

September 8, 2020

SOLAR LAW UPDATE

Comprehensive Plan and Solar Update

Town of Cambria

Wright H. Ellis, Supervisor
4160 Upper Mountain Road
Sanborn, New York 14132



SUBJECT: COMPREHENSIVE PLAN AND SOLAR LAW UPDATE

Dear Supervisor Ellis and Honorable Town Board:

The Town currently has a Comprehensive Plan that was adopted in 2015 and a Solar law that was last revised in 2017. Since that time, the Town has experienced two types of proposed solar projects, an Article 10 project and a Utility grade (non-Article 10) project. NYS has also passed new legislation (94 C) that will eventually lead to a new process to approve large scale solar projects (20 MW or greater).

It has come to our attention, through seminars and recent conversations between Erie County and NYS, that this new process will stress the importance of a Town's Comprehensive Plan and their local law regulating solar facilities. They (the new NYS office and other County and State agencies) are strongly recommending that Communities have up-to-date Comprehensive Plans that address Green Energy/Solar and have solar laws that reflect the Comprehensive Plan and the Town's vision.

It is also our understanding that the Town is contemplating other law revisions that need to be reflected in this Plan update.

Based on this, the Town can complete a minor update to your Comprehensive Plan (discuss solar in your Goals and Objectives, and then include new recommendations based on your Goals and Objectives and the existing conditions in the Town). This work may not end up changing where you allow large-scale solar projects, but it will probably end up with additional requirements in your law. You may even want to create a new tier of projects between the large scale and utility scale projects (large scale up to 40 acres and utility grade projects be over say acres). Wendel will assist with this law update. For the other zoning code updates, it is our understanding that the Town has a good understanding of these and will be completing much of the drafting of these revisions.

The following is a proposal to assist the Town with this work.

A. SCOPE OF WORK

Wendel proposes the following scope of work:

1. Wendel will prepare for (see below topics for what will be needed at this meeting) and attend a Kick-off meeting with Town representatives (the Town may want to form a committee to work on this). This will be a working meeting and information will be supplied to the committee prior to the meeting so that they can prepare.
2. At the Kick-off meeting, we will discuss the existing Comprehensive Plan and how the Goals and Objectives of the Plan and the Town's "existing conditions" would impact the development/placement of solar projects in the Town. The issues raised during the processing of the previous proposed solar projects will also be added to the "discussion/analysis". We

would also decide on what additional information would be needed to help to address these issues (We are assuming that this data is available information that can be gathered without the need for additional studies – we can utilize GIS to query existing databases). We will also review the other zoning law updates being considered by the Town (to be provided by the Town prior to the kick-off meeting) and how they are addressed in the Comprehensive Plan.

3. At the kick-off meeting, we will also discuss the existing solar law and potentially what topics/areas of concern would need to be incorporated into any new law (sample laws will also be provided). We will also be discussing the other zoning law revisions being considered by the Town.
4. After the kick-off meeting, Wendel will complete the assignments given to us and the committee will also be given assignments. It is our assumption that Wendel will be tasked with making suggestions on the Comprehensive Plan Update. We are envisioning new objectives under the Town's current Goals that reflect solar/green energy projects. These will be based on the discussions at the kick-off meeting, analysis of information gathered and the other information in the existing Comprehensive Plan. Wendel would also begin to develop new recommendations for the Plan Update. We also envision some minor mapping updates (most of the existing conditions maps will remain the same).

Wendel will also complete an outline of the revisions that may be needed to the solar law, based on the kick-off meeting, review of the Comprehensive Plan and our experiences. We will also provide comments on the other proposed zoning law revisions.

5. The committee will be provided the information/suggested revisions generated by Wendel prior to the next meeting.
6. Prepare for and attend a Second Committee meeting. At this meeting Wendel will discuss our assignments from the previous meeting and the suggested revisions to the Comprehensive Plan. Based on that conversation, we will also discuss the areas of the Solar law that may need updating. Wendel will be provided direction on any revisions needed to the Comprehensive Plan Update and input on the solar law update that would reflect the Comprehensive Plan and the issues that are important to the Town. We are assuming that the Solar law will need updates and not a completely new law, and that the other zoning code revisions are simple and will be worked on by the Town.
7. Wendel will make the revisions, as directed by the committee, and provide copies to the Town Board for consideration of adoption. We will also provide Part 1 of a Full Environmental Assessment Form (FEAF) that reflects the Comprehensive Plan, solar law updates and other Town zoning revisions.
8. If acceptable to the Town Board, the Town Board will begin the SEQR coordinated review process and schedule a public hearing (they will also refer the documents to the Niagara County Planning Board).
9. If requested, Wendel can attend the public hearing. After the public hearing, the Town Board will decide on whether the updates need any revisions and if they are going to proceed to adoption. Wendel can assist the Town with the SEQR decision and the adoption resolutions.

B. PROPOSAL FEE:

We trust the above scope of work meets the Town of Cambria's requirements. We are proposing to perform the scope of work presented in this proposal on a Time and Expense basis with a **not to exceed budget of \$13,000.00.**

Respectfully Submitted,

DRAFT

Andrew C. Reilly
Director of Planning & Environmental Services

Xc: Tamara J. Cooper, Town Clerk

Should Wendel's proposal be accepted, Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C., a New York State licensed architecture and engineering firm that is part of a consolidated group of Wendel Companies, will contract to undertake the work. Our letterhead and plans will still prominently say "Wendel" and we will refer to ourselves as Wendel throughout the project.

Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, P.C. (Wendel) is hereby authorized to proceed with the services described herein as additional services under the terms described in the annual municipal engineering services agreement with the Town of Cambria accepted January 9, 2020.

ACCEPTANCE / AUTHORIZATION:

Accepted this _____ day of _____, 20_____

Print Name: _____

Signature: _____

Title: _____

RETURN TO:

Wendel

ATTN: Andrew C. Reilly

375 Essjay Road, Suite 200

Williamsville, NY 14221