

Town of Cambria  
Planning Board Meeting  
September 21, 2020

The regular monthly meeting of the Planning Board of the Town of Cambria was called to order by William Amacher, Chairman, at 7:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members Present: William Amacher  
Roger Schreader, Sr.  
Garret Meal  
Michael Sieczkowski  
Gerald Kroening

Member Absent: Douglas Mawhiney

Also present: Benjamin Musall, Councilman, Town Board Liaison Planning Board  
James McCann, Building Inspector  
Gary Billingsley, Attorney

New Business	David Caldwell
Minor Subdivisions	6509 Harvest Ridge Way
P-SBD-2020-007	Lockport, NY 14094
P-SBD-2020-008	vacant lot on Heffren Drive
P-SBD-2020-009	SBL # 106.00-2-13.1

Mr. Caldwell confirmed he has purchased premises from Kenneth Jungier, and that these applications for Subdivision approvals actually seek to change the lot sizes from the previous approval granted to Mr. Jungier. The new lots will have dimensions of 152 feet by 264 feet, 152 feet by 492 feet and 152 feet by 492 feet.

There was discussion regarding drainage on the property, and Chairman advised applicant that he will need to work with Highway Superintendent concerning any drainage issues.

Applicant confirmed that he intends to build on the west lot, and discussion followed concerning whether Heffren Drive will need to be extended in the future. Applicant was advised by Chairman that if it was necessary, he would be responsible for the cost relating to same. It was confirmed that the earlier Jungier approval contained condition to this effect, namely that should Heffren Drive need to be extended, it would be done at the expense of applicant.

Applicant confirmed that the Highway Superintendent has already placed the culvert pipe for his

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new residence.

Mr. Sieczkowski had questions concerning the applications relating to numbers 4 and 8 regarding the road right-of-way, as well as questions concerning the SEQRA forms. These questions on the applications were discussed, with questions 4 and 8 to be corrected and answered yes.

Chairman confirmed that ditches on premises will need to be maintained as directed by the Highway Superintendent, and that existing ditches cannot be filled in.

Mr. McCann was asked if he had anything further, and he said no.

A Motion to waive the Public Hearing was made by Mr. Sieczkowski and seconded by Mr. Kroening, the Motion was put to a roll call, which resulted as follows:

Mr. Schreader voting aye  
Mr. Sieczkowski voting aye  
Mr. Amacher voting aye  
Mr. Meal voting aye  
Mr. Kroening voting aye

The Motion was thereupon passed.

A Motion to declare a Negative Declaration under SEQRA was made by Mr. Kroening and seconded by Mr. Meal, the Motion was put to a roll call, which resulted as follows:

Mr. Schreader voting aye  
Mr. Sieczkowski voting aye  
Mr. Amacher voting aye  
Mr. Meal voting aye  
Mr. Kroening voting aye

The Motion was thereupon passed.

There was discussion concerning possible conditions for these applications. Attorney confirmed approval would modify the earlier Jungier Subdivision approval for P-SBD-2018-010 with conditions to include that if Heffren Drive needs to be extended in the future, it will be done at the expense of the applicant, and that a revised survey shall be filed. Chairman confirmed that the Motion should include a provision that applicant shall address any drainage issues with the Highway Superintendent. Attorney confirmed that the lot sizes for the three (3) lots are 152 feet by 264 feet, 152 feet by 492 feet and 152 feet by 492 feet, respectively. Mr. Sieczkowski confirmed

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that a single motion would be sufficient to approve all three lots.

Motion to grant the application with the above conditions was made by Mr. Kroening and seconded by Mr. Schreader, the Motion was put to a roll call, which resulted as follows:

Mr. Schreader voting aye  
Mr. Sieczkowski voting aye  
Mr. Amacher voting aye  
Mr. Meal voting aye  
Mr. Kroening voting aye

The Motion was thereupon passed.

Old Business

Referral from Town Board

AES Distributed Energy, Inc.

P-D Rezoning Request

Heppner premises at 5399 Cambria Road

Chris Matthews of AES and Terresa Bakner, Attorney with Whiteman, Osterman & Hanna appeared before Board on behalf of AES by telephone call due to Covid 19 travel restriction issues, while Andrew Gordon of AES and Rachel Silva, a scientist at TRC, appeared in person this evening, as did Mr. and Mrs. Heppner. This is a rezoning request to rezone 36.33 acres P-D. 17.62 acres would be used as a ground mounted solar facility, with the remaining portion continued to be used as a farm.

Chairman Amacher confirmed with Mr. Matthews the receipt of a supplemental letter from AES to the Town dated September 18, 2020 in which it addressed its three (3) "takeaways" from the last meeting of this Board on August 17, 2020, namely how it believes the project helps meet goals of the Comprehensive Plan, how it believes the project complies with the necessary criteria of P-D District Zoning, and why the property selected is better suited for the project than existing P-D and Industrially zoned properties in the Town.

Chairman Amacher asked Mr. Matthews to explain community solar projects, including the types of electric lines that the project can and cannot use. Mr. Matthews explained there are two types of projects, smaller community solar projects that hook into lower voltage distribution lines along roads, and larger projects that hook into higher voltage transmission lines. Questions concerning benefits to residents in the area followed. Mr. Matthews explained that eligible residents in the National Grid area of Niagara County would be permitted to obtain power generated from this AES project at a discount of approximately 10% for the usage portion of their bill (with no similar discount on that portion of the bill including service fees and administrative charges). There would be no charge to the customer for signing up for this service. Mr. Matthews confirmed that

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commercial accounts would work the same way. Starting in 2021, consolidated billing by National Grid for the entire bill is expected. Mr. Matthews also explained that once the electricity being produced is fully subscribed for by customers, no further subscriptions will be available.

With respect to the September 18, 2020 letter to the Town, Mr. Meal pointed out that pages 2 and 4 appeared to be missing. Mr. Amacher indicated that AES should arrange for the Town Board to receive the full letter.

Regarding item 1 in said letter pertaining to the Comprehensive Plan, Mr. Matthews said AES believes that the proposed use is compatible with the Comprehensive Plan, with the project design providing for a dual use of premises for solar and agriculture. His understanding is that the solar project would be fully taxable, and that the Heppner's would receive the benefit of guaranteed additional income. He added that AES would like to work with the Town and develop a landscaping plan that would help maintain the rural aesthetics of the neighborhood. Mr. Kroening asked whether the entire parcel would be taxable, or whether the Ag exemption would still apply to the portion being farmed. Discussion on parcel's tax status if rezoned followed.

Regarding item 2 in the letter from AES dated September 18, 2020, Mr. Matthews stated the proposed rezoning request meets the criteria of sections 1001-1003 of the P-D rezoning pertaining to lot size, square footage requirements, procedures to establish, appropriateness of design, minimizing visual impact on nearby properties, etc.

Regarding item 3 of said letter, Mr. Matthews stated AES had examined sites already zoned P-D and Industrial in Cambria for its proposed project. The Industrial Zone sites for the most part contained large transmission lines that are too high in voltage for the type of project they are proposing, or were in the vicinity of multiple residences. There are also properties that are already being used for industrial or other purposes that make these other sites undevelopable. Mr. Matthews added that the P-D sites on Shawnee Road and Shenk Road and are not suitable due to limits in size, current use, environmental impacts, existing residences in area, etc.

Mr. Siczkowski asked if applicant had looked at the P-D zoned parcel in the vicinity of Saunders Settlement Road, Campbell Boulevard, Comstock Road and Lockport Road, known as the "shovel ready" project.

Chairman Amacher stated he did not believe it was a good idea to rezone this parcel, that the Town had other parcels already zoned P-D that could be used, and that he would like to recommend that this Board recommend to the Town Board that it deny this request, due to the fact that it is against our zoning laws and the Comprehensive Plan. Attorney added that his interpretation of Town's Solar Law is that Solar is permitted in an already zoned P-D District.

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A Motion to recommend that the Town Board deny the application by AES to Rezone the Heppner Property for the above reasons was made by Mr. Sieczkowski and seconded by Mr. Schreader, the Motion was put to a roll call, which resulted as follows:

Mr. Schreader voting aye  
Mr. Sieczkowski voting aye  
Mr. Amacher voting aye  
Mr. Meal voting aye  
Mr. Kroening voting aye

The Motion was thereupon passed.

The Chairman indicated a copy of the Planning Board's letter to the Town Board would be provided to applicant. Mr. Matthews asked for information on the "shovel ready" project area. There was discussion concerning the zoning classification of the parcel. Mr. McCann confirmed it is zoned P-D.

The Chairman stated the next meeting of this Board will be October 19, 2020 at 7 PM. Included on the agenda will be a request to rezone a parcel at 5182 Ridge Road known as the Forsythe Tavern.

#### Reports

Building Inspector – Stated nothing at this time, but there was some discussion concerning a barn that had been removed on Campbell Boulevard near Murphy Road.

Attorney, Board Members and Mr. Musall – Nothing at this time.

A motion to adjourn the meeting at 8:07 PM was made by Mr. Kroening and seconded by Mr. Schreader, the motion was put to a roll call, which resulted as follows:

Mr. Schreader voting aye  
Mr. Sieczkowski voting aye  
Mr. Amacher voting aye  
Mr. Meal voting aye  
Mr. Kroening voting aye

Meeting adjourned.

Respectfully submitted by  
Gary Billingsley