

Porter sets public hearing on 'Solar Energy Systems'

New local law places limits on permitted districts

Solar company rep speaks out against measure

STAFF REPORTS

The Town of Porter will hold a public hearing at 6 p.m. Monday, Feb. 8, at Town Hall to consider Local Law No. 1 2021, titled "Solar Energy Systems." The proposed measure is intended to address questions in the community that have arisen in the past year over what is known as Tier 3 Solar Energy Systems under the current town law.

Defined as "Solar Energy System(s) designed for a rated production capacity of 20 MW or greater," under the current town law, Tier 3 systems had been permitted for construction and operation in vast areas of the town defined as rural agricultural – those encompassing large land areas such as farmlands and the like.

But due to community opposition voiced at a well-attended Town Board session last year, the board elected to place the town's solar energy law in a moratorium phase – where it remains.

Tiers 1 and 2 are not affected under the new 2021 law and remain permitted. Tier 1 systems

allow for roof-mounted and/or building integrated systems. Tier 2 include ground-mounted and allow for power generation of up to 25 kW AC and accommodating up to 1,750 square-feet in surface size.

The Tier 3 systems are impacted.

Following enacting the moratorium, the town organized a solar advisory committee comprised of Code Enforcement Officer Peter Jeffery, one Town Board member, one member each from the town's Planning Board and Zoning Board of Appeals, and town residents. Over the past several months – in the midst of the COVID-19 pandemic – committee members met, reviewed the older measure, and deliberated the proposed changes.

Significant among them is the change covering permitted use for Tier 3 solar in the town's nine zoning districts. The committee recommended removing Tier 3 completely from all but three of the districts – those covering M-1 – industrial, M-2 – general industrial and M-3 – heavy industrial with minimum lot sizes of

2.5 acres. Removed from consideration completely for Tier 3 are the following districts: RA – rural agricultural; LDR – low-density residential; WR – waterfront residential; MDR – medium-density residential; CMU – commercial mixed-use; and RC – rural commercial.

Town Supervisor John "Duffy" Johnston said he viewed the town's industrial districts as suitable for future locations for Tier 3 solar. This includes areas found on the north and south sides of Balmer Road on the LOOW Site, and a small area east of Ransomville.

"There is room over there; it is close to the (transmission) lines. I feel this (the committee's decision) was done properly," he said.

Johnson noted the town has limited capacity with respect to its transmission lines, and limiting the solar locations to its industrial zones adjacent to established transmission lines was viewed as the most practical.

However, one solar developer who has been soliciting work in the town – OYA Solar NY, L.P., with offices in Toronto – has tak-

en a different stand on the issue.

In a Feb. 2 letter to Johnston – intended to serve as the company's formal comments for the Feb. 8 public hearing – OYA spokesman Terence Rasmussen expressed opposition to the measure. He said it conflicts with the community solar program benefits that continue to be promoted by New York state, and the town's industrial zones available provide limited opportunity for solar development.

"The biggest single section of the Draft Law that limits Community solar is the requirement to use land zoned 'industrial,'" Rasmussen wrote. "There is currently no industrial land available that is suitable for use by a community solar project."

"The land zoned M1, M2 or M3 ... has only 4 large panels which are occupied by the Youngstown National Guard Training Site ... and Chemical Waste Management ... an active waste management facility. The remaining parcels are too small to support a solar project when setbacks and coverage ratios are applied. With no suitable land available,

Community Solar and other Tier 3 solar is effectively banned in the Town.

"In addition to the zoning restriction, OYA has identified several other problematic sections of the draft."

Most notable were OYA's continued arguments for the return for rural agricultural zoning as a permitted use district.

"Otherwise this effectively bans Community Solar in the Town of Porter," Rasmussen wrote.

The town announced Monday's hearing at Town Hall would be open to the public with limited seating permitted.

"Due to the COVID-19 pandemic, any comments will be written to the record or submitted to the Code Enforcement Officer (Jeffery)," prior to Feb. 6, Town Clerk Kara Hibbard said. "Space is limited due to COVID-19 restrictions. Written comments are strongly encouraged."

Hibbard said comments should be emailed to Jeffery at p.jeffery@townofporter.net.

• *The Town of Porter contributed to this report.*

North Tonawanda pushes back against cuts in state aid

Clerical error reportedly triggered state response

Conrad vows to fight for city's aid in state budget process

BY MICHAEL DEPIETRO

Facing cuts of nearly 25% in state funding this year, the North Tonawanda Common Council approved a resolution Tuesday requesting Gov. Andrew Cuomo and the State Legislature to increase Aid and Incentives to Municipalities (AIM) funding in the 2021-22 state budget.

Recently, the governor's proposed budget stated it would reduce the amount of AIM funding for cities in the state, "based on (each city's) reliance, calculated as a percentage of the total city budget. Payments will be reduced by 2.5% for those cities with the highest reliance on AIM, and up to 20% for those who have the least reliance."

The proposed budget cuts in AIM funding to municipalities in Niagara County to the tune of \$1,709,462. Specifically, North Tonawanda's funding is to be cut

from the fiscal year 2021 enacted budget of \$4,335,111 (which does not include the impact of withholdings during the year) to \$3,468,089 – a proposed decrease of \$867,022.

Per the resolution, there are fears that the funding cuts could lead to potential reductions in services and personnel, including those in health and safety. Police and fire departments could also be impacted. Common Council President Robert Pecoraro, who authored the resolution, pledged he would vehemently fight such cuts to those departments.

"There are a few services that we absolutely, as elected representatives, cannot take a back seat to – and that's police and fire. Those are the two essential services that are absolutely a must-do for a municipality," Pecoraro said. "Those are issues that we will fight, and fight hard, to make sure that we are the best

at what we do. The metrics have proven that we are the very best in those areas, and I'll be one who is not going to stand aside and see anything done to hinder those services."

Considering North Tonawanda's reliance on state funds, the question among the council was why was the state slashing the city's funding at a high rate. That issue could be due in part to a clerical error on the city's part.

Alderman-at-Large Austin Tylec said that, in his conversations with Assemblyman William Conrad, an observation was discovered in this year's Yellow Book – the assembly's preliminary analysis of the executive budget as required by Section 53 of the legislative law. Therein, it was noted North Tonawanda was one of nine cities in New York state that did not submit an annual finance report (AFR) to the state comptroller's office. That result-

ed in an immediate triggering of the higher funding cut rate.

On Wednesday, 3rd Ward Alderman Eric Zadzilka posted correspondence from City Accountant Jeffrey Zellner that the 2019 AFR was submitted December, and accused Tylec of giving out "false information."

However, in a reply posted to his own Facebook page, Tylec noted the due date for the 2019 AFR was to be "within the first 120 days of the year (by the end of April 2020)."

"Basically we didnt turn in our homework on time, and we are getting penalized," Tylec wrote. "We submitted the 2019 documentation, but because we were so late, the governor's proposed budget grouped our city within the 20% state aid reduction."

Tylec said, upon learning the specifics, he reached out to Conrad again. The Assembly, "understands the situation now and

will be doing everything they can to fight for our city's state aid throughout the budget process," he added.

In response to a commenter seeking to assign blame, Tylec shielded Zellner, who was appointed in March 2020. Rather, he said the issue was due to the vacancy in the accountant's position caused by the resignation of former city accountant Amanda Reimer in January 2020.

Despite the Facebook drama, the council did unanimously pass Pecoraro's resolution on Tuesday and all members expressed a willingness to work with state and local leaders to ensure the AIM cuts are reduced.

COVID can affect youth, too

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Kalisiak urged young people to take the coronavirus seriously.

"Wear your mask; wash your hands; social distance. COVID is very real," she said.

Kalisiak started showing symptoms on Nov. 2, a few days after visiting with friends. It turned out that they, along with her family, ended up with the virus also. On Nov. 11, her father drove her to the hospital and, shortly after, she was put in a medically induced coma. Kalisiak was on a ventilator for 27 days.

She cried as she spoke about how her family prayed for her recovery. On Jan. 6, they were rejoiced to see their daughter transferred to Kenmore Mercy Hospital.

The medical rehabilitation team there has helped Kalisiak

build her strength, learn how to walk independently again, and gain endurance.

"When COVID patients come over to our unit, we provide them with three hours a day of intense rehab, which is physical therapy, occupational therapy and speech language pathology," said Kevin Gibson, Catholic Health's rehabilitation director.

Nurses and staff members at Kenmore Mercy Hospital gathered Wednesday to celebrate Kalisiak's remarkable recovery and send her onto the next step in her journey. While heading home, she will continue rehabilitation with home care staff.

Kalisiak's family plans to celebrate her return – along with all the holidays they missed together.

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