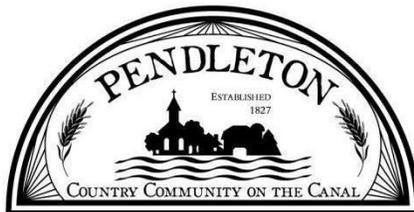


TOWN OF PENDLETON
6570 Campbell Boulevard
Lockport, NY 14094



*Supervisor Joel Maerten
Councilman Wolfgang Buechler
Councilman David Kantor
Councilman Timothy Lukasik
Councilman Dylan Rumbold*

At the meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on March 9, 2026.

Resolution Issuing a SEQRA Negative Declaration for the Adoption of a Local Law Amending the Town Code to Regulate Battery Energy Storage System

WHEREAS, the Town Board of the Town of Pendleton (the “Town Board”) is considering the adoption of a local law entitled A Local Law to Amend the Town of Pendleton Code to Regulate Battery Energy Storage Systems (the “Local Law”), which amends Chapter 247, Article IX, of the Town of Pendleton Code to establish comprehensive zoning, permitting, safety, and operational standards applicable to battery energy storage systems within the Town; and

WHEREAS, the proposed Local Law constitutes a legislative action to amend the Town’s zoning regulations and therefore is classified as a Type I action pursuant to the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law (“ECL”) Article 8, and its implementing regulations at 6 NYCRR Part 617, see 6 NYCRR § 617.4(b)(2); and

WHEREAS, the Town Board has undertaken a coordinated environmental review of the proposed Local Law in accordance with SEQRA and has served as Lead Agency for such review; and

WHEREAS, in conducting its SEQRA review, the Town Board has reviewed and considered the Full Environmental Assessment Form (“EAF”), the text of the proposed Local Law, supporting legislative materials, public comments received, and all other information contained in the administrative record; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, including land use compatibility, community character, public safety, and potential impacts to natural resources, and has taken a hard look at those potential impacts as required under SEQRA; and

WHEREAS, the Town Board has determined that the proposed Local Law establishes regulatory controls intended to reduce potential environmental and public-safety risks associated with battery energy storage systems, including siting limitations, setback requirements, fire-safety standards, emergency-response planning, and decommissioning obligations, and does not, by itself, authorize or approve any specific development or construction activity; and

WHEREAS, based upon the record before it, the Town Board finds that the adoption of the proposed Local Law will not result in any significant adverse environmental impacts, either individually or cumulatively.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of March 2026 that:

1. The Town Board hereby confirms its status as Lead Agency for the environmental review of the proposed Local Law pursuant to SEQRA and 6 NYCRR Part 617.
2. Based upon the Full Environmental Assessment Form, the legislative record, and all other information before it, the Town Board hereby determines that the adoption of A Local Law to Amend the Town of Pendleton Code to Regulate Battery Energy Storage Systems will not result in any significant adverse environmental impacts and therefore adopts and issues a Negative Declaration pursuant to 6 NYCRR § 617.7.
3. The Negative Declaration and the Full Environmental Assessment Form are hereby incorporated by reference and shall be filed, published, and circulated in accordance with the requirements of SEQRA and 6 NYCRR Part 617.
4. The Town Clerk, Town Attorney, and any other authorized Town official are hereby directed to take all actions necessary to give full force and effect to this Resolution.
5. This Resolution shall take effect immediately.