

Town of Portland Planning board meeting for September 22, 2020.

On September 22, 2020 at 7:30 pm Town Planning Board Chairman Harold Smith called the meeting to order, asking Board members Mr. Bob Patterson, Mr. Dale Furman, Mr. David McIntrye, Mr. Dan Larish, Code Enforcement Officer (CEO) Wendy Spinuzza, Town Attorney Joel Seacrest and guests (see sign in sheet) to join him in the reciting of the United States Pledge of Allegiance.

Chairman Smith asked Mr. Larish to read the August 2020 board minutes.

A motion by Mr. Furman and seconded by Mr. McIntrye to approve the August 2020 minutes as recorded. Carried (5-0-0).

CEO Wendy Spinuzza reviewed with the board, permits and violation notices issued

in August 2020. The board noted that CEO Spinuzza had a busy August issuing 21 building permits. Chairman Smith inquiry as to CEO's training / certification schedule. CEO Spinuzza stated that due to COVID -19, all training is being conducted remotely online and the CEO office will be closed on September 29th, 30th and October 1st on NYS on line training.

Chairman Smith moved the meeting into new business referring the board members to a chain linked fence (partially constructed), that is being installed on property at 6339 Third Street, Portland, New York. The fence in question has been issued a permit for installation of the chain linked fence to be located on the property line, adjoining property at 6339 Third Street. The adjoining property owner Rita Bennett (see letter from Rita Bennett dated September 22, 2020) is asking the planning board board to review the permit issued and requesting that the fence location should not be on the property lines, but should be "no closer than two feet from adjacent property line".

Mrs. Gloria Aponte, property owner of 6339 Third Street addressed the board on why she and her husband Hector Aponte requested a permit for fencing, stating that the fencing was needed for the safety and security of their son, who is Autistic and tends to chickens on their property as part of his autism therapy. One letter submitted / received supporting the current fence location. One letter addressing the sons autism needs.

Chairman Smith thanked Mrs. Aponte for coming to the meeting and presenting her reasons for the fencing.

CEO Spinuzza stated that she researched the town zoning laws and determined that the residential / agricultural requirements allow the fencing to be placed on the lot- lines.

Guest and alternate planning board member, Mr. Dale Carlson stated that under "816" law, in his opinion the CEO "made the right call" as to the placement of the fence on the border line.

Mr. Patterson noted that on "page 124, exempt fencing from regulations must be four foot height and no closer than two feet from adjoining property line, set back for maintenance.

Attorney Seacrest stated that " boundary line is acceptable " under town laws.

Mr. Furman asked how high is chain linked fencing? Mrs. Aponte stated four feet.

Mr. Larish asked how do we know that your not "encroaching on your neighbors property". Mrs. Aponte stated that they have had two previous surveys of the property and are using the survey pins as their markers. Mr. Carlson stated that he has walked the property and verified the survey pins and partially built fence is right on the property lines with no encroachment.

Motion by Mr. Larish and seconded by Mr. McIntrye to affirm the permit as issued, approving the fence location and installation on the boundaries / border lines between properties 6339 and 6351 Third Street, Portland, New York. Carried (5-0-0).

Chairman Smith moved the meeting into old business:

Continuation of discussions of a solar project / development on land owned by Mr. Kevin Powell / Solar Liberty and the planning board.

Town Attorney Joel Seacrest presented to the board members and audience in attendance what is an "overlay district" and how it applies / works within the Town of Portland laws and ordinances. Mr. Kevin Powell and Solar Liberty representatives engaged Attorney Seacrest with various questions on the towns overlay district law and what / who should they present their solar project requests to - Town Board or Town Planning Board? After considerable discussion / debate, the above groups agreed that Mr. Powell and Solar Liberty needed to present their proposed solar project directly to the Town of Portland Board. Mr. Powell summed the discussion up by saying " we need to pump the brakes here and see the Town Board".

Chairman Smith asked Mr. Powell if he could be "frank" and stated that another option was you could sell the property and invest in other places that does not have Chechnago gravel soil.

Chairman Smith moved meeting into "any other businesses" - none

At 8:25 pm Chairman Smith for an executive session

At 8:30 pm execution session ended

At 8:31 pm Mr. Patterson made a motion an seconded by Mr. Furman to adjourn the meeting. Carried (5-0-0).

Submitted by Dan Larish

Sent from my iPad