

REQUEST FOR ACTION BY:
TOWN OF CLARENCE, N.Y.

- Appeal Board
 Planning Board
 Town Board

- Appeal
 Rezone
 Revise Ordinance
 Subdivision
 Limited Use Permit
 Other

Rec'd. by: Planning and Zoning
 Date August 2, 2016

Action Desired Applicant requests a variance of 93' 8" to allow for a 153' 8" tall wind turbine located at 6660 Goodrich Road in the Industrial Business Park zone.

Reason Town Code Reference:
§173-4 (C)

PLEASE PRINT

| | |
|---|--|
| Representative: Tyler Palmer, United Wind 585-733-7534 | Name John Braddell/Lakeside Sod Address 6660 Goodrich Road Clarence Center NY 14032 Town/City State Zip Phone Signed SIGNATURE ON FILE |
|---|--|

Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

- Approved
 Rejected by on 20
 Approved
 Rejected by on 20
 Published (Attach Clipping) on 20
 Hearing Held by on 20

Final Action Taken

- Approved
 Rejected by on 20
 Published (Attach Clipping) on 20
 Filed with Town Clerk on 20
 Filed with County Clerk on 20

FISHER
 CONSULTANTS
 UNITED WIND, INC.
 LAKESIDE SOD SUPPLY
 6660 GOODRICH RD
 CLARENCE CENTER, NY 14032
 SITE PLAN - REF NUM: 1730

- Turbine
- Overhead Electric Lines
- Turbine Radius (1.5x Tip Height)
- Buildings
- Parcel Boundary

THIS MAP WAS CREATED USING AERIAL IMAGES AND TAX MAP DATA, NOT AN ACTUAL SURVEY. LOCATIONS OF PROPERTY LINES, BUILDINGS, STRUCTURES, ETC. ARE APPROXIMATE.

TURBINE: OSIRIS 10KW
 TOWER: 140' SELF SUPPORTING LATTICE
 MAX BLADE ELEVATION: 153'-3"

Map Revision Date: 2/24/2016





February 25, 2016

James Callahan
Director of Community Development
Town of Clarence
One Town Place
Clarence, NY 14031

RECEIVED
MAR - 1 2016
ZONING OFFICE

**Re: United Wind – Permitting of Small Wind Project at
6660 Goodrich Road, Clarence Center, NY 14032**

Dear Mr. Callahan:

I am writing to you today in connection with a building permit application to made by United Wind in the Town of Clarence, in consideration for the installation of a small wind energy system for our customer, Lakeside Sod Supply Co. Inc., to be located at 6660 Goodrich Road, Clarence Center, NY 14032.

This small wind energy system is an Osiris 10 wind turbine with a nameplate capacity of 10 kW and an estimated production output of 25,376 kwh/year. This system will be located at our customer's property and connected behind-the-meter so that the energy generated from this system will offset our customer's current electricity demand and result in a savings on their monthly utility bill. Attached please find the site's wind analysis, site plan, and directional photographs for this project which illustrate the proposed location of the system on the property. A net metering agreement will allow the equipment to be interconnected to the local utility distribution network upon installation.

This project will receive funding from the New York State Energy Research and Development Authority (NYSERDA) under PON 2439 On-Site Wind. This NYSERDA program seeks to incentivize the development of wind energy systems in the rural and agricultural communities of New York so that customers may become more energy resilient and have a positive impact on climate change. This letter shall be proof that the Town or Authority Having Jurisdiction process has been initiated for purposes of our application to NYSERDA.

We look forward to working with you and your department as we take all required steps in order to acquire the necessary zoning, land use and building permits.



If you have any questions or wish to discuss this further, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Tencer", with a long horizontal flourish extending to the right.

Russell Tencer, CEO

cc: Mark Mayhew, NYSERDA PON 2439, Program Manager

WIND ENERGY PROJECT



Project Overview

Property Owner
 Lakeside Sod Supply Co., Inc.
 Address
 6660 Goodrich Road Clarence Center NY 14032
 Turbine Coordinates
 43.028566, -78.639503

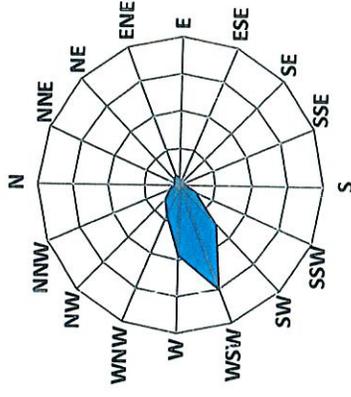
System Selection

Turbine Make
 Osiris
 Turbine Model
 10
 Tower Height (ft)
 140

Wind Profile

Mean Wind Speed (m/s)
 5.32
 Weibull K
 1.89
 Energy Production (kWh/yr)
 25,376

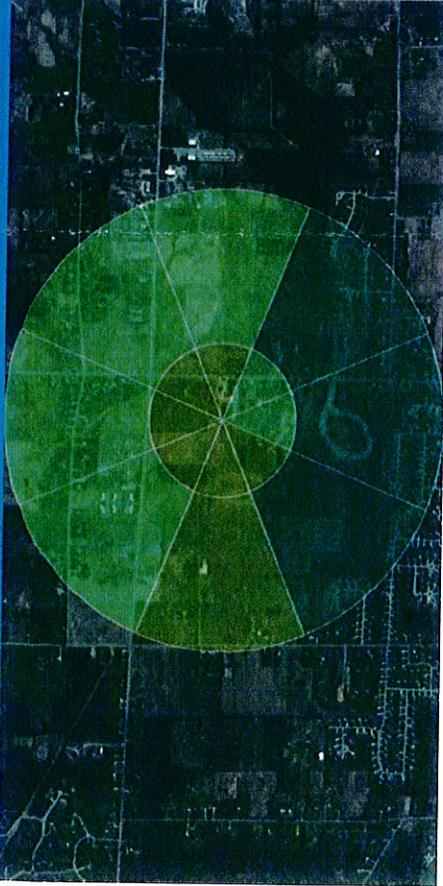
Terrain Corrected Wind Rose



Losses

Land Cover Derate
 5.7%
 Obstruction Losses
 12.8%
 Availability Losses
 5.0%

Local Land Cover Analysis



MAP KEY

- Water
- Barren
- Grassland
- Low Country
- High Country
- Forest
- Suburban
- Dense Suburban
- Urban
- Skyscraper

Turbine Location





Lakeside Sod Supply Co, Inc.
Directional Photos

North

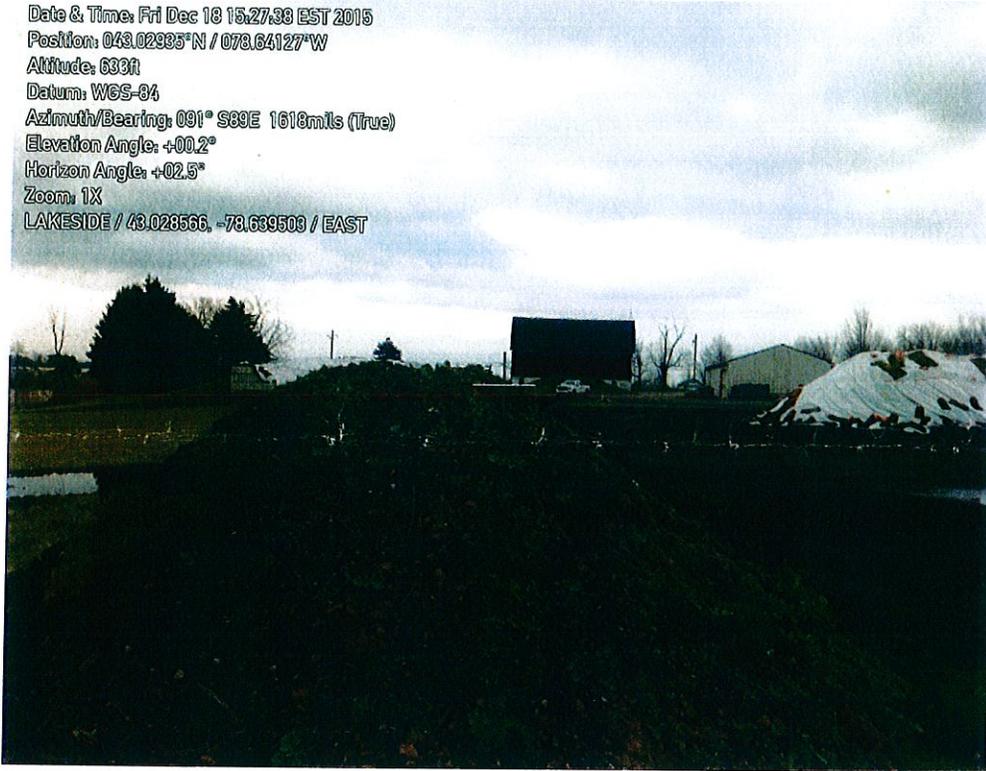


Northeast



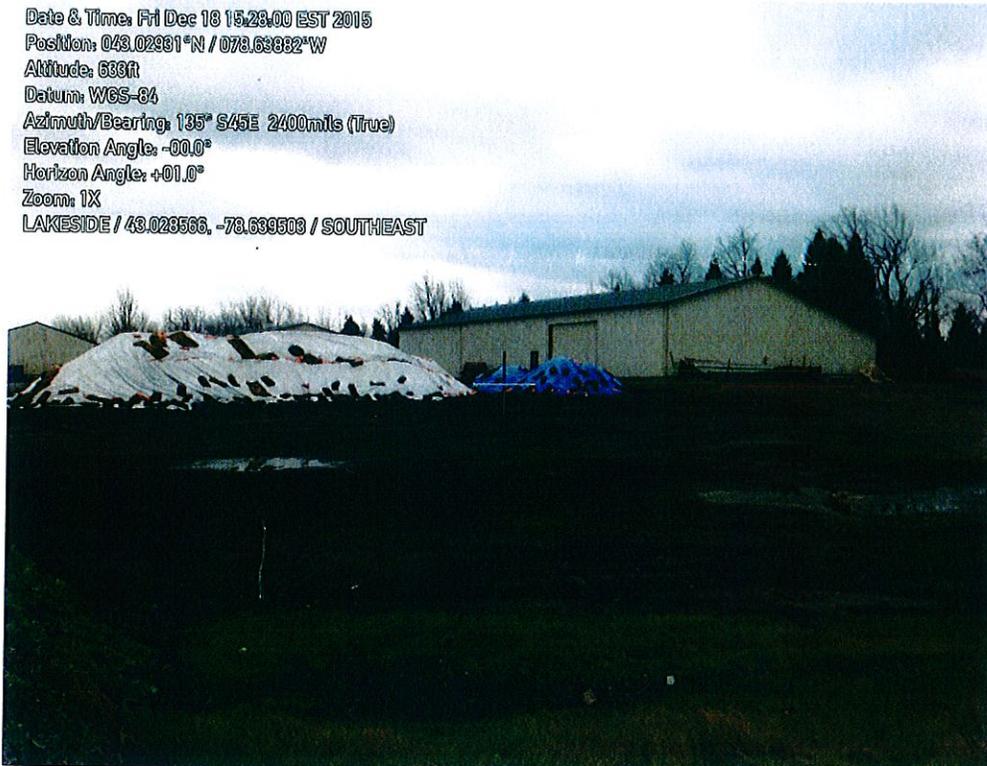
East

Date & Time: Fri Dec 18 15:27:33 EST 2015
Position: 043.02935°N / 078.64127°W
Altitude: 633ft
Datum: WGS-84
Azimuth/Bearing: 091° S89E 1618mils (True)
Elevation Angle: +00.2°
Horizon Angle: +02.5°
Zoom: 1X
LAKESIDE / 43.028566, -78.639503 / EAST



Southeast

Date & Time: Fri Dec 18 15:28:00 EST 2015
Position: 043.02931°N / 078.63832°W
Altitude: 633ft
Datum: WGS-84
Azimuth/Bearing: 135° S45E 2400mils (True)
Elevation Angle: -00.0°
Horizon Angle: +01.0°
Zoom: 1X
LAKESIDE / 43.028566, -78.639503 / SOUTHEAST



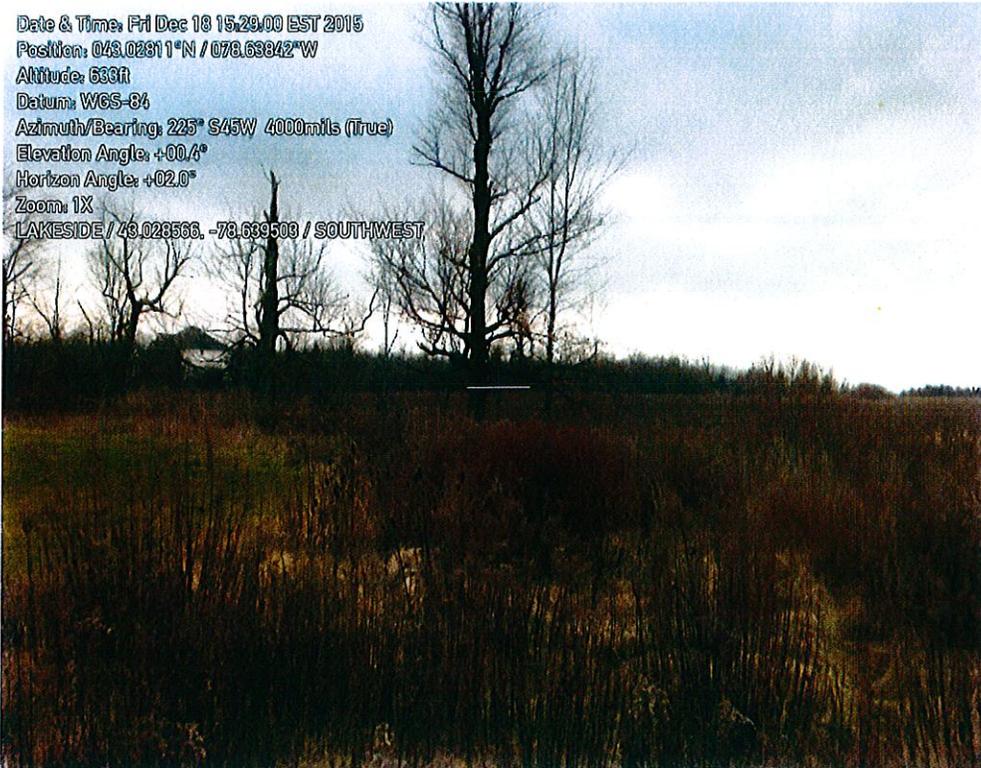
South

Date & Time: Fri Dec 18 15:28:24 EST 2015
Position: 043.03114°N / 078.64233°W
Altitude: 633ft
Datum: WGS-84
Azimuth/Bearing: 178° S02E 3164mils (True)
Elevation Angle: -00.0°
Horizon Angle: +02.3°
Zoom: 1X
LAKESIDE / 43.028566, -78.639508 / SOUTH



Southwest

Date & Time: Fri Dec 18 15:29:00 EST 2015
Position: 043.02811°N / 078.63842°W
Altitude: 633ft
Datum: WGS-84
Azimuth/Bearing: 225° S45W 4000mils (True)
Elevation Angle: +00.4°
Horizon Angle: +02.0°
Zoom: 1X
LAKESIDE / 43.028566, -78.639508 / SOUTHWEST



West



Northwest



77.00-1-21.11
1104/1371

77.00-1-21.11
11258/1464

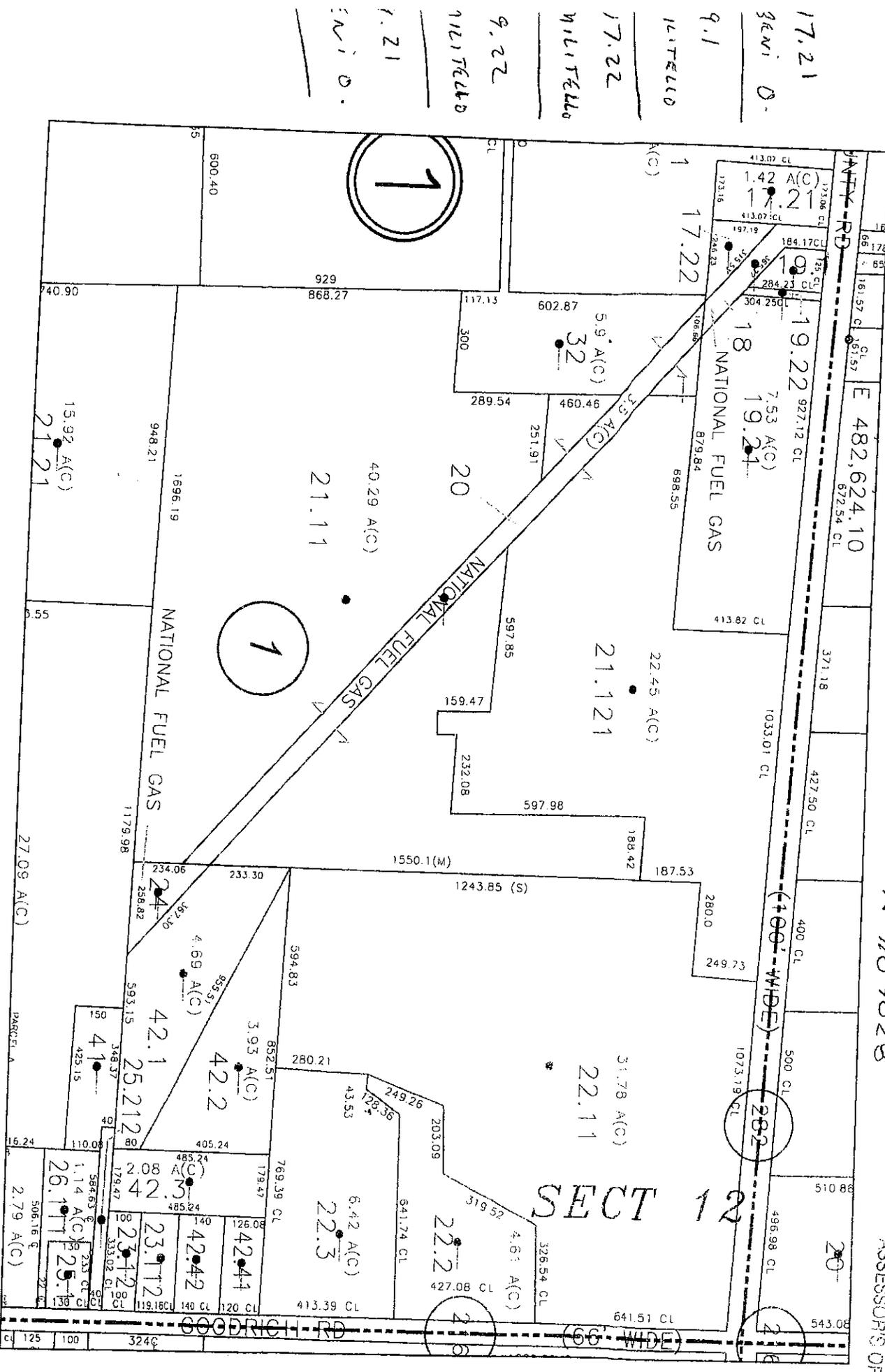
77.00-1-22.11
10881/0982

RECEIVED
JUN 09 2014
ASSESSOR'S OFFICE

E 113 1799
N 110 3361

E 113 2040
N 110 4252

E 113 3163
N 110 4028



Boys I

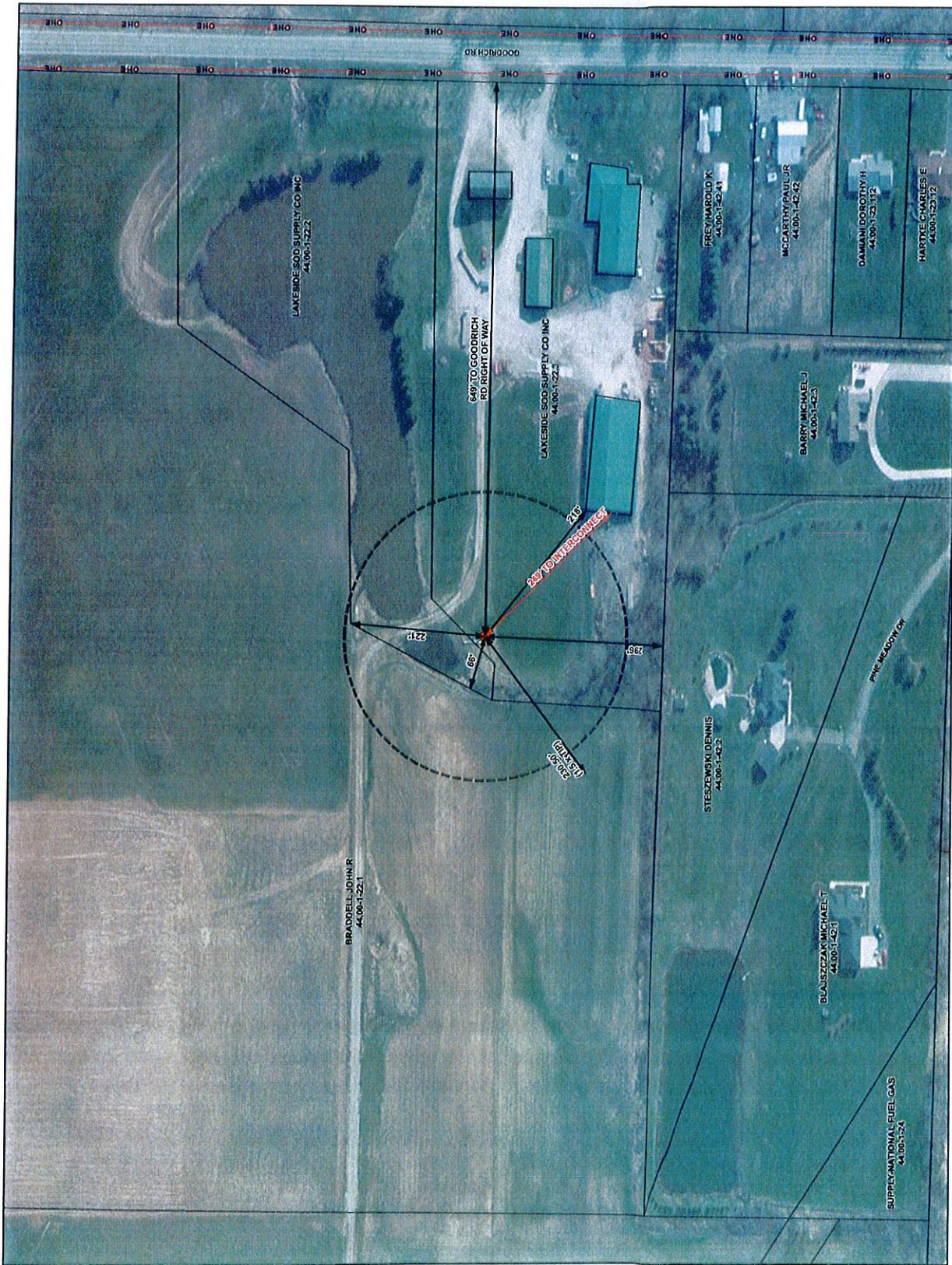
FISHER
 UNITED WIND, INC.
 LAKESIDE SOD SUPPLY
 6660 GOODRICH RD
 CLARENCE CENTER, NY 14032
 SITE PLAN - REF NUM: 1730

- Turbine
- Overhead Electric Lines
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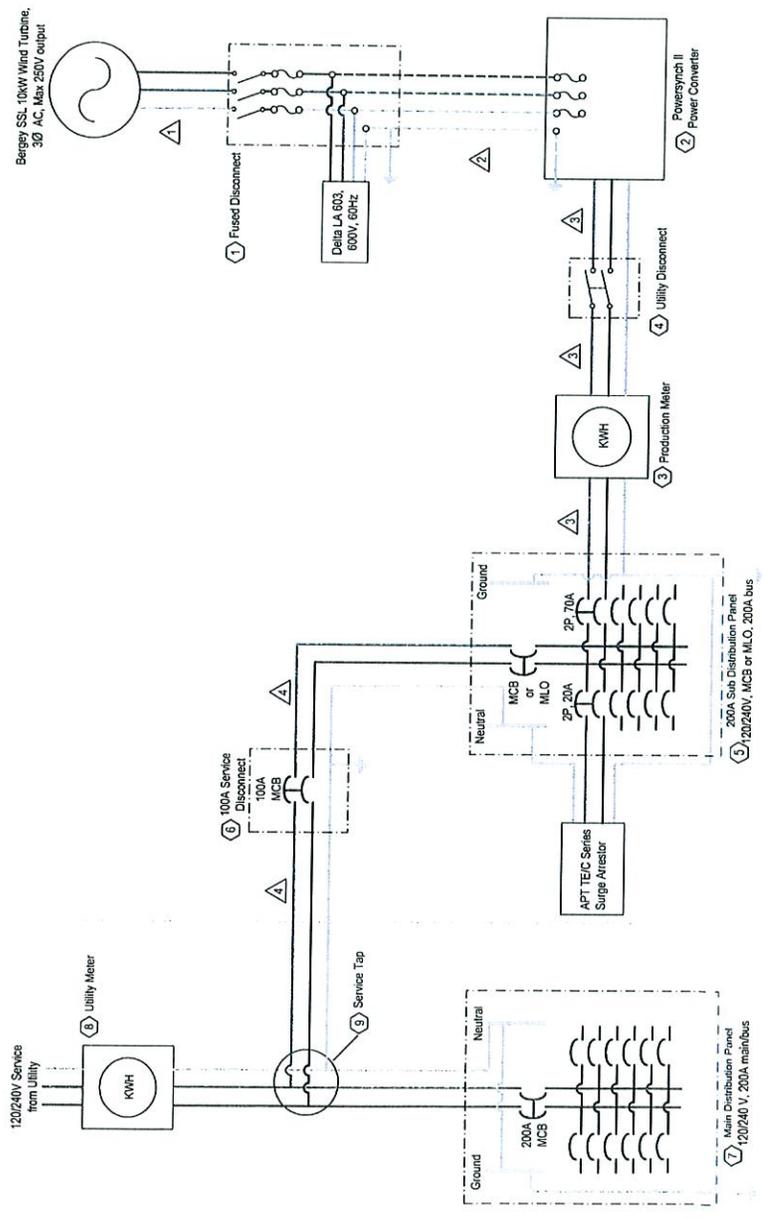
THIS MAP WAS CREATED USING AERIAL
 IMAGES AND TAX MAP DATA. NOT ACTUAL
 LINES, ROADS, STRUCTURES, ETC. ARE
 APPROXIMATE.

TURBINE: BERGEY SSL
TOWER: 74' SELF SUPPORTING LATTICE
MAX BLADE ELEVATION: 153'-8"

Map Revision Date: 2/26/2016



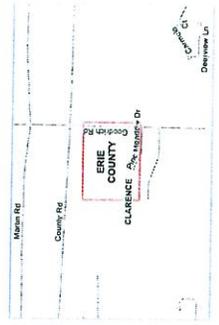
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, SPT, Pratsis, and the GeoEye Consortium.



LEGEND

- Underground Conductors
- - - Above Ground Conductors
- Ground Conductors

TURBINE: BERGEY SSL
 TOWER: 140' SELF SUPPORTING LATTICE
 MAX BLADE ELEVATION: 153'-8"



Equipment Notes

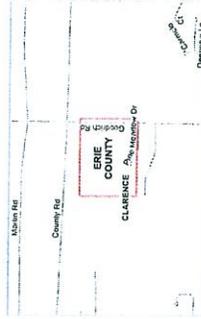
- ① Square D Safety Switch, NEMA 3R, 3-Pole Heavy Duty, 600V, 60A, Fusible, (3) 45Amp Fuses, with Delta LA603 Lighting Arrestor Mounted on Bottom Safety Switch - Mounted at Tower Base. Labeled with "Warning - Electric Shock Hazard, Terminals on both the line and load sides may be energized in open position".
- ② PowerSync II Power Converter - 240V Diversified Technology Inc. Model AMFA-25 with three (3) 50Amp Busseman JLS-50 Fuses (Turbine Side) - Mounted inside house, Labeled as "Power Converter".
- ③ Dedicated kWh Cyclometer - Hiseach Watt Hour Meter - Mounted inside house next to Power Converter, Labeled as "Dedicated Meter".
- ④ Cutler Hammer Safety Switch, NEMA 3R, 60 A, 120/240Vac Non-Fusible - Mounted inside house, Labeled as "Wind Generator Disconnect" - (see attachment)
- ⑤ 200 Amp Sub-Panel w/ MCB or MLO - Power Converter Fed with a 2 Pole 70 Amp Breaker, and APT TEC Series Surge Protective Device Powered by a 2 Pole 20 Amp Breaker. Labeled as "Distribution Panel".
- ⑥ 100 Amp Service Disconnect breaker - Located adjacent to service tap, Labeled as "Service Disconnect".
- ⑦ Existing 200 Amp Main Distribution Panel - Located inside barn, Labeled as "Main Load Center".
- ⑧ Existing Utility kWh Cyclometer - Mounted on outside of barn, Labeled as "Utility Meter". Along with "Location and Distance to Disconnect" - If not in Direct Sight of Disconnect a Map Showing the Location of Disconnect will be Attached/Mounted Next to the Meter.
- ⑨ Service tap off of 110 AWG copper service wire to #2 AWG THHN aluminum using Isoco "Kup-L-Tap" IPC 410 - 210 (for main conductor range 410 - 210 AWG and tap conductor range 210 - #6 AWG) 600V.

Wire and Conduit Notes

- Grounding**
 - 5/8" copper disk, 8 foot grounding electrodes will be placed around base east of tower foundation in a ground loop connected via exothermic welds to bare #2 Copper. Three (3) bare #2 wires connect to ground loop via exothermic welds. These wires connect to tower via exothermic lugs. Tower disconnect switch is bonded to grounding loop via bare #2 copper to mechanical lug.
- Conduit**
 - 2" Schedule 40 PVC Conduit Exterior Run (Buried Underground at 18" Depth From Tower to Pull Box) - Run Length: 140 ft Down Tower 250 ft Underground to Barn.
- Wire**
 - ① (3) #6 AWG THHN in Armored Cable from turbine to Safety Switch Mounted at Base of Tower - Run Length: 140 ft.
 - ② (3) #5 AWG AL THHN with (1) #6 CU AWG THHN Green (Ground) in Conduit from Safety Switch at Base of Tower to Power Converter - Run Length: 250 ft.
 - ③ (2) #4 AWG AL THHN with (1) #6 AWG THHN Green (Ground) in Conduit from Power Converter to Sub Panel - Run Length: less than 50 ft.
 - ④ (3) #2 AWG AL THHN from Sub-Panel to main service conductors - Run Length: 100 ft.

Total Wire Run (Turbine to Power Converter) - 250 ft
 Wire Run Conductor Sized for Less than 4.5% Annual Energy Output Loss

TURBINE - BERGEY SSI
 TOWER - 140' SELF SUPPORTING LATTICE
 MAX BLADE ELEVATION - 163'-3"





Notice of Proposed Construction or Alteration - Off Airport

[Add a new Case Off Airport - Desk Reference Guide V_2016.2.0](#)

[Add a New Case Off Airport for Wind Turbines - Met Towers - Desk Reference Guide V_2016.2.0](#)

Project Name: UNITE-000372482-16

Project Summary : UNITE-000372482-16

| Structure | City, State | Lat/Long | Map | Actions | 7460-2 Received | Latest Letter |
|---|--------------|-------------------------------------|----------|-------------------------------------|-----------------|---------------|
| Bergey Excel 10 kW SSL 140' Work In Progress 2016-WTE-3766-OE | Clarence, NY | 43° 1' 43.00" N 78° 38' 22.00" W | Show Map | Clone Upload a PDF Add 7460-2 | | ADD |

[Mapping - Desk Reference Guide V_2014.4.0](#) [Attaching Documents - Desk Reference Guide V_2014.2.0](#)

[Upload a PDF to the Project](#)

Draft: Cases that have been saved by the user but have not been submitted to the FAA.

Waiting: Wind Turbine/Met Tower cases that have not been submitted to the FAA and are waiting for an action from the user, either to verify the map or attach specific documents

Accepted: Cases that have been submitted to the FAA.

Add Letter: Cases that have been reviewed by the FAA and require additional information from the user.

Work in Progress: Cases that are being evaluated by the FAA.

Interim: Cases that have been reviewed by the FAA and require resolution from the user.

Determined: Cases that have a completed aeronautical study and an FAA determination.

Terminated: Cases that are no longer valid.

Please allow the FAA a minimum of 45 days to complete a study.

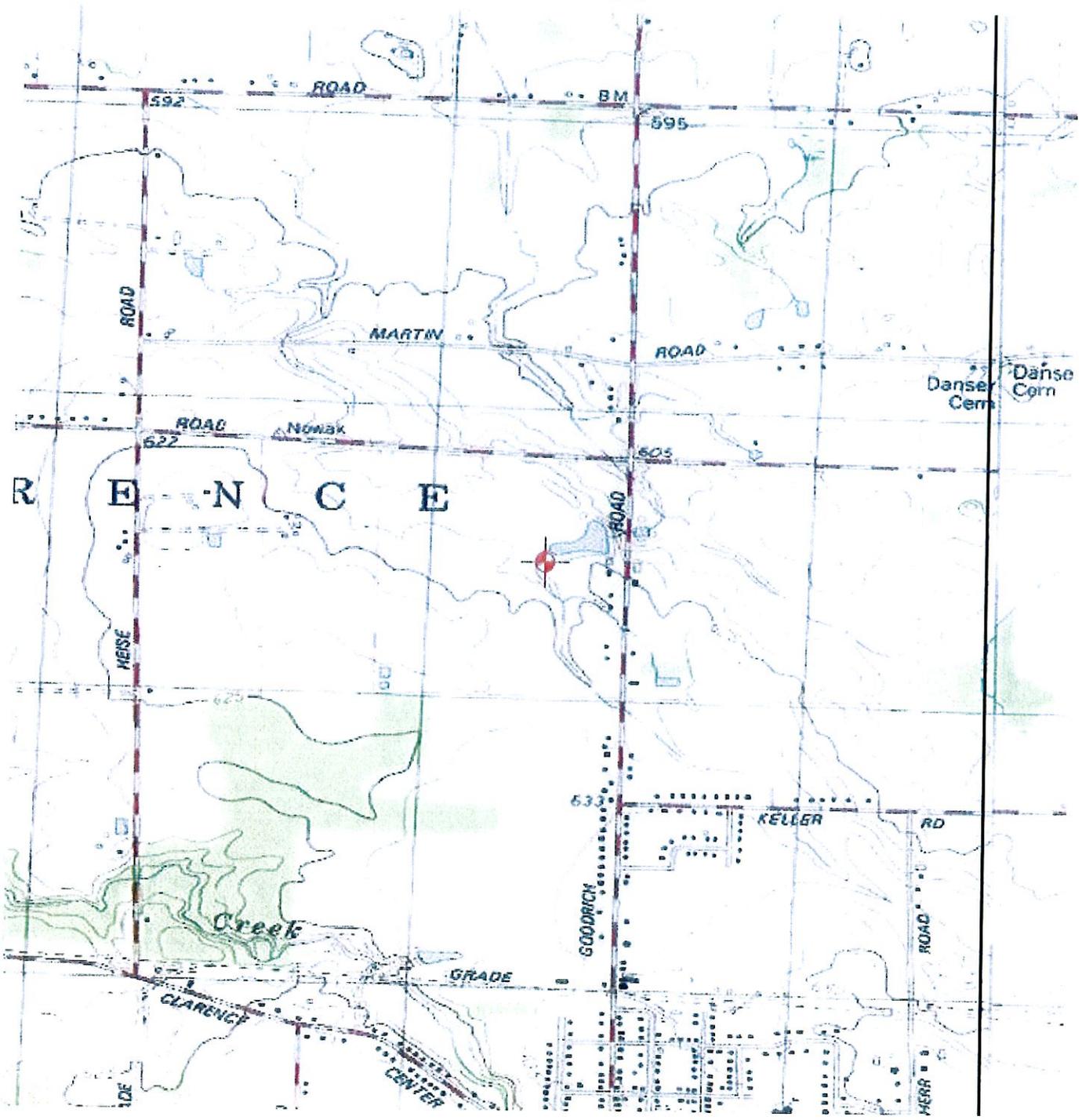
Case Transfer:

Use the check box(es) to select the case(s) you want to transfer.

Select the "Transfer Cases button" to open the "Manage Transfer Cases" screen.

Note: Drafts and cases in Add and Terminated status can not be transferred.

[Click here to contact the appropriate representative.](#)





July 21, 2016

United Wind
20 Jay Street
Brooklyn, NY 11201

SUBJECT: Lakeside Sod Supply Co., Inc. - 12kW Nonresidential Wind Application Review

All requisite information for the proposed system has been submitted by the developer to NYSEG/RGE. Please note that if the inverters proposed for this submitted system are able to have the manufacturer applied settings changed in the field, the Underfrequency protection for this installation must comply with NPCC PRC-006, Underfrequency Load Shedding Program. The proposed underfrequency settings including setpoint (Hz) and time delay (s) must be included in the submitted letter of completion/verification. The maximum acceptable setting is 57 Hz at 0.5 seconds. Also in the completion letter include a statement verifying the inverter's UL-1741 certification. It is the Developer's responsibility to ensure adequate overcurrent protection for the system which will be verified by the electrical inspector. Please proceed with system installation.

NEXT STEPS (in accordance with the NYS SIR)

1. Please provide written notification when your system installation is completed. Include your file number on the correspondence (found on the enclosed agreement).
2. Please send a copy of the electrical inspection certificate.
3. Before the system is energized, the applicant must perform a system verification test as described in the SIR's Step 5. Please provide a certification letter and copy of the electrical inspection within five (5) days of performing the test to my attention as specified below.

4. Upon receipt of the certification letter and electrical inspection, NYSEG/RGE may schedule an on-site verification of the system. Within five (5) days of the completion of the on-site verification, the utility will issue either a formal letter of acceptance for interconnection, or a detailed explanation of the deficiencies in the system.

Please forward only the requested information to distributedgenerationadmin@energyeast.com .
If you have any questions, email both Rick and Mark:

Richard A. Kauffman

Phone: 607-762-7606

Fax: 607-762-8666

Email: rakauffman@nyseg.com

Mark A. Chier

Phone: 607-762-8073

Fax: 607-762-8666

Email: machier@nyseg.com

Sincerely,



Richard A. Kauffman

Mark A. Chier

Managers Programs/Projects

Electric Transmission Services

NYSEG/RGE

IPP File: 10561

10011594578

BERGEY EXCEL 10 SPECIFICATIONS

PERFORMANCE

| | |
|--|-----------------------|
| START-UP WIND SPEED..... | 5 mph (2.2 m/s) |
| CUT-IN WIND SPEED..... | 5 mph (2.2 m/s) |
| RATED WIND SPEED..... | 26 mph (11.6 m/s) |
| AWEA RATED POWER (at 11 m/s or 25 mph) | 8.9 kW |
| AWEA ANNUAL ENERGY (at 5 m/s average) | 13,600 kWh |
| CUT-OUT WIND SPEED..... | none |
| FURLING WIND SPEED..... | 36-40 mph (16-18 m/s) |
| MAXIMUM DESIGN WIND SPEED..... | 134 mph (60m/s) |
| RATED POWER..... | 10 kW |
| ROTOR SPEED..... | 0-400 RPM |

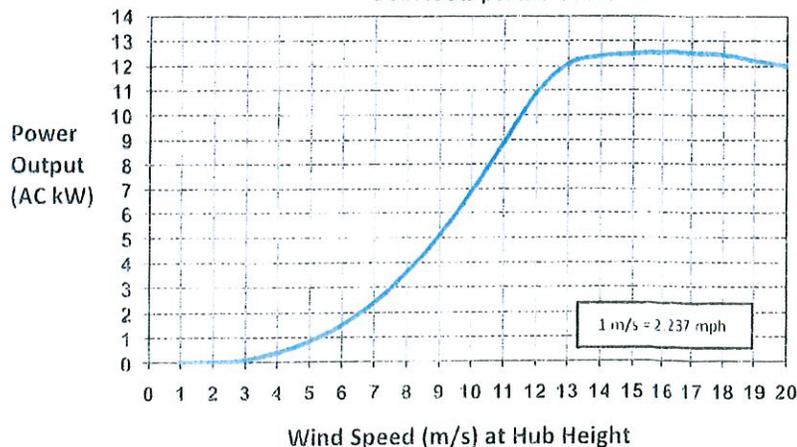
MECHANICAL

| | |
|---------------------------|-------------------------------------|
| TYPE..... | 3-Blade Upwind, Horizontal-Axis |
| ROTOR DIAMETER..... | 23 ft (7.0m) |
| WEIGHT..... | 1020 lbs (460 kgs) |
| GEARBOX | none |
| BLADE PITCH CONTROL..... | none |
| OVERSPEED PROTECTION..... | AUTOFURL® |
| TEMPERATURE RANGE..... | -40 to 140 deg. F (-40 to 60deg. C) |

ELECTRICAL

| | |
|-----------------------|---|
| OUTPUT FORM..... | 240VAC, 1-Phase, 60Hz or 220VAC, 1-Phase, 50Hz |
| GENERATOR | Permanent Magnet Alternator |
| POWER PROCESSOR | Powersync II Inverter |

Bergey Excel 10 Power Curve (Sea Level)
USDA Data per IEC 61400-12





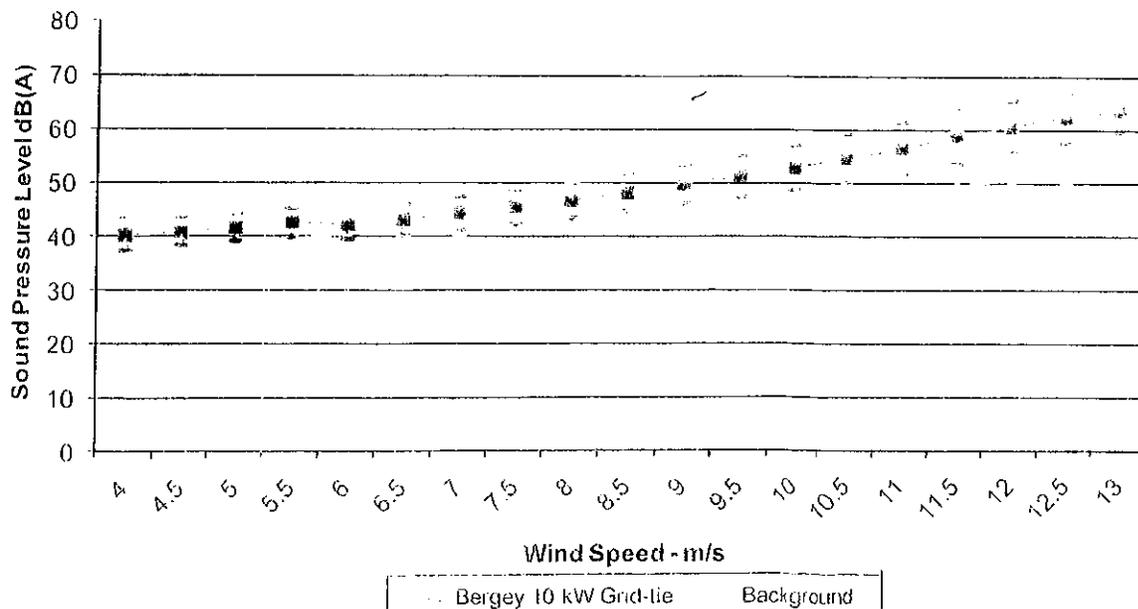
July 14, 2010

Acoustic Characteristics of the Bergey Excel-S 10 kW Wind Turbine

The following noise level data were taken by the USDA Agricultural Research Service in Bushland, Texas. USDA-Bushland is a contractor to the U.S. Department of Energy and has been field testing small wind turbines since the 1970's. This acoustics testing was conducted in support of certification of the BWC Excel-S to AWEA 9.1-2009. Per the AWEA standard, the tests were conducted in accordance with IEC 61400-11, "Wind Turbine Generator Systems, Part 11 - Acoustic Noise Measurement Techniques".

The sampling microphone was a calibrated Larson Davis Model 824, which was placed 34.2m (112 ft) from the base of the 30m (100 ft) wind turbine tower. The slant distance was 46m (151 ft). Wind speed was taken at a height of 10 m (33 ft)

Noise Data Collected on Bergey 10 kW Grid-tie, 30.5 m tower
USDA-ARS Lab near Bushland, TX (June 2010)



The data range provided is 4 m/s – 13 m/s because the calculation of the turbine component of the total sound pressure was calculated using background sound data at the same site from an earlier test on another brand of wind turbine and that test range was 4 – 13 m/s. Background sound levels must be taken with the wind turbine shutdown and that is more difficult to achieve on the Bergey Excel than the other brand previously tested. New background sound data over a wider range is currently being gathered. We do not believe there will be any significant differences in the results when this newer background data is available.

The calculation of the wind turbine contribution to total sound levels follows the guidelines in IEC 61400-11.

For a typical 5 m/s (11.2 mph) average wind speed site the wind speed will be below 11 m/s (25 mph) over 95% of the time. In this range the Excel-S wind turbine will add just 1 – 6 dBA to the background. As a general rule it takes 3 dBA added before a person will perceive a separate noise source.

AWEA Rated Sound Level: 52.1 dBA

The Rated Sound Level is the sound level at 60 m (197 ft) that the wind turbine will not exceed 95% of the time in a 5 m/s (11 mph) average wind speed site. The previous version of the BWC Excel-S had an AWEA Rated Sound Level of 54.7 dBA. The new version is quieter because the more powerful neodymium alternator has reduced the rated rotor speed from 300 RPM to 240 RPM.

The Sound Power Level is the total noise right at the source – the top of the tower. For the BWC Excel-S turbine the Sound Power Level corresponding to the AWEA Rated Sound Level is 91.0 dBA. Sound diminishes with distance. The Sound Pressure Level is the sound a listener would hear at the distance given, in this case 60m (197 ft)

The binned sound pressure and sound power level data is provided on the following page.

2010 Excel-S Acoustics Test Data
Bushland, 46 m Slant Distance

| Wind Bin (m/s) | Recorded Sound Pressure Level (dBA) | Std Dev | Backgrd Sound Pressure Level* (dBA) | Turbine Sound Pressure Level (dBA) | Turbine Sound Power Level (dBA) |
|-------------------|--|---------|--|---------------------------------------|------------------------------------|
| 1 | 37.08 | 0.35 | | | |
| 1.5 | 36.14 | 0.55 | | | |
| 2 | 36.70 | 1.68 | | | |
| 2.5 | 38.57 | 3.05 | | | |
| 3 | 39.18 | 3.03 | | | |
| 3.5 | 39.94 | 3.27 | | | |
| 4 | 40.39 | 3.04 | 38.7 | 40.39 | 78.5 |
| 4.5 | 41.06 | 2.75 | 39.55 | 41.06 | 79.2 |
| 5 | 41.76 | 2.47 | 39.48 | 41.76 | 79.9 |
| 5.5 | 42.71 | 2.66 | 39.84 | 42.71 | 80.9 |
| 6 | 43.51 | 2.66 | 40.31 | 42.21 | 80.4 |
| 6.5 | 44.56 | 2.81 | 40.67 | 43.26 | 81.4 |
| 7 | 45.75 | 3.01 | 41.2 | 44.45 | 82.6 |
| 7.5 | 46.87 | 3.10 | 41.87 | 45.57 | 83.7 |
| 8 | 48.08 | 3.24 | 42.65 | 46.78 | 84.9 |
| 8.5 | 49.55 | 3.41 | 43.72 | 48.25 | 86.4 |
| 9 | 51.04 | 3.60 | 44.91 | 49.83 | 88.0 |
| 9.5 | 52.40 | 3.78 | 46.14 | 51.23 | 89.4 |
| 10 | 53.92 | 4.17 | 47.17 | 52.89 | 91.0 |
| 10.5 | 55.53 | 4.53 | 48.13 | 54.66 | 92.8 |
| 11 | 57.31 | 4.92 | 48.91 | 56.63 | 94.8 |
| 11.5 | 59.35 | 5.22 | 49.73 | 58.85 | 97.0 |
| 12 | 61.07 | 4.88 | 50.48 | 60.67 | 98.8 |
| 12.5 | 62.69 | 4.71 | 51.17 | 62.37 | 100.5 |
| 13 | 64.02 | 4.24 | 51.85 | 63.75 | 101.9 |
| 13.5 | 65.44 | 3.79 | | | |
| 14 | 66.60 | 3.29 | | | |
| 14.5 | 67.39 | 3.12 | | | |
| 15 | 68.10 | 3.04 | | | |
| 15.5 | 68.92 | 3.40 | | | |
| 16 | 69.60 | 3.18 | | | |
| 16.5 | 70.02 | 2.63 | | | |
| 17 | 71.42 | 1.82 | | | |
| 17.5 | 71.79 | 1.71 | | | |
| 18 | 71.53 | 3.22 | | | |
| 18.5 | 72.14 | 2.30 | | | |
| 19 | 73.00 | 1.13 | | | |
| 19.5 | 70.10 | 4.93 | | | |
| 20 | 62.00 | 0.00 | | | |

* - From 2006 test on another turbine

Sound Levels at a Distance from the Turbine

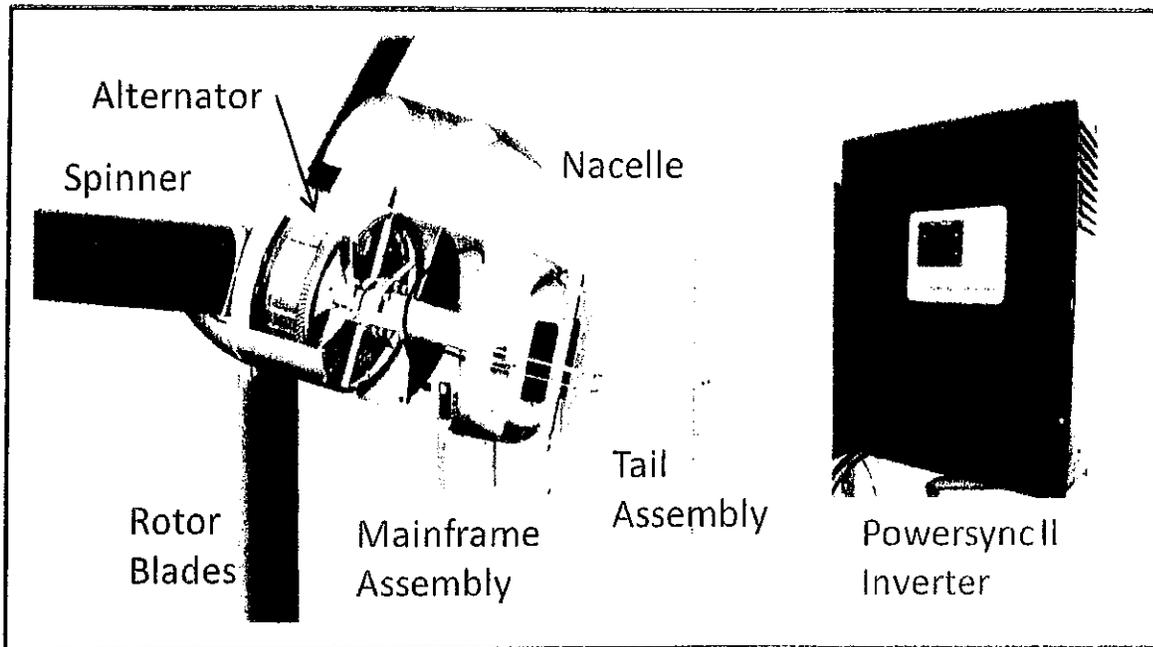
Sound Power Level is defined as the sound level at a distance of 1 meter (3.3 ft) from the source, which we take as the center of the rotor or, in other words, hub height. As a person gets farther and farther away from the wind turbine, the intensity of the sound they will hear reduces as the square of the distance. The following table provides the AWEA Rated Sound Levels at different distances from the base of the turbine, assuming a 30m (100 ft) tower. These levels do not include a contribution from background noise levels.

| Distance from Turbine (meters) | Distance (feet) | Slant Distance (m) | Sound Press. Level (dBA) |
|---|--------------------|--------------------------|-----------------------------------|
| 30 | 98.42 | 42.4 | 53.5 |
| 60 | 196.85 | 67.1 | 49.5 |
| 90 | 295.27 | 94.9 | 46.5 |
| 120 | 393.70 | 123.7 | 44.2 |
| 150 | 492.12 | 153.0 | 42.4 |
| 180 | 590.55 | 182.5 | 40.8 |
| 210 | 688.97 | 212.1 | 39.5 |
| 240 | 787.40 | 241.9 | 38.4 |
| 270 | 885.82 | 271.7 | 37.4 |
| 300 | 984.25 | 301.5 | 36.5 |
| 330 | 1,082.67 | 331.4 | 35.6 |
| 360 | 1,181.10 | 361.2 | 34.9 |
| 390 | 1,279.52 | 391.2 | 34.2 |

1. SYSTEM DESCRIPTION

The Bergey EXCEL 10 is an upwind horizontal-axis wind turbine designed for distributed generation applications, connected to the power grid on the customer's side of the utility meter. The complete unit consists of the following major components, as shown in the figure below:

- | | |
|----------------------|---------------------------|
| 1. Spinner | 6. Slip-ring and Brushes |
| 2. PowerFlex® Blades | 7. Tail Assembly |
| 3. Alternator | 8. Nacelle Assembly |
| 4. Mainframe | 9. Furling Winch |
| 5. Yaw Bearing | 10. Powersync II Inverter |



A. ROTOR SYSTEM

The rotor system consists of three PowerFlex® fiberglass blades. Acting like aircraft wings, the blades convert the energy of the wind into rotational forces that drive the alternator. The PowerFlex® blades are rigidly attached to the alternator and they are fixed pitch. The Excel 10 rotor blades have a proprietary airfoil, the BWC-7, which was custom designed to provide high efficiency and low noise.

The blades for the EXCEL 10 are extremely strong because they are made in a "pultrusion" process that puts more high-strength glass fibers in the structure than any other molding technique. This contributes to their long life and toughness. Blade sets are carefully matched for balance at the factory to ensure smooth operation of the wind turbine. Each blade has a serial number inscribed on its root pad at the inboard end.

B. ALTERNATOR

The alternator converts the rotational energy of the rotor into electricity. The alternator utilizes permanent magnets and has an inverted configuration in that the outside housing rotates, while the internal windings are stationary. It was specifically designed for the Bergey EXCEL 10 and produces power at low speeds, eliminating the need for a speed-increasing gearbox. Since it uses permanent magnets, the alternator is generating voltage whenever the rotor is turning.



DANGER

The output wiring of the BWC EXCEL presents shock hazard whenever the rotor is turning. Caution must be exercised at all times to avoid electrical shock.

C. MAINFRAME

The mainframe is the structural backbone of the wind turbine. It serves as the attachment point for the yaw bearing and the housing for the yaw-axis slip-ring brushes. The yaw-axis is the full 360 degree pivot that allows the turbine to freely align itself to the wind direction.

D. SLIP-RINGS AND BRUSHES

The slip-rings and brushes conduct the electricity generated in the alternator from the moving (as it orients with the direction) wind turbine to the fixed tower wiring. The slip-rings are

enclosed in a metallic housing to help protect them from lightning.

E. TAIL ASSEMBLY AND AUTOFURL OPERATION

The tail assembly keeps the rotor aligned into the wind at wind speeds below approximately 35 miles per hour (16 m/s). At about 35 mph the AutoFurl® action turns the rotor away from the wind to limit the rotor speed in high winds. The tail appears to fold, but in reality the tail stays stationary as the rotor turns sideways to the wind. The rotor furls to a maximum angle of 75 degrees (limited by rubber tail stops), so that the unit continues to produce power in high winds. When the high winds subside, the AutoFurl® system automatically restores the turbine into the normal straight position.

The rotor continues to spin even in very high winds and this actually makes the blades stiffer. The AutoFurl® system works whether or not the Powersync II inverter is on or not. Unlike many other turbines designs, the Bergey EXCEL 10 can operate safely without an electrical load connected to the turbine.

F. SPINNER AND NACELLE

The spinner (nose cone) and nacelle provide additional weather protection for the bearings and the slip-ring assembly. The nacelle also improves lightning protection.

G. Powersync II Inverter

The UL-approved Powersync II inverter converts the "variable AC" from the Bergey EXCEL 10 turbine into utility grade electricity so that it can be connected to the wiring in your home. This conversion requires sophisticated electronics and is designed to operate automatically. The Powersync II has a digital display that provides information on the status of the system, its current output power, and its cumulative energy production.



2200 INDUSTRIAL BLVD.
NORMAN, OK 73069 USA
T: 405-364-4212
F: 405-364-2078
E-MAIL: kencraig@bergey.com
WEB: www.bergey.com

Wind Turbine Tower Structural & Foundation Analysis

Date: 02 June 2014

Tower Owner: United Wind Inc. Client
Tower Location: Sites requiring basic wind speed \leq 100 mph and
Topographic Category 3 crest height \leq 100 ft
Turbine/Tower Type: Excel-10 or Excel-6 Turbine on SSV-140 ft tower

Design Codes: NYBC-2010, IBC-2012, TIA 222-G, ACI 318-11

Design wind conditions: 100 mph basic
Design ice accumulation: \leq 1.0 inch radial
Design wind with Ice: 40 mph
Design frost depth: \leq 64 inches
Assumed soil strength: 2000 psf allowed bearing load

Analysis Performed by:

Engineer: Kenneth G. Craig

New York P.E. Number: 083114

License Expiration Date: 31 October 2016

02 June 2014

Date



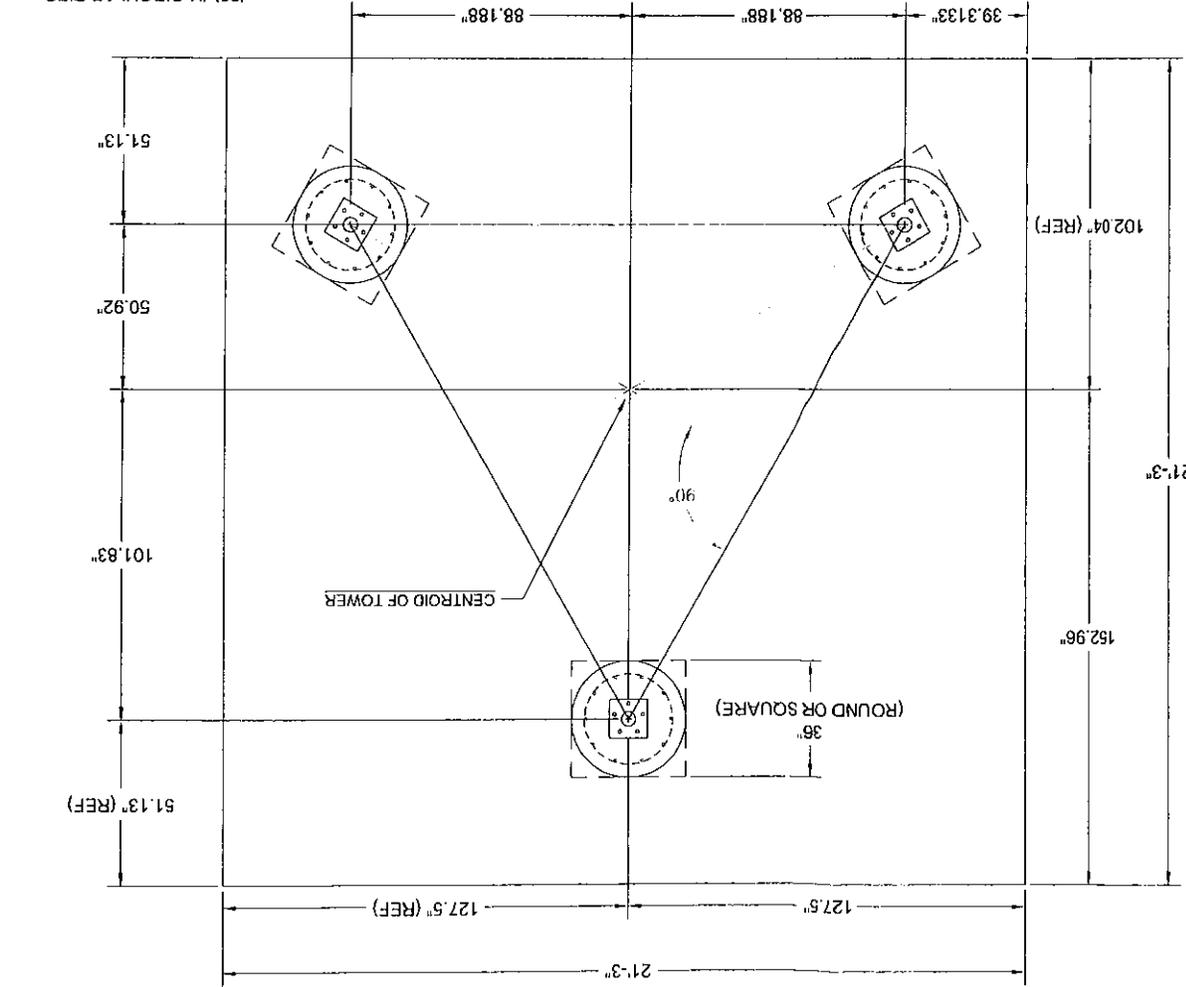
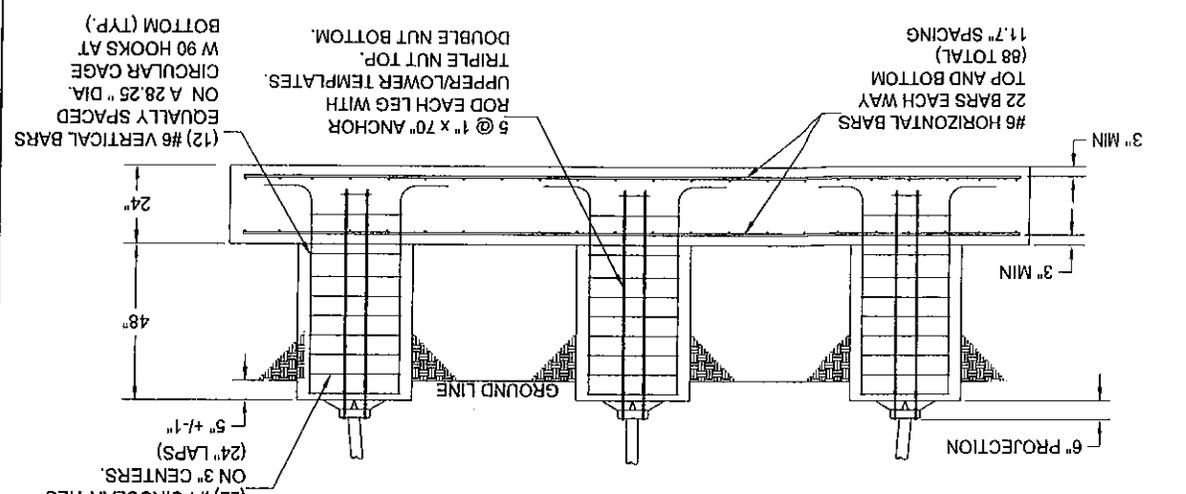
General Notes:

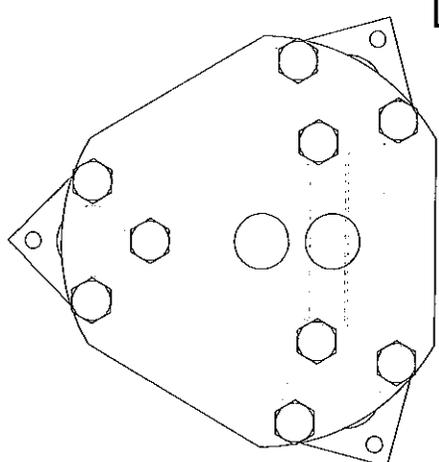
1. The minimum yield strength of tower steel members is as noted below:
 - a. Tower legs are ASTM A618 Grade 3, minimum yield strength 50 ksi.
 - b. Tower flanges are ASTM A572 Grade 50, minimum yield strength 50 ksi.
 - c. All lattice elements are ASTM A36, minimum yield strength 30 ksi.
 - d. Anchor rods are ASTM F1554 Grade 105, minimum yield strength 105 ksi.
2. All structural bolts conform to ASTM A-325 unless otherwise noted.
3. PAL nuts are to be used with all tower and anchor hardware.
4. All high strength bolts are to be tightened to a "snug-tight" condition as defined in the June 23, 2000 AISC "Specification for structural joints using ASTM A325 or A490 bolts." No other specification for minimum torque or bolt tension is required.
5. It is the responsibility of the customer and/or installers to verify the installation is in compliance with all relevant local, state and federal codes.
6. BWC provides tower analysis at minimal cost as a service to our customers. Customers are responsible for hiring all local engineers, inspectors, supervisors and other construction- or code-related personnel and services.

WARNING: It is a violation of New York State law Article 145 for any unauthorized or unsupervised person to alter these documents in any way.

| | |
|-------------------------|--|
| BERGEY WINDPOWER | |
| TITLE | SSV-140 FOUNDATION |
| DRAWN | MAT-WITH-PIERS |
| CHECKED | STOCK FOUNDATION |
| APPROVED | IBC 100 MPH BASIC WIND SPEED TOPO CATEGORY 3, CREST 100 FT. |
| SCALE | NONE |
| DRG NO. | PPT3-SSV-140-100 |
| DATE | 05-16-2013 |

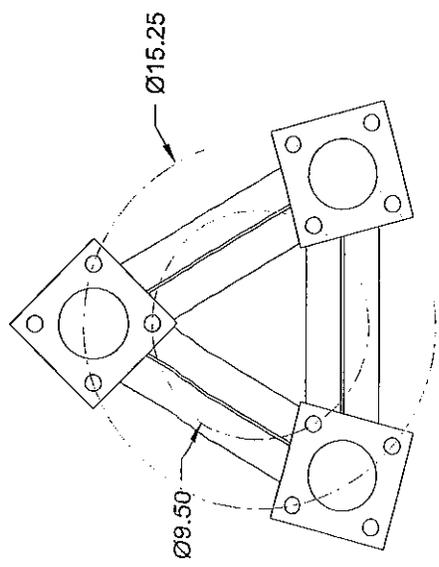
MATERIAL SPECIFICATIONS:
 ANCHOR RODS - ASTM F-1554 GRADE 105
 CONCRETE - 4000 PSI MINIMUM ULTIMATE @ 28 DAYS
 4 INCH MAXIMUM SLUMP
 REINFORCING STEEL - ASTM A-615 GRADE 60
 3 INCH MINIMUM CONCRETE COVER ON ALL REBAR
 ALLOWED SOIL BEARING LOAD 2000 PSF MINIMUM
 WATER TABLE BELOW BOTTOM OF FOUNDATION AT ALL TIMES
 CONCRETE REQUIRED: 36.6 CU. YD (ROUND) 37.4 CU YD (SQUARE)





TURBINE LOWER PLATE

TURBINE BOLTED TO TOWER
WITH (9) ASTM A-325 BOLTS
SIZE 5/8" - 11 x 3-1/4" LONG



TOWER TOP GEOMETRY

Excel-10 Turbine Attachment Bolt Stress

| | | | | |
|--|--------------|----------------------------------|-------|--------------------|
| Turbine thrust load = | 2,400 lb | acting | 2 | ft above tower top |
| Turbine max yaw-induced moment = | 6,000 ft-lb | | | |
| Turbine max overturning moment = | 30,800 ft-lb | (wind load + yaw-induced moment) | | |
| For (6) A325 bolts | 0.625 | inch diam. acting on | 15.25 | inch bolt circle |
| and (3) A325 bolts | 0.625 | inch diam. acting on | 9.5 | inch bolt circle |
| Moment of inertia about tower axis = I = | 127.86 | in ⁴ | | |
| Max tensile stress in bolts = $M \times c / I =$ | 8,046 | psi | | |
| F.S. (tensile) = allowed / applied = | 5.47 | (Allowed = 44 ksi) | | |
| Max shear stress in bolts (assume 2 bolts engaged) = $F / A =$ | 3,911 | psi | | |
| F.S. (shear) = allowed / applied = | 5.37 | (Allowed = 21 ksi) | | |

| | | | |
|--|--|-------------------------|------------------|
| TOLERANCES UNLESS OTHERWISE SPECIFIED | | BERGEY WINDPOWER | |
| .X = ± .060 | | DRAWN | TITLE |
| .XX = ± .030 | | K. G. C. | ATTACHMENT OF |
| .XXX = ± .010 | | 05-08-2013 | EXCEL-10 TURBINE |
| | | CHECKED | TO SSV TOWERS |
| | | APPROVED | DWG NO. |
| | | SCALE | NONE |

FILE NO. 0607018

| REVISIONS | |
|-----------|-------------------------------|
| REV# | DESCRIPTION |
| 1 | ISSUED IN PRELIMINARY DRAWING |

| REV# | DATE | BY | CHKD | APP |
|------|------|----|------|-----|
| 1 | | | | |

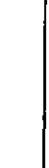
| BILL OF MATERIAL | |
|------------------|---|
| ITEM | DESCRIPTION |
| 1 | LEG SSV 9-1/2 IN 3.5EH 20 7 7 S9 [PIPE 60mm BH] |
| 2 | LEG SSV 9-1/2 IN 3.5EH 20 7 7 S9 [PIPE 60mm BH] |
| 3 | BRACE DS 559T L2.5X1.9X11.0.63 [L 60x6x45] |
| 4 | BRACE DS 559T L2.5X1.9X11.17 [L 60x6x45] |
| 5 | BRACE DS 559T L2.5X1.9X11.61 [L 60x6x45] |
| 6 | BOLT ASSY STEP 5/8X7 W/DSN [M16x178] |
| 7 | BOLT ASSY 1/2 X 1-1/4 HSB A325 [M12x32] |
| 8 | BOLT ASSY 7/8 X 3-1/2 HSB A325 [M22x89] |

GENERAL NOTES:

1. LEG PART NUMBER IS STAMPED AT THE BOTTOM OF EACH LEG AND MUST BE LOCATED AT THE BOTTOM OF THE SECTION FOR PROPER ASSEMBLY.
2. STEP BOLTS ARE PROVIDED ON ONE LEG ONLY.
3. FLANGE BOLTS ARE FOR FLANGE PLATES AT THE BOTTOM OF THE SECTION.
4. DRAWING IS IN U.S. AND IS FOR ASSEMBLY PURPOSES ONLY.
5. NOMINAL METRIC EQUIVALENTS ARE GIVEN FOR REFERENCE ONLY AND SHALL NOT BE SUBSTITUTED FOR THE DESCRIBED SIZES UNLESS OTHERWISE APPROVED BY ROHN PRODUCTS.



ELEVATION VIEW



VIEW A-A



SECTION B-B

| FLANGE | OFFSET | SEVES | FLANGE PLATE (P/D) | SPREAD |
|--------|--------|-------|--------------------------|---------------------|
| TOP | N/A | N/A | 9" X 7" X 1" (P/R: R-7F) | 9'-7 5/8" (2632mm) |
| BOTTOM | N/A | N/A | 7" X 7" X 1" (P/R: R-7F) | 10'-7 5/8" (3242mm) |

ROHN PRODUCTS LLC
 PO BOX 5999
 ROCKY HILL, CT 06101-0999
 TOLL FREE 800-722-ROHN
 FAX 860-261-0000
 ONE MILLER CENTER

BERGEY WINDPOWER CO., INC.
 SECTION ASSEMBLY
 DETAILS FOR SSV 9H18Z
 GENERIC

| DWG | B.F. | CHKD | KTL | DATE |
|-----|------|------|-----|-------------|
| | | | | Nov/22/1983 |

| DRAWING NO. | REV# |
|-------------|------|
| A830385 | 1 |

| | |
|-------------------------|---------|
| FILE NO. | 0607018 |
| REVISED | |
| DESCRIPTION | |
| UPDATED TO REV'S/ISSUES | |
| DATE: 04/13/2018 | |
| DWG | REV. |
| 1 | 1 |
| 2 | 2 |

| | |
|---------------|--|
| DWG REFERENCE | |
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| DWG REFERENCE | |
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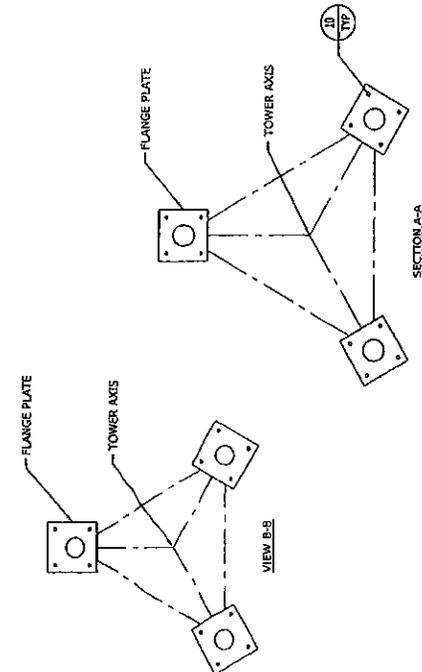
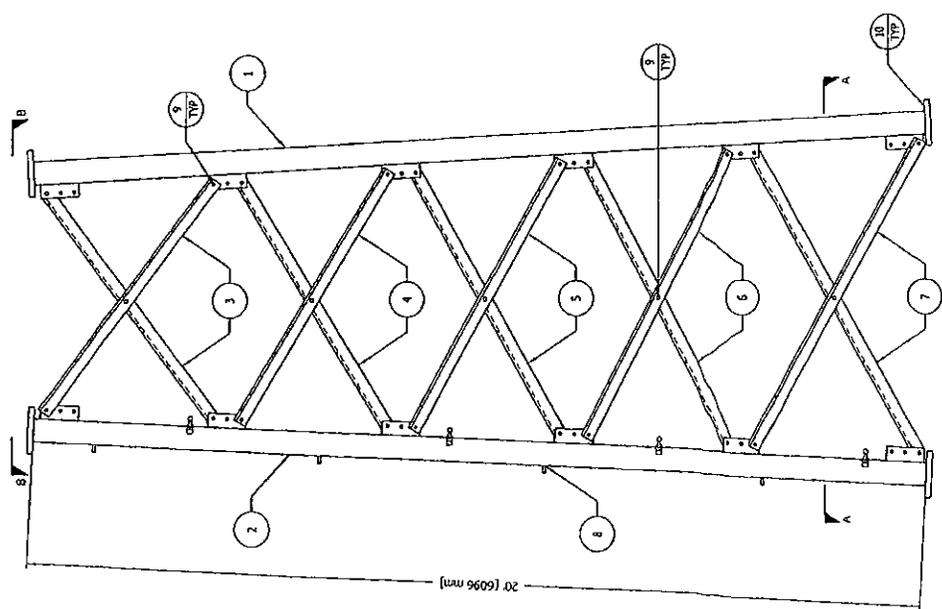
ROHN
PRODUCTS, LLC
PO BOX 9999
FORDA, IL 62611-3999
TOLL FREE 800-772-4624

BERGEGY WINDPOWER CO., INC
SECTION ASSEMBLY
DETAILS FOR SSV 7N29
GENERIC

| | | | | | |
|--------------|---------|-------|----|-------|-------------|
| DWG: | AED | CRWD: | CH | DATE: | SEP 11/1978 |
| ENCL: | 7.5 | | | | |
| DRAWING NO.: | A780168 | | | | |
| REV.: | 2 | | | | |

| ITEM | QTY | PART NO. | DESCRIPTION | DWG. NO. |
|------|-----|----------|--------------------------------|----------------|
| 1 | 2 | V1123 | LEG SSV 6-7/8 2.5EH 20 5 60P | [PIPE 76mm EH] |
| 2 | 1 | V1135 | LEG SSV 6-7/8 2.5EH 20 5 60P | [PIPE 76mm EH] |
| 3 | 6 | N71 | BRACE DS S57T L1.5X L136.571 | [L 38x38x3] |
| 4 | 6 | N72 | BRACE DS S57T L1.5X L136.021 | [L 38x38x3] |
| 5 | 6 | N73 | BRACE DS S57T L1.5X L136.35 | [L 38x38x3] |
| 6 | 6 | N74 | BRACE DS S57T L1.5X L136.69 | [L 38x38x3] |
| 7 | 6 | N75 | BRACE DS S57T L1.5X L136.92 | [L 38x38x3] |
| 8 | 16 | S/8STEP | BOLT ASSY STEP S7827 W/DRN | [M16x176] |
| 9 | 75 | 21001YCA | BOLT ASSY 1/2 X 1-1/4 MSB A325 | [M13x32] |
| 10 | 12 | 21005YCA | BOLT ASSY 3/4 X 2-3/4 MSB A325 | [M19x70] |

- GENERAL NOTES:**
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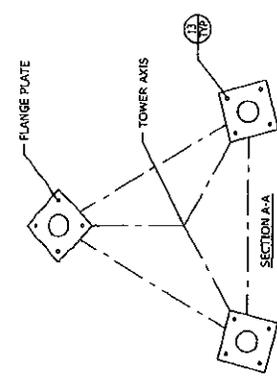
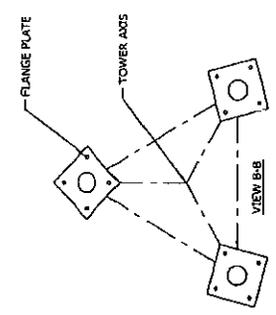
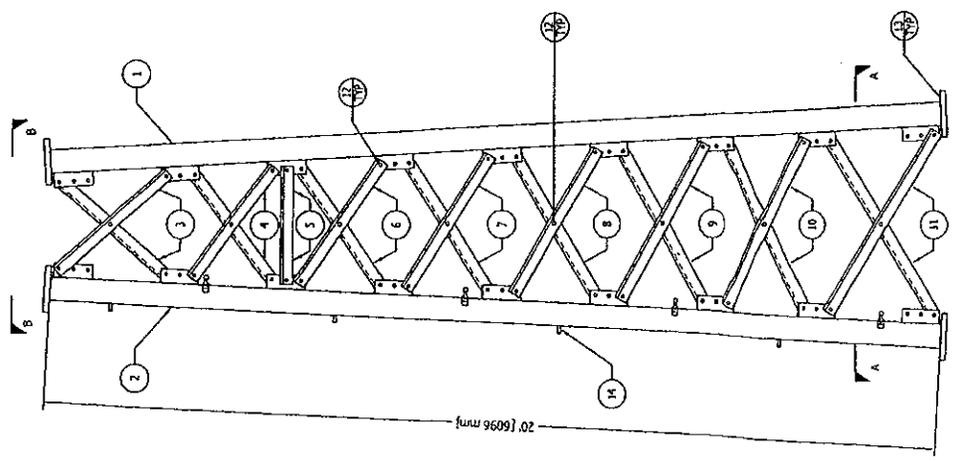
| FLANGE | OFFSET | BEVEL | FLANGE PLATE (P/N) | SPREAD |
|--------|----------------|-------|----------------------------|---------------------|
| TOP | N/A | N/A | 5" X 5" X 3/4" (P/N: R-5C) | 4" 5 3/4" [139.1mm] |
| BOTTOM | 1/4" [6mm] STD | N/A | 6" X 6" X 3/4" (P/N: R-6A) | 6" 7 1/4" [201.3mm] |

| | | | | |
|----------|--------------------------------|----------|-----|-----|
| FILE NO. | 0607018 | | | |
| REV | DESCRIPTION | DATE | CHK | APP |
| 1 | AS-DRAWN TO NEW AUTOCAD FORMAT | 08/20/98 | JK | JK |
| 2 | DATE: 08/20/98 | 08/20/98 | JK | JK |
| 3 | DATE: 08/20/98 | 08/20/98 | JK | JK |
| 4 | DATE: 08/20/98 | 08/20/98 | JK | JK |

| ITEM | QTY | PART NO. | DESCRIPTION | DWG. NO. |
|------|-----|----------|---------------------------------|----------------|
| 1 | 2 | VG52 | LEG WGT VG15 2.5STD 20" 5-5 S9 | [PIPE 64mmSTD] |
| 2 | 1 | VG52S | LEG WGT VG15 2.5STD 20" 5-5 S9 | [PIPE 64mmSTD] |
| 3 | 6 | VG62 | BRACE D VG15 11.5K 19X1.359' | [1. 38x38x5] |
| 4 | 6 | VG63 | BRACE D VG15 11.5K 19X1.615' | [1. 38x38x5] |
| 5 | 3 | VG49 | ANGLE PLATE SUPPL. 75X 18X11.25 | [1. 48x48x5] |
| 6 | 6 | VG64 | BRACE D VG15 11.5K 19X1.896' | [1. 38x38x5] |
| 7 | 6 | VG54 | BRACE D VG15 11.5K 19X2.193' | [1. 38x38x5] |
| 8 | 6 | VG55 | BRACE D VG15 11.5K 19X2.594' | [1. 38x38x5] |
| 9 | 6 | VG56 | BRACE D VG15 11.5K 19X2.995' | [1. 38x38x5] |
| 10 | 6 | VG57 | BRACE D VG15 11.5K 19X3.46' | [1. 38x38x5] |
| 11 | 6 | VG58 | BRACE D VG15 11.5K 19X4.01' | [1. 38x38x5] |
| 12 | 126 | 210017GA | BOLT ASSY 1/2" X 1-1/4 HSB A325 | [M12x42] |
| 13 | 12 | 210025GA | BOLT ASSY 5/8" X 2-1/2 HSB A325 | [M16x64] |
| 14 | 16 | 5/16STEP | BOLT ASSY STEP 5/16" W/DIN | [M16x178] |

GENERAL NOTES:

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| FLANGE | OFFSET | LEVEL | FLANGE PLATE (P/N) | SPREAD |
|--------|--------|------------|----------------------------|-------------------|
| TOP | N/A | 2 1/2" REV | 5" X 5" X 3/8" (P/N: R-5C) | 1'-0 1/2" [318mm] |
| BOTTOM | N/A | 2 1/2" STD | 5" X 5" X 3/4" (P/N: R-5C) | 2'-6 1/2" [775mm] |

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PEORIA, IL 61611-5999
TOLL FREE 800-722-8034

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BERGET WINDPOWER CO., INC.
SECTION ASSEMBLY
DETAILS FOR SSV VG55
GENERIC

| | | | | | |
|-------------|---------|-------|-----|-------|------------|
| OWNR: | GLS | CHGR: | RJM | DATE: | 08/20/1981 |
| ENGR: | TWS | | | | |
| DRAWING NO: | A810205 | | | REV: | 3 |

142.0 ft
140.0 ft

| | | | | | | | |
|-----------------|-----------|-------------------|------------------|------------------|-------------------|--------------|-------|
| Section | T7 | T8 | T9 | T4 | T3 | T2 | T1 |
| Legs | ROHN 4 EH | ROHN 3.5 EH | ROHN 3.5 EH | ROHN 3 EH | ROHN 2.5 EH | ROHN 2.5 STD | |
| Leg Grade | | | | A572-50 | | | |
| Diagonals | L3x3x3/16 | L2 1/2x2 1/2x3/16 | L1 3/4x1 3/4x1/8 | L1 1/2x1 1/2x1/8 | L1 1/2x1 1/2x3/16 | | |
| Diagonal Grade | | | A36 | A36 | | | |
| Top Chords | | | N.A. | | | | |
| Face Width (ft) | 14.896 | 12.677 | 8.6364 | 5.60417 | 4.56 | 3x112 | 1.04 |
| # Panels @ (ft) | | 9 @ 6.66667 | | 4 @ 5 | 10 @ 4 | 7 @ 2.85714 | |
| Weight (lb) | 9548.2 | 2391.6 | 1075.0 | 1189.1 | 955.3 | 793.2 | 800.4 |

120.0 ft

100.0 ft

80.0 ft

60.0 ft

40.0 ft

20.0 ft

0.0 ft

MATERIAL STRENGTH

| GRADE | Fy | Fu | GRADE | Fy | Fu |
|---------|-----------|-----------|-------|-----------|-----------|
| A572-50 | 50000 psi | 65000 psi | A36 | 36000 psi | 58000 psi |

TOWER DESIGN NOTES

1. Tower designed for Exposure C to the TIA-222-G Standard.
2. Tower designed for a 100.00 mph basic wind in accordance with the TIA-222-G Standard.
3. Tower is also designed for a 40.00 mph basic wind with 1.00 in ice. Ice is considered to increase in thickness with height.
4. Deflections are based upon a 50.00 mph wind.
5. Tower Structure Class II.
6. Topographic Category 3 with Crest Height of 100.00 ft
7. Force Couples (top of tower)
EXCEL Wind Turbine
A: 1200.00 lb, H: 2400.00 lb, M: 4800.00 lb-ft
Ice-A: 1740.00 lb, H: 1800.00 lb, M: 3600.00 lb-ft
Service-A: 1200.00 lb, H: 2400.00 lb, M: 10800.00 lb-ft
8. Connections use galvanized A325 bolts, nuts and locking devices. Installation per TIA/EIA-222 and AISC Specifications.
9. Tower members are "hot dipped" galvanized in accordance with ASTM A123 and ASTM A153 Standards.
10. Welds are fabricated with ER-70S-6 electrodes.

ALL REACTIONS
ARE FACTORED

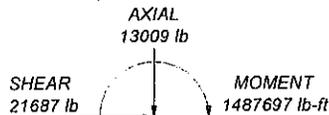
MAX. CORNER REACTIONS AT BASE:

DOWN: 121212 lb
SHEAR: 13308 lb

UPLIFT: -104608 lb
SHEAR: 11327 lb



TORQUE 1 lb-ft
40.00 mph WIND - 1.00 in ICE



TORQUE 7 lb-ft
REACTIONS - 100.00 mph WIND

| | |
|--|--|
| <p>Bergey Windpower Company 2200 Industrial Blvd. Norman, Oklahoma Phone: 405-364-4212 FAX: 405-364-2078</p> <p>Power from the Wind</p> | <p>Job: Excel-10 Turbine on Rohn SSL-140 Tower @ 100 mph basic wind speed</p> |
| | <p>Project: Analysis - IBC-2012, NYBC-2010 & ACI 318-11 Standards</p> |
| | <p>Client: United Wind: Topo category 3 (Crest <= 100 ft); Exposure C; 1.0 inch ice</p> |
| | <p>Code: TIA-222-G</p> |
| | <p>Path: <small>C:\Users\Ken\B\C\Projects\Towers\Rohn\SSL\Analysis\Excel-10\Drawings\140_T90_G5_V_140_222G.dwg</small></p> |
| <p>Drawn by: Ken Craig, P.E.</p> | <p>App'd:</p> |
| <p>Date: 06/02/14</p> | <p>Scale: NTS</p> |
| <p>Dwg No. E-1</p> | |

| | | |
|---|---|---------------------------------------|
| tnxTower Bergey Windpower Company 2200 Industrial Blvd. Norman, Oklahoma Phone: 405-364-4212 FAX: 405-364-2078 | Job Excel-10 Turbine on Rohn SSL-140 Tower @ 100 mph basic wind speed | Page 1 of 25 |
| | Project Analysis - IBC-2012, NYBC-2010 & ACI 318-11 Standards | Date 15:34:54 06/02/14 |
| | Client United Wind: Topo category 3 (crest <= 100 ft); Exposure C; 1.0 inch ice | Designed by Ken Craig, P.E. |

Tower Input Data

The main tower is a 3x free standing tower with an overall height of 140.00 ft above the ground line.
The base of the tower is set at an elevation of 0.00 ft above the ground line.
The face width of the tower is 1.04 ft at the top and 14.70 ft at the base.
This tower is designed using the TIA-222-G standard.
The following design criteria apply:

- Basic wind speed of 100.00 mph.
- Structure Class II.
- Exposure Category C.
- Topographic Category 3.
- Crest Height 100.00 ft.
- Nominal ice thickness of 1.00 in.
- Ice thickness is considered to increase with height.
- Ice density of 56 pcf.
- A wind speed of 40.00 mph is used in combination with ice.
- Temperature drop of 90 °F.
- Deflections calculated using a wind speed of 50.00 mph.
- Connections use galvanized A325 bolts, nuts and locking devices. Installation per TIA/EIA-222 and AISC Specifications..
- Tower members are "hot dipped" galvanized in accordance with ASTM A 123 and ASTM A 153 Standards..
- Welds are fabricated with ER-70S-6 electrodes..
- A non-linear (P-delta) analysis was used.
- Pressures are calculated at each section.
- Stress ratio used in tower member design is 1.
- Local bending stresses due to climbing loads, feed line supports, and appurtenance mounts are not considered.



Decommissioning Plan- Bergey Excel 10kw and Endurance E3120 50kw Wind Turbine

Modern wind turbines have a design life of 20 years although the far majority of turbines continue to produce energy long after 20 years. Like any machine, this life cycle will be dictated by scheduled maintenance and United Wind ensures that all regularly scheduled maintenance and repairs will be arranged according to manufacturer's recommendations. The Project Owner, in conjunction with the installer and manufacturer, will monitor system performance via a smart Internet meter and the manufacturer's remote monitoring system.

The Wind Turbine has a 10 year manufacturer's warranty with another 10 year warranty covered by United Wind to reach a total of a 20 year warranty (the term of the lease). Spare parts are readily available from the manufacturer. The Bergey Excel 10kw turbine planned for this project has over 1000 installations in the US and has a highly capable and experienced technical and manufacturing team behind it.

For any large failures of major equipment in the first ten years, repairs will be covered through the warranty claims. Incidents outside of the warranty (force majeure) are covered by an insurance policy held by United Wind. In the event of an alternator failure, cranes are readily available in the local area to support repairs. If problems occur that are not immediately resolved by the installer, the manufacturer's engineers are available for technical assistance.

Wind turbine towers are designed with a 50-year or longer design life and could be fitted with new technologies for future deployment. Additionally, much of the infrastructure necessary to support a project will remain in place, which would make the installation of a new technology more feasible, as well as economically beneficial, as compared to dismantling the turbine, tower, and foundation.

United Wind's WindLease program is a twenty year lease program, paid in monthly installments. At the end of the twenty years, the lessee has the right to purchase the turbine at the fair market value or ask United Wind to decommission the turbine. The wind turbine applicant will control the site of the turbine for the useful life of the turbine.

Decommissioning of a wind turbine is a fairly simple process that does not require significant consideration or planning. Dismantling and disposal of project components will be the responsibility of the project owner. This will include all wind turbine related components and associated waste at the end of the useable life of the wind turbine. The wind turbine and tower will be removed, refurbished and sold or recycled for scrap. The process for removing the wind turbine is similar to the installation steps, performed in reverse. Site reclamation is included within the lease agreement between the land owner and the project owner. Abandonment is not a consideration for this project.

Decommissioning is estimated to cost \$7,000 for Bergey Excel 10kw turbines and \$13,500 for Endurance E3120 50kw machines. The scope of work is the following follows:

- Dismantling the turbine hub, nacelle, blades, and tower using a mobile crane
- Approximately half of turbine foundation will be left in place
- The top portion of the foundation will be removed to a depth consistent with New York Ag and Market guidelines.
- Pneumatically driven jackhammers will be used to break up and remove sections of the foundation into manageable sizes before being loaded in trucks for removal from the site
- Rebar/metal framework, conduits, and anchor bolts will also be cut and removed



- Excavated areas will be backfilled with subsoil and topsoil to a depth of 3 feet that match the natural grade, and the area will be graded and contoured
- Decommissioning of below ground cables will involve excavation of lines at all connection points
- The cables at each connection point will be cut and the ends will be buried to depth consistent with Ag. and Market guideline. This will cause less agricultural land disturbance than complete cable removal and will have no negative effects on the soil, environment or cultivation practices

This cost figure was computed considering:

- The time and labor rate required for disassembly of the turbine hub, nacelle, blades, and tower
- Daily crane rental rates
- Transport costs to a scrapping depot
- Jackhammers and material handling equipment required for disassembly
- Refill fresh soil
- Project management costs for overseeing dismantling
- Minus the revenues from sale of scrap metal

The applicant commits to maintaining responsibility for the wind turbine and requests that no further demands are made to account for planning for impossible scenarios of abandonment. As described above, the project has been designed for long term ownership and the project team has a vested interest in the highest quality system maintenance, since profits are tied directly to system performance. The project team has adequate management and oversight in place to ensure that this project continues to operate at peak output level throughout the twenty year lease and beyond.

REQUEST FOR ACTION BY:
TOWN OF CLARENCE, N.Y.

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other

Rec'd. by: Jonathan Bleuer
Date August 10, 2016

Action Desired Applicant requests a variance to allow for an accessory structure to be located in the front yard setback of 8300 Clarherst Drive in the Residential Single-Family zone.

Reason §229-55 (D)

PLEASE PRINT

| | | | |
|------------------|------------------------|------------|--|
| Name | Donna J. Kaminska | | |
| Address | 8300 Clarherst Drive | | |
| | East Amherst, NY 14051 | | |
| Town/City | State | Zip | |
| Phone | 741-9689 | | |
| Signed | SIGNATURE ON FILE | | |

Requests for action on zoning should be filled out completely in above spaces if practicable, otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

- Approved
- Rejected by on 20
- Approved
- Rejected by on 20
- Published (Attach Clipping) on 20
- Hearing Held by on 20

Final Action Taken

- Approved
- Rejected by on 20
- Published (Attach Clipping) on 20
- Filed with Town Clerk on 20
- Filed with County Clerk on 20



Proposed 140 sqft accessory structure

* note the parcel lines displayed are approximate

8300 Clarherst Drive





Linda 481-7019
 P.O. Box 97 • East Amherst, NY 14051
 Phone: (716) 406-2291 • Fax: (716) 406-2293
 www.SturdiBuiltSheds.com

3613

APPROXIMATE DELIVERY DATE: _____
 LOAD NO.: _____

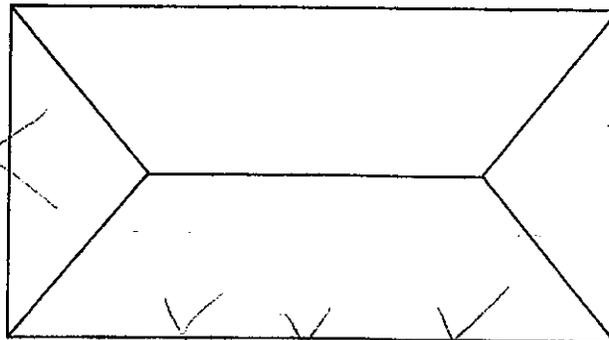
BUILT TO ORDER. BUILT TO LAST.

NAME: Robert Kaminska DATE: July 9, 2016
 ADDRESS: 8300 Claverherst Dr. COUNTY Erie SALES LOCATION Linda
 CITY: E Amherst STATE: NY ZIP: 14051
 HOME PHONE: (716) 741-9689 WORK/CELL PH: (716) 983-7054

NOTE: Not responsible for damage to shrubbery, lawns, trees, driveways, inaccessible sites or unprepared pads.

| TERMS: | VINYL <input checked="" type="checkbox"/> | | SIZE: <u>10 X 14</u> <u>5539</u> | |
|--|--|--|--|---|
| TYPE | SIDING | ALUM. TRIM | SHUTTERS | OPTIONS |
| <input checked="" type="checkbox"/> HERITAGE <input type="checkbox"/> KEYSTONE <input type="checkbox"/> BELMONT <input type="checkbox"/> WORKSHOP GAR. <input type="checkbox"/> WORKSHOP <input type="checkbox"/> HI-BARN <input type="checkbox"/> CARRIAGE <input type="checkbox"/> CHALET <input type="checkbox"/> VICTORIAN <input type="checkbox"/> CORNER NOOK <input type="checkbox"/> RANCHER <input type="checkbox"/> VILLA <input type="checkbox"/> HERITAGE GAR. <input type="checkbox"/> _____ | <input checked="" type="checkbox"/> BEIGE <input type="checkbox"/> KHAKI (CLAY) <input type="checkbox"/> IVORY <input type="checkbox"/> PEWTER <input type="checkbox"/> SAND <input type="checkbox"/> SLATE BLUE <input type="checkbox"/> TAN <input type="checkbox"/> WICKER <input type="checkbox"/> WHITE <input type="checkbox"/> OLIVE <input type="checkbox"/> _____ | <input type="checkbox"/> BLACK <input type="checkbox"/> BLUE <input type="checkbox"/> BROWN <input type="checkbox"/> DARK GRAY <input type="checkbox"/> DARK GREEN <input type="checkbox"/> GRECIAN GREEN <input type="checkbox"/> KHAKI <input type="checkbox"/> TAN <input type="checkbox"/> SANDST. BEIGE <input type="checkbox"/> RED <input type="checkbox"/> WICKER <input type="checkbox"/> TERRATONE <input checked="" type="checkbox"/> WHITE WOOD TRIM PAINT <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ | <input type="checkbox"/> ALMOND <input type="checkbox"/> BEDFORD BLUE <input type="checkbox"/> BLACK (RP) <input type="checkbox"/> BROWN (RP) <input type="checkbox"/> CLAY (RP) <input type="checkbox"/> GRAY (RP) <input checked="" type="checkbox"/> DARK GREEN <input type="checkbox"/> GREEN (RP) <input type="checkbox"/> PACIFIC BLUE (RP) <input type="checkbox"/> PAINTABLE (RP) <input type="checkbox"/> RED (RP) <input type="checkbox"/> SLATE BLUE <input type="checkbox"/> WHITE (RP) <input type="checkbox"/> WEATHERWOOD <input type="checkbox"/> MAROON (RP) <input type="checkbox"/> RAISED PANEL <input type="checkbox"/> _____ | VENTS <input checked="" type="checkbox"/> PRESSURE TREATED FLOOR & JOIST <input checked="" type="checkbox"/> WINDOW(S) & SHUTTERS <input checked="" type="checkbox"/> FLOWER BOXES <input type="checkbox"/> COLOR: <u>Trans windows w/</u> <u>Ridge Vent n/d</u> <u>Loft 110.00</u> <u>wk bench 40.00</u> <u>Kamp 95.00</u> <u>5' Sill 35.00</u> <u>3' Sill 25.00</u> |
| SHINGLES | | | | |
| <input type="checkbox"/> 3-TAB <input checked="" type="checkbox"/> 30 YR ARCH <input type="checkbox"/> DUAL BLACK <input checked="" type="checkbox"/> DUAL BROWN <input type="checkbox"/> DUAL GRAY <input type="checkbox"/> CHARCOAL GRAY <input type="checkbox"/> DRIFTWOOD <input type="checkbox"/> EARTH. CEDAR <input type="checkbox"/> VINTAGE GREEN <input type="checkbox"/> WEATHERWOOD <input type="checkbox"/> METAL ROOF <input type="checkbox"/> TAR/FELT PAPER <input type="checkbox"/> _____ | | | | |

to 1500.00



5399
 1080

 4319

Built on Site at 25% total cost

Buyer agrees to the following: \$30.00 fee for returned check. Buyer's structure will be custom built to the above specification. In case of cancellation after 10 days of acceptance of contract or site inaccessibility, 30% of total sale amount is non-refundable. Buyer is responsible for the site preparation, accessibility, as well as any required building, and or township permits. Buyer understands that trimming trees, moving fences, or any other access obstacles are the responsibility of the Buyer prior to our scheduled delivery. We respect your property, but cannot be responsible for ruts in your lawn.

Cash Check Charge

4254

Credit Card Number _____

Exp. Date _____ V-Code _____

| | |
|---------------|---------|
| PRICE | 4319.00 |
| OPTIONS | 355.00 |
| SITE PREP | |
| DELIVERY | |
| SUBTOTAL | 4674.00 |
| TAX | 408.98 |
| TOTAL | 5082.98 |
| DEPOSIT (30%) | 1500.00 |
| BALANCE DUE | 3582.98 |

Customer Signature: [Signature]









Kaminska, Donna

From: Bob Kaminska <Bob.Kaminska@wegmans.com>
Sent: Wednesday, August 10, 2016 8:57 AM
To: Kaminska, Donna
Subject: variance

Thank you for considering our request for a variance regarding the placement of a shed. We are dealing with an irregular-sized lot, on a cul-de-sac with a circular border to our property.

The location we are proposing was chosen because it is the location of a pre-existing 40 foot pine tree which we unfortunately lost this year. The pine tree was well established when we bought the property 30 years ago, and became the focal point of our rear yard where trees, shrubs, etc. were built around. Removing the tree caused a gaping hole in the rear yard, depriving us of some back yard privacy, as well as disrupting the contour/appearance of the other landscaping.

The location of the shed will be in this pre-existing space causing the closest corner (to the street) of the shed to lie 36 feet from the road surface of the cul-de-sac circle. It also happens that the 36 feet intersects at the point of the circle where it is the most wide, and cuts into our rear yard the furthest. An additional measurement, taken from what would be the center of the back of the shed, to where our property line meets the circle would be 45 feet.

Our understanding of the setback requirement pertains to front yards only. We didn't think it would pertain to a rear yard. Even so, the shed will be of a premium design, finished with siding and trim matching our home and garage. It will be landscaped appropriately, and once again, will fall in line with the existing landscape and design of our property.

Thank you.



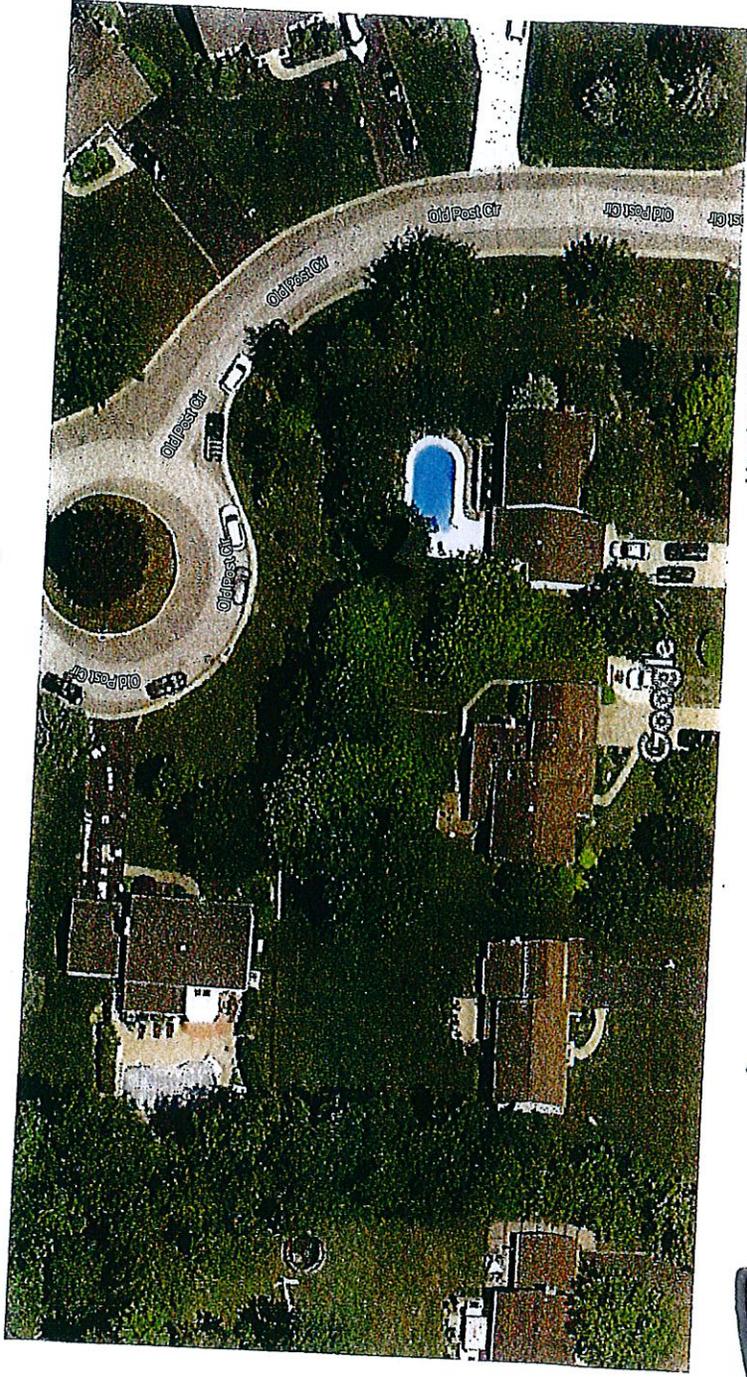
Bob Kaminska

Wegmans Food Markets, Inc.
1885 Chili Ave.
Rochester, NY 14624

Phone: 585-463-4052
Cell: 716-983-7056

8300 clarherst, east amherst, ny - Google Maps

Google Maps 8300 clarherst, east amherst, ny



Tree has been removed.
Shed will be placed where
tree was located.

REQUEST FOR ACTION BY:
TOWN OF CLARENCE, N.Y.

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other

Rec'd. by: Jonathan Bleuer
Date August 31, 2016

Action Desired Applicant requests a variance of 20' to allow for a 25' setback for a swimming pool within the front yard setback located at 8602 Lakemont Drive in the Residential Single-Family zone.

Reason §196-3 (C)

Representative:

PLEASE PRINT

Kevin Revak

Colly Pools

585-317-9200

| | | | |
|-----------|---------------------|-----|-------|
| Name | Paul T. Hudson | | |
| Address | 8602 Lakemont Drive | | |
| | East Amherst | NY | 14051 |
| Town/City | State | Zip | |
| Phone | 860-1225 | | |

Signed SIGNATURE ON FILE

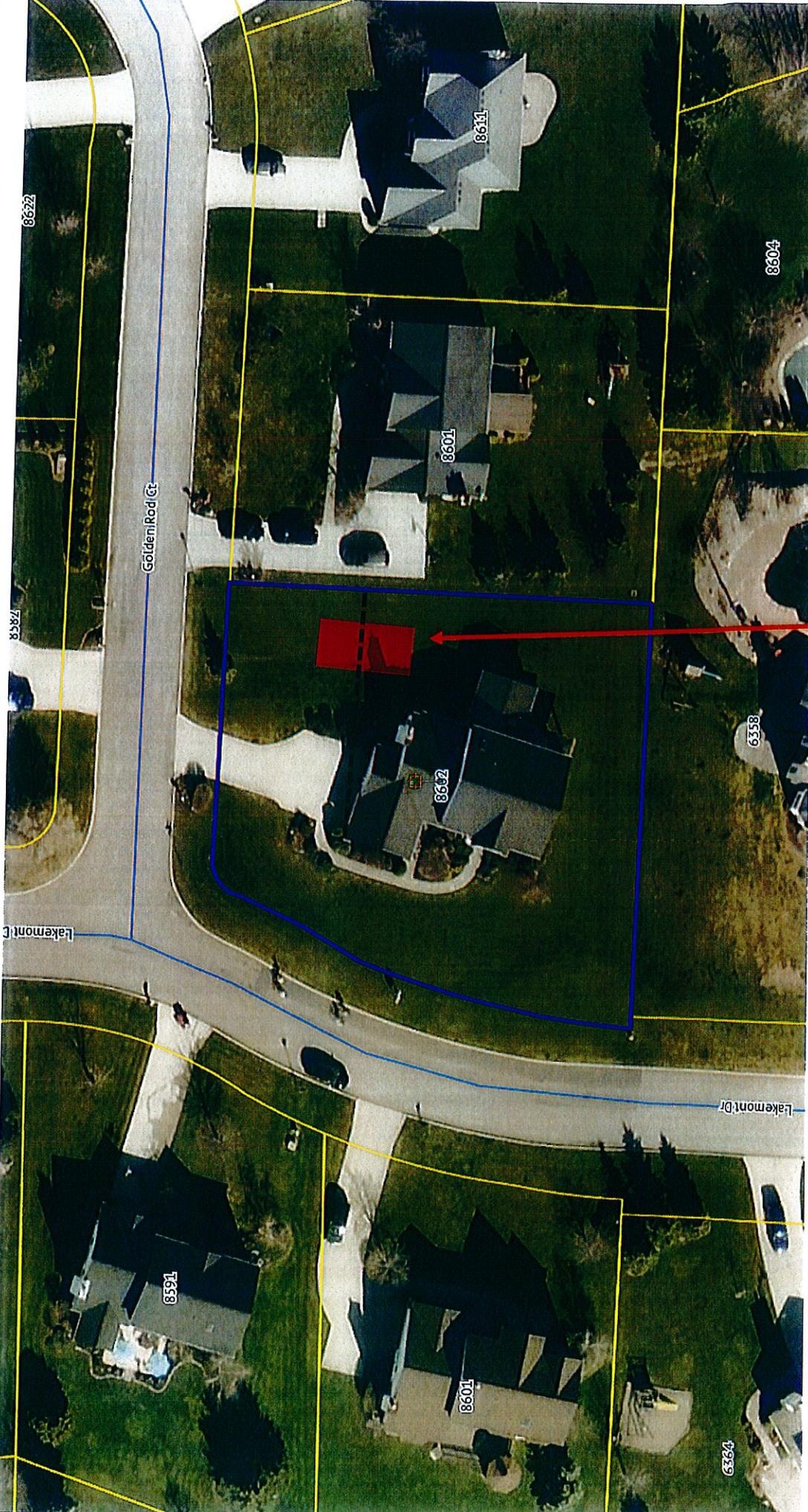
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Initial Action

- Approved
- Rejected by on 20
- Approved
- Rejected by on 20
- Published (Attach Clipping) on 20
- Hearing Held by on 20

Final Action Taken

- Approved
- Rejected by on 20
- Published (Attach Clipping) on 20
- Filed with Town Clerk on 20
- Filed with County Clerk on 20

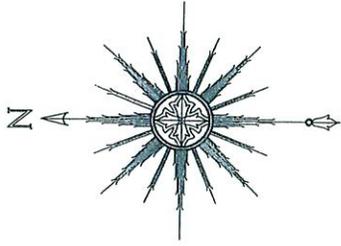


* note the parcel lines displayed are approximate

8602 Lakemont Drive

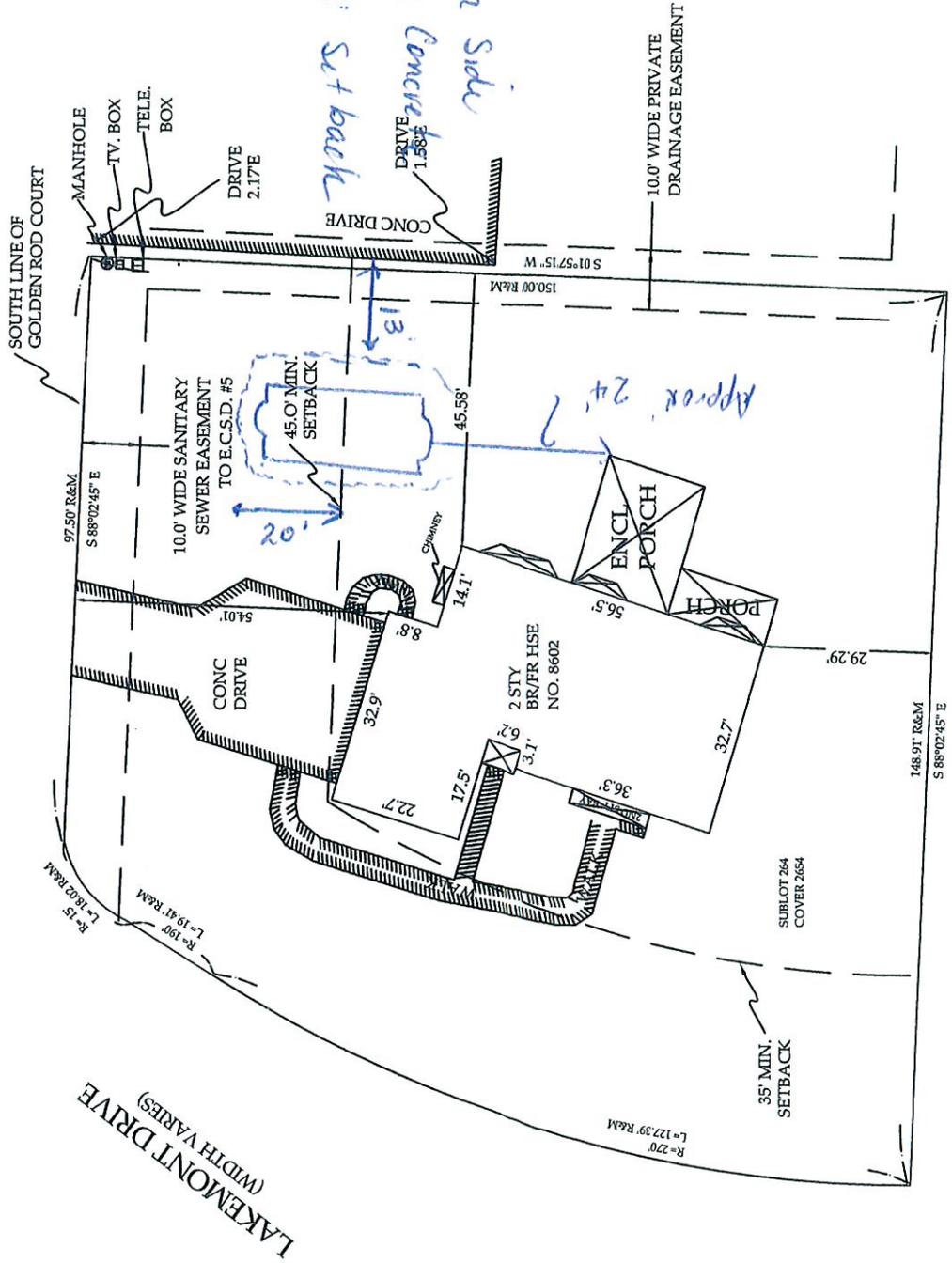


Proposed in-ground swimming pool 20' into the existing 45' front yard setback



13' from Side
Lot line to Concrete
20' Past 45' setback

GOLDEN ROD COURT
60' WIDE



10.0' WIDE PRIVATE DRAINAGE EASEMENT

LAKEMONT DRIVE
(WIDTH VARIES)

SUBLOT 264
COVER 264

35' MIN.
SETBACK

R=270
L=17.39 R&M

148.91' R&M
S 88°02'45" E

29.29'

150.00 R&M

S 01°57'15" W

Approx 24'

45.0' MIN.
SETBACK

DRIVE
1.58E

DRIVE
2.17E

MANHOLE
TV. BOX
-TELE.
BOX

SOUTH LINE OF
GOLDEN ROD COURT

97.50' R&M
S 88°02'45" E

CONC
DRIVE

54.0'

14.1'

8.8'

32.9'

17.5'

3.1'

36.3'

22.7'

32.7'

56.5'

ENCL
PORCH

PORCH

29.29'

148.91' R&M
S 88°02'45" E

35' MIN.
SETBACK

SUBLOT 264
COVER 264

R=270
L=17.39 R&M

10.0' WIDE PRIVATE DRAINAGE EASEMENT

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DRIVE
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29.29'

148.91' R&M
S 88°02'45" E

35' MIN.
SET

August 30, 2016

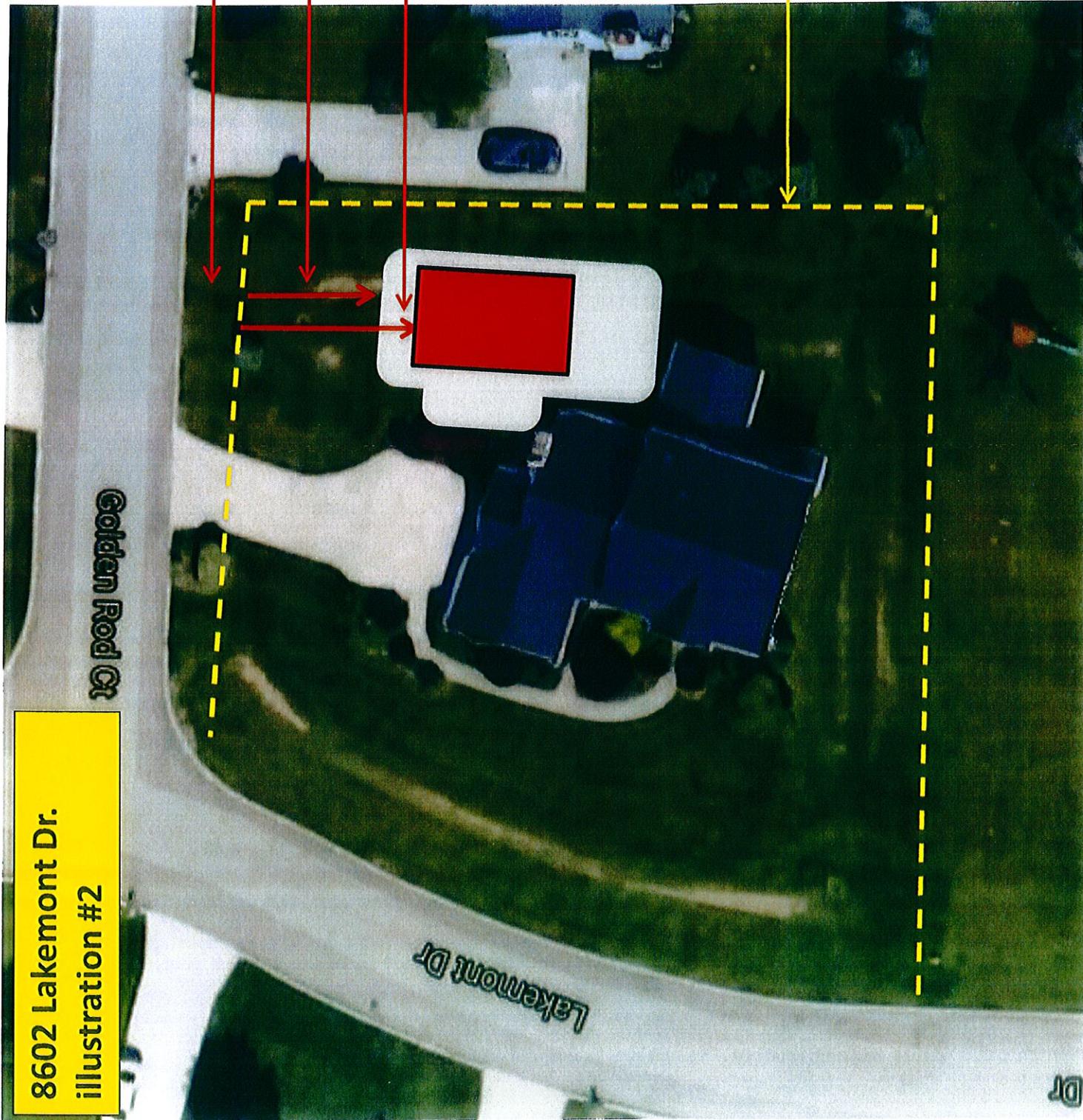
Paul & Tamara Hudson
8602 Lakemont Drive
East Amherst, NY 14051

Town of Clarence Zoning Board
One Town Place
Clarence, NY 14031
Re: Variance Request – Established 45' setback

We are requesting a variance to the established 45' feet front-yard setback to install an in-ground swimming pool. The proposed variance equates to 20' to the edge of the concrete surrounding the pool or 13' to the edge of the pool itself (we are uncertain regarding which of these setbacks are applicable in accordance with town standards).

- This property is a corner lot which is irregular in shape (Lakemont Dr. & Golden Rod Ct.). The only logical location for a swimming pool is directly behind our residence adjacent to the north side of an existing attached covered & enclosed screen room.
- It should be noted that there is approximately 13'-16' of additional grass between the property line and the curb at the street (Golden Rod Ct.), therefore with the proposed setback from the property line there would still be a minimum of 45' setback from the actual street to the edge of the pool.
- The perimeter of the pool will be secured with attractive aluminum fencing in accordance with town ordinances.
- The entire yard and pool area will be tastefully landscaped with greenery including trees, shrubs, flowers, stones and decorative rocks etc. as to provide privacy and to be visually appealing from all vantage points.
- The proposed pool location and aluminum fencing does not obstruct or interfere with any sightlines from either corner (Lakemont Dr. & Golden Rod Ct.)
- The project and proposed variance has been discussed with all three neighbors including the two that directly adjoin our property as well as the neighbor directly across the street on the North Side of Golden Rod Ct. These property owners have no opposition to the requested variance and the signed neighbor notifications were submitted in conjunction with the variance application.
- There are other properties in the immediate neighborhood that occupy corner lots and also have in-ground swimming pools in their "front" yards with approximate setbacks of 30' from their property lines to the edge of their pools. We are to assume that similar variances were granted to these property owners located at 8409 Bridlewood Dr. & 6269 Crosswinds Ct.

8602 Lakemont Dr.
illustration #2



15' from Property Line to curb
on south line of Golden Rod Ct

Proposed 25'0"
Setback to Edge of Concrete

Proposed 32'0"
Setback to Edge of Pool

Note that the parcel lines
are approximate



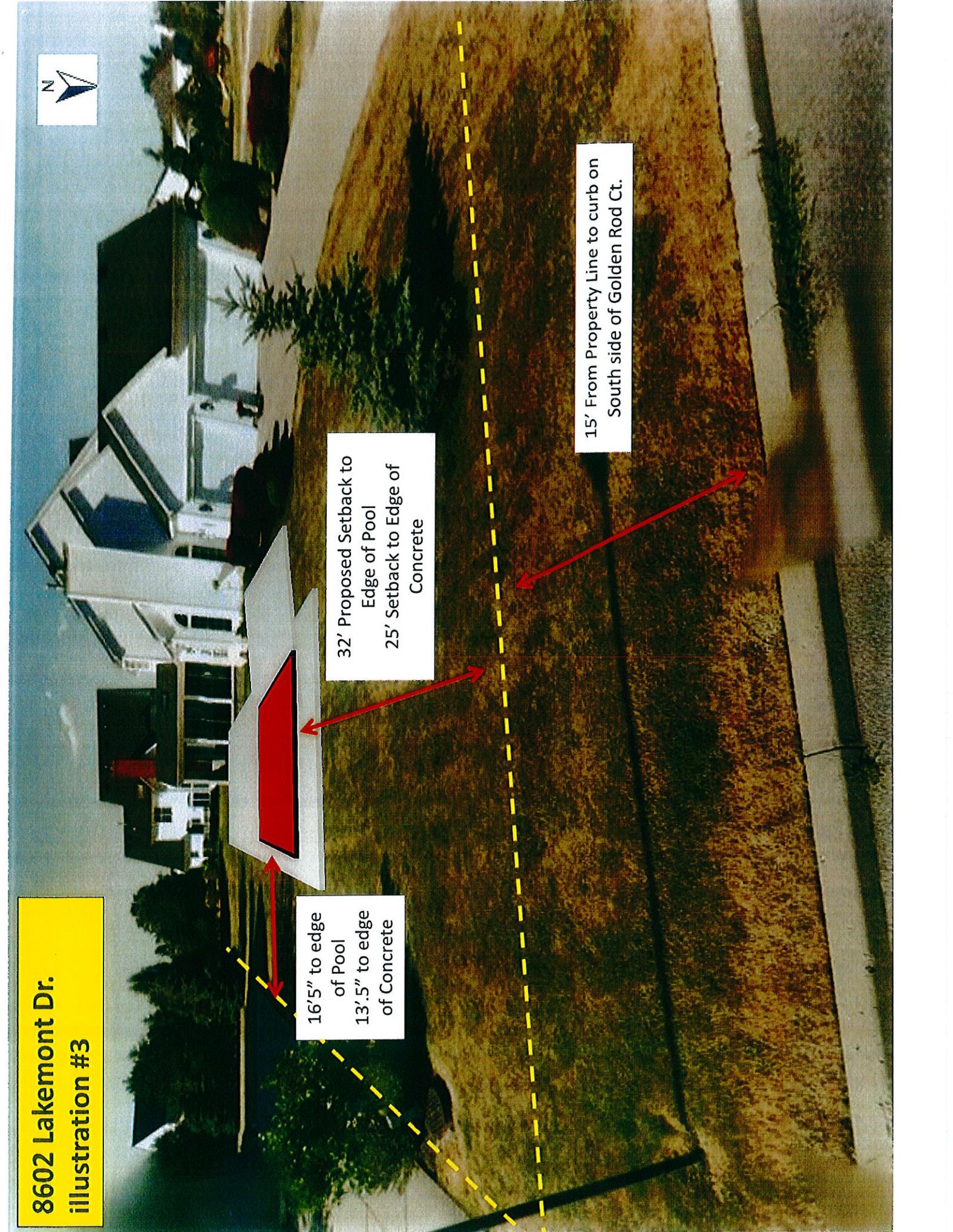
8602 Lakemont Dr.
illustration #3

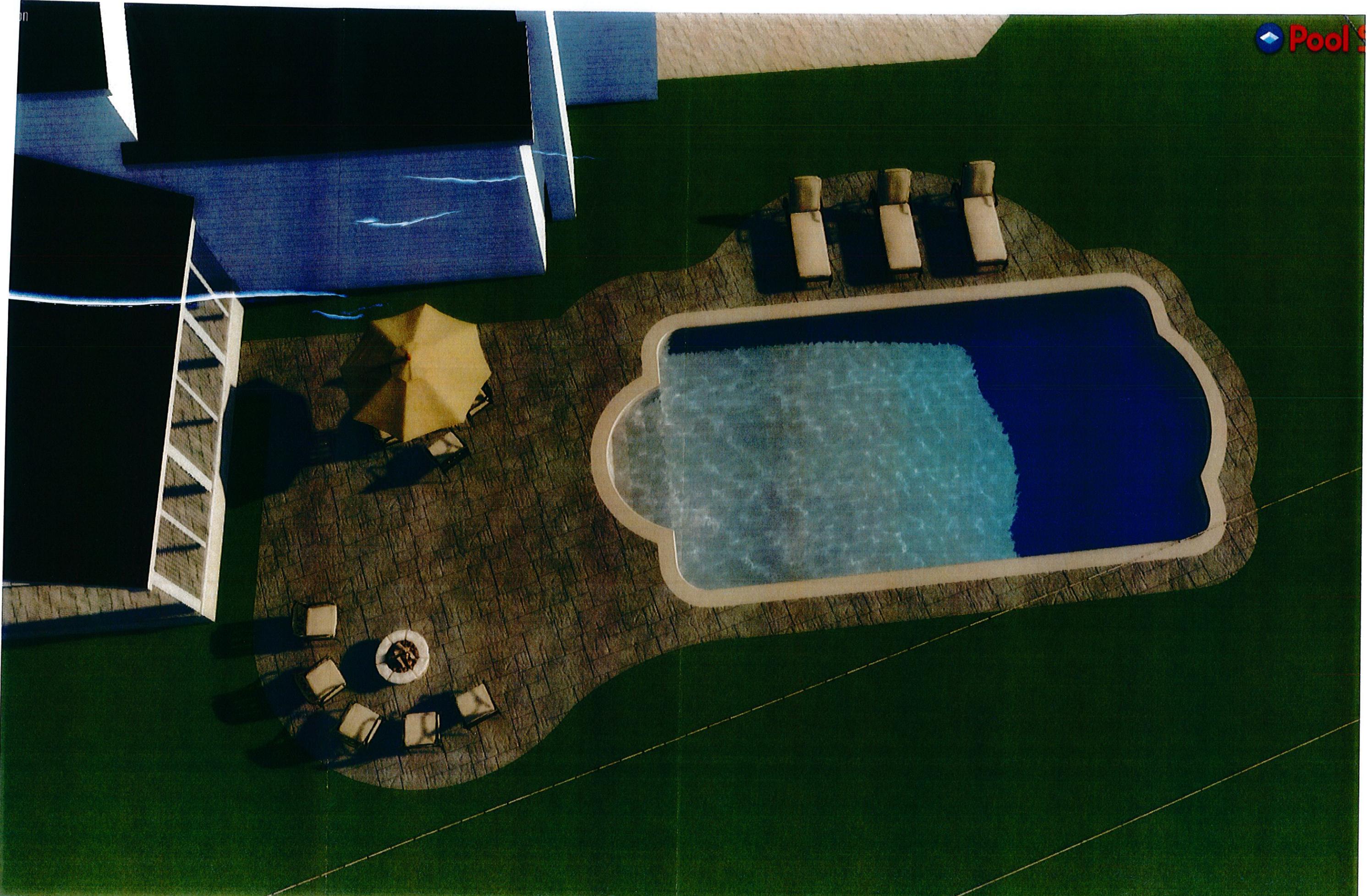


16'5" to edge
of Pool
13'.5" to edge
of Concrete

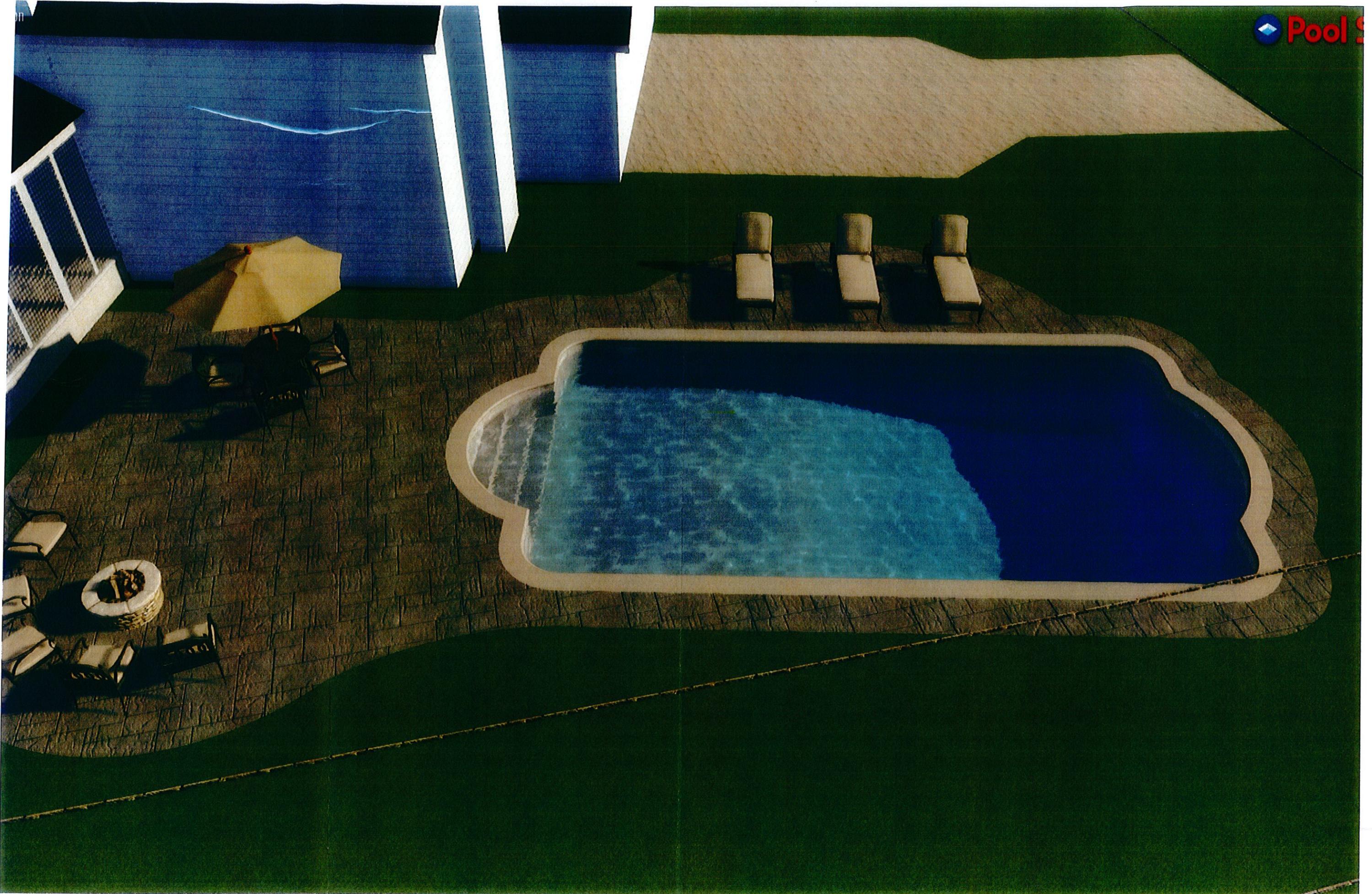
32' Proposed Setback to
Edge of Pool
25' Setback to Edge of
Concrete

15' From Property Line to curb on
South side of Golden Rod Ct.









REQUEST FOR ACTION BY:

TOWN OF CLARENCE, N.Y.

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other

Rec'd. by: Jonathan Bleuer

Date August 24, 2016

Action Desired Applicant requests a variance of 3' to allow for a 7' side yard setback for a detached accessory structure located at 6340 Lakemont Court in the Residential Single-Family zone.

Reason §229-55 (E) (1)

PLEASE PRINT

| | | | |
|------------------|------------------------|------------|--|
| Name | Michael Patti | | |
| Address | 6340 Lakemont Court | | |
| | East Amherst, NY 14051 | | |
| Town/City | State | Zip | |
| Phone | 716-560-9071 | | |
| Signed | SIGNATURE ON FILE | | |

Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

- Approved
- Rejected by on 20
- Approved
- Rejected by on 20
- Published (Attach Clipping) on 20
- Hearing Held by on 20

Final Action Taken

- Approved
- Rejected by on 20
- Published (Attach Clipping) on 20
- Filed with Town Clerk on 20
- Filed with County Clerk on 20



Proposed 120 sqft accessory structure with 7' side setback

* note the parcel lines displayed are approximate

6340 Clarherst Court



To Whom It May Concern:

I am proposing to put a shed at the end of my driveway that is 12x10 ft in size (12 foot across the driveway (front) and 10 ft deep towards the back of my lot. I am requesting a 3 ft variance so that my shed may sit 7 ft from my adjacent neighbors' property line. Here is my rationale for requesting this:

I need this size shed to accommodate my storage needs and to also be able to buy the shed that will look the nicest from the road. The shed I would like to purchase from Sturdi -Built Sheds is the Chalet model.(please see the photo I have attached) It has a roof dormer, windows, shutters, is sided, and has a nine light door on the front of the shed. It is the most expensive model due to the trim, details, and architecture of the shed. I am spending the extra money on the shed because I believe that this shed will look more like a permanent garage and will more closely match the house looking less like a storage shed for the visual look of my house and neighborhood. If I go shorter than 12 ft across the front I will not have the length needed to fit the door, shutters, and windows across the front and would be forced to get a much plainer shed that would not look as nice or meet my storage needs. The 12 foot dimension is necessary.

What I am proposing to do is to place my shed 10 ft from my house. This is not only the current fire-code but I require that distance for another reason. I need to place the shed a minimum of 10 ft from my house because I have a cement sidewalk that goes from the driveway to the backyard, along the house, that comes out 6 ft from the house. (I have drawn this on my survey and it appears on the Google picture I have provided). I would need some extra room for a person to safely walk down that side walk and not bump into the shed or hit their head on an overhang. I also would like to have the room to get a vehicle down to the lake in the event I needed to have any work done as well. Anything closer than 10ft from my house and the passage way from the sidewalk to the shed would be very crowded.

If I place my shed 10 ft from my house and the shed is 12 ft across, this would leave me 7.64 ft. to my neighbors adjoining property line. I have spoken to my neighbors and showed them where the shed will sit and this is not an issue for them. The shed is actually tucked into a perfect spot. My neighbors have huge Juniper bushes that are over 9 ft tall that will block the view of my shed from their back yard. My other neighbor to my other side can not even see that side of my house from his.

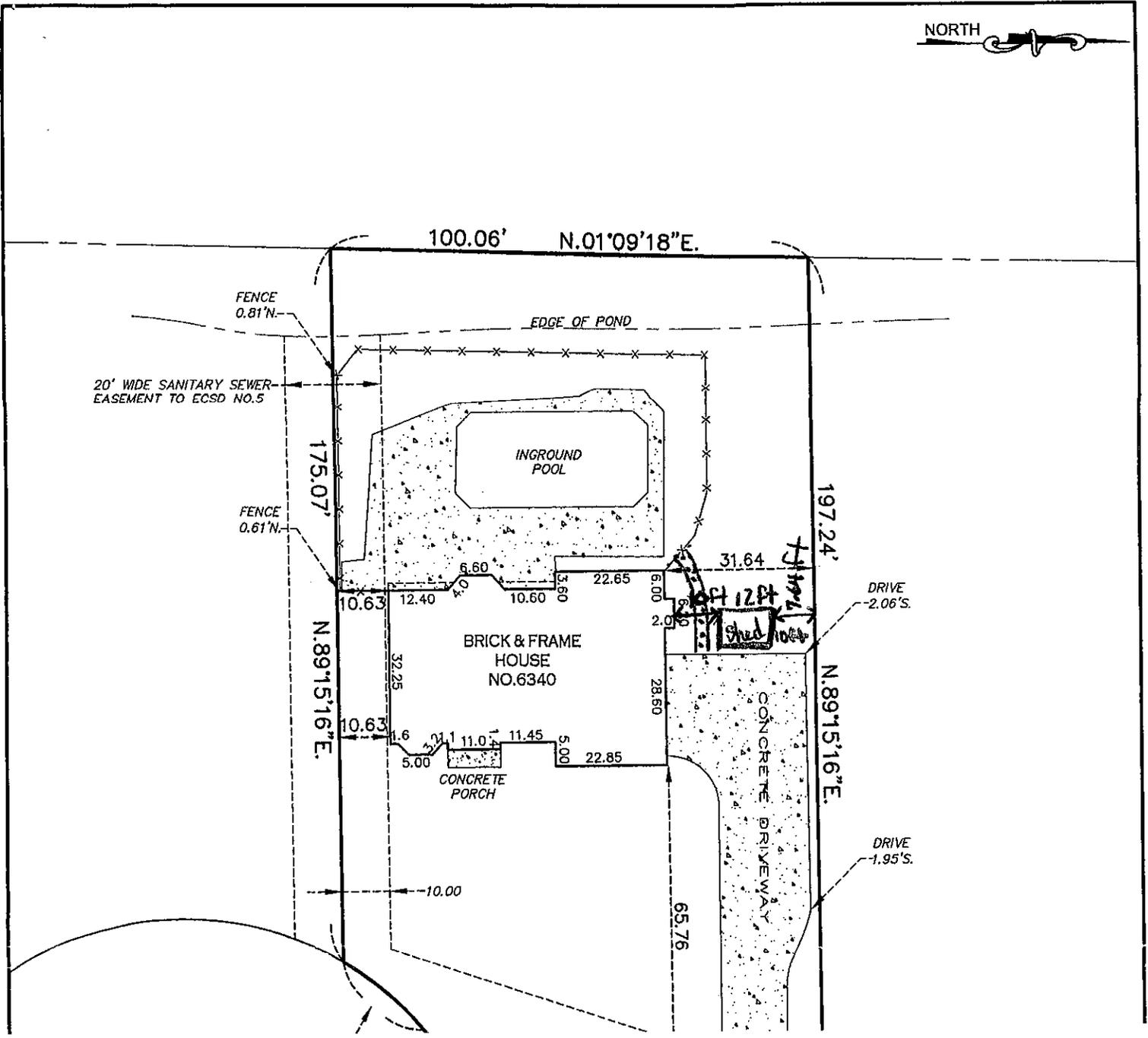
If you examine my property, this is the only location that this shed could go. Being on the driveway creates easy access for my things. If I were to go behind my house in order to get the set-back and distances required by code, I would surely block my neighbors view, and my own, of the lake and waterway that runs behind us. I am trying to meet my storage needs but also be a good neighbor by putting up something of quality that looks nice but does not block the wonderful views that we share in our back yards.

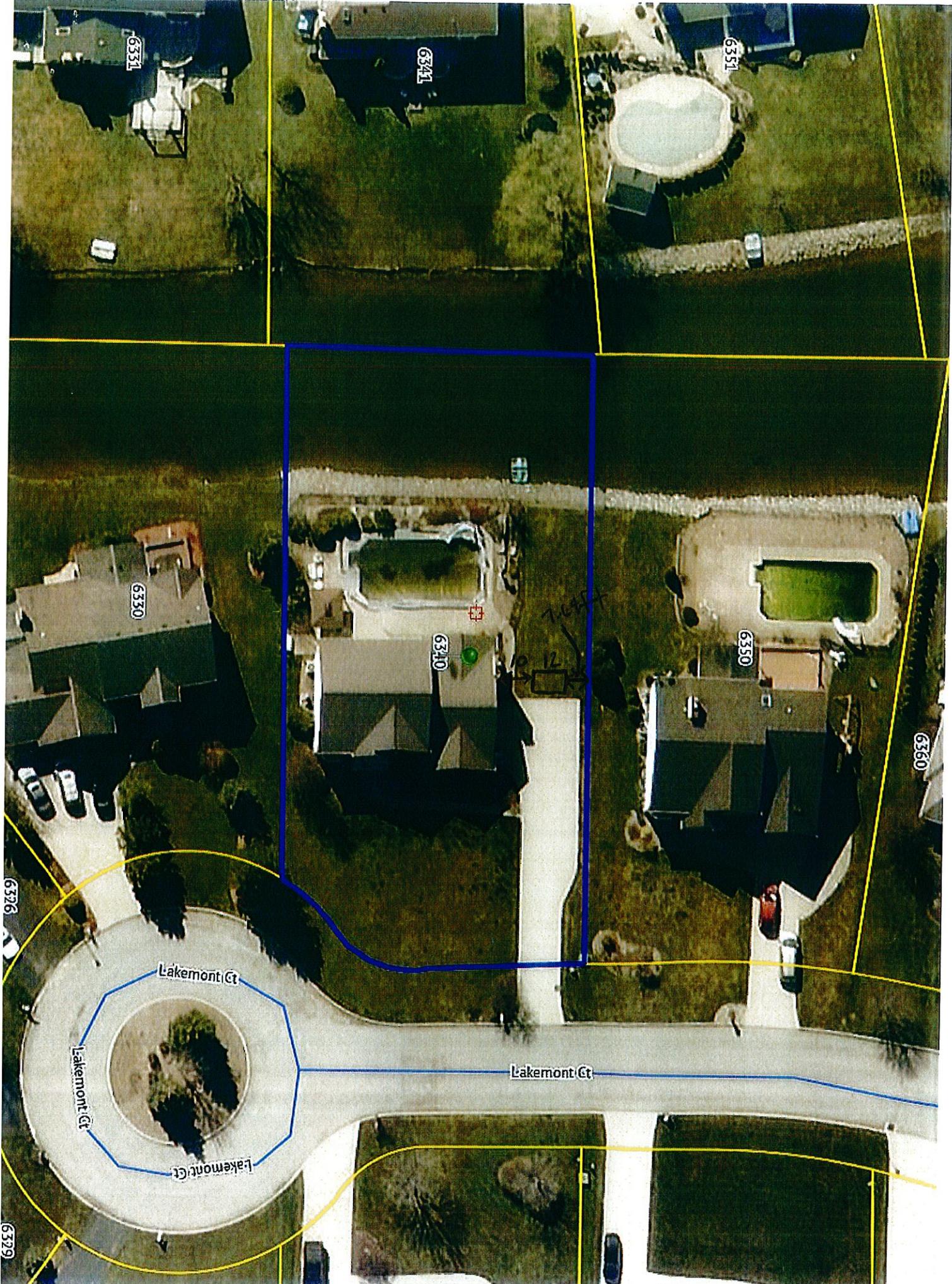
I believe my neighbors would prefer the shed where I propose to put it:

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Pat". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

NORTH 







GENERAL SPECIFICATIONS

| | | | |
|-----------------|---|-----------------------------|--|
| Foundation: | 4 x 4 pressure-treated lumber | Shingles: | Self-sealing 30-year architectural shingle |
| Floor Joists: | 2 x 4 pressure-treated lumber | Windows: | Aluminum single-hung with screens |
| | Sheets: 1'6" on center | Sidewall and Roof Sheeting: | 1/2" plywood |
| | Garages: 12" on center | Doors: | Heavy-duty hinges, latch and frame |
| Flooring: | V-600 5-ply 5/8" exterior grade plywood | Trim: | Aluminum clad or *LP Smart Trim (*Estate Series) |
| Rafters: | 2 x 4 lumber 16" on center notched and gusseted | Shutters: | Solid mold colorcast, UV protected |
| Sidewall Studs: | 2 x 4 lumber 16" on center | Siding: | 4 1/2" Dutch Lap Vinyl Siding |
| | | Painted Shed: | 1/2" Painted Duratemp Plywood Siding |



Callwood
A Division of

Enduring Elegance
By Ply Gem

Specifications may change without notice.

REQUEST FOR

ACTION BY:

TOWN OF CLARENCE, N.Y.

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other

Rec'd. by: Jonathan Bleuer

Date August 29, 2016

Action Desired Applicant requests a variance of 232 square feet to allow for a 432 square foot detached accessory structure located at 9475 Keller Road in the Residential Single-Family zone.

Reason §229-55 (H)

PLEASE PRINT

| | | | |
|------------------|--------------------------|------------|--|
| Name | Joseph R. Savakinas | | |
| Address | 9475 Keller Road | | |
| | Clarence Center NY 14032 | | |
| Town/City | State | Zip | |
| Phone | 435-1472 | | |
| Signed | SIGNATURE ON FILE | | |

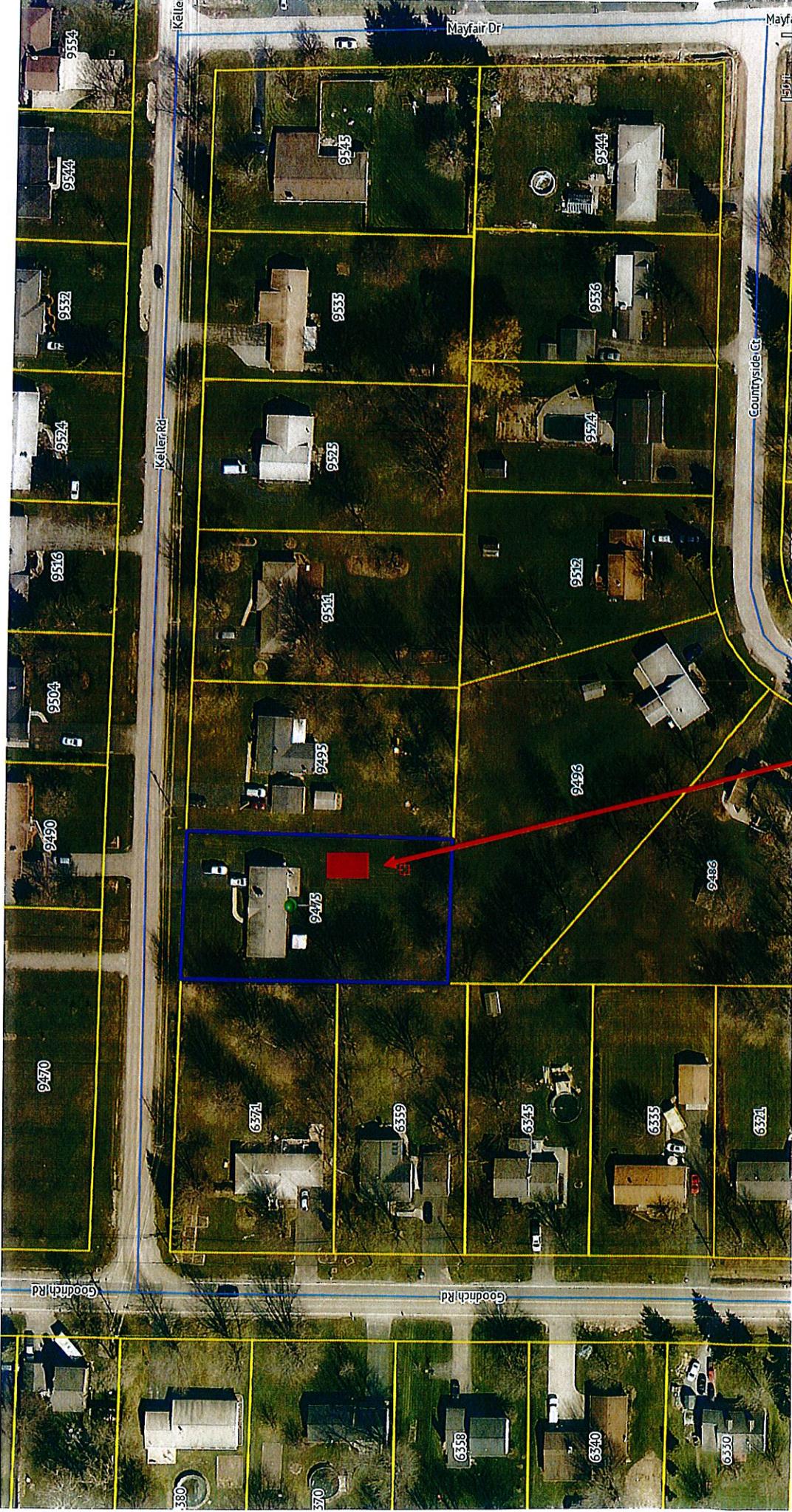
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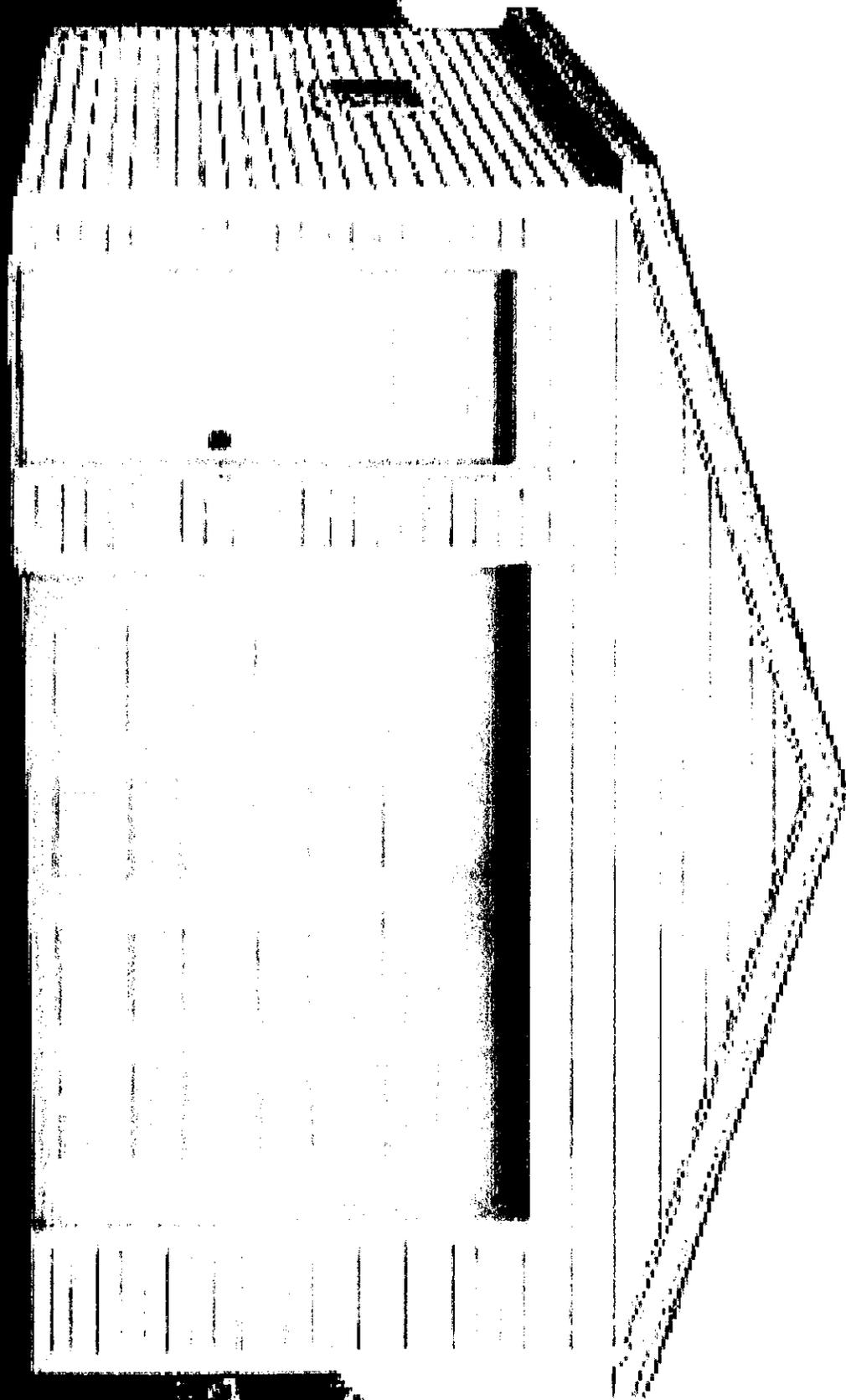


* note the parcel lines displayed are approximate

9475 Keller Road



Proposed 432 square foot detached accessory structure



This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such

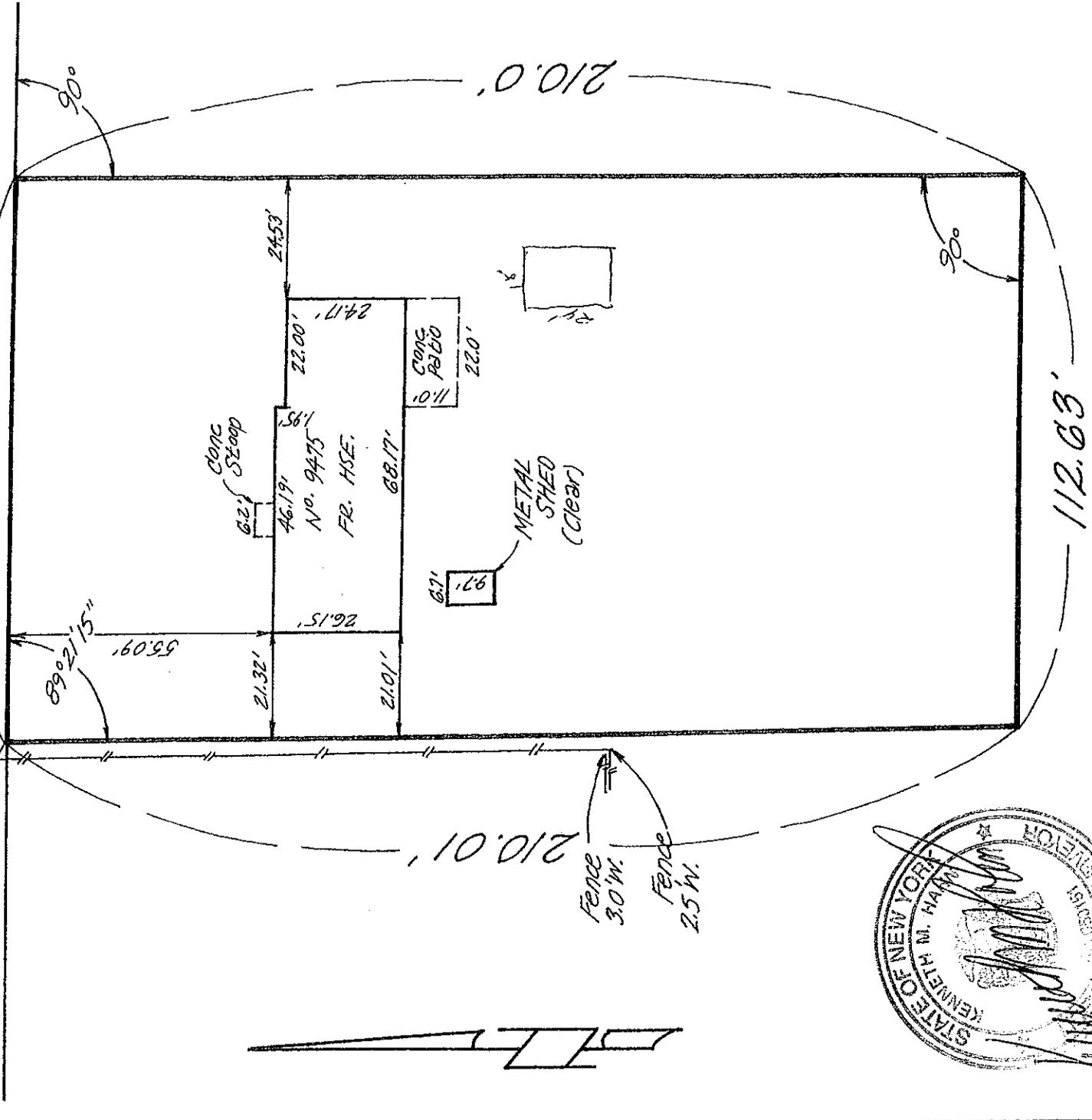
Altering any item on this map is in violation of the law, excepting as provided in Section 720 Part 2 of the New York State Education Law

KELLER ROAD

66.0' WIDE

210.01' to E. Line of Goodrich Rd. — Fence 8.8' No. 3.4' W.

115.0'



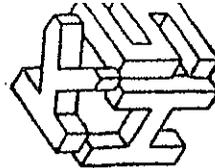
30" ± Ice & Snow Cover

Town of Clarence
County of Erie, New York
Part of Lot 12, Sec. 7, Twp. 12, Rge. 6
Holland Land Companies Survey
Map Cover 2134, Sublot 22

Scale: 1" = 30'
Survey Date: 3-4-15 Job No. 15-0151

Kenneth M. Hahn
Licensed Land Surveyor
N.Y.S. License No. 050151

89 Willow Green Drive
Amherst, NY 14228
Phone: (716) 957-3326
Fax: (716) 525-1513



REQUEST FOR ACTION BY:
TOWN OF CLARENCE, N.Y.

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other

Rec'd. by: Jonathan Bleuer
Date August 30, 2016

Action Desired Applicant requests a variance of 3.5' to allow for a 6.5' side yard setback for a detached accessory structure (backup generator) located at 4100 Gunnville Road in the Agricultural Rural-Residential zone.

Reason §229-44 (F) (2)

Representative:

PLEASE PRINT

Steve Rzasa

681-2808

| | | | |
|------------------|---------------------|--------------|------------|
| Name | Bruce Matthies | | |
| Address | 4100 Gunnville Road | | |
| | Clarence | NY | 14031 |
| Town/City | | State | Zip |
| Phone | 716-683-0078 | | |

Signed SIGNATURE ON FILE

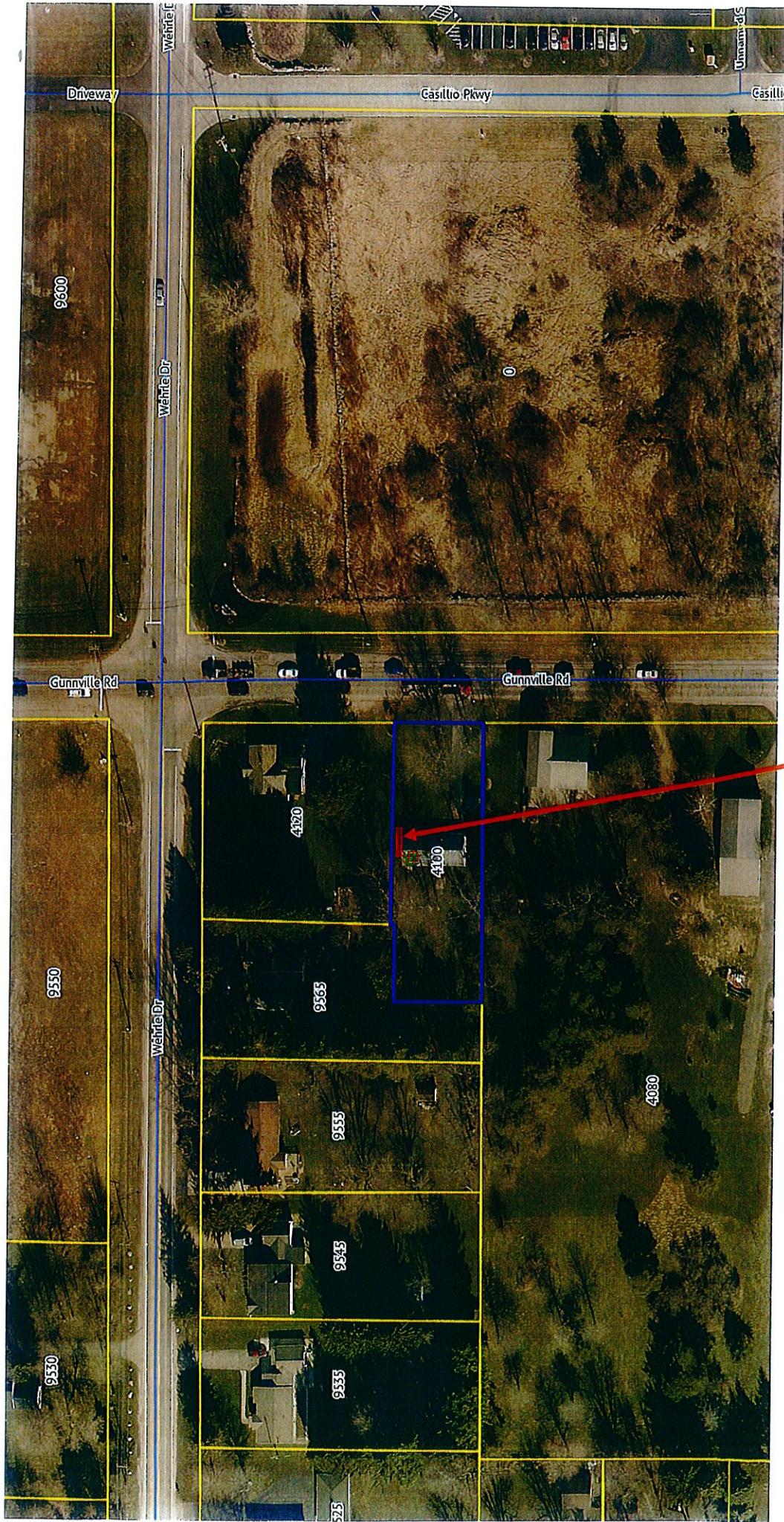
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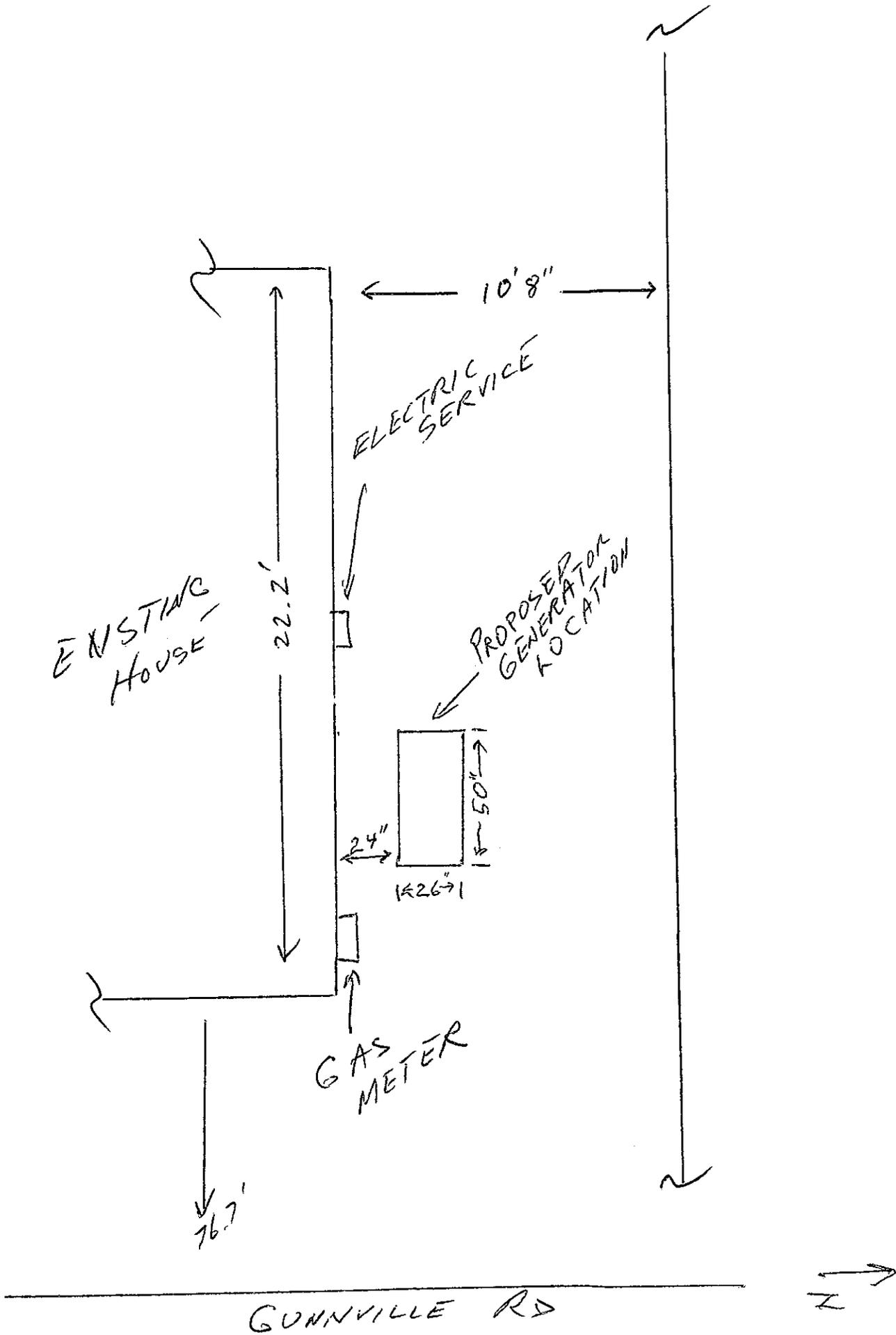


* note the parcel lines displayed are approximate

4100 Gunville Road



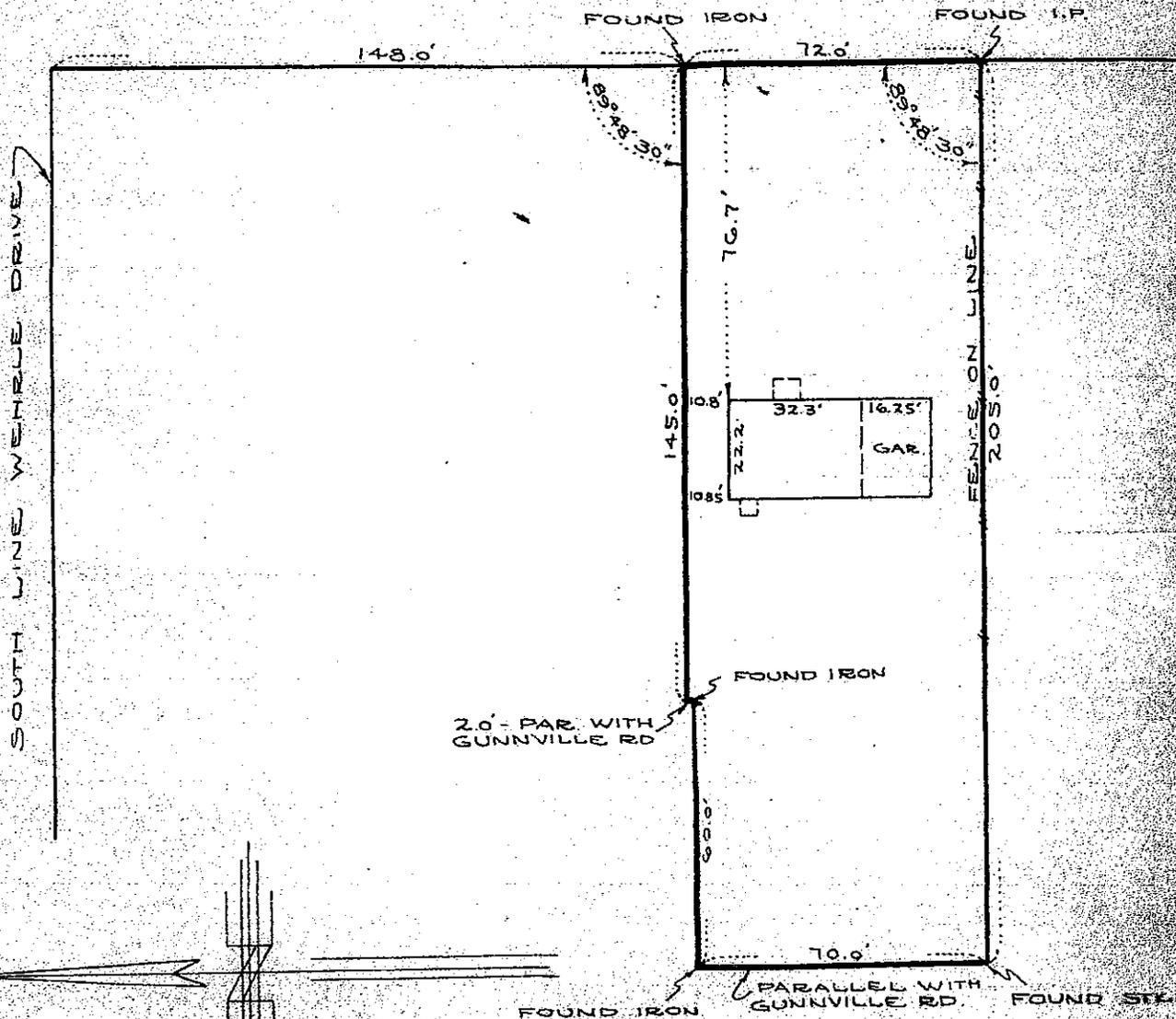
Proposed backup generator with 6.5' side yard setback



GUNNVILLE RD.

(66.0' WIDE)

EAST LINE OF LOT 11



SURVEY OF

4100 GUNNVILLE RD

BEING PART OF LOT 11 & SECT 5
TOWNSHIP 12 RANGE 6

OF THE HOLLAND LAND COMPANY'S SURVEY AND
LOCATED IN THE TOWN OF CLARENCE
COUNTY OF ERIE

SURVEYED BY

James A. Koelme

WHITFORD and KOELME

CONSULTING ENGINEERS - LAND SURVEYORS

HAMBURG

NEW YORK

DRAWN BY J.P.Z.

SCALE 1" = 40'

CHECKED BY J.K.

DATE MAR 1912

G7260

**REQUEST FOR ACTION BY:
TOWN OF CLARENCE, N.Y.**

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other

Rec'd. by: Jonathan Bleuer
Date August 31, 2016

Action Desired Applicant requests a variance of 8 units to allow for 24 units of multiple family housing located at 9560 Main Street in the Commercial zone.

Reason §229-126 (F) (1) (c)

PLEASE PRINT

| | | | |
|-----------|------------------------|-----|--|
| Name | Michael J. Metzger, PE | | |
| Address | 8560 Main Street | | |
| | Williamsville NY 14221 | | |
| Town/City | State | Zip | |
| Phone | 716-633-2601 | | |
| Signed | SIGNATURE ON FILE | | |

Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

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Final Action Taken

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- Rejected by on 20
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- Filed with Town Clerk on 20
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Zoning Board of Appeals
Area Variance Request – Fountain Court Project

As you know, the Zoning Board of Appeals in making its determination shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider the following five items. We have shown how we believe each of these five items relate to the requested area variance.

(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The Fountain Court project will not create an undesirable change to the character of the neighborhood.

To the contrary, the completion of the Fountain Court project will result in a substantial benefit to the Town of Clarence through increased property and school taxes.

The project, as envisioned, will remove an aging, 30-unit motel property whose principal use in its current form would be low-income, semi-transient housing. This property sits on a significant site along Main Street, and it sits across from the end of Gunnville Road, a key north-south entry point into the Town of Clarence from neighboring Lancaster.

Even if this motel was restored and resumed operations, its use would not be greatly beneficial to surrounding properties. In the intervening decades since the property was constructed, the construction of the New York State Thruway removed the bulk of the travelers entering the area by car en route to Buffalo from points east. Further, there has been substantial hotel construction along Transit Road, offering amenities that the existing motel on this site simply couldn't offer. The proposed use, which will only be financially viable at the density put forth, would provide a significant improvement to the neighborhood when compared to the present structure.

An archeological investigation was commissioned by Stephen Development and found no culturally significant materials on the site, and the State Historic Preservation Office concluded that there was no historic value to the motel.

Further, as constructed, the motel's existing driveway configuration straddles a busy intersection with a traffic light. Its existing curb cuts flanking the light on either side are too close to the intersection to allow safe entrance and exits. The proposed project would align the entrance with Gunnville Road dramatically improving the convenience and safety of access to and from the property.

The proposed project would result in a major improvement to the neighborhood, including the removal of the aging motel, and the construction of a mixed use development that would provide 24 luxury rental units and approximately 18,500 sq. ft. of commercial retail space. That space would serve visitors, students, faculty and staff of the High School, located directly along the street, as well as the surrounding neighborhood. The luxury rentals would more accurately reflect the character of Spaulding Lake, Pine Ledge and the surrounding developments than the existing motel.

From a transportation standpoint, the project would have a central driveway opposite the existing traffic light, and changes to the signalization that would be provided by the developers. A traffic study supporting this conclusion was commissioned by Stephen Development, and the results of the study included feedback from the New York State Department of Transportation (DOT).

Both the Erie County Health Department and the State Department of Environmental Conservation have reviewed and accepted the preliminary wastewater treatment design as meeting the newly enhanced design requirements.

All of these considerations, together with other factors, have been reviewed by the town as a part of a coordinated review under the SEQR, and the Town of Clarence Planning Board, as lead agency, granted the project a negative declaration on August 3, 2016, establishing "that the proposed action will not have a significant negative impact upon the environment." As you know, effects on community character are a consideration under a properly advanced SEQR review.

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The area variance requested is for relief of the cap of 16 total units in an un-sewered area.

Since there is no public sewer available, the only alternative to consider would be limiting the project to 16 residential units. Unfortunately, the project is not viable without the full number of residential units.

By comparison with the Willow Square project that opened in 2015, the Fountain Court project has nearly 60% more commercial space and one less residential rental unit. Overall, the land used in this project is significantly larger despite the lower unit count, and the development costs will be much higher. Further, the land was acquired before the change in law, and was valued based on the then-permitted eight dwelling units per acre.

The economics of the Fountain Court project are such that the residential portion of the mixed-use development subsidizes the commercial portion of the project. Willow Square has demonstrated that there is a need for commercial space in this section of Main Street, but only at a significant discount to commercial rents further west near Transit Road. Since the costs of construction are the same in either location, the reduced return on the commercial portion of the project is planned to be offset by the contribution of the residential component.

For this reason, the project has no other recourse other than to obtain an area variance allowing the full 24 residential units and commercial space to be constructed.

When the Town code was modified on June 11, 2014 to include a maximum cap of 16 units in un-sewered areas, the minutes show that members of the Town Board said during the public meeting that preceded the vote that there would be "recourse through our Zoning Board of Appeals to modify densities" for projects that merit.

(3) Whether the requested area variance is substantial.

The specific relief being sought is only for the total number of residential units in the project, not the density in terms of units per acre, which is already well below what is permitted. As shown in the Request for Action form, the code allows for 8 DU/acre and is reduced to 4 DU/acre for projects without

public sewers. The proposed project would be at a density of 2.4 DU/acre, significantly less than either of the two limits.

To the extent that the project will result in any increase in density, it would be doing so in an area of Main Street where density would create value for the Town, and this density would be offset by the preservation of open space elsewhere in the Town that might otherwise be needed to house the future residents of Fountain Court.

Given the low actual impact in real number terms eight additional residential units along Main Street (while hundreds of apartments are being built elsewhere in town), the low density per acre of the proposed development, and that both the Erie County Health Department and the Department of Environmental Conservation have reviewed and given preliminary approval to the state-of-the-art wastewater treatment system as complying with the newest, most stringent DEC design standards, approving this request will not result in a substantial difference to the neighborhood or the Town.

(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

As discussed above, the project will result in a significant improvement to the neighborhood and the Town in the removal of an aging structure and the construction of a signature property on a key intersection of the Town.

The school district will also benefit because the project lies within the Clarence School District, and homeowners will benefit because the increased tax revenue will help offset increases to residential property tax as the school budgets increase from year to year.

Further, the project's mix of residential apartments and townhomes is targeted towards millennials. The same amenities, commercial components and two-bedroom floorplans at Willow Square are attracting singles and couples in their late 20s and early 30s, and there are only two small children as permanent residents of the property out of 25 rentals. Thus the property taxes being generated will strongly exceed any burden on the school district.

As noted before, the Town of Clarence Planning Board - after a comprehensive coordinated review, a traffic study, an archeological investigation and the comments of agencies at the local, county and state level - gave the project a negative declaration under SEQRA, signifying that "that the proposed action will not have a significant negative impact upon the environment."

(5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

It should be noted that the property in question was purchased in 2011, at which point the Fountain Court project in its current form complied in all aspects with the Town Code, and the existing 30-unit motel property had more residential units than the resulting project was proposing. Also, the Willow Square project was already in front of the Town and was being well-received. It was only after the property was purchased and the project conceived that the town chose to add the 16 unit cap to the law.

Given the proximity of these two projects, the similarities of the two and the locations on two key Main Street corners, owners of the property back in 2011 had every reason to believe, and still do believe,

that the benefits to the surrounding neighborhood of both projects taken together will be far more substantial than either one separately. For this reason, the owners of the property purchased the site of the Fountain Court property at a premium to the value of the 30-unit motel believing that the project being proposed is the highest and best use of the land. If anything, the assertion that this project represents the highest and best use of the land is even truer today than it was in 2011. Had the owners purchased the property after the June 11, 2014 amendment to the law by the town, then by all means it would have been a self-created difficulty which is clearly not the case.

In consideration of the foregoing, it is clear that the benefit to the applicant if the variance is granted greatly outweighs the detriment to the health, safety and welfare of the neighborhood or community should any be identified for which none are evident.

Item 2

Stephen Development
Fountain Court Mixed-Use
Commercial/Residential Single Family

Requests an Action under the State
Environmental Quality Review Act (SEQRA)
and Concept Plan Review for 9560 Main Street.

DISCUSSION:

Jonathan Bleuer provided the history on the project noting that it is located north of Main Street, east of Goodrich Road. It is an existing former vacant hotel located in the Commercial Zone with Residential Single Family Zone to the rear. The applicant is seeking an Action under SEQRA and Concept Plan Approval for a mixed-use project consisting of 24 units of multi-family housing and 18,585 square feet of commercial space access from Main Street. There is also a two-lot Open Development proposed with access to Goodrich Road. A Special Exception Use Permit as issued by the Town Board would be required for the multi-family component.

Michael Metzger, of Metzger Civil Engineering, is present along with his client Noel Dill. Mr. Metzger explained that in February 2016 the Town Board referred the project to the Planning Board. The Planning Board went out for Lead Agency and began the coordinated review. Comments have been received from various agencies such as DEC, ECDEP, NYSDOT, ECDPW and NYS SHPO. Mr. Metzger explained that there was the potential for archeological sensitivity at the site so they hired a consultant to do an archeological study. There was a thorough review of the study of Phase 1 and there were no findings. This information was submitted to SHPO and they issued a letter on July 21, 2016 indicating that they feel there is no potential impact as a result of this project. The applicant also hired a traffic consultant who did a detailed study and submitted it to the Town and to DOT. DOT reviewed it and asked for a few items to be addressed, which the applicant did. DOT issued an e-mail on July 21, 2016 indicating that they are satisfied and the project can move forward with three conditions. The first condition was to align the entrance driveway with Gunnville Road. The second condition was that the applicant remove the westerly entrance. The third condition was to look at the option of some signalization. There will now be a four-way signal at the intersection. There will also be a dedicated left-turn arrow on Gunnville Road and a dedicated right-turn light on Main Street facing east. The applicant will incorporate these conditions into the design.

Chairman Sackett asked if the applicant is aware that the density per Code is 16 living units on this property. Mr. Metzger said yes. Chairman Sackett asked why the project is not designed to meet code. Mr. Metzger said it is a large parcel and needs to have a certain amount of density for it to be viable. The residential component helps to subsidize the commercial portion, this is similar to the project at Main Street and Goodrich Road. Chairman Sackett said the project at Main and Goodrich met code at the time it was built. This project does not meet the code.

Mrs. Salvati said there were originally three (3) homes in the Open Development portion of the project, she asked why the applicant dropped a lot. Mr. Metzger said NYS DEC made amendments to their design guidelines for septic systems, specifically for sand filters, this necessitated a need for more space. Mrs. Salvati asked if the intent is to leave the back portion of the second lot as is, leaving the existing vegetation. Mr. Metzger said it will be up to the owner of the property.

Mr. Dale voiced his concern with the single driveway access that leads to the apartments in the back. The district fire chief was consulted during the coordinated review. Mr. Dale would like to see a comment from him regarding the project, however there is no comment from the Chief so Mr. Dale does not consider the coordinated review to be complete. Mr. Metzger said often times the fire chief's review

is done at the Development Plan stage of a project, which is several stages away from where the proposal is now. They will be happy to address any comments that come from the fire chief.

Mr. Pazda asked what the width of the driveway is. Mr. Metzger said it is 24' wide. Mr. Pazda asked if there will be "no parking" signs in front of the garages so people won't park in front of them. Mr. Metzger said there can be, the intention is for no parking in front of the garages anyway.

Mrs. Salvati asked where the fire hydrants are. Mr. Metzger said they have not reached that level of planning yet. There is the possibility that a fire hydrant may be located on site. It is unknown if there will be sprinklers in any of the buildings. Noel Dill said there will probably be sprinklers because it is similar to the Main and Goodrich project and they are sprinklered.

Mr. Bleuer said a letter was received late today from David Cominsky and Robert Casell. They have concerns relating to the failure to consider potential intensity of use, relating mostly to traffic. Another concern is the different aspects of the proposal specifically the Open Development Area of the two lots and how it fits in with the overall project as identified on Main Street. The letter is on file.

Carmine Tiso, of 9530 Main Street, has no objections to the proposal.

Mr. Metzger said the Town has fully studied the project. He referenced the Open Development Area lots and said the first home is set up so it is consistent with the setbacks of the other homes in the area, the second home will be located behind the first and probably won't be seen from the road.

ACTION:

Motion by Wendy Salvati, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **issue** a Negative Declaration on the proposed Fountain Court Mixed Use Development located at 9560 Main Street. This Type I Action involves the development of a combined commercial and residential development in the Commercial Zone. After thorough review of the submitted site plan and Environmental Assessment Forms, including coordinated review with comments from involved agencies, it is determined that the proposed action will not have a significant negative impact upon the environment.

ON THE QUESTION:

Mrs. Salvati said a full coordinated review was done on this project and input was received from all involved agencies. The DOT required the applicant to conduct a thorough traffic analysis, mitigations were made and modifications were made to the site plan with respect to the recommendations of the traffic analysis. The traffic analysis was accepted and approved by the DOT. Documentation was received indicating no concerns on the site per the NYS Historic Preservation. DEC has also reviewed the project. The Planning Board has done their due diligence with respect to SEQRA.

| | | | |
|-----------------|-----|----------------|-----|
| Jeffrey Buckley | Aye | Steven Dale | Nay |
| Gregory Todaro | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | |

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Richard Bigler, to **deny** the request for Concept Plan Approval from the applicant Stephen Development for the proposed Fountain Court Mixed Use Development located at 9560 Main Street.

ON THE QUESTION:

This denial is based upon a code violation which limits the density in the Commercial Zone for Multiple Family Housing Projects in unsewered areas to 4 units per acre, a maximum of 16 units for this project. The applicant is looking for 24 units.

ON THE QUESTION:

Any redesign or alternative concepts for this project must be reviewed and approved by the Planning Board, including the SEQRA review.

| | | | |
|-----------------|-----|----------------|-----|
| Jeffrey Buckley | Aye | Steven Dale | Aye |
| Gregory Todaro | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Richard Bigler | Aye |
| Robert Sackett | Aye | | |

MOTION CARRIED.

The applicant understands the denial and will seek a variance from the Zoning Board of Appeals.

P.B.
mtg.
3946

Item 3

Stephen Development
Commercial/Residential Single Family

Requests Preliminary Concept Review of a
proposed Mixed-Use Development at 9560 Main
Street.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of Main Street across from Clarence High School. It is an existing vacant former hotel located in the Commercial Zone, as well as within the Residential Single Family Zone to the rear. The application involves a multiple family housing component. A Special Exception Use Permit will be required as issued by the Town Board.

Dave Sutton, from Sutton Architects, is present and explained the project site was formerly the Fountain Motel. The proposal encompasses a two-story building in the front of the property, located approximately 119' from the right-of-way. It will be a mixed use with just over 1800 square feet of retail space on the first floor and a total of 14 luxury apartments on the second floor. This project is a follow-up/continuation of the Main and Goodrich project, which has received a lot of success. This project will be a slightly higher quality product not only from a retail standpoint but from an architectural standpoint as well. Behind this property will be a series of ten (10) two-story townhouses, each of which will have their own attached garage. They are trying to develop all of this development in the properly zoned 330' depth of this property. Beyond that they will use the remaining structure as a buffer to the neighbors, all the infrastructure will be back there including the septic system, detention and drainage. Beyond the infrastructure on the northern most portion of the parcel the property will be divided into three (3) estate-type lots. This is an excellent buffer and use of the property. The three (3) estate-type lots are not part of this project now, but the applicant feels it is important to present the entire intent of the project. Those three (3) lots will be accessed from Goodrich Road, there will be no access or connectability to the development/commercial project being presented this evening. Mr. Sutton said the ingress and egress will line up with the light. There is another means of ingress and egress primarily for the residents just to the west of the site. There will be enhanced landscaping to the front of the property.

Mr. Dale said this is a big improvement over what is there now and even over what was presented a few years ago. He referred to Clarence Town Code §229-126 (D)(1)(b) in which it limits the minimum lot size of a multi-family project in a Commercial or Restricted Business Zone to five (5) acres. He asked the applicant if there is any reason why this project cannot be designed to that requirement. Michael Metzger, of Metzger Civil Engineering, said the entire parcel is 10.88 acres. Once the back portion is

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subtracted, the remaining property for the mixed-use project is 4.5 acres. Mr. Dale asked if the application can do some rearranging of the project to meet the five (5) acre requirement. Mr. Metzger said they felt it best to provide as much low density buffer as possible between this project and the existing homes to the north.

Mr. Dale referred to Clarence Town Code §229-126(F)(1)(c) which limits the number of residential units in a multi-family project on a commercially zoned unsewered lot to a maximum of 16. He asked if there is any reason why this project cannot be designed to conform to this requirement. Mr. Metzger said if they met that requirement they would have to seek a variance from the Zoning Board of Appeals. He noted that the overall project is on 10.8 acres in size, the number of residential units on the property is 27, which makes the density 2.5 dwelling units per acre. The Code also indicates that the allowed density for multi-family is eight (8) dwelling units per acre unless it is not on public sewers, then it drops to four (4) dwelling units per acre. The applicant feels that the low density project with the buffering that is being proposed is more than adequate to minimize any concerns that there might be for density, therefore they will pursue the request to the Zoning Board of Appeals for the variance from 16 units to 24 units within the multi-family portion. The economics of the project mandate that they have to have the proposed number of residential units for it to be a successful project.

Vice-Chairman Bigler asked how big the septic system will have to be. Mr. Metzger said it will be just over 7,000 square feet in size. They overestimated to over 11,000 square feet on the plan, but it will not be that big. They are proposing a dry detention pond that only holds water for short period of time, within 24 hours after the storm it is gone. There will be a sand filter at the bottom of that dry detention pond, so there will be no open water. Mr. Metzger said they will provide as much landscaping up front as possible to make the property as attractive as possible. Mrs. Salvati asked if they considered rain gardens. Mr. Metzger said they would like to take advantage of what Mother Nature has given them on the site, which is the availability of fissured bedrock. The stormwater management system will have drilled wells that go down about 180'-200'. There will be an open-bottom sand filter. The plan shows the color blue indicating the detention area, Mr. Metzger explained that should be green as it will be a dry pond.

Mrs. Salvati said the Code requires that if there is going to be multi-family residential projects there must be about 15% of the area devoted for recreational use by the residents, and must be formalized as recreation space. She asked the applicant how they will address this. Mr. Metzger said the Code also states that can be passive recreation space and the required open space can be a part of that component. As the project evolves the applicant will entertain suggestions. Mrs. Salvati said the Code indicates that part or all of such space shall be in the form of developed recreational use, usable for recreational purposes. Mr. Sutton said all the townhouses will have rear yards with a patio and the idea is to create a sense of community and encourage some recreation area.

Mrs. Salvati suggested the applicant design the plan on the western boundary in the parking area include a feature to allow cross access to the Tiso property next door. This will provide another means of access. She would like to see the westerly curb cut closed. The traffic that goes in and out of the site should go through the controlled intersection. Mr. Metzger said the applicant is in favor of cross access and is willing to discuss it with Dr. Tiso, they will reach out to him. Mr. Metzger said the intent is that the west entrance be used for residents who live in the apartments in the back, this will keep some separation in the residential and commercial traffic. Mrs. Salvati voiced her concern on how that traffic will be controlled and only used by the residents who live in the back. Mr. Metzger said he did not imply that it would be restricted in any way. Mrs. Salvati said that is the problem, people will try to avoid the signal, she does not want a driveway that conflicts with the main driveway considering the volume of

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traffic that intersection supports. Mr. Pazda said DOT is going to play an important part in this project. He can see why the applicant would like to have that access for tenants, but he can also see the business customers will try to beat the light and try to go out the right, there is a lot of traffic in the afternoon, this could be a problem. Mrs. Salvati voiced her concern about the kid walking down the sidewalk looking at their cell phone and not paying attention to the cars that are coming in and out of the driveways.

Mr. Dale asked for confirmation that the applicant will not be using blasting for the construction of this project, Mr. Metzger confirmed that is correct. Mr. Dale voiced his concern regarding the traffic on Main Street especially between the hours of 3:00 p.m. and 5:00 p.m. When the applicant comes back for final Concept Review, Mr. Dale asked the applicant to provide evidence that Main Street has the capacity to handle the additional traffic generated from this project. Mr. Metzger said they have been in discussions with the DOT and they will see if they can obtain some input on this from them. Mr. Dale asked that when the applicant comes back for final Concept Plan to make sure the elevation drawings show the building materials that they will be using. Mr. Sutton said he will come back with a well-defined rendering and actual samples of the materials they will be using.

Mr. Todaro asked for clarification on the EAF, which indicates there are two (2) phases, one (1) phase is seven (7) months for the demolition to be completed in 2016. The second and final phase is said to be twelve (12) months to be completed in 2020. Is this a twelve (12) month construction project and the land is sitting for some time? Mr. Metzger said there is confusion in the EAF and they will clarify it. The intent is to go immediately from the demolition to the construction and to build the residential and commercial uses at the same time. The expected completion date for the construction of the project is 2017. Mr. Dill noted that the three (3) open development lots are separate from this project for the purposes of completion. He said between 2017 and 2018 they anticipate having the commercial structures done. The three (3) open development lots will be subject to real estate market forces. The EAF should be left at 2020 because Mr. Dill would expect the open development lots to be sold by then.

Mrs. Salvati said the applicant indicated there was room on the site in the event the septic system failed and needed to be replaced, she asked where that room is. Mr. Metzger said there is plenty of room on this site, they overestimated and they know the system will be smaller than what is indicated on the plan. The area is 62,000 square feet and on that will be a storm water management area less than 10,000 square feet. The system for the project is 7,000 square feet.

Mrs. Salvati said the applicant could put in a small trail system on the acre and a half that is in the back of the property. Mr. Metzger said they can look into that.

Vice-chairman Bigler noted that the residences above the commercial use do not have greenspace area. Mr. Sutton said those residents would appreciate the common green space and there are a couple of end units that they are designing outdoor patio-type spaces for.

ACTION:

Motion by Timothy Pazda, seconded by Steve Dale, pursuant to Article 8 of the Environmental Conservation Law, to seek Lead Agency status and **commence** a coordinated review among involved agencies on the proposed Stephen Development Mixed Use Project located 9560 Main Street. This Type I Action involves the demolition of an existing structure and the construction of a new mixed use project consisting of 24 multi-family residential units, 18,500+/- square feet of commercial space and a 3-lot Open Area Development in the Commercial and Residential Single Family zones and on-site sanitary sewer facilities.

ON THE QUESTION:

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Mrs. Salvati said this is a nice project and will be an improvement for the site.

3-9-16

Vice-Chairman Bigler noted that the Board is sending the proposal out for review only; the project does not meet the current code of 16 units. The applicant understands.

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| Jeffrey Buckley | Aye | Steve Dale | Aye |
| Gregory Todaro | Aye | Timothy Pazda | Aye |
| Wendy Salvati | Aye | Richard Bigler | Aye |

MOTION CARRIED.

T.B.M. 13
2-2-16

Stephen Development requests Preliminary Concept Review of a proposed mixed-use project at 9560 Main Street, formerly the Fountain Court Motel. Jonathan Bleuer said the location

7-10
10:30
2-2-16

is in the Commercial Zone with Residential Zoning at the rear. It consists of approximately 7 1/2 acres with roughly three additional acres associated with the adjoining parcel off Goodrich. The proposal is for a mixed use building with 18,000 sq. ft. of commercial space on the first floor and 14 second floor apartments. It includes 10 unit patio home style apartments behind the main building and three single family homes to the rear with access to Goodrich Road.

Dave Sutton, architect, Mike Metzger, engineer and Noel Dill from Stephen Development were all present. The two-story building is proposed to be boutique style retail on the first floor. They had a lot of success with the project at Main and Goodrich and also learned a lot from it. They will focus more on the architectural style and features, as well as the materials selected. The main entrance would be at the light at Gunnville Road. The townhouse style apartments are individual units with attached garages. It will cater to a higher end apartment market. There will be a substantial buffer to the residences at the rear of the property. The three estate lots will also act as a buffer. There is no anticipated connection to that portion. They will have substantial greenspace to the front of the property.

Supervisor Casilio asked what the construction of the building would be.

Mr. Sutton said it will be all wood construction. They are talking about substantial materials. They are not planning on prefabrication at this time. He feels they can design the building to a certain standard through conventional construction.

Councilman DiCostanzo said the one at Main and Goodrich is an improvement to what was there, but this one could make a big statement to that one.

Mr. Sutton said the owner agrees and they want to bring it up a notch. They will be using stone or brick material, awnings, fixtures and signage all important to this project.

Supervisor Casilio said the DEC has a question regarding the septic field design on several projects in Town.

Mr. Sutton said they are aware of that.

Councilman Geiger asked if they explored the Spaulding Lake treatment plant.

Mike Metzger said they have not in this project. They did for the other project and it did not work out.

Councilman Shear said he assumes there will not be any blasting due to the proximity of the school within 1,500 feet. This is according to State Code.

Mr. Sutton said they are not anticipating any basements.

Motion by Supervisor Casilio, seconded by Councilman Geiger to refer the request for Preliminary Concept Review of a proposed mixed-use project at 9560 Main Street, formerly the Fountain Court Motel to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

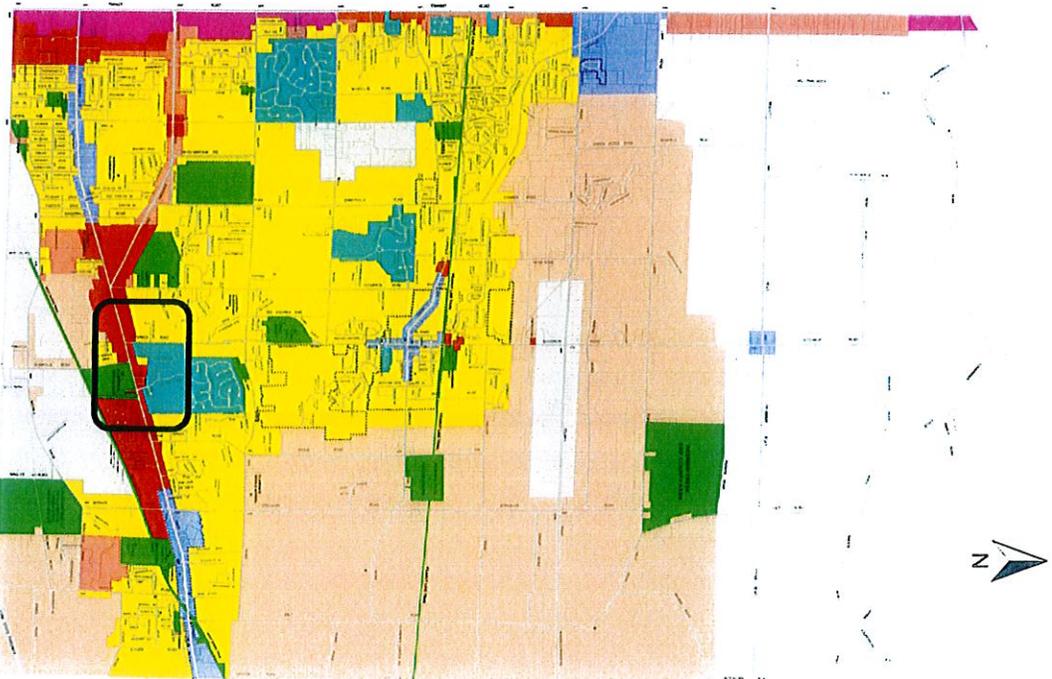
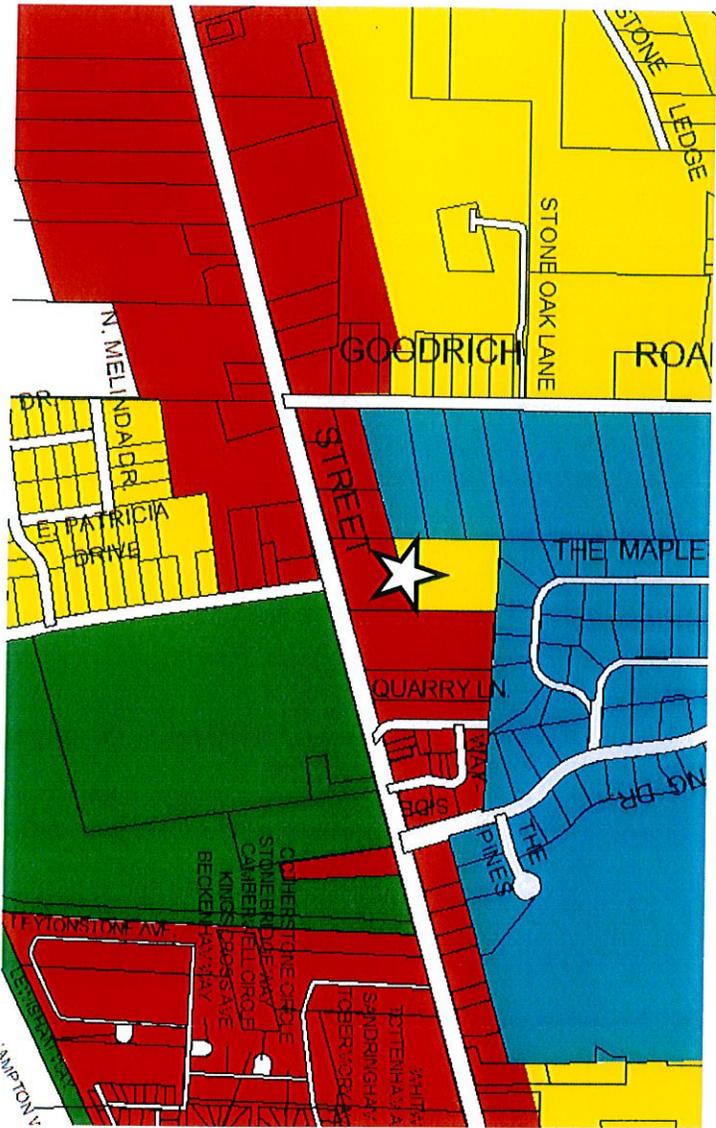


Town of Clarence, New York

Town of Clarence Official Zoning Map

Stephen Development

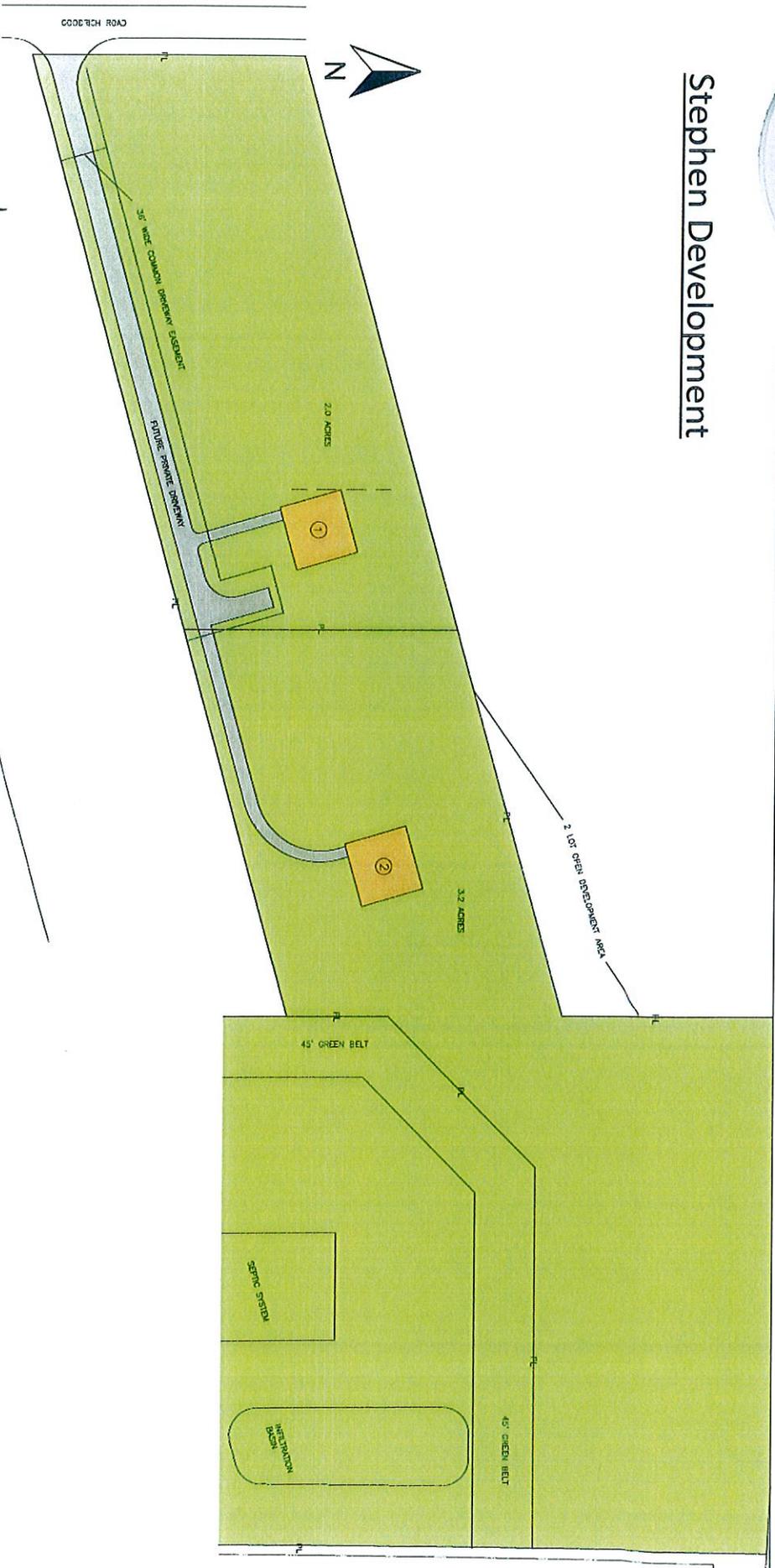
Address: 9560 Main Street





Town of Clarence, New York

Stephen Development



Proposed 2 lot open development area off Goodrich Road



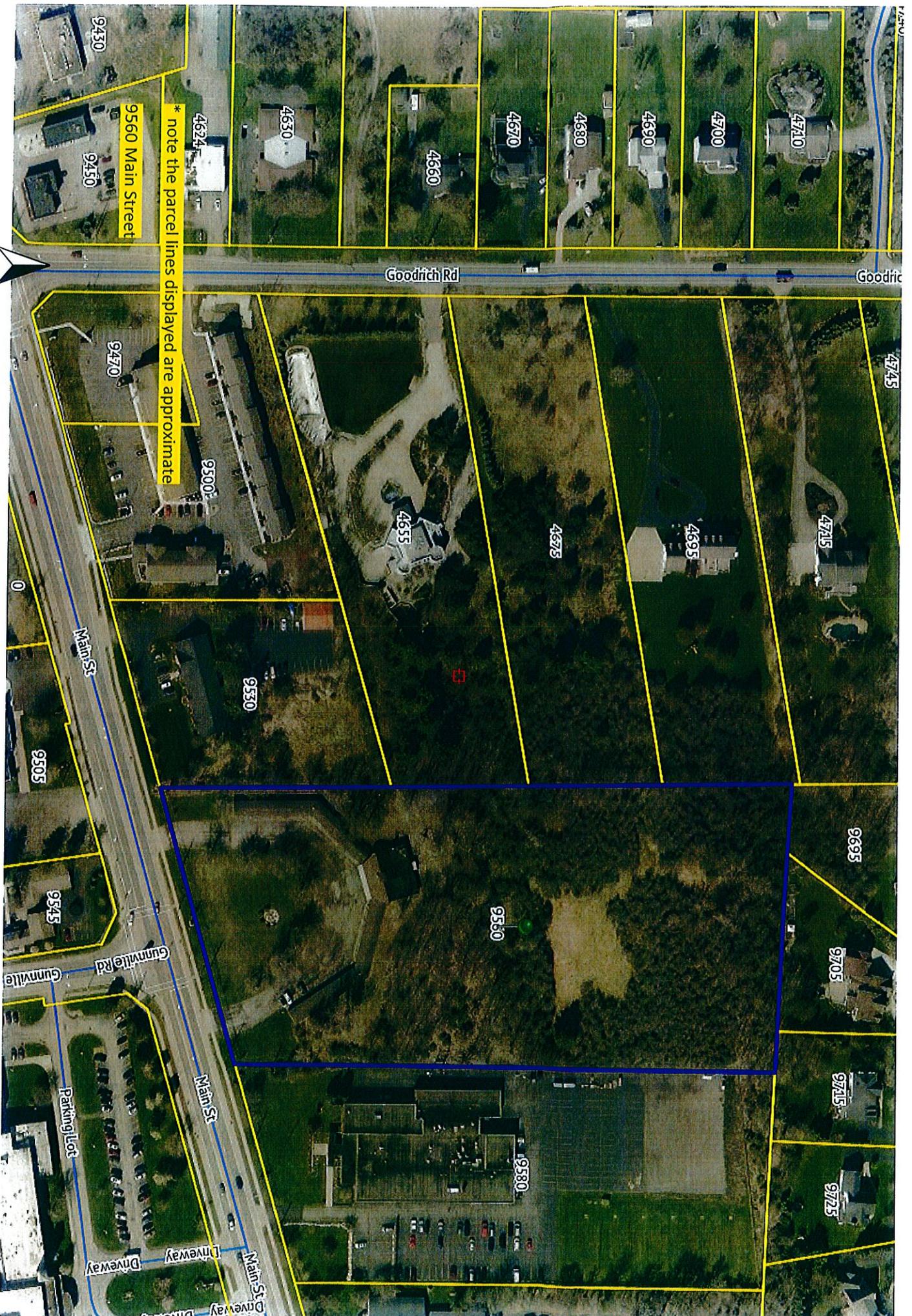
Town of Clarence, New York

Stephen Development

- *Proposal:* Applicant requests an action under the state environmental quality review act and concept plan review.

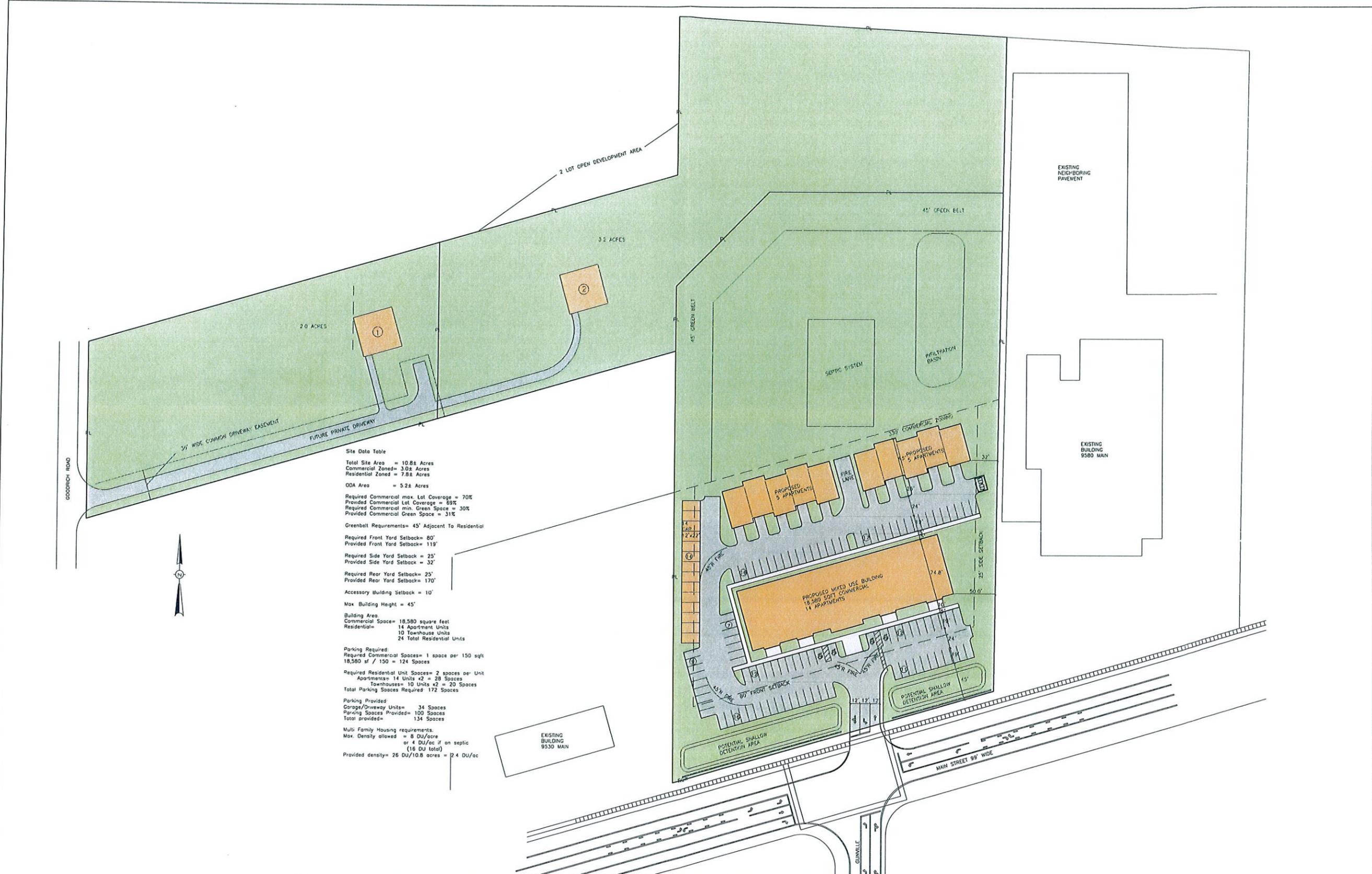


Concept Rendering



* note the parcel lines displayed are approximate

9560 Main Street



Site Data Table

Total Site Area = 10.8± Acres
 Commercial Zoned = 3.0± Acres
 Residential Zoned = 7.8± Acres

ODA Area = 5.2± Acres

Required Commercial max. Lot Coverage = 70%
 Provided Commercial Lot Coverage = 69%
 Required Commercial min. Green Space = 30%
 Provided Commercial Green Space = 31%

Greenbelt Requirements = 45' Adjacent To Residential

Required Front Yard Setback = 80'
 Provided Front Yard Setback = 119'

Required Side Yard Setback = 25'
 Provided Side Yard Setback = 32'

Required Rear Yard Setback = 25'
 Provided Rear Yard Setback = 170'

Accessory Building Setback = 10'
 Max Building Height = 45'

Building Area
 Commercial Space = 18,580 square feet
 Residential = 14 Apartment Units
 10 Townhouse Units
 24 Total Residential Units

Parking Required:
 Required Commercial Spaces = 1 space per 150 sqft
 18,580 sf / 150 = 124 Spaces

Required Residential Unit Spaces = 2 spaces per Unit
 Apartments = 14 Units x 2 = 28 Spaces
 Townhouses = 10 Units x 2 = 20 Spaces
 Total Parking Spaces Required = 172 Spaces

Parking Provided
 Garage/Driveway Units = 34 Spaces
 Parking Spaces Provided = 100 Spaces
 Total provided = 134 Spaces

Multi-Family Housing requirements.
 Max. Density allowed = 8 DU/acre
 or 4 DU/ac if on septic
 (16 DU total)

Provided density = 26 DU/10.8 acres = 2.4 DU/ac



| LEGEND |
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NOTES

1) BOUNDARY INFORMATION PROVIDED BY SUITON ARCHITECTURE

2) THIS IS NOT A PROPERTY SURVEY.

| | |
|---|------------------|
| Designed By | ARH |
| Drawn By | ARH |
| Checked By | MJM |
| Cad File | M 1321 |
| NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW | |
| NYSDOT COMMENTS | 08.02.16 ARH/MJM |
| REVISIONS | DATE BY |

METZGER CIVIL ENGINEERING, PLLC

8560 MAIN ST.
 WILLIAMSVILLE, NY 14221
 PH: 716-633-2601
 FAX: 716-633-2704

CIVIL ENGINEERING
 LAND PLANNING
 SITE DESIGN
 MUNICIPAL ENGINEERING

9560 MAIN STREET

TOWN OF CLARENCE, ERE COUNTY, NEW YORK

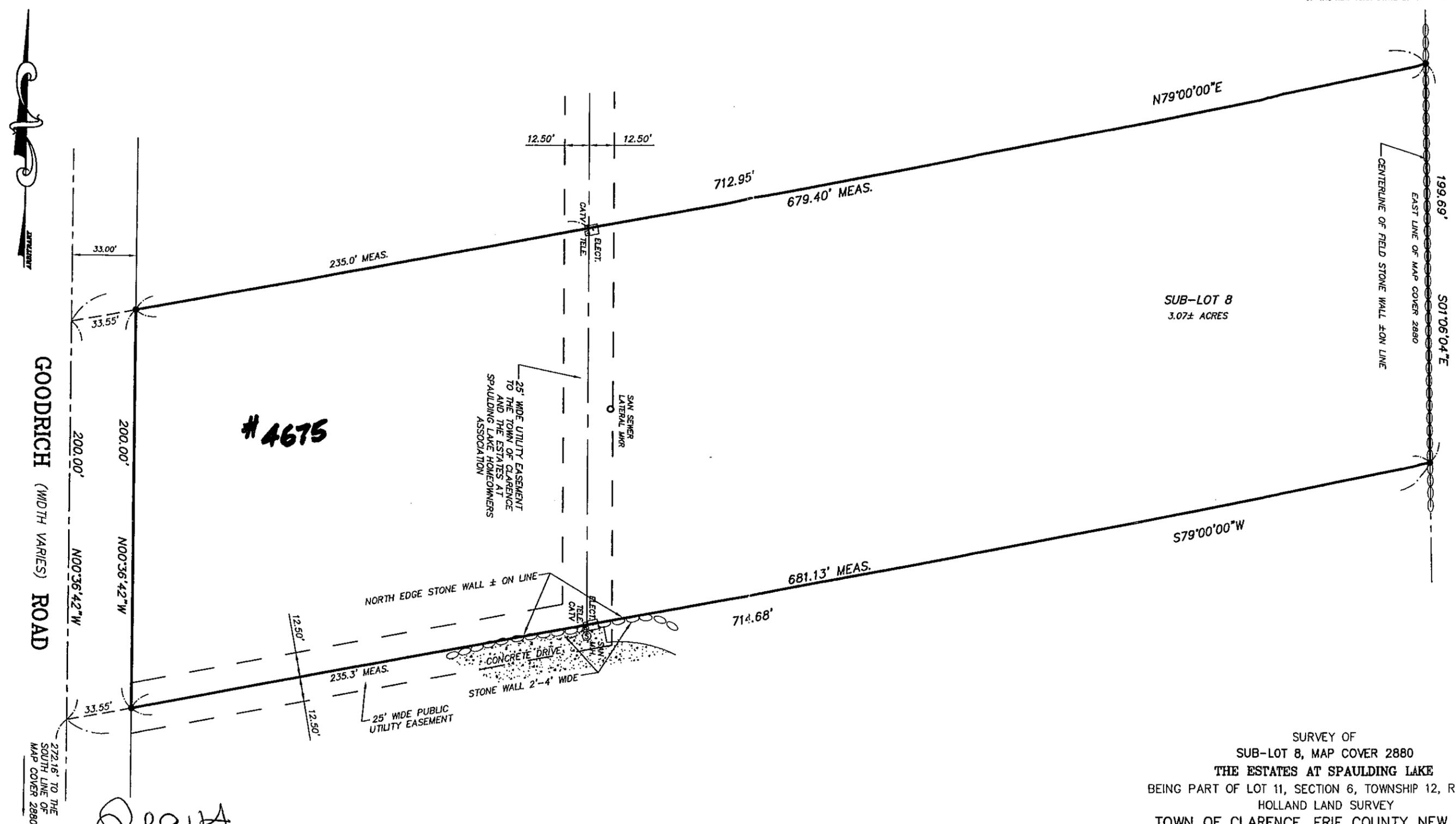
CONCEPT PLAN

| | |
|-----------|------------------|
| SCALE | 1" = 50' |
| DATE | JANUARY 22, 2018 |
| JOB NO. | M-1321 |
| SHEET NO. | CP - 2 |

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

● SET OR EX. 5/8" REBAR UNLESS AS NOTED

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#4675

SUB-LOT 8
3.07± ACRES

SURVEY OF
SUB-LOT 8, MAP COVER 2880
THE ESTATES AT SPAULDING LAKE
BEING PART OF LOT 11, SECTION 6, TOWNSHIP 12, RANGE 6
HOLLAND LAND SURVEY
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

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|--|--|
| | GPI ENGINEERING & SURVEYING, LLP FORMERLY PRATT & HUTH ASSOCIATES, LLP ENGINEERING • SURVEYING • PLANNING 4950 GENESEE STREET, SUITE 165 BUFFALO, NEW YORK 14225 (716) 633-4844 FAX 633-4940 |
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Job No. 3640 Date: JUNE 11, 2008
Scale 1" = 50' Tax No.

| DATE | REVISION/TYPE |
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