

TOWN OF PORTLAND MEETING
PUBLIC HEARING/SPECIAL USE PERMIT
TOWN HALL
AUGUST 29, 2018 - 4:00 P.M.

BOARD MEMBERS PRESENT:

Daniel Schrantz Supervisor
Patti Farrell Council
Rick Manzella Council

BOARD MEMBERS ABSENT:

Gary Miller Council
Jerry Boltz Council

OTHERS PRESENT:

Joel Seachrist Attorney
Mark Overall and Jeremy McCool of Buffalo Solar Solutions Inc.
Roxane Sobecki Town Clerk

Supervisor Schrantz opened the Public Hearing at 4:10 P.M.

Supervisor Schrantz stated the Affidavit of Publication was posted in the observer on August 17, 2018. The purpose of the Public Hearing is to consider the application of E21 Ventures, LLC for a Special Use Permit to build a 198KW Solar Energy Facility on property located at 5695 Martin Road, and designated as Section 128.00, Block 1, Lot 22.

Mr. Overall and Mr. McCool answered a few questions the board had.

No one from the Public came forward.

On a motion of Council Manzella, seconded by Council Farrell the Public Hearing closed at 4:15 P.M.

On a motion of Council Manzella, seconded by Council Farrell the board moved into the Regular Board Meeting at 4:15 P.M.

NEGATIVE DECLARATION/E21

08-83-18

On a motion of Council Farrell, seconded by Council Manzella the following resolution was adopted.

Ayes 3 Schrantz, Farrell, Manzella

Nays 0

Absent 2 Miller, Boltz

WHEREAS, E2I Ventures, LLC (hereinafter, the "Applicant") has submitted an application to construct and operate a 198-kilowatt solar energy production facility

TOWN OF PORTLAND MEETING
PUBLIC HEARING/SPECIAL USE PERMIT
TOWN HALL
AUGUST 29, 2018 - 4:00 P.M.

5695 Martin Road, Town of Portland, New York, on a parcel designated on the Chautauqua County tax map as Section 128.00, Block 1, Lot 22, and

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a long Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed use, and

WHEREAS, the Board has determined that the proposed use will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves Parts II and III of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

**TOWN OF PORTLAND
SPECIAL USE PERMIT #2018-1
08-84-18**

Action of the Board:

To consider the application of E2I Ventures, LLC to construct and operate a 198-kilowatt solar energy production facility at 5695 Martin Road, on a parcel designated on the Chautauqua County tax map as Section 128.00, Block 1, Lot 22.

Resolution moved by: Council Manzella, Seconded by: Council Farrell

WHEREAS, E2I Ventures, LLC (hereinafter, the "Applicant") has requested the issuance of a Special Use Permit authorizing it to construct and operate a 198-kilowatt solar energy production facility at 5695 Martin Road, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and a public hearing, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law and the Department advised by letter dated August 24, 2018 that the matter was of local concern, and

TOWN OF PORTLAND MEETING
PUBLIC HEARING/SPECIAL USE PERMIT
TOWN HALL
AUGUST 29, 2018 - 4:00 P.M.

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held August 29, 2018 and finds justification to approve the application subject to the qualifications hereinafter set out,

NOW, THEREFORE, BE IT RESOLVED, that the application to construct and operate a solar energy production facility at 5695 Martin Road, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the Use in accordance with the plans, maps, and application submitted to the Town, except as hereinafter modified, and agrees to be bound by the terms of the application and the conditions of this permit.
2. The following conditions shall apply to the permit:
 - a. The Applicant shall gravel the perimeter of the facility to minimize muddy conditions during wet seasons.
3. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town, except as otherwise herein noted.
4. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Portland Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
5. This Special Use Permit shall become effective after the Applicant approves each provision hereof and agree to be bound by all the terms herein contained in consideration of the granting of this Special Use Permit.

Dated: August 29, 2018

Vote:	Aye	Nay
<u>Council Farrell</u>	X	_____
<u>Council Manzella</u>	X	_____
<u>Supervisor Schrantz</u>	X	_____

TOWN OF PORTLAND MEETING
PUBLIC HEARING/SPECIAL USE PERMIT
TOWN HALL
AUGUST 29, 2018 - 4:00 P.M.

The Applicant, E2I Ventures, LLC, agrees to abide by all the terms of this Special Use Permit.

Dated: August 29, 2018

With no further business, on a motion of Council Farrell, seconded by Council Manzella the meeting adjourned at 4:20 p.m. Carried unanimously.

Respectfully Submitted by, Roxane Sobecki