.00-1-12.11

Shawn and Lisa Flynn explained that they would like to purchase 2990 Carney Drive to use for their commercial office for their heating and cooling business. There would be a total of 4-5 employees in the office. The remainder of their employees would be out in the field. The hours of operation are M-Th 8 am-5 pm and Fridays 8 am-4 pm. Most of the deliveries go directly to the job site and not the office space on Carney Dr. There would be no outside storage other than 1 truck and 1 trailer. They would be looking into getting a dumpster to put in the back of the property with a fence around it.

Though this was not a public hearing, Chairman Amacher allowed some of the neighbors who were there to comment. The main concerns seemed to be the safety of the children who live or play in the area with trucks coming and going from the office building and the speed limit on the road.

Mr. & Mrs. Flynn stated that the trucks would be mostly UPS and not every day. There would be less than 10 vehicles a day going to the office site. Chairman Amacher advised the neighbors to speak with the Town Board regarding speed limit concerns.

Mr. & Mrs. Flynn stated they plan to have a camera system for security around the area but were not currently sure about outdoor lighting.

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Motion

A motion for negative SEQR was made by Mr. Kroening, and seconded by Mr. Meal, all in favor, motion carried. * Chairman Amacher abstained from voting in this matter.

A motion to refer to the Zoning Board for action regarding this Site Plan was made by Mr. Schreader and seconded by Mr. Meal with the following stipulations:

- ✓ There will be no outdoor storage other than the 1 truck and 1 trailer and possibly a fenced dumpster in the back.
- ✓ The property will be in a clean condition.
- ✓ There will be proper landscaping.
- ✓ The propane tank will be removed from the property.
- ✓ A Special Permit to run a business will be obtained from the Zoning Board

Ken Brown from Apex Consulting briefly introduced a proposed 20-lot subdivision at Shunpike and Townline Road. It would be 16 acres in total. There would be a proposed wet pond. No public sewer system. Mr. Brown was unaware of the timeframe for this proposed project.

Reports

Chairman Amacher inquired if Mr. McCann had heard anything further from Mr. Parkhill. Mr. McCann stated that he had not.

Announcements

Chairman Amacher reminded everyone that the next meeting is June 19, 2023, @ 7:00 pm.

Adjournment

A motion to adjourn was made @ 8:10 pm by Mr. Sieczkowski and seconded by Mr. Schreader, all in favor, motion carried.

Krista Brocious

Building Inspector Clerk

Date of approval

May 22, 2023

Town of Cambria
4160 Upper Mountain Rd
Sanborn, NY 14132

Re: Wind Energy Project proposal for Modern Tec Mfg at 4935 Lockport Rd, Lockport, NY 14094

To whom it may concern,

I am Ken Rawe Jr. P.E. B.S. Civil/Environmental Engineer. I was a partner in Oakgrove Construction Inc., a Heavy Highway and Bridge Contractor for 35 years, retiring in 2010. In 2010, I formed Triad Recycling and Energy Corp, a Construction and Demolition Debris Recycling company with 2 partners. Triad is located at 3755 river road, Tonawanda, NY 14150.

We powered our crushers, grinders and screeners with electric generated by two 100 kW wind turbines installed by Buffalo Renewables. Installed on 120' self-supported monopole towers, each system is 160' high to the tip of the blade. The first of these turbines, installed in 2016, is sited approximately 90' from our C&D processing building. The tower does not pose any safety concerns to our operations or the building(s) on site.

The 2 turbines together generate 320,000 kWh a year and helped us eliminate our demand charge completely saving us over \$40,000.00 in energy costs per year. Based on my experience, I highly support the proposed wind energy project by Buffalo Renewables for Modern Tec Manufacturing. I would be willing to arrange a tour of the facility for the town of Cambria's various board members, if interested.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth H. Rawe Jr." with a stylized flourish at the end.

Kenneth Rawe Jr. P.E.
Swift River Associates Inc.
4051 River Rd.
Tonawanda, NY 14150
716-875-0902 office
716-875-0088 fax
716-818-4419 cell

I'm Padma Kasthurirangan, an electrical Engineer with a master's degree in EE from UB. I'm with Buffalo renewables, a wind and solar installation company with offices in East Amherst. I'm here on behalf of our client Modern Tec Mfg and Turner properties that owns about 7.9 acres at 4935 Lockport road, Lockport, NY. Our client would like to install a 250 kW Wind Energy Conversion System (WECS) in the rear of their property to offset their business's energy use.

The definition of our project based on the Town of Cambria's local law no. 1 2009 is very confusing. The ordinance states that if the project meet any one of 3 criteria – rated capacity > 250 kW, total height >100' or is intended to solely supply power to the grid, it is a commercial WECS. It also states that if we meet any one of the conditions – rated capacity <250 kW; total height <100' or is intended primarily for use of electricity on site, , it is a noncommercial WECS. Just by plain numbers, we meet more of the noncommercial WECS definition than the commercial WECS. However, based on the building department and attorney's interpretation, we filed application for a commercial WECS, which is substantially a lot more information, but we have complied.

We're here requesting an area variance for the setback requirement form property lines and buildings. The code requires 1.5 times the total height set back. We're requesting a reduction to 1 X the total height setback from property lines. We're also requesting a variance to eliminate the setback requirement from buildings owned by the applicant.

The 1.5 X total height setback requirement is an arbitrary multiplier and is not based on any empirical data. Empirically, in the rare occasion that a tubular tower fails, it typically fails by collapsing onto itself. The only time the fall zone would be the total height is if we decided to do so on purpose. and even then, it wouldn't bounce. So, a 1X fall down zone is more than sufficient.

in any case, looking at the 5 criteria for a variance.

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: No
 - a. The neighborhood is zoned industrial and the existing operation on the project parcel and surrounding parcels are all commercial in nature. There are existing towers within .38 miles of this project with similar setbacks - 190' tower in a property 400' wide and is less than 230' from the buildings on site.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No
 - a. To meet the 1.5 times setback, the total height has to be less than 122' which would result in a ground clearance to bottom most point of blade of 17', significantly lower than the 50' requirement set in the zoning code for commercial and the 30' requirement for noncommercial.
3. Whether the requested variance is substantial: No
 - a. It is in line with other projects close by. The project will be setback the total height from the property lines allowing for minimal impact on neighboring properties. Other towers - both wind and communication towers are operating in the town with less than 1.5X setback without triggering any safety concerns.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No
 - a. It is consistent with the existing physical and environmental conditions. Further, the tower and blades will be painted white to minimize any visual impacts.
5. Whether the alleged difficulty was self-created: No
 - a. The prescribed setback requirement is arbitrary and not in line with industry standards. Because of the way the ordinance is written, complying with the setback rule would affect compliance with other parts of the ordinance.

Additionally, the neighboring land owners have been informed of the project and have signed off stating they have no concern with eliminating the setback requirement. The property owner also acknowledges the proximity of the turbine to his buildings.

Based on all the above, we request the town of ZBA to grant these variances as requested.

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