



TOWN OF PORTLAND SPECIAL MEETING-TENTATIVE BUDGET 2017  
PUBLIC HEARING-SPECIAL USE PERMIT WINDENERGY CONVERSION SYSTEM  
OCTOBER 03, 2016 - 7:00  
PORTLAND TOWN HALL

**NEGATIVE DECLARATION**

**10-102-16**

On a motion of Council Boltz, seconded by Council Farrell the following resolution was

ADOPTED Ayes 4 Schrantz, Boltz, Farrell, Manzella

Nays 0

Absent 1 Miller

**WHEREAS**, United Wind (hereinafter, the "Applicant") has submitted an application to construct and operate a ten kilowatt Wind Energy Conversion System at 8814 Onthank Road, affecting parcels owned by Robert Patterson and Trebor LLC, designated on the Chautauqua County tax map as Section 161.00, Block 1, Lot 46, 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.

**SPECIAL USE PERMIT**

**10-103-16**

On a motion of Council Boltz, seconded by Council Farrell the following resolution was

ADOPTED Ayes 4 Schrantz, Boltz, Farrell, Manzella

Nays 0

Absent 1 Miller

**Action of the Board:**

To consider the application of United Wind to construct and operate a ten kilowatt Wind Energy Conversion System on a 140' tower at 8814 Onthank Road, on a parcel owned by Robert Patterson / Trebor LLC, designated on the Chautauqua County tax map as Section 161.00, Block 1, Lot 46.

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**WHEREAS**, United Wind (hereinafter, the “Applicant”) has requested the issuance of a Special Use Permit authorizing it to construct and operate a ten kilowatt Wind Energy Conversion System on a 140’ tower on property belonging to Robert Patterson / Trebor LLC at 8814 Onthank 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 September 22, 2016 that the matter was of local concern, and

**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 October 3, 2016 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 small Wind Energy Conversion System at 8814 Onthank 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 waivers to Section 647A of the Town of Portland Zoning Law are granted:
  - (a) **Section W.A.7:** The requirement that the Applicant notify the utility is hereby waived because under current Public Service Commission regulations the net meter application cannot be made until a building permit is issued;
  - (b) **Section X.D.3:** The requirement that total height be less than 140 feet is hereby waived. The tower structure will not be greater than 140 feet but including the extra height when the blade is fully vertical would take the total height to 153’ 8”; and
  - (b) **Section X.Y.A:** The requirement that the tower be set back from property lines a distance of at least 1.5 times its height is hereby waived with regard to the interior boundaries of the parcels owned by Patterson / Trebor LLC.

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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 and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

Dated: October 3, 2016

**EXECUTIVE SESSION**

On a motion of Council Manzella, seconded by Council Boltz the Board moved into Executive Session at 7:15 on request of Attorney Seachrist regarding litigation.

On a motion of Council Farrell, seconded by Council Manzella the Board returned to the Special Meeting at 7:20 p.m.

**BUDGET 2017:**

Town Clerk Sobecki presented the Board with the Tentative 2017 Budget. Supervisor Schrantz reviewed the following with the Board stating the Tentative Budget shows a decrease of three cents, Townwide Total Assessed Taxable Value 118,625,990, this is a increase of 1,505,035 from last year. This Budget is under the tax cap. After some review Supervisor Schrantz scheduled a budget workshop with department heads on October 11<sup>th</sup>, starting at 9:00am.

Harold Smith addressed the Board stating he has looked at the balance sheet of the Town for 2015 on the State Comptroller's website. He questioned the high amount in the Highway fund and the total fund balance. He also asked where some of the funds were deposited. He told the Board he would like to see more than the three cent decrease. Supervisor Schrantz told him he will research this. Mr. Smith gave the Board a copy of his notes for their review.

There were no other comments from the public.

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**TOWN ROADS:**

**RESOLUTION ACCEPTING PORTIONS OF ROADS AS TOWN HIGHWAYS  
FOR PURPOSES OF THE LOCAL HIGHWAY INVENTORY  
10-104-16**

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

ADOPTED Ayes 4 Schrantz, Boltz, Farrell, Manzella

Nays 0

Absent 1 Miller

**RESOLVED**, The Portland Town Board will amend Resolution 98 from the September's Board Meeting and add:

**WHEREAS**, the New York State Department of Transportation ("NYSDOT") is conducting a Statewide GIS Public Roads Network Project, the purpose of which is to reconcile the roads shown in the Geographic Information System Network created by the NYSDOT with the records maintained in the Local Highway Inventory ("LHI"), and

**WHEREAS**, NYSDOT has advised the Town of Portland that it should adopt a resolution accepting as town highways sections of four roads that the Town Highway Department already works and maintains, which will then be added to the LHI,

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Portland, Chautauqua County, New York, hereby (a) consents that the Highway Superintendent make an order laying out the following sections of roads as town highways, (b) directs that the Local Highway Inventory be revised accordingly, and (c) assumes all maintenance and repair responsibilities for the following sections of road:

1. West Forest Avenue, from East Forest Avenue to its dead end, for a distance of 1,321 feet;
2. Munson Road, north of New York State Route 20, adding 633.6 feet or .12 miles to the existing dead-end at the railroad; and
3. Munson Lane, from Bliss Road to Plank Road, for a distance of 1,693 feet.

**WATER DISTRICT 8:**

Supervisor Schrantz stated he has received a letter the Chautauqua County Agriculture and Farmland Protection Board and NYS Ag& Markets. Some portions of this district are occurring in or near agricultural lands in a county adopted, state-certified agricultural district known as Agricultural District One. Ag. & Market stated

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based on the information it was determined that the proposed action would not have an unreasonably adverse effect on farm enterprises within the district.

**EXCAVATOR:**

Supervisor Schrantz reviewed a letter from Highway Superintendent Delcamp; he said they have the Volvo on hold with a verbal agreement to purchase but would like a written confirmation so a Helac Power Tilt can be ordered. After some discussion Councilman Manzella stated he does not feel conferrable until it's 100% sure the loan/grant with USDA is going though. Clerk Sobecki told the Board the town has an official closing date of December 15<sup>th</sup> with USDA. It was decided by the Board to have the attorney review this before any action is taken.

**MAINTENANCE WORK REQUEST:**

Supervisor Schrantz discussed having a Maintenance Work Request implemented, it would have the date of request/requesting party/work location/description of work or repair and high, medium or low priority. Once the work has been completed it will be dated and signed. After some discussion it was decided that all Work Maintenance Request Forms would go through the Supervisor.

Supervisor Schrantz reminded the Board there is a joint meeting scheduled for October 6 at 7:00 at the Town Hall with the Town/Village and Don McCord to discuss the Comprehensive Plan.

With no further business, on a motion of Council Boltz, seconded by Council Farrell the meeting adjourned at 7:56 p.m. Carried unanimously.

Respectfully Submitted by,

Roxane Sobecki-Town Clerk

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