



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

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MEETING MINUTES

Niagara County Planning Board
6311 Inducon Corporate Drive – Suite One
Sanborn, New York 14132
Monday, February 23, 2026 – 2:00 p.m.

Members Present: William Agronin, J. Anthony Collard, Walter Garrow, Joseph Kibler, Norman Machelor, Thomas Ohol, Garret Meal (Ex-officio)

Members Absent: Michael Carney, James Sobczyk, Mary Jo Tamburlin

Staff Present – Nathaniel Bonafede, Margit Denning

1. The meeting was called to order at 2:00 pm.
2. Approval of the January 26, 2026 meeting minutes - A motion for approval was made by Mr. Garrow and seconded by Mr. Ohol. Unanimous. Carried.
3. Niagara County Planning Board Referrals

No. 7029 – Town of Newfane – Moratorium

Request by the Town of Newfane for the Planning Board to review a local law imposing a six month moratorium on the acceptance, processing, consideration, or approval of any application, permit, site plan, special exception use permit, variance, building permit, or other approval relating to the construction, installation, or expansion of any BESS facilities within the Town of Newfane. Corey Weber, attorney representing the Town was present to discuss the moratorium. Mr. Weber explained the Town's previous moratorium expired in late 2025. Fire companies continue to express concerns over the lack of guidance, training, and fire fighting equipment at BESS facilities. They request the moratorium be reinstated until they can acquire further resources and guidance. Mr. Ohol asked how many times the moratorium can be extended. Mr. Weber replied that a moratorium can be extended twice. Because the last moratorium expired, this is a completely new moratorium which can be extended twice. Mr. Agronin asked if any projects were currently waiting for review by the Town. Mr. Weber stated there are none. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 7030 – Town of Pendleton – New Local Law

Request by the Town of Pendleton for the Planning Board to review a new local law regulating Battery Energy Storage Systems within the Town. No representative was present. The Town incorporated the new State fire code regulations. It regulates the BESS on a two tiered structure. Emergency operation plans, training of local fire departments, County emergency services, and hazard mitigation plans need to be integrated into BESS site plan review. The law also integrates the assessment of available water resources for fire fighting capabilities. The BESS systems are permitted in medium commercial districts, light industrial, and special light industrial districts. The law follows the setbacks for principle structures in the underlying zoning district and which includes a 100' setback from any lot line that is adjacent to a residential lot. Mr. Ohol inquired if a 100' setback from residential lots is adequate. Mr. Bonafede stated that this is the recommended setback in NYSERDA's BESS model law. A motion for approval was made by Mr. Ohol and seconded by Mr. Machelor. Unanimous. Carried.

No. 7031 – Town of Porter – Zoning Text Amendment

Request by the Town of Porter for the Planning Board to review a zoning text amendment adding new regulations to Battery Energy Storage Systems within the Town. Peter Jeffrey was present to discuss the amendment. Mr. Jeffrey explained the Town used the NYSERDA minimum requirements as a starting point to develop a new law regarding BESS systems. BESS systems will be allowed in industrial zoned areas. Mr.

Bonafede explained the Town developed a three tiered code allowing tiers I and II only in industrial districts with setbacks increased beyond the minimum requirements. Special use permits and site plan reviews are required. The fire safety compliance sections conform to the NYSERDA model law. Mr. Bonafede asked how the availability for water will be addressed. Mr. Jeffrey stated he believes it will be covered in the special use permit and site plan review process. Fire hydrant distances are addressed in the State fire code. A motion for approval, with a recommendation to add an access to water supply requirement, was made by Mr. Agronin and seconded by Mr. Garrow. Mr. Collard abstained. Yes 5, No 0. Carried.

No. 7032 – Town of Porter – Zoning Text Amendment

Request by the Town of Porter for the Planning Board to review a zoning text amendment adding new regulations to Cannabis Uses within the Town. Peter Jeffrey was present to discuss the amendment. Mr. Jeffrey explained the Town established a Cannabis committee consisting of members from the Town Board, Planning Board, Zoning Board, and representatives of the residents to draft the law. The law was drafted based on information from the State’s Office of Cannabis Management (OCM) regulations and other towns’ local laws regarding cannabis use. It was determined that time, place, and manner can be regulated. The different types of licenses that the OCM were also reviewed. The amendment complies with the State regulations and increases setbacks. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Mr. Collard abstained. Yes 5, No 0. Carried.

No. 7033 – Town of Cambria – New Local Law and Zoning Map Amendment

Request by Tyler Booth for the Planning Board to review a New Local Law and Zoning Map Amendment to rezone the subject parcel from AR Agricultural Residential to PD Planned Development. The property is located at 5182 Ridge Road and currently contains a Tavern, Living History and Farm Museum and related educational and historic preservation uses and structures. The property is 5.0 acres. Abraham Platt, Attorney for the Town of Cambria, and Tyler Booth, applicant, were present to discuss the request. Mr. Platt explained the Planned Development District will be able to better capture the various uses Mr. Booth’s operation will be entertaining. It has been unworkable under a special permit. Mr. Booth explained the project has been in the planning stage for over a decade and is now ready to proceed. It is a 501-C3 educationally chartered museum. The buildings are protected by the National Register of Historic Places. Additional parking will be added in the future. A full site-plan will be reviewed once the PD district is established. Everything on the property will stay as is in the scope of this review; additional farm buildings will be added in the future and will be subject to future site plan review. Eventually, the tavern and the church will be connected as it was in the past. The entire property is a living history farming museum. The site plan review will include all future projects so there will be no need for repeated reviews. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

4. Old Business - None

5. New Business

- a.) Correspondence Review – The Board reviewed a SEQR Lead Agency Designation for the Town of Cambria proposed project, Cambria ESS. The Niagara County Planning Board has no objections to the Town of Cambria acting as lead agency on the SEQR Coordinated Review for the proposed project, Cambria ESS. However, the Board asked for the following comment to be forwarded to the Town of Cambria: Within SEQR review, please consider potential toxic materials associated with potential BESS fires.
- b.) Correspondence Review – The Board reviewed a SEQR Lead Agency Designation for Lockport City School District Capital Projects interior reservations. No action is required by the board.

Adjournment – A motion to adjourn the meeting was made by Mr. Garrow and seconded by Mr. Ohol at 2:45 pm. Yes 6, No 0. Carried.

Respectfully submitted,

Margit Denning

Margit Denning, Recording Secretary