

**TOWN OF ARCADE
15 Liberty Street
Arcade, New York 14009
(585) 492-4685**

May 12, 2014

**RE: TOWN OF ARCADE, 15 Liberty Street, Arcade, NY 14009
Amendment to the Comprehensive Plan**

In August of 2013, the Town of Arcade became Lead Agency for the development of an amendment to the Comprehensive Plan of the Town and Village of Arcade regarding energy development. The Planning Board completed the amendment and goals as of December 2013. The amendment and additions to goals have now been adopted by resolution by both the Town and Village of Arcade.

The amendment and goals are enclosed for your information. They are being provided to you as interested agencies.

Sincerely,

ARCADE TOWN BOARD
A.D. Berwanger, Supervisor



Holly L. Almeter, Planning Board Secretary

Enclosures: Comprehensive Plan Amendment
Addition to Goals

CC:

NYSDEC-SEQR Permits
270 Michigan Avenue
Buffalo, New York 14203-2999

Kevin O'Buckley, Regional Director
Region 4, NYS Dept. of Transportation
1530 Jefferson Rd., Rochester, NY 14623

Yorkshire Town Board
82 Main Street
Delevan, NY 14042

Sardinia Town Board
12320 Savage Road
Sardinia, NY 14134

Freedom Town Board
PO Box 89
Freedom, NY 14133

Eagle Town Board
3378 School Street
Bliss, NY 14024

Java Town Board
1429 Main St.
Java Center, NY 14082

✓ Erie County Legislature
92 Franklin St.
Buffalo, NY 14202

NYS Public Service Commission
Three Empire State Plaza
Building 3
Albany, NY 12223-1350

Wyoming County Board of Supervisors
143 N. Main St.
Warsaw, NY 14569

Cattaraugus County Legislature
303 Court Street
Little Valley, NY 14755

Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

This amendment to the Comprehensive Plan of the Town and Village of Arcade will be added to Chapter 3 – ANALYSIS OF OPPORTUNITIES AND CONSTRAINTS, page 3-4, and will be listed as D-1.

ENERGY DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS:

The potential for energy development in Arcade, both commercial and private, is significant. The United States is trying to move away from its' energy dependence from other countries and so new and innovative means of producing energy are in the forefront.

The Town of Arcade is situated on both the Marcellus and Utica Shale formations opening it to natural gas and oil drilling. Horizontal hydraulic fracturing for natural gas production has become a controversial issue.

Wind Farms generating electrical power are now located in adjacent townships and the Town of Arcade with its' hilltops and open fields could be a prime location for additional wind mills.

Farming is a major industry within Arcade with bio digestion and biomass/biodiesel now being privately developed on local farms. The Town has a very strong commitment to a healthy and thriving agricultural community.

The Town is now seeing the use of geothermal energy for heating being installed in private residences. The potential also exists for hydro power.

Renewable energy development is likely to receive continued support on a national, state and local level. Improvements in technology may make solar energy systems more efficient and possible for deployment in our area.

Waste disposal enterprises are prevalent nationwide. It is possible they may be sited in our Town. Trends in that industry include energy recovery and generation as likely end products. The Town must be capable of addressing such enterprises if they are sited in the Town.

Individual industries and companies may find it economic to deploy energy generation projects on their own sites solely for the use of their own fleets or enterprises. These types of projects may have impacts on the community as well.

Unseen technological development may create as yet unknown processes or projects that generate, process or handle energy products. This Comprehensive Plan must be flexible enough to allow the municipalities to address such projects arising out of new technology when it develops.

In rural areas of the Town, open spaces, farmland and scenic views are prevalent. Residents of

these areas do not have access to Village water or sewer services and must depend on their own on-site septic systems and water supplies through wells. It is vital that protection is in place regarding the location of energy development for the water sources these residents depend upon.

With the controversy regarding horizontal hydraulic fracturing, citizens of Arcade came before the Town Board with concerns. Workshops were held to gain further information on the pros and cons of this procedure. A Public Hearing was conducted to determine if the Town should impose a moratorium on horizontal hydraulic fracturing. After further investigation into the legalities of moratoriums, the Town Board passed a motion to amend this Comprehensive Plan enabling the Town to develop Local Zoning Laws to protect residents and the Town's infrastructure and to consider the mineral rights of individual landowners regarding the location of all types of energy development.

Arcade contains extensive farm land resources and it is important to maintain the most productive farm land. Energy projects may impact the use of our farm land and community regulations should encourage conservation of the most productive farm lands versus that of a lesser grade. The Ag and Markets Soil Restoration Protocol should also be followed and applied as appropriate.

Local municipalities such as Arcade cannot regulate the actual energy technology and operations of energy generation projects. That power is reserved to the State and Federal governments. However, we can establish regulations and zoning laws to protect neighbors, the community in general, the character of the community, Town and community infrastructure and costs incurred by the Town in evaluating and approving appropriate site plans for such activity. Such laws should encompass a wide range of activities recognizing the individual landowner, farm developments, the health, safety and welfare of our community members and both commercial and individual energy development.

This Comprehensive Plan Amendment is structured recognizing the limited role of Town government in dealing with issues allowed by state law for setbacks, protection of the community environment and character of the community. Control and regulation of the repair of local roads and infrastructure, performance bonds as allowed by state law, noise, lighting, hours of operation, impact on neighbors, property restoration, esthetic appearance, protection for chemical storage on site and all other areas that come within our authority within NYS Town Law and NYS Village Law must be considered.

These additional goals will be added to the Comprehensive Plan of the Town and Village of Arcade: Chapter 4 – GOALS, OBJECTIVES, AND RECOMMENDED ACTIONS, Part B. NATURAL RESOURCES, ENVIRONMENTAL PROTECTION, AND AGRICULTURAL GOAL: Page 4-4

7. Ensure that natural, agricultural, and infrastructure resources are properly safeguarded during energy development, processing, and transport projects within the Town.

Recommended Action

- a. Issue and revise zoning regulations pertaining to energy development, processing, and transport projects for setbacks, protection of the community environment and character of the community. Control and regulation of the repair of local roads and infrastructure, performance bonds as allowed by state law, noise, lighting, hours of operation, impact on neighbors, property restoration, esthetic appearance, protection for chemical storage on site and all other areas that come within the authority of the Town and Village of Arcade.

PRIORITY: Short term (one-two years)
RESPONSIBLE AGENCIES: Town Board, Village Board, Planning Board

- b. Monitor, cooperate and participate with local, regional and state energy and smart growth activities, such as the Finger Lakes Regional Sustainability Plan, when in the interest of the Arcade community.

PRIORITY: On-going
RESPONSIBLE AGENCIES: Town Board, Village Board

