

Approved

Town of Cambia Planning Board Meeting Minutes

Date: April 20, 2026

Time: 7:00 PM

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

Attendees included:

William Amacher, Chairman

Roger Schreader, Member

Michael Sieczkowski, Member

Gerald Kroening, Member

Garret Meal, Member

Chad Brachmann, Alternate Member

Michael Haseley, Alternate Member

Abe Platt, Attorney

Matthew Cooper, Building Inspector/Code Enforcement

Randy Roberts, Town Board Liaison

Members not in attendance: Krista Brocious, Clerk Planning /Zoning Board

Call to Order

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

Approval of Minutes

Motion: To approve the minutes of the **March 16, 2026**, meeting.

- **Motion to approve minutes:** Mr. Schreader
 - **Second:** Mr. Sieczkowski
 - **Vote:** All in favor — **Carried**
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TOTTEN, Kirk
5930 Campbell Blvd, Lkpt
Site Plan Approval

PSP-2026-001
SBL#121.00-2-78

The Board reviewed the application for Site Plan Approval of a Repair & Sales Shop. The project included the reuse of existing structures and the construction of future structures.

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Discussion included:

- The purchaser indicated that the project consisted of the conversion of a storage use to a business use.
- The new use will be a vehicle restoration business that will be open to the public.
- The proposed hours are to be 9:00 a.m. to 5:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday.
- The proposed new structure is to be used as a future showroom. The rear structure will remain primarily used for personal storage.
- There is to be water on-site.
- Chairman Amacher indicated that the Niagara County Planning Board had reviewed and approved the Site Plan.
- The Applicant would be permitted a 4'x8' lit sign to be installed on the building. The sign will be lit during evening business hours; on a timer.
- Fluids and other automotive waste products collected on-site would be removed by a third party vendor.

Negative Declaration under SEQRA.

Motion by: Mr. Kroening

Second by: Mr. Sieczkowski

Vote: All in favor. Motion carried.

Site Plan Approval

Motion by Mr. Kroening to approve the Site Plan pursuant to the previously discussed terms and conditions.

Second by: Mr. Sieczkowski

Vote: All in favor. Motion carried.

MCKIE Properties/RIC Energy

5147 Lkpt Rd., Lkpt

Coordinated Review

ZBUV-2025-003

SBL#121.00-2-46.211

SEQR Review – Coordinated Review Update

- The Planning Board was previously designated as **Lead Agency** for SEQR review and has completed a detailed review of SEQR Parts 2 and 3.
- Attorney Platt indicated that certain information was sought from the Applicant following the March 16, 2026, Planning Board meeting and that said information

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was received from the Applicant and reviewed as part of the Board's review of SEQR Parts 2 and 3. Attorney Platt indicated that it was his understanding that the Board was now in a position to make its SEQR determination.

SEQR Determination

Motion: That the Board issue a Positive Declaration relative to the BESS project.

- **Motion to issue a Positive Declaration:** Mr. Meal

The following proposed Resolution was read by Attorney Platt:

WHEREAS, the Town of Cambria Planning Board received a Site Plan application, a Use Variance application, and an Area Variance application from Cambria ESS LLC (the "Applicant") for the development of a 5.00-megawatt Battery Energy Storage System located at 5147 Lockport Road (the "Proposed Action"); and

WHEREAS, the Cambria Planning Board reviewed the application and any revisions to the application at meetings from February of 2026 to April of 2026; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Cambria Planning Board initiated the SEQRA Coordinated Review Process for this Unlisted action to establish the Planning Board as SEQR Lead Agency; and

WHEREAS, the Cambria Planning Board has received input from various Involved and Interested Agencies and Town departments, including reviewing the minutes of the Town Zoning Board of Appeals' public hearing on the project, received input from the Town Planner and held public meetings on the application; and

WHEREAS, the Cambria Planning Board has reviewed the Environmental Assessment Form

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(EAF) submitted by the Applicant, comments and input from the Town Planner, Town departments, Planning Board members, other Involved Agencies and the public, information submitted by the Applicant on the project and revisions to the project, and has reviewed the Town's Zoning Code and Comprehensive Plan; and

WHEREAS, no objections were made to the Cambria Planning Board acting as SEQR Lead Agency and the Planning Board therefore has been established as SEQR Lead Agency; and

WHEREAS, the Cambria Planning Board has completed Part 2 of the FEAF, analyzed those impacts identified in Part 2 as potentially "moderate to large impacts" in an expanded Part 3 document, reviewed the criteria for determining significance in accordance with Section 617.7 of SEQR, and determined that the proposed approval of the Cambria ESS LLC project may include the potential for at least one significant adverse environmental impact.

NOW, THEREFORE, BE IT RESOLVED, that the Cambria Planning Board hereby issues a Positive Declaration and authorizes the Planning Board Chairman to sign the EAF, which will act as the SEQRA Positive Declaration; and

BE IT FURTHER RESOLVED, that the Cambria Planning Board authorizes the Town Planner to file the proper Notices and complete the required mailings concerning this determination; and

BE IT FURTHER RESOLVED, that to ensure a comprehensive and orderly environmental review, the Planning Board establishes the following scoping schedule for the Draft Environmental Impact Statement (DEIS) as follows:

1. Draft Scoping Document Submission by Applicant

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1.1 The Applicant shall submit a Draft Scoping Document to the Planning Board no later than thirty (30) calendar days from the date of this Resolution.

2. Circulation of Draft Scoping Document and Notice of Public Scoping

2.1 Within twenty (20) calendar days of receipt of the Draft Scoping Document, the Planning Board shall circulate the Draft Scoping Document to Involved and Interested Agencies and post it for public review and shall issue a Notice of Public Scoping.

2.2 The Notice of Public Scoping shall provide not less than thirty (30) calendar days for written public and agency comments on the Draft Scoping Document.

3. Public Scoping Session

3.1 The Planning Board shall hold at least one public scoping session during the public comment period, on a date that provides a minimum of fourteen (14) calendar days' advance public notice.

4. Close of Written Comment Period on Draft Scoping

4.1 The written comment period on the Draft Scoping Document shall remain open for the thirty (30) calendar days specified in Section 2.2 and shall close at 4:30 p.m. on the final day of that period.

5. Preparation of Final Written Scope by Lead Agency

5.1 The Planning Board shall prepare and adopt the Final Written Scope within sixty (60) calendar days after the later of:

(a) the close of the public comment period established in Section 4.1, or

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(b) the conclusion of the public scoping session identified in Section 3.1, whichever occurs later.

5.2 The Final Written Scope shall identify potentially significant adverse environmental impacts, the extent and quality of information needed, reasonable alternatives, and mitigation measures to be analyzed in the DEIS.

6. Applicant's DEIS Preparation and Submission

6.1 Following issuance of the Final Written Scope, the Applicant shall prepare the DEIS consistent with the Final Written Scope and submit the DEIS to the Planning Board on or before the Applicant's proposed date [to be determined by the Applicant], recognizing that the Applicant controls the timing of its submission.

7. Lead Agency Determination of DEIS Adequacy for Public Review

7.1 Within forty-five (45) calendar days of receipt of the DEIS, the Planning Board shall determine whether the DEIS is adequate with respect to scope and content for public review.

7.2 If the DEIS is determined inadequate, the Planning Board shall identify deficiencies in writing and, upon resubmittal by the Applicant, shall have thirty (30) calendar days to determine adequacy of the resubmitted DEIS.

8. Public Notice and Hearing on DEIS; Comment Period

8.1 Upon determining the DEIS adequate for public review, the Planning Board shall file and circulate the Notice of Completion and provide public notice of a public hearing to occur not less than fifteen (15) nor more than sixty (60) calendar days from the date of the Notice of Completion.

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8.2 The Planning Board shall establish a public comment period on the DEIS of not less than thirty (30) calendar days, which may be extended in the Planning Board's discretion up to a total of ninety (90) calendar days when a public hearing is held and to accommodate agency and public participation.

8.3 If a public hearing is held, the written comment period shall remain open for at least ten (10) calendar days following the close of the hearing and may remain open through the end of the extended comment period established under Section 8.2.

9. Final EIS (FEIS) and Findings

9.1 Following the close of the public comment period on the DEIS, the Planning Board shall prepare or cause to be prepared the Final EIS and issue a Notice of Completion within ninety (90) calendar days, or such longer period as consented to in writing by the Applicant.

9.2 The Planning Board shall issue written SEQRA Findings no less than ten (10) calendar days after filing the FEIS and within thirty (30) calendar days thereafter, or such longer period as consented to in writing by the Applicant; and

BE IT FURTHER RESOLVED, that the Planning Board will begin the EIS process consistent with the foregoing scoping schedule upon the Applicant's submission of a Draft Scoping Document and in accordance with SEQRA procedures; and

BE IT FINALLY RESOLVED, that the Planning Board Chairman, Planning Board staff, and the Town Planner are authorized and directed to take all actions necessary to implement this Resolution, including issuance and filing of the SEQRA Positive Declaration and scoping

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notices, scheduling and noticing of the public scoping session, and coordination with Involved and Interested Agencies.

- **Second:** Mr. Sieczkowski
- **Vote:** All in favor — **Carried**

Next Steps

- Applicant shall submit a Draft Scoping Document Draft
 - Applicant's submission will trigger the implementation of the proposed scoping schedule
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Chairman Amacher recognized that there were two individuals who remained in the gallery and asked if they had anything that they wanted to share with the Planning Board.

Conrad Karsten, on behalf of RIC Energy. Mr. Karsten indicated that the Applicant would provide any information requested by the Board with respect to the review process going forward.

- Mr. Sieczkowski asked Mr. Karsten if the project was a “virtual power plant” in light of the fact that it made use of Tesla Battery Packs. Mr. Karsten indicated that the “virtual power plant” platform was more of a residential use in nature and that he was not sure if the project would be considered a “virtual power plant” but that he would look into it. Mr. Karsten indicated that the premise was similar but distinguished that the subject project was of a “much larger scale” than a residential unit and was not associated with a solar project.
- Mr. Karsten indicated that the purpose of the project was essentially to “charge the batteries when the rates are cheap” and “discharge them onto the grid when they're expensive,” with the goal of “shaving a few cents off the cost of a megawatt.”

James Kam, 3677 Human Road, Sanborn. Mr. Kam asked the Board if every business that operates in the Town requires a site plan approval from the Board.

- Chairman Amacher and Attorney Platt indicated that they were familiar with Mr. Kam's situation. Chairman Amacher indicated that the Town had limited ability to regulate the business because of the State's Agriculture and Markets Law.

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- Attorney Platt explained that because the subject business is a recognized farm operation operating within a recognized County Agricultural District, the business was largely regulated by State's Agriculture and Markets Law. The question as to whether the problematic aspects of the operation are illegal and subject to discipline must be determined via a state agency review to determine whether or not they represent a sound agricultural practice. If they are found to be a sound agricultural practice, they are protected by state law. If they are found not to be, the agency may seek to take corrective action, and Mr. Kam may be able to bring a private nuisance action seeking relief from a court.
 - Attorney Platt provided Mr. Kam with some general information regarding the sound agricultural practice review process.
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REPORTS

Building Inspector – Nothing to report. Chairman Amacher announced that Mr. Cooper would be leaving his position with the Town on May 2, 2026, and thanked him for his service.

Attorney – Nothing to report.

Town Board Liaison – Nothing to report.

NEXT MEETING

May 18, 2026 @ 6:00 pm

ADJOURNMENT

- **Motion:** Mr. Meal
 - **Second:** Mr. Sieczkowski
 - **Vote:** All in favor — Meeting adjourned @ approximately 7:35
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Abraham Platt

Counsel