



NIAGARA COUNTY PLANNING BOARD

SAMUEL M. FERRARO CENTER FOR
ECONOMIC DEVELOPMENT
6311 INDUCON CORPORATE DRIVE
SANBORN, NEW YORK 14132

Joseph Kibler
Chairman

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MEETING MINUTES

Niagara County Planning Board
Monday, March 15, 2021 – 2:00 p.m.
Meeting held via WebEx:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=mf57afcbc1e1d259393a73a9fab5925d0>

Members Present: Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Normal Machelor, Thomas Ohol, Mary Jo Tamburlin, Garret Meal (ex-officio)

Members Absent: James Sobczyk (ex), Jonathan Welka

Staff Present: Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:00 p.m.
2. A motion was made by Mr. Garrow and seconded by Mr. Agronin to approve the February 22, 2021 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6708 – Town of Somerset – New Zoning Ordinance

Request by the Town of Somerset for the Planning Board to review a local law placing a moratorium on the approval or installation of any solar energy systems within the town for a period of 6 months so policies and procedures can be established. No representative was present for the referral. Ms. Fisk informed the board that the moratorium will allow the municipality to review and revise its current solar energy law. The board had no concerns. A motion for approval was made by Mr. Collard and seconded by Mr. Agronin. Unanimous. Carried.

No. 6709 – Town of Somerset – New Zoning Ordinance

Request by the Town of Somerset for the Planning Board to review a new zoning ordinance to replace the existing Chapter 104, Flood Damage Prevention code in its entirety with a new Chapter 104 to meet current Flood Insurance Standards. Ms. Fisk explained the zoning ordinance follows the model law provided by NYSDEC in response to FEMA flood mapping changes. A motion for approval was made by Mr. Garrow and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6710 – Town of Wheatfield – Area Variances

Request by the CVE North America for the Planning Board to review area variance requests to allow for the construction and operation of a 4 MW ground mounted community solar energy system located on Lockport Road SBL #134.00-3-12. The minimum setback from buildings not on the proposed lot is 250' and the setback proposed from three buildings is 150' which necessitates area variances. The property is

54.12 acres and is zoned M-1, Light Industrial. Carson Weinan of CVE North America and Jared Lusk of Nixon Peabody were present to discuss the project. Mr. Weinan provided the board with an overview of the business operations of CVE North America. He stated the community solar project will provide an opportunity for residents to obtain a discount on their utility bills. Mr. Weinan stated there have been preliminary meetings with the Town of Wheatfield and the current request is for area variances on the southern edge of the project area to allow for a 150' setback where 250' is required by code. A site plan and special permit request will be submitted at a later date. Mr. Kibler asked Mr. Garrow what the review status of the project is with the Town of Wheatfield and Mr. Garrow stated he is unable to provide an opinion or comment on the project since he is the Chairman of Wheatfield's Planning Board. Mr. Weinan noted that the landscaping plan includes installation of an 8' fence with vinyl slats and trees for screening. There will be no battery storage on site. There will be no disturbance of existing wetlands. The adjacent buildings are used for commercial not residential purposes. Ms. Tamburlin stated the board should take close consideration of the variance request because it is excessive and asked Mr. Weinan if the project could be reduced in size to be compliant with the code requirements. Mr. Weinan informed the board that a reduction in the number of solar panels might be detrimental to the success of the project. After board discussion, a motion for approval was made by Mr. Ohol and seconded by Mr. Agronin. 2 Yes, 5 No. Motion Denied. Mr. Garrow Abstained. A motion for disapproval was made by Mr. Machelor stating that the 100' variance setback request is excessive and suggests the developer revise the plans to more closely meet Wheatfield's setback requirements. 6 Yes, 1 No. Carried. Mr. Garrow Abstained.

No. 6711 – Town of Lewiston – Special Permit, Site Plan Review

Request by Mary Ann Kilmer for the Planning Board to review a special permit and site plan to allow for the construction and operation of a 5 MW ground mounted community solar energy system located at 4616 Townline Road. The project will occupy 25 acres of a 68.7 acre parcel that is zoned RR, Rural Residential. Jared Perram, Kilmer Solar, LLC was present to discuss the project. Mr. Perram informed the board that project area will be setback 700' from the road and all of the Town's setback requirements have been met. The property owner is currently residing in an existing home on the eastern boundary of the property. Access to the solar development will be from Albright Road. Ms. Fisk stated the current plans display a straight access drive and town code requires an s-curve pattern with landscaping. Ms. Fisk also noted that landscaping should be added around the utility poles. Mr. Perram was agreeable to the suggested changes. A motion for approval with the following modifications was made by Mr. Agronin and seconded by Mr. Collard: 1.) Amend the landscaping plan to include additional screening around the utility poles. 2.) Revise the access drive to an s-curve shape with landscaping to meet town requirements. 7 Yes, 0 No. Carried. Mr. Machelor Abstained.

No. 6712 – Town of Lewiston – Special Permit, Site Plan Review

Request by Kevan Thompson and Janelle Uderitz for the Planning Board to review a special permit request and site plan to allow for the construction and operation of a 5 MW ground mounted community solar energy system located at 2645 Ridge Road. The project will occupy 26.9 acres of a 110.2 acre parcel that is zoned RR, Rural Residential. Chris Georgiadis from NextEra Energy was present to discuss the project. Mr. Georgiadis stated the project has frontage on both Ridge and Moore Roads but access will only be from Ridge Road. The project area will be enclosed with an 8' fence and the existing heavily wooded area will screen the site. The nearest residential home is 1,500' and all Town required setbacks have been met. Ms. Fisk expressed concern that solar panels will be installed on 2.7 acres of federal wetlands and 0.49 acres of trees will need to be removed. Mr. Georgiadis stated they are working with the Army Corp of Engineers to obtain a permit for wetland disturbance. Ms. Fisk stated the plans do not meet the town requirements of having an s-curve landscaped access road and there is no proposed landscape screening around the utility poles. A motion for approval with the following modifications was made by Mr. Collard and seconded by Mr. Ohol: 1.) A permit be obtained from the Army Corp of Engineers for any wetland disturbance. 2.) Amend the landscaping plan to include additional screening around the utility poles. 3.)

Revise the access drive to an s-curve shape with landscaping to meet town code requirements. Unanimous. Carried.

No. 6713 – Town of Cambria – Zoning Text Amendment

Request by the Town of Cambria for the Planning Board to review a zoning text amendment to replace the existing Article I. Large-Scale and Utility-Scale Solar Energy Systems law in its entirety with a new Article I. Large-Scale and Utility-Scale Solar Energy Systems law. Town of Cambria Supervisor Wright Ellis and Drew Reilly from Wendel were present to discuss the project. Mr. Reilly reviewed the town's process for developing the law. Supervisor Ellis stated that several changes have been made including: 1.) The addition of language distinguishing between Tiers 3 & 4 utility scale solar systems based on acreage; 2.) Increased screening and setback requirements; 3.) Tier 4 utility scale systems are only allowed in Industrial and Planned Development zoning districts; 4.) Tier 3 systems can't be located within one mile of another Tier 3 or Tier 4 system; 5.) Tiers 3 and 4 systems are not allowed north of the escarpment to avoid the use of prime farmland and negative impacts to the Niagara Wine Trail. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

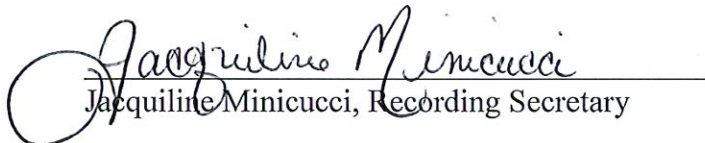
4. *Old Business* – None

5. *New Business* –

Ms. Fisk informed the board that the Town of Newfane Solar Law changes as requested by this board have been made and asked if the Board wanted a formal review of the revised law. The board stated that if the suggested modifications have been made, no further review will be required by this board. The town should submit a copy of the final law for the County's files.

6. *Adjournment* – A motion was made by Mr. Agronin and seconded by Ms. Tamburlin to adjourn the meeting at 3:00 p.m. Unanimous. Carried.

Respectfully submitted,


Jacqueline Minicucci, Recording Secretary