

Approved

TOWN OF CAMBRIA TOWN BOARD

May 12, 2022

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 12th day of May 2022 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Matthew P. Foe, Councilman
Jeffrey S. Hurtgam, Councilman
Benjamin D. Musall, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Jon MacSwan, Highway Superintendent
Thomas Brandt, Attorney
David Godfrey, Legislator
11 Interested individuals

Absent: Randy M. Roberts, Councilman

Following salute to the flag, Supervisor Ellis opened the public hearing on Town of Cambria Local Law No. 2-2022-a local law regulating battery energy storage systems entitled "Town of Cambria Battery Energy Storage System" (BESS) Law.

The following public hearing notice was read by the Town Clerk:

**TOWN OF CAMBRIA
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York will hold a Special Meeting at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 12th day of May, 2022 at 7:00 PM to hear and consider the adoption of a proposed local law entitled - Town of Cambria local law No. 2 - 2022. A local law regulating battery energy storage systems entitled "Town of Cambria Battery Energy Storage System" (BESS) Law:

Description of local Law contents:

- Section 1. Authority
- Section 2. Statement of purpose
- Section 3. Definitions
- Section 4. Applicability
- Section 5. General requirements
- Section 6. Permitting requirements for Tier 1 BESS
- Section 7. Permitting requirements for Tier 2 BESS

- A. Applications
- B. Utility Lines and electrical circuitry
- C. Signage
- D. Lighting
- E. Vegetation and tree cutting
- F. Noise
- G. Soil removal
- H. Decommissioning
- I. Site plan application
- J. Special Use Permits standards
- K. ownership changes

Section 8. Permitting requirements for Tier 3 BESS

- A. Special Use Permit standards
- B. Other Tier 3 requirements

Section 9. Safety

- A. System Certification
- B. Site Access
- C. BESS systems and components

Section 10. Permit time-frame and abandonment

Section 11. Construction inspection

Section 12. Enforcement

Section 13. Severability

A copy of proposed Local Law No. 2 – 2022 is on file in the office of the Town Clerk at the above address where it is available for inspection/copying during regular hours. All interested parties will be heard

Tim Walck, Wendel, gave a summary of the proposed local law.

This local law was set up to regulate use within the Town. It separated the battery energy storage into 3 tiers.

Tier 1- Battery Energy Storage Systems are an accessory use that have an aggregate energy capacity less than or equal to 600 KWh. They are located in a “non-dedicated use building” as defined and are not permitted to store more than 110% of two days of energy for the use on site, must be contained in an existing principal building, customarily a residence, and are a permitted use. A building permit shall be issued by the Code Enforcement Officer provided applicant is in compliance with all applicable provisions of this Local Law.

Tier 2- Battery Energy Storage Systems are an accessory use that have an aggregate energy capacity greater than 600KWh or are comprised of more than one storage battery technology in a room or enclosed area or are located outside of the primary building. Tier 2 Battery Energy Storage Systems may not exceed storage of 110% of two days of energy for the user and are permitted in an accessory building as defined in the Town Code provided a Special Use Permit is granted and Site Plan is granted.

Tier 3- Battery Energy Systems are a Primary Use or do not meet the definition of a Tier 1 or Tier 2 system and are limited in size to 1MW (systems over this size are not allowed in the Town). No stand-alone systems are allowed, these systems need to be associated with a Tier 3 or a Tier 4 Solar Energy System as defined in Local Law No. 1-2021 Regulating Solar Energy Systems, are permitted to store battery power in a “dedicated Use Building” as defined hereunder to store energy and/or to put stored energy into the power grid and are permitted provided a Special Use Permit is granted by the Planning Board and provided Site Plan approval is granted.

Supervisor Ellis opened the public hearing for public comment (7:09)

Sharon Tasner-Subbera Rd.

Ms. Tasner asked if the Bear Ridge Solar project comes to the Town, would the Tier 3 apply to that particular project.

Supervisor Ellis indicated that under the 94C, if the battery storage is part of the initial application it is treated through ORES and Article 94C. If it comes up after the application is submitted it is subject to Local Laws and processed through the municipality.

As there were no further comments, the public hearing was closed at 7:10 pm.

**PUBLIC INFORMATION MEETING
MS4 DRAFT ANNUAL REPORT/STORMWATER MANAGEMENT PLAN**

Tim Walck, Wendel, gave a brief presentation with regard to the Stormwater Management Program which included the six factors affecting Stormwater Management: public education and outreach, public participation and involvement; illicit detection/discharge; construction control measures; post-construction control measures and stormwater pollution prevention “good housekeeping”. The report is available for review on the Town of Cambria website and in the Town Clerk’s office.

John Soto-Baer Rd.

Mr. Soto asked Mr. Walck his professional opinion on whether or not the Bear Ridge Solar Project will impact the Storm Water System.

Mr. Walck indicated that each project has to be reviewed on its own merit. The plan, the detailed construction plans for the Bear Ridge Solar Project will have to be reviewed and they will need to comply with the law. If this moves forward, he doesn’t believe 94C will get them out of following Storm Water Regulations- they will have to follow them. Mr. Walck has not personally reviewed the specific plan for the Storm water with regard to the solar panels, but if the ground cover itself doesn’t change- he doesn’t know if they will be increasing the run off.

Mr. Soto asked if Wendel Engineers was following the study from Virginia with regard to solar panels and run off. Mr. Walck said that question is best addressed to Drew Reilly, Wendel, who has more detail regarding solar.

As there were no further questions or comments from the public, Supervisor Ellis closed the informational meeting.

Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the minutes of the work and regular Town Board meetings of May 12, 2022.

Ayes: Ellis, Foe, Hurtgam, Musall -Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

May 12, 2022		
FUND	CLAIM NUMBERS	AMOUNT
Cemetery	2-4	\$2,178.28
Drainage	5	\$3,628.60
General	189-237	\$99,854.56
Highway	60-74	\$31,584.56
Refuse	4-5	\$35,539.77
Sewer Op	21-24	\$2,299.53
Water Operating	73-83	\$6,007.28

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved that the abstract of audited vouchers dated May 12, 2022 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall -Motion Carried-

BESS Local Law

Supervisor Ellis indicated that the Town Board will not take action because the SEQR period runs until the 20th of May for input from interested parties that have been addressed. Action will be taken at the June meeting.

MS4 DRAFT STORM WATER ANNUAL REPORT

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the MS4 Draft Annual Report for 2021 to authorize Supervisor Ellis to sign the document and forward it to the DEC.

Ayes: Ellis, Foe, Hurtgam, Musall -Motion Carried-

TOWN PARK SECURITY CAMERA SYSTEM

Councilman Foe reported that one proposal has been received and waiting for another proposal in order to move forward on this item.

DISPOSAL OF TOWN PROPERTY

Supervisor Ellis reported the Town Board is in communication with the Sno-Cheifs regarding property at the former Lockport AF Base and awaiting a final answer by next week.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

• Town Clerk Report April:	Total Receipts:	\$	27,365.79
• Building Inspector Report April:	Total fees collected:	\$	5,970.35
• Estimated value of construction:		\$	1,125,439.00

HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, reported as follows:

- May 14th - 9am to 12pm Tire Drop off/Electronic Recycling and Mulch pick-up
- Burch Rd. was widened, waiting for it to settle in order to pave (within the next couple weeks)
- Brush pick up
- Working with Wendel on specs for repair of Community Room roof and should be ready for the June meeting.

Mr. MacSwan is requesting a resolution allowing the Village of Lewiston, Village of Wilson, Town of Wilson, Town of Wheatfield to use the Town of Cambria's estimates for paving.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to allow the Village of Lewiston, Village of Wilson, Town of Wilson, and Town of Wheatfield to use the Town of Cambria's bid prices and final determination for their own use for paving.

Ayes: Ellis, Foe, Hurtgam, Musall

-Motion Carried-

WATER SEWER REPORTS

- Restoration work is being done from installation of water services in the winter.
- Installing water meters
- Two new services on Rt. 31 & Cambria Rd.

TOWN PARK:

- The concrete pads under the pavilions are complete.
- Lacrosse field is staked out.
- Pickle Ball court will be started on soon.

The Town Highway Clerk will be leaving at the end of the summer.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to authorize the Town Clerk to advertise for a Highway Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall

-Motion Carried-

ATTORNEY REPORTS

No reports.

Supervisor Ellis reported as follow:

BEAR RIDGE SOLAR PROJECT

No report.

MEMORIAL DAY

There will be a Memorial Day Parade from Pekin Fire Company to Mt. View Cemetery starting at 9:30 am on Memorial Day. The ceremony will be held at the cemetery. The guest speaker is Vietnam Veteran, Jon MacSwan.

CONCERNS OF CITIZENS

No one present to be heard.

NEW BUSINESS

CHANGE OF TENANT REQUEST – 3857 EAGLE DR, SANBORN (PD)

Supervisor Ellis introduced Steve Federico to discuss the change of tenant request for 3857 Eagle Drive.

Mr. Federico indicated that he purchased the property in January from Ken Hill who had owned it for some time and operated a millwork manufacturing business. He is here tonight to get approval from the Town Board for a change of use/tenancy. Currently he is working with a health and beauty company Pop & Polish LLC who makes their own handmade nail polish, bath & body products and cosmetics. The business will consist of two owners as well as two to three part time employees.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to send the request to change use/tenancy for 3857 Eagle Drive, to the Planning Board for a Site Plan Review.

Ayes: Ellis, Foe, Hurtgam, Musall

-Motion Carried-

REZONING APPLICATION – NIAGARA COUNTY PROPERTY

Supervisor Ellis reported that Niagara County owns approximately 60 acres on Junction Road across from the IDA Park and would like to develop an Industrial Park on that parcel. The County Industrial Park in Wheatfield is full- not all sites are in use but all have been sold. The Town of Lockport is in the same position. This parcel is currently zoned AR and the County would like it re-zoned to Planned Development. This will allow more flexibility with the use.

Lead Agency Resolution

WHEREAS, the Town of Cambria has received a Rezoning application from Niagara County, and

WHEREAS, the application is for the rezoning of approximately 60 acres of land, located on the west side of Lockport Junction Road, SBL# 107.00-2-32 from A-R to P-D, and

WHEREAS, it is the intent of Niagara County to create a Business Park, and

WHEREAS, the rezoning application appears to be in conformance with the Comprehensive Plan, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Cambria Town Board would like to designate themselves as Lead Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Cambria Town Board requests SEQR Lead Agency designation for the project, with the intent to require a GEIS, and authorizes the Town Clerk to perform the appropriate Lead Agency mailings, and

BE IT FURTHER RESOLVED, that the rezoning application and subsequent Scoping document and DGEIS be referred to the Planning Board for their review, comment and recommendation.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the Lead Agency resolution as read by the Town Clerk.

The question of the approval was duly put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE

The motion was thereupon declared duly adopted.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Foe. Time: 7:35 pm

Ayes: Ellis, Foe, Hurtgam, Musall,

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk