

# Wheatfield Town Board talks battery energy storage systems

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under town-enforced regulations.

“The state came up with this stipulation that if you’re gonna opt out, do it by Dec. 31. We kind of resented that position,” Supervisor Don MacSwan said. “They came out and made this decision with no real instructions for the town. Give us details as far as distance from schools or anything like that. And so, the Town Board took the position that we’re not going to opt out. However, we will regulate where and when it can be sold, until such time New York state comes in with the proper rules and regulations that they should have provided before, which they didn’t. ...

“(But) we’re not going to allow the sale or any distribution until such time we have a law in place or until New York state comes up with something.”

MacSwan said the town has begun consulting its engineers to develop the new ordinance, which it hopes to implement in the new year.

Monday’s meeting opened with a public hearing on proposed revisions to Town Code Chapter 200-Zoning, regarding battery energy storage systems, specifically in relation to solar energy facilities.

Andrew Reilly, director of planning and environmental services for Wendel Engineering, was on hand to summarize some of the proposed changes and field questions. He explained the town currently does not have a better energy storage law on the books. Using NYSERDA’s draft model law, as well as laws implemented by other communities, the town’s proposed law would categorize storage facilities into three tiers. The first two relate to accessory use, i.e., backup power systems used in lieu of a generator. Tier one only requires a building permit, while tier two requires site plan approval.

Tier three systems are principal-use systems, where generated power is being sold back to the electric grid. Such is the case for utility-grade solar facilities, a topic the town, as well as much of New York state, has seen an influx of interest in. Reilly said the state is projecting 6,000 megawatts of battery energy storage system over the

next five years.

He explained that, under the law, tier three systems could only be allowed in the town’s two industrial districts. However, the proposed law comes with a rather stringent caveat wherein systems are limited to a maximum of one megawatt of energy storage.

“The town looked at the size of these (facilities). ... We believe one megawatt is a fairly decently sized system that can be placed throughout the town,” Reilly said. “My experience – and I’ve been involved in better energy storage projects for other municipalities where they’ve actually been constructed – you probably won’t get the larger size systems anyway, because those systems are going near large power plants and other facilities like that where the infrastructure exists. You’re probably going to get smaller-type up to one megawatt or maybe a slightly larger, so your system is going to regulate that, and the law sets in place all those requirements to install one of those systems. For example, the tier three system requires a 500-foot setback to the property line, or 1,000 feet if you’re adjoining residential. These are large-scale systems that store energy. They look like just storage containers and they’re full of lithium ion batteries or other types of batteries.”

The lone public comment came from Rob Hoover, a Sanborn resident, who inquired into the amount of input local fire departments will have in vetting proposed battery storage systems, noting a number of reported fires in such systems. Reilly said local fire departments will be “actively involved” in the approval for all proposed systems.

“We put in the law that all the systems have to be referred to the fire departments and safety plans put together and training of the fire department on the system,” he said. “As to getting input from them, I know the committee just used the state law, which basically sets all the parameters that is in the Fire Safety Code of New York state. ... But we’ve gone further and made them put a safety plan together that needs to be submitted to the fire department; needs to be approved, and then also, go out, once it’s installed,

to train the fire department on how to respond to fires at that location. So, we understand that is the biggest issue, and that’s what was addressed in the new fire safety codes and the building code as they compartmentalize them now, hopefully to avoid larger-scale fire.”

The law requires areas within 10 feet on each side of tier 2 and 3 storage systems to be cleared of combustible vegetation. Systems and equipment are also required to be listed by a Nationally Recognized Testing Laboratory to UL 9540.

Applicants must also submit a decommissioning plan, as well as bond fees, to be implemented upon abandonment or at the end of the storage unit’s life cycle. The plan requires the removal of all battery energy storage system components, structures, equipment, security barriers and transmission lines from the site, as well as disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.

The full law can be obtained for reading at the town clerk’s office (716-694-5419).

Elsewhere, citing an increase in costs, the town authorized an increase in water rates of 10 cents per 1,000 gallons of usage (bringing rates from \$2.25 to \$2.35 per 1,000 gallons of usage), as well as an increase to the town’s sewer rate of 5 cents per 1,000 gallons (a rise from \$1.10 to \$1.15 per 1,000 gallons) resulting in a minimum water/sewer bill being \$24.50, an increase of \$1.05 from the 2021 minimum bill of \$23.45. Said increase would be effective for water/sewer bills as of Jan. 1, 2022.

The Town Board of the Town of Wheatfield will hold a public hearing at 7 p.m. Jan. 24, 2022, at the Wheatfield Town Hall, 2800 Church Road, regarding the adoption of a proposed local law that would add additional stop signs on public streets. The text of said law is on file in the office of the town clerk, and is available for review by any interested person during business hours.

The town’s annual reorganization meeting will be held at 6:30 p.m. Monday, Jan. 3, at Town Hall.

## NOW ONLINE:

# Joshua Maloni’s top artist interviews of 2021



Clockwise: “Cobra Kai” features original “The Karate Kid” stars Ralph Macchio, left, as Daniel LaRusso, and William Zabka as Johnny Lawrence. (Cr. Curtis Bonds Baker/Netflix © 2020)



Top: Amy Acker starred in “Crashing Through the Snow.” (©2021 Crown Media United States LLC photo by Steven Ackerman) • Below: Marielle Scott, Cardi Wong, Ashley Newbrough and Christa B. Allen in “Christmas for Keeps.” (Photo by David Astorga/©2021 Crown Media United States LLC)



**LEGAL NOTICE**  
Notice of Formation of 1011 Gilmore Avenue, LLC. Articles of Org. filed with NY Secretary of State (“NYSS”) on November 12, 2021. Office location: Niagara County, NYSS designated as agent of LLC upon whom process may be served. NYSS shall mail copy of process to 28 Sun Valley Court, North Tonawanda, New York 14120. Purpose: any lawful purpose. Tribune/Sentinel November 19, and 26, and December 3, 10, 17 and 24, 2021

**LEGAL NOTICE**  
Notice of Formation of 10195 NFB, LLC  
Art. Of Org. filed Secretary of State NY (SSNY) 11/04/2021. Office Location: Niagara County. Street Address of principal business location: c/o The Limited Liability Company, 10225 Niagara Falls Boulevard, Niagara Falls, NY 14034. SSNY shall mail copy of process: c/o The Limited Liability Company, 10225 Niagara Falls Boulevard, Niagara Falls, NY 14034. Purpose: any lawful purpose.

Tribune/Sentinel November 19, and 26, and December 3, 10, 17 and 24, 2021

**LEGAL NOTICE**  
Notice of Formation of The Grove 1848 LLC. Articles of Organization filed with Secretary of State of NY (SSNY) on 2021-08-27. Office location: Orleans County. SSNY designated as agent of Limited Liability Company (LLC) upon whom process against it may be served. SSNY should mail process to LEGALCORP SOLUTIONS, LLC: 1060 BROADWAY SUITE 100 ALBANY NY 12204. Purpose: Any lawful purpose  
Tribune/Sentinel November 19, and 26, and December 3, 10, 17 and 24, 2021

**PUBLIC NOTICE**  
**NOTICE OF PUBLIC HEARING**  
**Town of Niagara**  
**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on January 18, 2022 at 6:30 p.m. before the Town Board of the Town of Niagara, Via Zoom (Call in information available at townofniagara.com)

The Special Use Permit request of Quicklee’s to operate a motor vehicle fuel dispensing/wash facility at 6021 Porter Road/Tax Map # 146.14-3-2.111.  
At such time and place all persons interested in the subject matter thereof will be heard concerning the same.  
By Order of the Town Board of the Town of Niagara, Niagara County, New York.  
Sylvia Virtuoso, Town Clerk  
svirtuoso@townofniagara.com  
716-297-2150 ext. 133  
Tribune/Sentinel  
December 24, 2021

**PUBLIC NOTICE**  
**NOTICE OF RECEIPT OF TAX ROLL AND WARRANT FOR THE TOWN OF NIAGARA, NEW YORK**  
**TAKE NOTICE**, that I, Sylvia Virtuoso, the undersigned Collector of Taxes of the Town of Niagara, County of Niagara, and State of New York, have duly received the Tax Roll and Warrant for the collection of Taxes within the Town of Niagara for the year

2022 and that I will attend at 7105 Lockport Road, in the said Town of Niagara from January 3, 2022, to March 31, 2022.  
**TAKE FURTHER NOTICE**, that taxes may be paid on or before January 31, 2022 without penalty or interest. On all taxes received after such date, there shall be a penalty of one percentum (1.00%) for taxes paid on or before February 28, 2022. On all taxes received after February 28, 2022 there shall be an added penalty of two percentum (2.00%) for taxes paid on or before March 31, 2022.  
**Tax Collector hours are at Town Hall only, Monday thru Friday 9am-3pm. DROP BOX AT FRONT DOOR, US MAIL AND ONLINE PAYMENTS PREFERRED.**  
**FURTHER NOTICE**, that pursuant to the provisions of law the Tax Roll of the Town of Niagara will be returned to the County Treasurer of the County of Niagara on the 1 st day of April, 2022. Dated December 2021 Sylvia Virtuoso Collector of Taxes Town of Niagara  
Tribune/Sentinel  
December 24, 2021

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