

March 2022 Town of Portland Planning Board Minutes

On Tuesday, March 22, 2022, Chairman Dale Carlson called the scheduled meeting to order at 6:30 pm, with board members Mr. Bob Patterson, Mr. Harold Smith, Mr. Michael McIntrye, and Daniel Larish present

Also in attendance, Code Enforcement Officer (CEO) Wendy Spinuzza, Town Attorney Joel Seacrest and guests (see sign in sheet).

Chairman Carlson lead the meeting attendees in the reciting of the United States of America Pledge of Allegiance.

Motion by Mr. Patterson and seconded by Mr. Smith to approve the February 2022 minutes as recorded. Carried (5/0).

CEO Spinuzza present the board with copies of the towns building permit report and complaints for the month of February 2022.!

Motion by Mr. Smith and seconded by Mr. Patterson to accept the CEO February 2022 reports. Carried (5/0).

Chairman Carlson moved the meeting into Old Business:

a. Solar Liberty:

Representatives of Solar Liberty presented an oral presentation to the board of a Final Planning review and proposed Decommissioning Plan with copies of the proposed Decommissioning Plan for both sites with updated copies of the site maps.

Attorney Seacrest informed the board that he would be doing a review of the "Final Site Plan, noting that the amount of bond would be addressed, along with new State of New York recommendations for Decommissioning plans.

Chairman Carlson noted a typographical error noting 22 transformer removals, should be 2 transformers, with a substantial reduction in transformer decommissioning costs. After a brief discussion, Attorney Seacrest stated that the dollar amount error was not an issue moving forward.

Chairman Carlson asked for an explanation on the "Damage Areas Only \$1,250.00 per acre". Solar Liberty representatives stated that this amount was for remediation of the site, specifically citing "Grass seed".

Solar Liberty representatives addressed previous board questions (no installation on Chenango gravel, 7' fencing, fire department turn arounds, vegetation, special use permit requirement (return to plan board within first year) and no PFA in materials with documentation.

Mr. Smith asked if the entrances on the roadways leading to both planned sites would have entrance gates. Solar Liberty representatives stated no, but Kevin Powell stated that he planned on installing "trail cameras" that would activate notification to his cell phone.

Board discussion on third party "Electrical Inspection", inspection initiated by Town CEO and paid for by Solar Liberty.

Board discussion on entrance to "Fay Street" - keeping four rows of vines on Northside of entrance/roadway.

Attorney Seacrest stated that the planning board should, if possible, be prepared to act on the special use permit at the next meeting, scheduled for April, 26, 2022 at 7:30pm.

b. Felton Road, Community Solar Project; 5 megawatts, tracker system

Peter McAuliffe, representative, Omni-Navitas spoke on the status of the 32 1/2 acre project, providing board with copies of the proposed site plan.

Mr Smith asked about NYSDEC wetlands. After discussion, it was stated by representative McAuliffe that there's no DEC wetland jurisdiction. The jurisdiction would come under the Army Corp of Engineers.

Attorney Seacrest recommended and the board agreed to hold a Public Hearing on Tuesday, April 26, 2022 at 7:30pm for the purpose of community input on this proposed project.

New Business:

a. Training Requirements:

Chairman Carlson provided board members a copy of the Southern Tier West, Houghton College training schedule for Thursday, June 9, 2022.

b. Mr. Patterson questioned the status / lack of development of the special use permit for a camp site located on property at the corner of Pratt Road and Route 5. After discussion, Attorney Seacrest stated that he would look into matter.

Any other business: none

Motion by Mr. Smith and seconded by Mr. McIntrye to adjourn the meeting at 7:30pm.
Carried (5/0).

*****Next scheduled regular and public hearing meetings will be at 7:30pm on Tuesday, April 26, 2022.*****

Respectfully recorded by Board Member Larish

Planning Board Meeting
April 26, 2022 - 7:30pm

On Tuesday, April 26, 2022 Chairman Dale Carlson called the scheduled meeting to order at 7:30pm, with board members, Mr. Harold Smith, Mr. Bob Patterson, Mr. Mike McIntyre and Mr. Daniel Larish present. Also in attendance, Code Enforcement Officer {CEO} Wendy Spinuzza, Town Attorney Joel Seacrest and members of the public {See sign in Sheet}.

Chairman Carlson lead the attendees in reciting the Pledge of Allegiance.

A vote was held to appoint Code Enforcement Clerk, Amber McIntyre to the vacant position of Secretary to the Board. On a motion made by Mr. Dan Larish and seconded by Mr. Bob Patterson – The motion was approved (4/0 with 1 abstain by Mr. McIntyre).

The Public Hearing portion of the meeting was opened at 7:32pm for the discussion of the large-scale Solar Project proposed by Omni Navitas Holdings located at 7850 Felton Road. Peter McAuliffe of Omni Navitas presented the board with a better map and description the project. He stated there are no DEC Wetlands on site as they are considered National Wetlands, they are not regulated by NYS DEC. This will be a one-time 25-year lease including a fenced in area and access road to be considered as one project. Town Attorney Seacrest asked if the closest house was located on Felton Road. Mr. McAuliffe stated the nearest house was located approximately 1,200 – 1,300 feet from the project. Town Attorney Seacrest asked if the company has began the process with the Chautauqua County IDA and also stated that he has discussed a separate post agreement that the payment would go directly to the town in the amount of approximately \$2,700 / megawatt per year however it needs to be calculated for an exact amount. A community member (Jon Lines) recently purchased property next to the proposed site and was questioning the amount of noise that will be produced due to being unfamiliar with the project. After a discussion, Town Attorney Seacrest stated Solar does not run at night and Mr. Lines is more than welcome to visit the Solar Project at SUNY Fredonia. Mr. Patterson asked about the process of connecting into the high-power lines. Mr. McAuliffe stated they will go through National Grid. There will be no upgrades, changes, rerouting or back feed as it will be directly hooked in to the Grid because they have capacity. Dave McIntyre asked about a reclosure and what happens if the line is taken out by a tree. Mr. McAuliffe stated he was not sure and he would come back with a more educated answer. Mr. Mike McIntyre state National Grid will have their own connection so they will ultimately have the final control on the system. Routine maintenance will be done a few times a year and the project will take approximately 5 to 7 months to build aggressively. Mr. Daniel Larish made a motion to continue the public hearing at next month's meeting. This was seconded by Mr. McIntyre and approved (5/0).

Planning Board Meeting
April 26, 2022 - 7:30pm

A brief discussion regarding next month's meeting was held due to the Annual Grievance Day. Mr. Harold Smith made a motion to move the May meeting to the 31st. This was seconded by Mr. Daniel Larish and approved (5/0)

The Regular meeting of the Planning board was opened at 8pm.

The minutes from March was accepted on a motion made by Mr. Harold Smith and seconded by Mr. Bob Patterson (4/0 with 1 abstain from Mr. Larish as he wrote the minutes).

The Code Enforcement Report was approved on a motion by Mr. Bob Patterson and 2nd by Mr. Dan Larish (5/0)

Continuing with old business, Solar Liberty - for Final Approval. Solar Liberty stated they added a grape row on the access road as requested. The next steps will be talking with the Code Enforcement Officer about building permits and getting the decommissioning plan in order. Town Attorney Seacrest stated Portland is the leading town in Solar Energy. A motion to accept Array 1 was made by Mr. Mike McIntyre and seconded by Mr. Dan Larish (4/0 with 1 abstain from Mr. Patterson as his son is involved) A motion to accept Array 2 was made by Mr. Mike McIntyre and seconded by Mr. Dan Larish (4/0 with 1 abstain from Mr. Patterson as his son is involved.)

The location at Pratt Road and Route 5 was then discussed. The CEO stated there is nothing there for her to violate the owners for. The complaints involve the 2 halves of a construction trailer that are not in use and the 2 campers on the Pratt Road side of the property. Town Attorney Seacrest stated the CEO should look into the Maintenance Code for a possible solution. It was also stated that nobody has been in for a permit.

Moving on to new business, the subdivision request from Attorney Cheryl Reed was discussed. Mike and Nancy Manzella would like to split their property and add to the Blakes current property. This would all become one parcel adding on to SBI# 161.00-1-17. Mr. Dan Larish made a motion to approve the subdivision. This was seconded by Mr. Bob Patterson and approved (4/0).

A discussion was held regarding Boxabl Casita – accessory dwelling units and foundations. Town Attorney Seacrest stated these would be considered tiny homes or container homes. The zoning code states 500 square feet but the building code states something completely different. They landowner could apply for a variance if needed. Mr. Dan Larish stated we should just tell them no due to the square footage.

Planning Board Meeting
April 26, 2022 - 7:30pm

Klinger Road -A discussion was held regarding the park model homes. CEO Spinuzza stated she has been going back and forth with the assessor because they are leaving these homes on wheels. They are removing the old homes and bringing in new ones. Mr. Patterson stated they started with 30-to-40-foot models and now there 80 feet and over 500 square feet. CEO Spinuzza stated one model now has a deck and a garage but nobody is getting permits.

A discussion was held regarding the May meeting for the Planning Board. The original day of May 24, 2022 will be the Assessors Grievance Day and the Planning Board meeting will have to be changed. On a motion made by Harold Smith and 2nd by Dan Larish, the members approved moving the May meeting to Tuesday, May 31st (5/0).

Motion for adjournment made by Mr. Dan Larish and seconded by Mr. Mike McIntyre and approved (5/0) at 8:30pm

Amber McIntyre
Code Enforcement Clerk
Planning Board Secretary