



## 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  
6311 Inducon Corporate Drive – Suite One  
Sanborn, New York 14132  
Monday, December 15, 2025 – 2:00 p.m.**

**Members Present:** William Agronin, J. Anthony Collard, Walter Garrow, Joseph Kibler, Norman Machelor, Thomas Ohol, James Sobczyk, Mary Jo Tamburlin,

**Members Absent:** Michael Carney, Garret Meal (Ex-officio)

**Staff Present** – Nathaniel Bonafede, Margit Denning

1. The meeting was called to order at 1:57pm.
2. Approval of the November 17, 2025 meeting minutes - A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.
3. Niagara County Planning Board Referrals

#### **No. 7020 – Town of Cambria – Use Variance**

Request by RIC Development, LLC for the Planning Board to review a use variance to allow for the location of a Tier 3 stand-alone 5MW ac battery energy storage system with a footprint of approximately 1.3 acres on the property at 5147 Lockport Road. The property is 18.6 acres and is zoned B-2 General Business. Andy Welch, Director of Development for RIC Energy and Jim Muscato, attorney representing the applicant were present to discuss the project. Mr. Welch explained the Town of Cambria does not allow for stand-alone battery storage systems. The project will encompass 7,000 – 8,000 sq. ft. and consist of five to six storage cabinets, the Tesla Mega Pack 2XL, 6' wide by 9' high by 30' long. A new access road will be added. There will be no emissions. Noise will not be audible from nearby property structures. Landscaping will be added to blend in with the surrounding area. The system will connect to the existing distribution line directly north of the site. The system will charge when energy demand is lower, typically at night. When energy consumption is high, the system will shore up the local distribution system and contribute to creating a more stable grid. Mr. Kibler inquired about nearby houses. Mr. Bonafede showed a satellite image depicting houses and businesses, as well as a utility right of way in the area surrounding the site. He noted the Town of Cambria Zoning Code does not permit stand-alone battery storage systems and does not allow battery storage systems to locate in commercial zoning districts. The town allows battery storage systems to locate in industrial zoning districts only, and they must be associated with a solar project. The request for a Use Variance requires the Board to determine whether or not the property can be used for battery storage systems. Mr. Garrow asked for input from the Town. Abe Platt, Attorney for the Town of Cambria was present. Mr. Platt explained that the Town enacted stringent battery storage regulations; limiting their scope, not allowing any stand-alone systems, and restricting them from locating outside of the Town's industrial areas. The Town is against stand-alone battery storage systems anywhere in the town. Mr. Garrow raised several concerns, including the applicants requesting drastic reduction in setbacks from 1,000 feet to 51 feet, but even more so safety concerns. He asked about the water resources available to fight fires. Mr. Welch explained the typical course of action is to apply no water and to let it burn itself out. He explained the testing process which determined fire prevention and firefighting protocols for the new lithium ion phosphate battery technology being used. The cabinets are protective of one another and the cells are so far inside the cabinets that putting water on them won't be able to get to the batteries. The batteries will exhaust themselves of fuel after burning for a few hours. Mr. Garrow noted direction from the NRC and EPA is water should be used to prevent the spread of fire to the other units. Mr. Welch stated that those concerns will be addressed with the Town Planning Board. Mr. Garrow referred to a letter from the applicant included with the application, which argues that the public utility variance standard be applied to this project. Mr. Garrow argued against the use

of the standard. He also explained that the health, safety, and welfare of the community should prevail over the benefits of green energy to the community. He noted that since 2019, there have been 20 incidents of battery fires across the country, some of which have been quite large. Mr. Welch argued that there were no injuries nor sickness attributed to those incidents nor any air, soil or water contamination. He added those systems were using old technologies including warehouses with stacks of nickel manganese cobalt batteries. The project is using newer technology in Tesla cabinets designed to be protective of the batteries, minimizing the impacts of thermal runaway. The evacuation area is reduced to 30 feet. The emissions will be undetectable. Mr. Muscato and the Board discussed the implications of the public utility variance standard. Mr. Agronin asked for confirmation that the Town code does not allow for this use on the property. Mr. Bonafede reiterated that Town Code does not permit battery storage in commercial zoning districts, nor does it permit stand-alone systems, which is why the Use Variance is being requested. Mr. Muscato stated that the Town does not forbid battery storage systems but only allows it when it is attached to solar. The project will also require future area variance approvals for system size and setbacks. Mr. Muscato explained the risk of danger resulting from this project is comparable to the risk of danger associated with cell phones and computers. The protective cabinets with a battery management system communicating with an around-the-clock operating center is not a high risk to the health and safety of the community. A motion for disapproval was made by Mr. Garrow and seconded by Mr. Machelor for the following reasons: 1). The criteria for a use variance is not met; 2). The project is inconsistent with with Town Code and; 3). Safety concerns related to battery storage projects locating in close proximity to residences. Unanimous. Disapproved.

#### **No. 7021 – Town of Wheatfield – Special Use Permit**

Request by Walter S. Mayes for the Planning Board to review a special use permit to allow for the construction of a 2,240 sq. ft. storage barn at 2047 River Road. The structure will be utilized by the existing auto repair business on the property. The property is 0.86 acres and is zoned C-1 Commercial.

Mr. Garrow informed the Board that he was on the Town of Wheatfield Zoning Board when this project came before them and he participated in the vote. He abstained from voting with the County Planning Board and left the Board Room before the discussion began. Walter Mayes, owner of Steve's Automotive was present to discuss the project. Mr. Mayes explained a pole barn would be constructed to house a classic car collection and will not be used as a workshop. Ms. Tamburlin inquired where on the property it would be located and what is located on the surrounding properties. Mr. Bonafede pointed out the location of the proposed pole barn on a map. Mr. Mayes described the uses for the buildings on this property and noted that the neighboring property contains a collision shop. Mr. Bonafede explained the Town code requires a special use permit for any use for automotive related purposes. The board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Mr. Garrow abstained. Yes 7, No 0. Carried.

Mr. Garrow returned to the Board Room.

#### **No. 7022 – City of Niagara Falls – Site Plan Review**

Request by Jason Davidson for the Planning Board to review a retroactive site plan pertaining to an existing pole barn constructed at 672 102nd Street. The property is 3.88 acres and is zoned I-1 Business Park. There was no representative present to discuss the project. Mr. Bonafede explained that the building has already been constructed, and the city is conducting a retroactive site plan review to ensure full compliance. He informed the board that there are no known issues associated with the request. The board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Ms. Tamburlin. Unanimous. Carried.

#### **No. 7023 – Town of Wheatfield – Zoning Map Amendment**

Request by the Town of Wheatfield for the Planning Board to review a proposal to rezone 15 lots near River Road and Wildwood Parkway from Commercial (C-1) to Residential Waterfront (R-W). The rezoning would allow for continued residential use of the properties and would bring them into conformance with the Town's adopted Local Waterfront Revitalization Program. There was no representative present to discuss the amendment. Mr. Garrow explained the properties are currently residential but some were previously used as commercial properties. Mr. Bonafede added that residents are having issues with insurance and getting residential building permits because the properties are zoned commercial. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Collard. Unanimous. Carried.

#### **No. 7024 – Town of Newfane –Site Plan Review and Special Use Permit**

Request by UGE International for the Planning Board to review an amended site plan and special permit request pertaining to the 5 megawatt (MW) solar farm proposed at 6260 Drake Settlement Road. Changes to site utility access have been made. The property is 60.2 acres and is zoned Rural Residential. Chris Mauity

was present to discuss the project. Mr. Bonafede explained the Board has reviewed this project several times and now a new utility right of way is being added at the front of the property. Mr. Mauity explained that National Grid is requiring an access easement from Transit Road which in turn forces the need for an easement with the property to the south. The owner of the adjacent property is not agreeable which is why a different utility access point is needed. Access from Drake Settlement will be partially underground, will require less clearing of trees, and will minimize impact on the creek. No easement will be necessary to connect to the National Grid poles. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

4. Old Business - None
5. New Business – The board was provided a copy of the 2026 Niagara County Planning Board Schedule. The schedule will be distributed to municipalities after the meeting.

Adjournment – A motion to adjourn the meeting was made by Mr. Agronin and seconded by Mr. Collard at 2:39 pm. Yes 8, No 0. Carried.

Respectfully submitted,

  
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Margit Denning, Recording Secretary