

Approved March 25, 2021
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TOWN OF CAMBRIA TOWN BOARD

SPECIAL MEETING

PUBLIC HEARING

March 25, 2021

The Special Meeting of the Town of Cambria Town Board was held at 7:00 Pm on the 25th day of March 2021, 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
Randy M. Roberts, Councilman

ALSO PRESENT:

Paula N. Jones, Deputy Town Clerk
Robert Roberson, Attorney
Drew Reilly, Wendel

1 interested individual

Following salute to the flag Supervisor Ellis opened the public hearing to hear and consider the adoption of a proposed local law entitled Town of Cambria Local Law No. 1-2021 Local Law Superseding Local Law No. 2 of 2017 Regulating Solar energy Systems.

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 the Town of Cambria will conduct a Public Hearing at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, on the 25th day of March, 2021 at 7:00 p.m. to hear and consider the adoption of a proposed local law entitled –

Town of Cambria Local Law No. 1-2021 Local Law Superseding Local Law No. 2 of 2017 Regulating Solar energy Systems:

GENERAL PROVISIONS:

ARTICLE I LARGE-SCALE (TIER-2) AND UTILITY-SCALE SOLAR ENERGY SYSTEMS (TIERS 3 AND 4)

Authority	p. 1
Purpose	p. 1-2
Definition	p. 2, 3, 4
Applicability	p. 4
General Requirement	p. 4
Permits and Approval Required	p. 4
Small Scale (Tier – 1)	p. 5
Utility Scale (Tier – 3)	p. 5, 6
Large-Scale (Tier – 2)	p. 5
Utility grade (Tier – 4)	p. 7

Fees	p. 8
General Provision	p. 8, 9
Bulk and Siting Requirement, Utility Grade System	p. 9, 10
Screening and Visibility	p. 10
Additional Agricultural Requirements	p. 11
Noise, Hazardous Material, Glare	p. 11
Abandonment & Decommissioning	p. 11, 12
Security	p. 12
Time for Completion	p. 13
Utility, Grade solar Energy System (Tier 3-4)	
- Liability Insurance	p. 13, 14
Article II Small –Scale Solar Energy System (Tier – 1)	p.15
Enforcement, Serviceability, Effective Date	p. 16

A copy of proposed Local Law No. 1 – 2021 is on file in the office of the Town Clerk at the above address where it is available for inspection/copying during regular office hours. All interested parties will be heard. COVID-19 rules apply – 6 foot separation, masks, etc. Seating limited. Comments, questions and opinions may be emailed to the Town Clerk’s Office up to 10:00 a.m. on March 25, 2021. (townclerk@townofcambria.com)

Supervisor Ellis explained the updated Solar Law is quite detailed with 4 main areas now in the solar law. It is broken up into 4 tiers; tier 1 small scale no changes, tier 2 large scale no changes. We have added new tier 3 utility scale less than 20 acres, limited to an area south of the Escarpment zone. It was designed to protect the Escarpment, agri-tourism of the Town and the wine trail. It would have immediate applications for dairy and grain drying. We have one dairy and several grain farmers in Town that use grain dryers and have high usage in November and December. They could benefit from an installation and 20 acres would provide between 3 – 4 megawatts of power. Tier 4 utility scale greater than 20 acres, classified as industrial installation and these would primarily be controlled by the Article 94C that has been introduced.

Drew Reilly, Wendel, thanked the committee and attorney’s involved for their hard work because this is the zoning and the law we must make sure it’s defensible and reads correctly. NYS law and NYS county and other agencies have said when looking at solar all zoning must be in accordance with the comprehensive plan. As recommended by NYS, they looked at the Town’s plan and how it would impact solar and the installation of small and large scale solar in the community. In this plan the Town is not anti-solar; there have been solar developments in the community. People have put solar on their houses and other places in the Town. Based on the Comprehensive plan they updated, copies will be available soon for the website, they would like to adopt it in the next couple of months. The zoning is based on the updated comprehensive plan and he would like to give people a chance to look at it. They have received some great comments and made some changes to more define and clarify things – no changes to the law were made, clearly defining it. The setback requirement needs to be clearer; right now it’s too ambiguous. One new thing was added today, Niagara County is now proposing a law to mandate the recycling of solar panels once they are no longer in use anymore, so on page 12 of the law it needs to be part of their decommissioning plan.

Supervisor Ellis asked the Clerk to read one email comment that was received this morning.

Respectfully submitted from Tyler Booth of 3037 Lower Mtn Road to the Town Board of the Town of Cambria in respect to the public hearing of Local Law No. 1-2021.

I am aware that the Town Board has already sent its law for review and intends to vote on the matter tonight without reflecting on public input; but I would have hoped that the Town would have included language that discouraged the use of materials incompatible with existing landscape (e.g., chain link fencing, inappropriate buffers). Doing so would encourage rural design and help to preserve the agrarian esthetic of the Town of Cambria.

It also occurs to me that the language in this updated law makes a definitive resolution that any proposed Utility-Scale Solar Energy System greater than 20 acres shall not be located on a parcel that consist of Prime Farmland soils (including Prime where drained) or Farmland soils of Statewide Importance on more than 50% of the parcel. I am curious what the rationalization for this condition was and how that rationalization does or does not translate into the industrial and planned development zones since both zones use Prime Farmland soils in a similar, and possibly more detrimental, way than a solar system would. Where is the distinction between Prime Farmland in the industrial and

Planned Development zones and Prime Farmland in the Agricultural-Residential Zone or other non-industrial zones?

Supervisor Ellis would like to correct some misinformation in that email; *I am aware that the Town Board has already sent its law for review and intends to vote on the matter tonight without reflecting on public input*, that is not correct. We sent the law for review by the Niagara County Planning Board which is required by law. The NCPB met at its meeting on the 15th of March and I participated in that meeting. They approved our proposed solar law without comment, so that is the best you can have. As far as intending to vote on the matter tonight, we never intended to vote tonight and I did mention that at the last Town Board meeting when I was questioned on the separation of the public hearing and the Town Board meeting. Under the timeline, we would like to get it approved by the April meeting so the public hearing is being held 2 weeks in advance of that to allow time to receive comments and make appropriate changes. It was the intention from the get go to have a separation between the public hearing and the actual vote. The language over the discouraged use of materials; the chain link fencing is something the Town has no control over. That is set by regulation due to the hazard of the high voltage in the solar panels so it is required that each field or area of solar panels be surrounded by chain link fence a minimum of 7 feet in height, it could be shorter (6 ft.) with a row of concertina wire on top. Drew Reilly noted the design of the fence will be a Planning Board matter, the 7 foot is a requirement of the NYS Fire and Safety Code. The inappropriate buffers; there is language for buffers of certain heights and to have vegetation on them, minimum heights for trees to be planted, specifying evergreens and conifers. The second part talks about prime farmland soil and we will take that into consideration as we move forward. Drew clarified the question of allowing Tier 4 in the Industrial districts and the Planned Development districts; they should understand in the Planned Development districts you still need to come in and get approval, it does not automatically allow solar. The Industrial areas of the Town, that's where they planned for this type of growth.

Supervisor Ellis opened up the meeting to comments from the public.

Sharon Tasner, Subbera Road, is a bit disappointed that she is the only person here at the meeting with all of the chatter on social media the last few weeks; it's open to the public and where is the public?

Supervisor Ellis stated he believes they had a good cross section of the Town represented, satisfied that a good job was done reaching out to the community to comment.

Councilman Musall thanked everyone for their time and effort put into this document, this was started back in September, and it's a hefty document that should put us in a good position going forward.

Supervisor Ellis closed the public hearing at 7:22 pm.

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Musall.
Time: 7:23 pm

Respectfully submitted,

Paula N. Jones, Deputy Town Clerk