

Approved

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## Town of Cambria Zoning Board Meeting Minutes

**Date:** December 15, 2025

**Time:** 6:30 PM

**Location:** Town Hall Meeting Room, 4160 Upper Mountain Road, Sanborn, New York

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### **Attendees included:**

Peter A. Smith, Chairman

Thomas Andrews, Vice Chairman

Mark March, Member

Harmony Retzlaff-Hurtgam, Member

Andrew Milleville, Member

Jennifer Garofalo, Alt. Member

Louise Brachmann, Liaison to the Town Board

Abe Platt, Town Attorney

Deputy Building Inspector/Code Enforcement, Matthew Cooper

Krista Brocious, Planning /Zoning Board Clerk

**Members not in attendance included:** Building Inspector/Code Enforcement, James McCann

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### **Call to Order**

The meeting was called to order by Chairman Smith who welcomed everyone to the meeting and asked everyone to stand for the pledge of allegiance.

### **Approval of Minutes**

**Motion :** To approve minutes from **November 17, 2025** meeting

- Made by: Mr. Andrews
- Seconded by: Ms. Retzlaff-Hurtgam
- Vote: All in favor. Motion passed.

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### **The Public Hearing was read by Attorney Platt.**

OWNER/APPLICANT: James C. Knox, II and Brenda J. Knox

PROPERTY LOCATION: 4713 Cambria-Wilson Road,  
(Tax Map No. 92.00-1-23.112) Lockport,  
Niagara County, New York

APPLICATION FOR AN AREA VARIANCE of the provisions of the Zoning Code of the Town of Cambria to construct an addition onto

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an existing accessory structure (garage) that would bring the total square footage of said accessory structure to 1,800 square feet on premises situated within the Agricultural Residential (AR) Zoning District, whereas the Zoning Code requires such accessory structures to have a maximum total square footage of 1,500 square feet within said district.

**KNOX, James**

**ZBAV-2025-019**

**4713 Cam-Wil Rd., Lkpt**

**SBL#92.00-1-23.221**

**Area Variance- addition onto existing garage**

**Proposal:** to construct an addition to an existing accessory garage, increasing the total square footage to approximately 1,800 square feet where 1,500 square feet is permitted by code.

### **Applicant Statement:**

**Mr. James C. Knox** addressed the Board and stated:

- The request is to construct an addition to an existing accessory structure.
- The structure is primarily for storage of his RV and personal use.
- He wishes to work indoors and maintain consistency with the existing building.
- The addition will match the existing structure in design, color, and materials.
- Existing building height is approximately 14 feet at the sidewalls, with no significant deviation proposed other than the footprint.
- The proposal replaces a previously approved plan for a separate accessory building, which was abandoned due to cost and utility considerations.
- The properties were previously combined as instructed during an earlier approval process.

### **Board Discussion**

Board members discussed:

- Prior approval history involving an area variance for a separate structure.
- Whether the current proposal materially differs from the previously approved plan.
- The additional 300 sq. ft. requested beyond the zoning maximum.
- Whether the proposal would create an undesirable change in neighborhood character.

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- Whether alternatives existed, including off-site storage (noted to be approximately 10 miles away).

The Town Attorney noted:

- The Board previously made findings that the project would not result in adverse impacts.
- The primary consideration is whether the additional 300 sq. ft. constitutes a substantial variance.

### **Public Comments:**

The public hearing was opened and closed with no comments received from the public.

### **Board Action**

**Motion:** For Negative SEQR Declaration

- Made by: Mr. Andrews
- Seconded by: Mr. Milleville
- **Vote:** All in favor – **Aye**
- **Motion carried**

**Motion:** To approve the area variance requested by Mr. Knox, subject to findings that:

- There is no undesirable change in neighborhood character.
- There will be no adverse environmental, physical, or fire impacts.
- The variance is not substantial.
- The addition remains consistent in height and design with the existing structure.
- **Second:** Board Member
- **Vote:** All in favor – **Aye**
- **Motion carried**

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**MCKIE Properties**

**5147 Lkpt Rd., Lkpt**

**ZBUV-2025-003**

**SBL#121.00-2-46.211**

**Use Variance-Stand-alone battery energy system**

**The Public Hearing was read by Attorney Platt.**

OWNER/APPLICANT: McKie Properties, LLC

PROPERTY LOCATION: 5147 Lockport Road,  
(Tax Map No. 121.00-2-46.211) Cambria,  
Niagara County, New York

APPLICATION FOR A USE VARIANCE of the provisions of the Zoning Code of the Town of Cambria and/or the Town of Cambria's Local Law regulating Battery Energy Storage Systems to permit, construct and operate a stand-alone 5MWac Battery Energy Storage System (BESS) on premises situated within the Business 2 (B-2) Zoning District, which is not a permitted land use within said district.

**Proposal:** Use variance to construct and operate a standalone 5 MW AC Battery Energy Storage System (BESS)

### Applicant Presentation

**Mr. Andy Welch**, representing **Ric Energy**, stated:

- Ric Energy is a clean energy developer active throughout New York State and nationally.
- The project proposes a standalone 5 MW battery energy storage system.
- Current zoning allows battery storage only as an accessory to solar; this project is standalone.
- The facility would consist of six Tesla Megapack 2XL units.
- Each unit is approximately 9 feet tall, 6 feet wide, and 28 feet long.
- The total fenced area is approximately the size of a tennis court.
- The site is located back from the road, adjacent to farmland and existing commercial uses.
- Landscaping and fencing will fully screen the project from view.
- Noise levels are minimal and dissipate within 20–30 feet.

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- Lithium Iron Phosphate (LFP) batteries are proposed due to superior safety and stability.
- The system includes 24/7 remote monitoring and automatic shutdown capability.
- A Hazard Mitigation Plan, Emergency Response Plan, and Fire Department training will be provided during site plan review.

### Safety Expert Presentation

**Mr. Eric Wood**, Energy Safety Response Group (ESRG), explained:

- ESRG is comprised of active and retired firefighters and engineers.
- The firm conducts UL 9540 and UL 9540A testing of battery systems.
- Tesla Megapack 2XL systems meet all applicable testing standards.
- LFP batteries demonstrate high resistance to propagation and thermal runaway.
- Extensive testing shows no groundwater, air, or soil contamination from incidents.
- Water suppression is generally unnecessary and potentially hazardous.
- Fire departments are trained to establish exclusion zones and monitor events.
- Emergency Response Plans are site-specific and coordinated with local fire departments.

**Chairman Smith opened the public hearing.**

### Public Comment

The following members of the public spoke in opposition or with concerns:

1. **Steve Larson**, 5359 Comstock Road
  - Referenced a 2023 battery fire incident that burned for six days.
  - Urged the Board to thoroughly review past incidents.
2. **Sharon Tasner** of 5693 Subbera Road
  - Vice President, Cambria Opposition Against Industrial Solar.
  - Expressed concern over cumulative industrial development impacts.
  - Questioned the need for the project in Cambria.
3. **Roger Palmer**, 5699 Subbera Road
  - Raised concerns regarding property values and safety.
  - Compared the proposal to experiences with solar development.
4. **Karen Kurczynski** of 4643 Saunders Settlement Road
  - Expressed concerns about proximity to homes and schools.
  - Raised concerns about air contamination and long-term impacts.
5. **Gina Merlo** of 4410 Green Road

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- Cited online research regarding battery chemicals.
- Expressed concerns regarding firefighter exposure and long-term health impacts.
- Requested denial of the application.

### Board Action – SEQR Referral

- **Motion:** To leave the public hearing open and refer the application to the Town of Cambria Planning Board for coordinated SEQR review.
- **Resolution Included:**
  - Authorization for the Planning Board to act as Lead Agency.
  - Referral to Niagara County Planning Board pursuant to General Municipal Law §239-m.
  - Referral to neighboring municipalities as required.
- **Made by:** Mr. March
- **Seconded:** Mr. Andrews
- **Vote:** All in favor.
- **Motion carried**

### Clarifications

- Applicant agreed to submit additional documentation and safety materials for public review.
- The Chair explained the SEQR process and noted the application would return to the Zoning Board following Planning Board review.

### Other Business

- Board members signed their end of the year vouchers
- Next Month's meeting will be at 7:00pm PM January 26<sup>th</sup>.

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### Adjournment

- **Motion:** Mr. Andrews
- **Second:** Mr. March
- **Vote:** All in favor. Motion carried.
- **Meeting adjourned @ roughly 7:25 PM**

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*Krista Brocious*  
Planning/Zoning Clerk