



Town of Porter

Town Board Meeting

~ Agenda ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, May 13, 2019

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on May 13, 2019 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Present	Absent	Late	Arrived
Supervisor J. Duffy Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Deputy Supervisor Jeff Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Larry White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Irene Myers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Tim Adamson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Town Clerk Kara Hibbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bookkeeper Mary Siegrist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Resolutions/Reports

III. Resolutions

- Resolution 2019-57**
Water/Sewer Adjustments
- Resolution 2019-51**
Bookkeeper/Confidential Secretary Position
- Resolution 2019-52**
Norm Ault
- Resolution 2019-50**
Justice Court Audit
- Resolution 2019-53**
Minutes Approval
- Resolution 2019-54**
Payment of Audited Vouchers
- Resolution 2019-55**
Portable Generator

8. Resolution 2019-56

Liason Between the Planning Board and the Zoning Board

9. Resolution 2019-58

Water Service Line Installation

10. Resolution 2019-59

Special Use Permit Process Amendment

11. Resolution 2019-60

Solar Energy Systems Amendment

12. Resolution 2019-61

Drainage Petitions

13. Resolution 2019-62

Town Constable to Serve Summons

14. Resolution 2019-63

Magnetometer

15. Resolution 2019-64

Thomas Pryce Water Bill

16. Resolution 2019-65

Mr. Jon Lorence - Water Bill

17. Resolution 2019-66

Kim Boyer

18. Resolution 2019-67

Parking Lot

IV. Reports**1. Report 2019-52**

Supervisor's Report

2. Report 2019-53

Bookkeeper

3. Report 2019-54

Town Clerk

4. Report 2019-55

Assessor

5. Report 2019-56

Highway

6. Report 2019-57

Building Inspector/Code Enforcement Officer

7. Report 2019-58

Recreation

8. Report 2019-59

Attorney

9. Report 2019-60

Tax Collector

10. Report 2019-61

Grant Writer

11. Report 2019-62

Calendar of Events

12. Report 2019-64

Public Comments

13. Report 2019-65

Town Board Comments



Town of Porter
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2019-57

Meeting: 05/13/19 07:00 PM

Water/Sewer Adjustments

Resolution to open a Public Hearing at 7:00 PM, Monday, May 13, 2019 at the Porter Town Hall. The purpose of the Public Hearing is to hear anyone opposed or unopposed to raising the water rates and decreasing the sewer rate.



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3.2

2019-51

Meeting: 05/13/19 07:00 PM

Bookkeeper/Confidential Secretary Position

Board resolution needed to remove Mary Siegrist from the position of Bookkeeper/Confidential Secretary effective 4/12/19



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3.3

2019-52

Meeting: 05/13/19 07:00 PM

Norm Ault

Resolution to hire Norm Ault on a monthly basis as needed until the Bookkeeper/Confidential Secretary position is filled.



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2019-50

Meeting: 05/13/19 07:00 PM

Justice Court Audit

Board resolution needed to accept the audit that was done by Brown & Co. for the Justice Court.



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3.5

2019-53

Meeting: 05/13/19 07:00 PM

Minutes Approval

Resolution to approve the minutes from the April 8 Work Session and Town Board meeting



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3.6

2019-54

Meeting: 05/13/19 07:00 PM

Payment of Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT - APR, 2019 4/30/19

FUND	01	24,433.84
FUND	02	22,714.92
FUND	04	8,330.56
FUND	06	2,064.49
FUND	07	3,290.77
FUND	20	261,078.00
FUND	36	
TOTAL		<u>321,912.58</u>

VOUCHER 'S 26430 THRU 26460

WARRANT: # 5 MAY, 2019 5/13/19

FUND	01	32,645.36
FUND	02	38,060.94
FUND	04	34,936.53
FUND	06	3,633.51
FUND	07	1,004.48
FUND	10	884.63
FUND	28	
FUND	35	
TOTAL		<u>111,165.45</u>

VOUCHER 'S 26461 THRU 26552

TOTAL 433,078.03

Resolution to approve the Vouchers as audited by the Porter Town Board.



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2019-55

Meeting: 05/13/19 07:00 PM

Portable Generator

Doyle Phillips from the Town of Wilson would like to request the use of our portable generator for their Historical Society Memorial Day Fair on Monday, May 27th, 2019. It would be used to get electrical power out to vendors in the back fields on society grounds. Their highway crew can pick up and return the generator if approved.



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3.8

2019-56

Meeting: 05/13/19 07:00 PM

Liason Between the Planning Board and the Zoning Board

Susan Driscoll was the liason between the Zoning and Planning boards and when she left, Peter Jeffrey assumed that position. Susan was paid an annual salary of \$1530.00 Can the board pass a resolution to offer Peter the same amount.



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2019-58

Meeting: 05/13/19 07:00 PM

Water Service Line Installation

Peter Jeffrey, Code Enforcement Officer, is proposing a change to local law, Chapter 185, Article 1 Water Use, Section 185-22. Service Line Installation.

Acceptable alternative water service line materials shall be polyethylene water supply tubing (SDR-9), Aqua-Jet tubing, Copper tubing size O.D., 200 psi; specification ASTM-34085 SDR-9/200psi).

1. Installation of non-metallic Water Line/tubing shall have tracer wire installed, in direct contact with the water lining; running from the Curb-stop (valve) to the building, and or yard hydrant; the tracer wire shall be extended, in direct contact with the water line/tubing to a location, above grade adjacent to the meter valve /main shut off valve location; said termination shall be attached to water line tubing; tracer wire shall be accessible for attachment of tracer equipment at the meter valve/main shutoff valve; or as directed by the Water Department Supervisor.
2. Tracer wire shall be open - cut installation, is to be 12 AWG solid, PRO_TRACE R HS-CCS PE30. Conductor shall be annealed, 21% IACS, copper-clad steel, utilizing a AISI 1055 high carbon steel core with minimum break load of 452 lbs. or 87,500 psi (required to meet break load and ASTM B910). Conductor shall be extruded with a 30 mil, high density, high molecular weight polyethylene (HMW-HDPE) pursuant to ASTM D1248. Tracer wire shall be rated for direct burial use at 30 volts and ROHS compliant. Tracer wire shall be PRO_TRACE R HS-CCS PE30 as manufactured by Pro-Line Safety Products, or other approved equal.

It is suggested that the Board have Attorney Dowd review the proposed Amendment for legal implications and have Mr. Dowd write a formal resolution for the Board to use if directed to do so.



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3.10

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2019-59

Meeting: 05/13/19 07:00 PM

Special Use Permit Process Amendment

The attached amendments are the culmination of diligent deliberation with both the Planning Board and the Zoning Board. Please consider the proposed Zoning Law amendments for resolution of the law. We (Planning Board, Zoning Board) collectively recommend the Town of Porter deliberate and adopt into Local Law the attached amendment to the Special Use permit Law, Chapter 200. Zoning, Article II. District Regulations, Section 200-7. Permitted Use Table; amended the currently adopted section with the following revisions:

Content on "Figure II-1 Permitted Primary Uses" as follows, all data/text not specifically indicated herein shall remain as un - changed.

SU - Subject to special use permit following site plan approval shall be removed, in entirety, and replaced with:

"SU1 - Subject to special use permit following review and referral recommendation of the Planning Board."

"SU2 - Subject to special use permit following site plan approval"

Use	RA	LDR	WR	MDR	CMU	RC	M1	M2	M2
Accessory Apartment	SU1	SU1	SU1	SU1	SU1	SU1			
Adult-oriented Entertainment								SU1	SU1
Animal Race Track	SU2								
Apartment Complex				SP	SP				
Bars, Cocktail Lounge, Tavern					SP	SU1	SP	SP	
Camping Grounds	SU2								
Commercial Recreational Facility	SU2				SU2	SU2			
Commercial Stable		SU1			SP*	SP*			
Communication antenna or Tower	SU1				SP	SP	SP	SP	
Educational Institution	SP	SP	SP	SP	SP				
Farm Market	SP*	SP*		SP*	SP*	SP*			
Farm Pond	SP*	SP*	SP	SP*	SP*	SP*			
Food Processing Plant	SU2				SU2	SU2	SU2	SU2	
Funeral Home					SP	SP			
Golf Course	SU2	SU2		SU2					
Heliport	SU2				SU2	SU2	SU2	SU2	
Home Occupation	SU1	SU1	SU1	SU1	SU1	SU1	SU1	SU1	
Hospital	SU2				SU2				
Hotel					SU2				
Hunting Club	SU1						SU1		
Industrial Uses							SP	SP	SP
Junkyard								SU2	

Machine shop					SU2	SU2	SP	SP	
Marina			SU2						
Mini Storage Facility					SU2	SU2	SP	SP	
Mobile Home Parks	SU2								
Motor Vehicles Race Track	SU2								
Nursing Home/Assisted-Living Facility	SU2				SU2				
Outdoor Material		SP		SP	SP	SP	SP	SP	SP
Place of Worship	SP	SP	SP	SP	SP	SP			
Private Airfields & Landing Strips	SU2					SU2	SU2	SU2	
Public Utilities	SP	SP	SP	SP	SP	SP	SP	SP	SP
Recreational Pond	SP	SP					SP	SP	
Retail Plazas						SP			
Theater					SU2				
Townhouse Development				SP	SP				
TWO -FAMILY DWELLING	SP	SP		P	P				
Vehicle Rental/Dealership					SU1	SU1	SP	SP	
Vehicle Repair Shop/Body shop					SU1	SU1	SP	SP	
Warehouse/Distribution							SP	SP	SP
Wind Energy Conversion System; Commercial	SU2						SU2	SU2	
Wind Energy Conversion System; Non Commercial	SU1	SU1*				SU1*	SP*	SP*	

We suggest that the Board have Attorney Dowd review the proposed Amendment for legal implications. Additionally Attorney Dowd can write a formal Resolution for the Board to use if directed to do so.



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2019-60

Meeting: 05/13/19 07:00 PM

Solar Energy Systems Amendment

Town of Porter

Local Law No. XXXX of the year 2019

A Local Law entitled "*SOLAR ENERGY SYSTEMS*"

Be it enacted by the Town Board of the Town of Porter as follows:

The Zoning ordinance of the Town of Porter, Niagara County, New York, as contained in chapter 200 of the "Code of the Town of Porter," is hereby amended as follows:

- ◆ *Article IV Section 200-7 entitled Permitted Uses Table shall be deemed amended by the addition of the following "Use" categories to the table:*

	RA	LDR	WR	MDR	CMU	RC	M1	M2	M3
Tier 1 Solar Energy Systems	P	P	P	P	P	P	P	P	P
Tier 2 Solar Energy Systems	P	P	P ¹	P	P	P	P	P	P
Tier 3 Solar Energy Systems	SU	SU		SU			SU	SU	SU

Footnote ¹ = see specific yard/location requirements in succeeding regulations

- ◆ *Article IV, Section 200-52 entitled Solar Collectors shall be deemed amended in entirety to read as Follows:*
- ◆ *Article IV, Section 200-52 entitled "**SOLAR ENERGY SYSTEMS**" shall be added to the Town of Porter Code as follows:*

§ 200-52. SOLAR ENERGY SYSTEMS.

A) Authority

- 1) This **SOLAR ENERGY SYSTEMS** local Law is adopted pursuant to section 261-263 of the Town Law of the State of New York, which authorize the Town of Porter to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, "to make provisions for, so far as conditions may permit, the accommodation of **SOLAR ENERGY SYSTEMS** and equipment and access to sunlight necessary therefor."
- 2) Whenever the requirements of this section are at variance with the requirements of any other lawfully adopted local rules, regulations, statutes or ordinances, the most restrictive thereof, or those imposing the highest standards, shall govern; unless specifically noted as "superseding" another lawfully adopted law. Nothing contained herein shall be deemed to limit the right to farm as set forth in article 25-AA of the NYS Agriculture and Markets Law. While the regulations contained herein are intended to be followed to the greatest extent possible, there is a general understanding that the farming community may have unique situations that may require waiving certain regulations.

- 3) Repeal of prior provisions; Local Law No. 2-2010, Article IV, section 200-52, Known as "Solar Collectors" and as amended to date, is hereby repealed in its entirety. Such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected.

B) Statement of Purpose

- 1) This Solar Energy Local Law is adopted to advance and protect the public health, safety and welfare of the Town of Porter by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:
- 2) To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- 3) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family dwellings;
- 4) To increase employment and business development in the Town of Porter, to the extent reasonably practical, by furthering the installation of *SOLAR ENERGY SYSTEMS*;
- 5) To mitigate the impacts of *SOLAR ENERGY SYSTEMS* on environmental resources such as important agricultural lands, forests, wildlife and other protected resources and;
- 6) To create synergy between solar and the Town of Porter's Comprehensive Plan.
 - 1) Which in "Principle 3 of A Comprehensive Plan for the Town of Porter," states "Improve the quality of our environment" as a principal goal.

C) Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of *SOLAR PANELS* and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

CURRENTLY ADOPTED BUILDING CODE: all applicable codes, regulations, and industry standards, as referenced in the NYS Uniform Fire Prevention, the currently adopted Building Code, the NYS Energy Conservation Code, and Town of Porter Laws.

COMMUNITY SOLAR ENERGY SYSTEM: A community solar project-sometimes referred to as a solar garden or shared renewable energy plant-is a solar power plant whose electricity is shared by more than one household or Business. Community Solar Herein refers to both 'community-owned' systems as well as third party-owned systems, whose electricity is shared by a community. The primary purpose of Community Solar is to allow members of a community the opportunity to share the benefits of solar power even if they

cannot or prefer not to install solar panels on their property. Project participants benefit from the electricity generated by the Community Solar Energy System, which shall costs less than the price they would ordinarily pay to their utility. Community benefit shall provide first priority to Town of Porter residents and property owners over other parties.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “*FARMLAND OF STATEWIDE IMPORTANCE*” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil survey Geographic (SSURGO) Database on Web Soil Survey that is of statewide importance to produce food, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. *FARMLAND OF STATEWIDE IMPORTANCE* may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflection of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss of visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A *SOLAR ENERGY SYSTEM* that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite consumption.

NATIVE PERENIAL VEGETATION: native wildflower, forbs, and grasses that serve as habitat, forage and migratory way stations for *POLLINATORS* and shall not include any prohibited or regulated invasive species as determined by the New York Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinates flowering plants and include both wild and managed insects.

PRIME FARMLAND: Land, designated as “*PRIME FARMLAND*” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A *SOLAR ENERGY SYSTEM* located on the roof of any legally permitted building or structure that produces electricity for onsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and or passive *SOLAR ENERGY SYSTEMS* on individual properties.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, *SOLAR PANELS* and Solar Energy Equipment. The area of a *SOLAR ENERGY SYSTEM* includes all

the land inside the perimeter of the *SOLAR ENERGY SYSTEMs*, which extends to any interconnection equipment. A *SOLAR ENERGY SYSTEM* is classified as a Tier 1, Tier 2, *Tier 3 SOLAR ENERGY SYSTEM* as follows.

Tier 1 SOLAR ENERGY SYSTEM include the following:

ROOF-MOUNTED SOLAR ENERGY SYSTEMs

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMs

Tier 2 SOLAR ENERGY SYSTEM include *GROUND-MOUNTED SOLAR ENERGY SYSTEMs* with system capacity up to 25 kW AC or 1750 square feet total surface area of all *SOLAR PANELs* on the parcel and that generate no more than 110% of the electricity consumed on the site over the previous 12 months. Ground Mounted Solar Energy System's maximum area (square feet) stipulated in this section shall supersede the allowable size stipulation in other currently adopted zoning law(s) of the Town.

The application shall include evidence that the system shall be used solely to reduce the on-site consumption of electricity. Remote net metering shall be permitted if all locations (host and satellite) are geographically located in the Town of Porter.

Tier 3 SOLAR ENERGY SYSTEMs are systems that are not included in the list for *Tier 1* and *Tier 2 SOLAR ENERGY SYSTEMs*.

Note that SOLAR ENERGY SYSTEMs producing 25 MW or more are permitted by the Board of Electric Generation Siting and the Environment (Siting Board) under Article 10 of New York State Public Service Law. The Siting Board is responsible for issuing Certificates of Environmental Compatibility and Public Need, authorizing the construction and operation of major electric generating facilities.

SOLAR PANEL: a photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

D) Applicability

- 1) The requirement of this Local Law shall apply to all *SOLAR ENERGY SYSTEMs* permitted, installed, or modified in the Town of Porter after the effective date of this Local Law, excluding general maintenance and repairs.
 - 1) *SOLAR ENERGY SYSTEMs* constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
 - 2) Modification to an existing *SOLAR ENERGY SYSTEM* that increases the *SOLAR ENERGY SYSTEM* area by more than 10% of the original area of the *SOLAR*

ENERGY SYSTEM (exclusive of moving any fencing) shall be subject to this Local Law.

- 3) All *SOLAR ENERGY SYSTEMS* shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards, as referenced in the NYS Uniform Fire Prevention, the *Currently adopted Building Code*, the NYS Energy Conservation Code ("Energy Code"), and Town of Porter Laws; here after referenced as the "*Currently adopted Building Code*".

E) General Requirements

- 1) A Building Permit shall be required for installation of all *SOLAR ENERGY SYSTEMS*;

- 1) Town of Porter standard "**Building Permit Application**" and

- 2)

"New York State Unified Solar Permit"

- 3) Both are available at www.townofporter.net <<http://www.townofporter.net>> and 3265 Creek Road, Youngstown, New York 14174; Monday to Thursday from 8 am to 4 pm and Fridays from 8 am to 1 pm.
 - 4) "Building Permit Requirements", guide document is also available at each of above sources. Review and compliance will streamline the time to process a permit application.
- 2) Planning Board members and or Zoning Board of Appeals members are encouraged to condition their approvals of proposed developments on sites adjacent to *SOLAR ENERGY SYSTEMS* to protect their access to sufficient sunlight to remain economically feasible over time.
- 3) Issuance of Special Use Permits and approvals by the Planning Board and or Zoning Board of Appeals shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")]

F) Tier 1 SOLAR ENERGY SYSTEM, Permitting Requirements

- 1) All *Tier 1 SOLAR ENERGY SYSTEMS* shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code subject to the following conditions for each type of *SOLAR ENERGY SYSTEMS*:
- 2) Roof Mounted *SOLAR ENERGY SYSTEMS*
 - 1) *SOLAR PANELS* on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface the highest edge of the system; or as stipulated by the *currently adopted Building Code*
 - 2) *SOLAR PANELS* on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - 3) *SOLAR PANELS* on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - 4) *SOLAR PANELS* on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat roof surface, whichever is higher.

- 5) All *SOLAR PANELS*, mounted on Flat and or Pitched roofs shall comply to the *Currently Adopted Building Code*; the *Currently Adopted Building Code* shall supersede this regulation. (i.e. Fire access and paths/vent spaces shall be provided in compliance with the *Currently Adopted Building Code*.)
- 3) *Glare*: All Solar Panels shall have anti-reflective coating(s).
- 4) Height: All Roof Mounted *SOLAR ENERGY SYSTEMS* shall comply with the height limitations in **Appendix 3** or the maximum height regulations specified for principal and accessory buildings within the underlying zoning district, whichever is the lowest height. Note: Tier 1 Roof-Mounted Solar heights shall be as per respective category requirements in this section.
- 5) ***BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS*** shall be shown on the Construction Documents submitted for the Building Permit application for the building(s) containing the system. Therefore a "NYS Unified Solar Permit Application" is required at time of Building Permit application for the integrated Building.

G) Tier 2 SOLAR ENERGY SYSTEMS, Permitting Requirements

- 1) All *Tier 2 SOLAR ENERGY SYSTEMS* shall be permitted in all zoning districts as accessory structures and shall be exempt from Site Plan Review under the local zoning code or other land use regulations, subject to the following conditions:
- 2) *GLARE*; all *SOLAR PANELS* shall have anti-reflective coating(s).
- 3) Setbacks; *Tier 2 SOLAR ENERGY SYSTEMS* shall be subject to the setbacks established in **Appendix 2**; **Appendix 2** supersedes the underlying Zoning District setbacks
 - i. Any Ground Mounted *SOLAR ENERGY SYSTEMS* shall only be installed in the side or rear yards in the following zoning districts: RA, LDR, MDR, CMU, and RC.
- 2) Any Ground Mounted *SOLAR ENERGY SYSTEMS* located in a WR zoning district, and along **River Road**, shall be installed in the side or roadside yards on said parcel.
- 3) Any Ground Mounted *SOLAR ENERGY SYSTEMS* located in a WR zoning district, and along **Lake Road**, shall be installed in the side yards, only, on said parcel.
- 4) Height; *Tier 2 SOLAR ENERGY SYSTEMS* shall comply with the height limitations in **Appendix 3** or the maximum height regulations specified for principal and accessory buildings within the underlying zoning district, whichever is the lowest height.

5) Screening and Visibility;

1) All *Tier 2 SOLAR ENERGY SYSTEMs* shall have views minimized from adjacent properties to the extent reasonably practicable.
Any questions on what is reasonable shall be determined by the Planning Board and or the Code Enforcement Officer.

2) Solar Energy Equipment shall be located in a manner to reasonably avoid and or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate *SOLAR ACCESS*.

6) Lot Size; *Tier 2 SOLAR ENERGY SYSTEMs* shall comply with the existing lot size requirements specified for accessory structures within the underlying zoning district.

1) *Tier 2 SOLAR ENERGY SYSTEMs* on "Non-Conforming Lot(s) of Record" are prohibited, in all Zoning districts. *Note: Roof mounted systems are allowed in compliance with Tier 1 Solar Energy Systems on Non-Conforming Lot(s) of Record.*

H) *Tier 3 SOLAR ENERGY SYSTEMs*, Permitting Requirements

I) All *Tier 3 SOLAR ENERGY SYSTEMs* are permitted through the issuance of a **Special Use Permit** within the RA, LDR, MDR, M-1, M-2 and M-3 zoning districts, and subject to **Site Plan Review** approval requirements set forth in this Section and or currently adopted Town Zoning laws; at the discretion of the Zoning Code Enforcement Officer.

1) Applications for the installation of *Tier 3 SOLAR ENERGY SYSTEMs* shall

1) Be reviewed by the Code Enforcement Officer for completeness. Applicants shall be advised within 10 business days of any deficiencies/incomplete applications.
Deficiencies must be addressed prior to substantive review and or scheduling with appropriate Board(s) (Planning Board and or Zoning Board of Appeals)

2) All applications shall include evidence that the *Tier 3 SOLAR ENERGY SYSTEMs* operation provides a *direct benefit to the community*;

i. *Community Solar*, as defined herein, shall account for, a minimum, of 40% of the total system's output of electricity, per parcel/system

ii. or

1. Alternatively; an approved alternative Community Benefit may be consider.

2. or

3. Alternatively; a Payment in lieu of a Community Solar Energy System.

1. In cases where the Planning Board finds that, due to the size and or reasonable circumstances a developer cannot make another Community benefit, then by consensus of the Planning Board, Payment in lieu of a *Community Solar* scenario, may be considered. The fee shall be in accordance with the fee schedule for the Town of Porter as amended from time to time, and or by resolution of the Town of Porter Board.
2. Such payment shall be a condition of approval of the Special Use Permit. No Special Use Permit shall be signed by the chairperson of the Planning Board until such payment has been received by the Town of Porter.
3. Monies received from such payment shall be placed in a recreation fund, such monies to be expended for development of parks or recreation facilities and or programs, and or acquisition of Recreation/Park land within the Town of Porter.
4. The Planning Board shall make a determination, by resolution, as to the allowance of alternative community benefit. The approved *community benefit* shall be stipulated on the approved Special Use Permit.
- 3) Subject to a Public Hearing to hear all comments for and against the application. The Reviewing Board(s) of the Town of Porter shall make Public Hearing Notices and follow the Common Review Procedures established in the currently adopted Town Zoning law.
- 4) Referred to the Niagara County Planning Board pursuant to General Municipal Law §239-m if required.
- 5) Upon closing of the Public Hearing, the Reviewing Board(s) shall act on the

application within 62 days of the Public Hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Reviewing Board(s) and the applicant.

- 2) **Underground Requirements;** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, except for the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easement and or right-of-way.
- 3) **Vehicle Paths;** Vehicular paths within the site shall be designed to minimize the extent of impervious and soil compaction.
- 4) **Signage;**
 - 1) No signage or graphic content shall be displayed on the *SOLAR ENERGY SYSTEMS* except the manufacture's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet.
 - 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.
- 5) **GLARE;** all *SOLAR PANELS* shall have anti-reflective coating(s).
- 6) **Lighting;** Lighting of the *SOLAR ENERGY SYSTEMS* shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- 7) **Tree-cutting;** Removal of existing trees larger than 6 inches in diameter should be minimized to the greatest extent possible.
 - 1) Removal of Tree(s) larger than 6 inches in diameter may be allowed if offset by planting at least two - 3 inches in diameter trees, of like in kind species on the respective parcel. Approval of alternative Tree species and or, size other than "like in kind," shall be determined by the Planning board.
- 8) **Decommissioning;**

- 1) *SOLAR ENERGY SYSTEMS* that have been abandoned and or not producing electricity for a period of 6 months shall be removed at the Owner and or Operators expense, which at the Owner's option may come from any security made with the Town of Porter as set forth in upcoming Section herein.
- 2) If the use of any *Tier 3 SOLAR ENERGY SYSTEM* is discontinued, the provider/operator shall notify the Town of Porter Code Enforcement Officer within 90 days of such discontinuance.
- 3) A decommissioning plan (see **Appendix 4**) signed by the owner and or operator of the *SOLAR ENERGY SYSTEM* shall be submitted by the applicant, addressing the following:
 - i. The cost of removing the *SOLAR ENERGY SYSTEM*.
 - ii. The time required to decommission and remove the *SOLAR ENERGY SYSTEM* and any ancillary structures.
 - iii. The time required to repair any damaged caused to the property by the installation and removal of the *SOLAR ENERGY SYSTEMS*.
 - iv. Notification of Discontinuance; by owner/operator to the Town of Porter.

9) Security;

- 1) The deposit, execution, or filing with the Town of Porter Clerk of cash, bond, or other form of security reasonably accepted to the Town of Porter Attorney and or Engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restoration of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the *Tier 3 SOLAR ENERGY SYSTEM* and restoration of the property with an escalator of 3% annually for the life of the *SOLAR ENERGY SYSTEM*. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the *SOLAR ENERGY SYSTEM*
- 2) In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Porter, which shall be entitled to maintain an action thereon. The cash, deposit, bond, or security shall remain in full force and effect until restoration complete.

- 3) In the event of default or abandonment of the *SOLAR ENERGY SYSTEM*, the system shall be decommissioned as set forth in **section J (2) and J (3)** herein.

10) Site Plan Review application; for any *SOLAR ENERGY SYSTEM* requiring a Special Use Permit, Site Plan Review approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structure.
- 3) A one or three-line electrical diagram detailing the *SOLAR ENERGY SYSTEM* layout, solar collection installation, associated components, and electrical interconnection methods, with National Electrical Code compliant disconnects and overcurrent devices.
- 4) A preliminary equipment specification sheet that documents all proposed *SOLAR PANELS*, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a Building Permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and or operator of the *SOLAR ENERGY SYSTEM*.
- 6) Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for *SOLAR ENERGY SYSTEMs*.
- 7) Zoning district designation for the parcel(s) of land comprising project site.
- 8) *Property Operation and Maintenance Plan*; such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming. Plan shall also include language that specifically addresses the currently adopted Property Maintenance regulations of the Town of Porter.
- 9) Erosion, sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the *Planning Board and or Code Enforcement Officer*.

- 10) Prior to the issuance of the Building Permit or Final approval by the Planning Board and or Zoning Board of Appeals, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) licensed Professional Engineer or NYS Licensed Architect.

11) Special Use Permit Standards;

- 1) Lot size
 - i. The property on which the *Tier 3 SOLAR ENERGY SYSTEM* is placed shall meet the lot size requirements in **Appendix 1**.
- 2) Setbacks
 - i. The *Tier 3 SOLAR ENERGY SYSTEMS* shall meet the setback requirements in **Appendix 2**.
- 3) Height
 - i. The *Tier 3 SOLAR ENERGY SYSTEMS* shall comply with the height limitations in **Appendix 3** depending on the underlying zoning district.
- 4) Lot coverage
 - i. The following components of a *Tier 3 SOLAR ENERGY SYSTEM* shall be considered included in the calculations for lot coverage requirements:
 1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 2. All mechanical and or electrical equipment of the *SOLAR ENERGY SYSTEM*, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 3. Solar Panels, Rail systems, and or supporting structures.
 4. Paved access roads servicing the *SOLAR ENERGY SYSTEM*.
 - ii. Lot coverage of the *SOLAR ENERGY SYSTEM*, as defined above, shall not exceed the maximum requirements established in **Appendix 5** herein.
- 5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.
- 6) Screening and Visibility;
 - i. *SOLAR ENERGY SYSTEMS* smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
 - ii. *SOLAR ENERGY SYSTEMS* larger than 10 acres shall be required to:
 1. Conduct a visual assessment of the visual impacts of the *SOLAR ENERGY SYSTEM* on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital "view shed report", shall be required by the applicant.
 2. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of *SOLAR PANELS* and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
 1. The screening & landscaping plan shall specify the locations,

elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of 1 evergreen tree, at least 6 feet high at time of planting, plus 2 supplemental shrubs, spaced at 8 lineal feet on center; or at the reasonable discretion of the Town of Porter Planning Board, all planted within each 10 linear feet of the *SOLAR ENERGY SYSTEM*. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. A list of suitable evergreen tree and shrub species should be provided by the Town of Porter.

- 7) Agricultural Resources. For projects located on agricultural lands and or in Niagara County Agricultural Districts:
 - i. Any *Tier 3 SOLAR ENERGY SYSTEM* located on the areas that consist of *PRIME FARMLAND* or *FARMLAND OF STATEWIDE IMPORTANCE* shall not exceed 50% of the area of *PRIME FARMLAND* or *FARMLAND OF STATEWIDE IMPORTANCE* on the parcel. *Tier 3 SOLAR ENERGY SYSTEMs* on *PRIME FARMLAND* or *FARMLAND OF STATEWIDE IMPORTANCE* shall be required to seed 20% of the total surface area of all *SOLAR PANELs* on the lot with native perennial vegetation designed to attract *POLLINATORs*.
 - ii. To the maximum extent practicable, *Tier 3 SOLAR ENERGY SYSTEMs* located on *PRIME FARMLAND* shall be constructed in accordance with the construction requirements
https://www.agriculture.ny.gov/ap/agsservices/Solar_Energy_Guidelines.pdf of the New York State Department of Agriculture and Markets.
 - iii. *Tier 3 SOLAR ENERGY SYSTEM* owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and *POLLINATORs*. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- 8) **Ownership Changes;** if the owner or operator of the *SOLAR ENERGY SYSTEM* changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the *SOLAR ENERGY SYSTEM* shall notify the zoning enforcement officer of such change in ownership or operator within 21 days of the ownership change.

J) Safety

- 1) *SOLAR ENERGY SYSTEMs* and Solar Energy Equipment shall be certified under the applicable electrical and/or *currently adopted Building Codes* as required.
- 2) *SOLAR ENERGY SYSTEMs* shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the *Tier 3 SOLAR ENERGY SYSTEM* is located in an ambulance district, the local ambulance corps.
 - a. If Storage Batteries are included as part of the *SOLAR ENERGY SYSTEM*, they shall meet the requirements of any applicable fire prevention and *currently adopted Building Code* when in use and, when no longer used, shall

be disposed of in accordance with the laws and regulations of the Town of Porter and any applicable federal, state, or county laws or regulations.

K) Permit Time Frame and Abandonment

- 1) The Special Use Permit and Site Plan Approval for a *SOLAR ENERGY SYSTEM* shall be valid for a period of 12 months, provided that a Building Permit is issued for construction. In the event construction is not completed in accordance with the final Site Plan, as may have been amended and approved, as required by the Planning Board, within 12 months after approval, the applicant may request the Town of Porter Code Enforcement Officer may extend the time to complete construction for 6 months. If the owner and/or operator fails to perform substantial construction/completion after 24 months, the approvals shall expire.
- 2) Upon cessation of electricity generation of a *SOLAR ENERGY SYSTEM* on a continuous basis for 6 months, the Town of Porter may notify and instruct the owner and/or operator of the *SOLAR ENERGY SYSTEM* to implement the decommissioning plan. The decommissioning plan must be completed within 6 months of notification.
- 3) If the owner and/or operator fail to comply with **decommissioning** upon any abandonment, the Town of Porter may, at its discretion, utilize the bond and/or security for the removal of the *SOLAR ENERGY SYSTEM* and restoration of the site in accordance with the **decommissioning plan**.

L) Enforcement; Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the Zoning Laws of the Town of Porter.

M) Severability; The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

APPENDIX I:**LOT SIZE REQUIREMENTS**

The following table displays the size requirements of the lot for:

Tier 3 *GROUND-MOUNTED SOLAR ENERGY SYSTEMs*
only

Table 1: Lot Size Requirements

Zoning District	<i>Tier 3 SOLAR ENERGY SYSTEMs</i>
RA - Rural Agricultural	≥ 5 acres
LDR - Low Density Residential	≥ 5 acres
WR - Waterfront Residential	not allowed
MDR - Medium Density Residential	≥ 5 acres
CMU - Commercial Mixed Use	not allowed
RC - Rural Commercial	not allowed
M-1 - Light Industrial	≥ 2.5 acres
M-2 - General Industrial	≥ 2.5 acres
M-3 - Heavy Industrial	≥ 2.5 acres

APPENDIX 2:

PARCEL LINE SETBACKS

The following table provides parcel line setback requirements for
Tier 2 & Tier 3 *GROUND-MOUNTED SOLAR ENERGY SYSTEMS*

Fencing, access roads and landscaping may occur within the setback(outside of buildable area).

Table 2: Parcel Line Setback Requirements

	<i>Tier 3</i> Ground-Mounted		
Zoning District	Front	Side	Rear
RA - Rural Residential	--	100'	100'
LDR - Low Density Residential	--	100'	100'
WR - Waterfront Residential	--	--	--
MDR - Medium Density Residential	--	50'	50'
CMU - Commercial Mixed Use	--	--	--
RC - Rural Commercial	--	--	--
M-1 - Light Industrial	100'	50'	50'
M-2 - General Industrial	100'	50'	50'
M-3 - Heavy Industrial	100'	50'	50'

Key:
--: Not Allowed

APPENDIX 3:

HEIGHT REQUIREMENTS

The following table displays height requirements for each type of ***SOLAR ENERGY SYSTEMS***. The height of systems will be measured from the highest natural grade below each ***SOLAR PANEL***.

Table 3: Height Requirements

	<i>Tier 2</i>	<i>Tier 3</i>
Zoning District		
RA - Rural Agricultural	16'	16'
LDR - Low Density Residential	16'	16'
WR - Waterfront Residential	16'	--
MDR - Medium Density Residential	16'	16'
CMU - Commercial Mixed Use	16'	--
RC - Rural Commercial	16'	--
M-1 - Light Industrial	16'	16'
M-2 - General Industrial	16'	16'
M-3 - Heavy Industrial	16'	16'

Note: Tier 1 Roof-Mounted Solar heights shall be as per respective category requirements in this section

Key:

--: Not Allowed

APPENDIX 4:

EXAMPLE DECOMMISSIONING PLAN

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at:
[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by Town of Porter, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the “Facility”).

Decommissioning will occur as a result of any of the following conditions:

- ◆ The land lease, if any, ends
- ◆ The system does not produce power for 6 months
- ◆ The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

- ◆ Notification of Discontinuance; by owner/operator to the Town of Porter.
- ◆ Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
- ◆ Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
- ◆ Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within 12months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

APPENDIX 5:

LOT COVERAGE REQUIREMENTS

The following table displays Lot Coverage Requirements for all type of
Tier 2 & Tier 3 *GROUND-MOUNTED SOLAR ENERGY SYSTEMs*

The Lot Coverage area of said systems shall include all components and equipment associated with any/all Tiers of - *SOLAR ENERGY SYSTEMS* divided by the Lot Area (i.e. 2,500 sf / 43,560 sf = 6 % lot coverage).

Table 4: Lot Coverage Requirements

Zoning District	<i>All -Tiers SOLAR ENERGY SYSTEMs</i>
RA - Rural Agricultural	25%
LDR - Low Density Residential	20%
WR - Waterfront Residential	15%
MDR - Medium Density Residential	15%
CMU - Commercial Mixed Use	50% (Tier 2 only)
RC - Rural Commercial	40% (Tier 2 only)
M-1 - Light Industrial	60%
M-2 - General Industrial	80%
M-3 - Heavy Industrial	80%

Resolution needed to have Attorney Dowd review the proposed amendment for legal implications and write a formal resolution.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-61

Meeting: 05/13/19 07:00 PM

Drainage Petitions

- 1) We are asking the Town Board to approve/make a resolution to advance the signed Drainage Petitions (two each) toward formal/legal executed easements:
 - a) One Drainage Easement is for multiple parcels in Ransomville on parcel between Curtiss Avenue & Ransomville Roads - east to west, and north of Lockport Road (north of the Ransomville Post Office/Apartment Building.
 - b) Second Drainage Easement is for parcels on the north side of Lake Road between 2125 Lake Road and 2141 Lake Road.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-62

Meeting: 05/13/19 07:00 PM

Town Constable to Serve Summons

Resolution needed to authorize a Town Constable to serve, in person, a proposed summons to the Town Justice Court; on an unsafe/abandoned home; 2457 Lockport road, Ransomville, SBL# 62.10-2-7.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

3.14

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-63

Meeting: 05/13/19 07:00 PM

Magnetometer

Resolution needed to declare the retired magnetometer surplus material.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

3.15

2019-64

Meeting: 05/13/19 07:00 PM

Thomas Pryce Water Bill

Mr. Tom Price is asking the board for relief on his water bill because of a failed furnace and broken water pipes. The leak went undetected for some time because Mr. Price was in Florida. The amount owed is \$419.15



Town of Porter
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Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

3.16

2019-65

Meeting: 05/13/19 07:00 PM

Mr. Jon Lorence - Water Bill

Mr. Jon Lawrence is asking for relief from his water bill in the amount of \$1697.20



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

3.17

2019-66

Meeting: 05/13/19 07:00 PM

Kim Boyer

Resolution needed to hire Kimberly Boyer for the position of Bookkeeper/Confidential Secretary effective 5/20/19



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

3.18

2019-67

Meeting: 05/13/19 07:00 PM

Parking Lot

Resolution needed to have the parking lot paved.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

4.1

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-52

Meeting: 05/13/19 07:00 PM

Supervisor's Report

Supervisors Report

4-9 Attended the Buffalo Waterkeeper meeting

4-9 Attended the Youngstown business Assoc. meeting

4-10 Attended LED street light meeting in Wheatfield

4-16 Met with Verizon about wi-fi at the Town park and GPS units for Town vehicles

4-18 Had a Niagara County water board meeting

4-30 et with Ken Young on Town hall parking lot project

4-30 Met with Mayor Arthur Lawson and Wilson School superintendent Tim Carter

- Attended NYS finance school in Saratoga Springs
- *Met with John Tilk to install the electric car charger*
- The robo lawn mowers are installed
- Met with Jonathan Schultz, of Niagara County and secured 40 pallets of sandbags for Town residents
- Met with Bryan from Niagara jet boats and got him sandbags from the county
- Worked with Mike Fox on stocking Salmon in Youngstown

- Supported the Niagara chamber in the Lewiston smeltfest
- Made phone calls to get sandbags to US Coast Guard Station.



Town of Porter
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Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
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2019-53

Meeting: 05/13/19 07:00 PM

Bookkeeper

BOOKKEEPER REPORT: APRIL, 2019

Completed April payrolls

Completed all monthly reports

Completed April vouchers



Town of Porter
3265 Creek Road
Youngstown, NY 14174




Kara Hibbard
Town Clerk
716-745-3730
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2019-54

Meeting: 05/13/19 07:00 PM

Town Clerk

Water for the month of March was \$27,343.45

-  Sewer for the month of March was \$14,422.41
-  Clerk Fees = \$ 1102.75
-  Prepared agendas and transcribed minutes for the monthly meeting and work session which are uploaded to the website monthly



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-55

Meeting: 05/13/19 07:00 PM

Assessor

Monthly Assessor's Report

April 2019

- Posted new and renewed exemptions to the 2019 Assessment Roll
- Continued processing completed building permits into RPSV4, including valuation
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Continued to update Income Verification Program with NYS DTF for STAR exemptions
- Approved and/or denied exemptions, notified property owner where necessary
- Continued processing tasks in preparation of the 2019 Tentative Assessment Roll
- Published legal notice for the completion of the 2019 Tentative Assessment Roll
- Continued to train the new Real Property Appraisal Aide - Selah Lowery
- Worked on self-audit to prepare for State audit.

Sales of note, which will affect our equalization rate going forward:

3231 Porter Ctr Rd	AV \$159,000	Sale Price \$230,000
387 Foxpoint Cir	AV \$186,000	Sale Price \$240,000
381 Glengrove Dr	AV \$240,500	Sale Price \$360,000
3597 East Ave	AV \$137,500	Sale Price \$180,000

Respectfully Submitted,

Lena D. Villella

Assessor



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-56

Meeting: 05/13/19 07:00 PM

Highway

5/13/19

Department of Public Works

Monthly report for April 2019

Highway Department:

1. Completed a town wide and first scheduled brush pick up.
2. Completed 2 driveway culvert installations.
3. Completed removal of all snow equipment.
4. We are servicing trucks in preparation for summer maintenance.
5. We have started mowing cemeteries; it's slow due to wet weather.

Drainage Department:

1. We are working on getting permission to enter properties once it dries enough to start projects.
2. Off road mowing will depend on weather conditions.

Water and Sewer:

1. Completed our monthly meter reading.
2. We are continuing the water meter transponder replacement program, we have approximately 200 left to replace.
3. Completed repainting the interiors of Swain Rd and Lake Rd Lift Stations.
4. Completed repairs to a defective hydrant guard valve on Youngstown/Lockport Rd.
5. Prepared and published our annual Water Quality Report.

6. Collected the DBP3 samples for the first quarter.

POTL:

1. We have mowed what we can at the park due to the wet weather.
2. The restrooms are now open for the season.

Truck# 11 Sandblast and Paint

I have solicited 3 quotes to sand blast and repaint the body and frame on truck # 11.

Nu-Look ProFinish Collision & Painting	\$7471.50
Hawk Frame & Axle	\$8995.00
Caledonia Diesel	No Quote

I recommend the low quote from NuLook ProFinish Collision & Painting be accepted.

Certified Excavator Training:

I would like a resolution authorizing 3 employees to attend the Certified Excavator Training Class being put on by DigSafelyNewYork at the Cooperative Extension Center on May 28, 2019. The cost for the 3 employees is \$75.00.

SewerJet/Vacuum Combination Truck Grant:

I have contacted the Town of Lewiston, Town of Pendleton, Town of Cambria, Village of Lewiston and Village of Youngstown regarding their interest in the grant application. If we were to receive a grant each participating municipality would share 25% of the cost or approximately \$16000.00 each.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-57

Meeting: 05/13/19 07:00 PM

Building Inspector/Code Enforcement Officer

CODE ENFORCEMENT OFFICE - MONTHLY REPORT

April 2019

- ◆ Reviewed and issued **Building Permits**; per Permit Report - attached. Twelve (12) permits have been issued for the month of April.
- ◆ Received, inspected, and issued **new Complaint/Violations**; per Complaint report. one (1) formal concerns has been processed, multiple under review/analysis.
- ◆ Completed ongoing/**Follow up inspections** for Open Permits and Open Violations.
- ◆ Prepared information and attended **Planning Board** regular meeting on April 4, 2019.
- ◆ Prepared information and attended **Zoning Board of Appeals** regular, meeting on April 25, 2019.
- ◆ Attended 8 hrs. - **Training Class** on April 30, 2019, This Training class was a makeup date for our snow day cancelation in January. The Class was sponsored by Niagara Frontier Building Official Association. I have completed the State required (for Code Enforcement Officers) 24 hours of training for 2019; at this time.
- ◆ Prepared the final draft, **Solar Energy Systems; section 200-52 of town law**, amendment proposal for Town Board to consider ratification and adoption to a Local Law. I have copied each Board member with the Final Draft. The appointed three member committee of Tony Collard, Bryan Meigs, and I have invested significant hours into the preparation of the submittal. Numerous consultants, including Jason Kulaszewski; *Clean Energy Coordinator*, UB Regional Institute and Houtan Moaveni; Senior Advisor to the President, NYSERDA consultant and Solar Training. Each of our local Boards has been given the opportunity to provide input and analysis on this proposed legislation. Please seek a motion to schedule further actions toward adoption into law, in conjunction with Attorney Dowd's review and evaluation.
- ◆ Prepared the final draft, **Special Use Permit - Permitted use Table section 200-7 of town law**, amendment proposal for Town Board to consider ratification and adoption to a Local Law. I have copied each Board member with the Final Draft. The Planning Board & Zoning Board of Appeals have invested significant hours into the preparation of the submittal. Please seek a motion to schedule further actions toward adoption into law, in conjunction with Attorney Dowd's review and evaluation.
- ◆ Prepared the final draft, **Service Line Installation Section 185-22 of town law**, amendment proposal for Town Board to consider ratification and adoption to a Local Law. I have copied

each Board member with the Final Draft. The Highway, Sewer, and Water Department requested the submittal - Addition of a Tracer wire with Plastic type water service line installation. Please seek a motion to schedule further actions toward adoption into law, in conjunction with Attorney Dowd's review and evaluation.

- ◆ Drainage Petitions for the following two areas of concern have been signed by affecting property owners; thanks to the diligent effort of David Burmaster Deputy Highway Superintendent: We are asking the Town Board to approve/make a resolution to advance the signed Drainage Petitions toward formal/legal executed easements.:
 1. First Drainage Easement is for multiple parcels in Ransomville on parcels between Curtiss Avenue & Ransomville Roads - east to west, and north of Lockport Road (north of the Ransomville Post Office/Apartment Building.
 2. Second Drainage Easement is for parcels on the north side of Lake Road between 2125 lake Road and 2141 Lake Road.
- ◆ We are also asking the Town Board to approve/make a resolution to authorize a Town Constable to Serve, in person, a proposed Summons to the Town Justice Court; on an unsafe/abandoned Home; 2457 Lockport Road, Ransomville, SBL# 62.10-2-7.

COMPLAINT REPORT BY TYPE

April 2019

<u>COMPLAINT TYPE</u>	<u>OWNER</u>	<u>PARCEL</u>
<u>LOCATION</u> <u>SBL</u>		
BUILDING CODE VIOLATION:		
018-19	RAM POSA	926 BALMER RD. 60.00-3-4.12

PERMIT REPORT BY TYPE

April 2019

<u>PERMIT TYPE</u>	<u>APPLICANT</u>	<u>PARCEL</u>
<u>LOCATION</u>	<u>SBL</u>	
FENCE:		
016-19 JOHN WRIGHT	914 BALMER RD.	60.00-3-1.124
SOLAR ENERGY SYSTEM:		
017-19 ANDREW HOOKER	3981 RIVER RD.	73.10-1-7
FENCE:		
018-19 E& R HORIZONS, LLC		3231
PORTER CENTER RD.	47.00-1-76	
FENCE:		

019-19 NICHOLAS PIERONI 3393 CREEK RD. 46.00-2-39.3

PORCH REMODEL:

020-19 JAMES STONE 2641 NEW ROAD 62.10-1-8

SHED:

**021-19 CHARLES BROLINSKI 1591
LOCKPORT ROAD 47.03-1-4**

FIRE SAFETY:

**FS000-19 FRANK DORAN FIRE
SAFETY INSPECTION - REQ. 62.04-1-17**

DECK:

**022-19 THOMAS HOGAN 3921 DICKERSONVILLE ROAD
61.00-2-14.2**

SHED:

**023-19 WAYNE POLLOW 3574 ST. CHRISTOPHER LN.
62.10-4-16**

FENCE:

**024-19 ROBERT VAUGHAN 1455 YNGST-WILSON ROAD
46.00-1-30**

FENCE:

**025-19 JAMES MAILINOWSKI 908
LOCKPORT ROAD 46.03-1-57**

ALTERATION - SUNROOM:

026-19 REGIS CLEARY 2347 LAKE ROAD 21.17-1-18



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2019-58

Meeting: 05/13/19 07:00 PM

Recreation

1. The Story Hour Program continues at the Youngstown Library on Tuesday mornings and the Ransomville Library on Wednesday mornings. Class times are 9:30-10:30 and 11:00-12:00.
2. Chair Yoga continues at the Youngstown Red Brick on Tuesday mornings at 9:30am, and Yoga is offered there on Wednesday evenings at 6:30pm.
3. Tai Chi will be offered weekly at Porter on the Lake Park for 12 weeks beginning Friday, May 31st. The time will be 11:00am-12:00pm.
4. Yoga and Hall Walking continue at Stevenson School (SafeShot) in Ransomville. The schedule is:

TUESDAYS:

- * Gentle Yoga: 6:30pm - 7:30pm
- * Hall Walking: 6:30-7:30pm

THURSDAYS:

- * Hall Walking: 6:00-8:00pm

5. The Summer Recreation Program will be held again at Stevenson School (SafeShot) in Ransomville. The Program will run from Monday, July 8 - Thursday, August 15. Registration for children is July 3rd and 5th from 10:00am - 3:00pm at the school. Any questions may be directed to Kathy at 745-3583.
6. Summer Recreation Staff will work from July 1 - August 16. Interviews will be conducted on Monday, June 3rd. Anyone interested in applying should submit their resume to Town Hall (Attn: Recreation Director) before May 20th.
7. Our next meeting will be Monday, June 3, 2019 at 6:00pm.



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Youngstown, NY 14174

2019-59

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Meeting: 05/13/19 07:00 PM

4.8

Attorney

Negative Declaration for Porter on the Lake



Town of Porter
3265 Creek Road
Youngstown, NY 14174

2019-60

Kara Hibbard
Town Clerk
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Meeting: 05/13/19 07:00 PM

4.9

Tax Collector

The following figures reflect the final results of my collection of the 2019 Niagara County and Town of Porter Tax Roll

Total Warrant	\$	5,888,167.85
COE/utility TW Correction	\$	<u>-494.04</u>
Adjusted Warrant	\$	5,887,673.81



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2019-61

Meeting: 05/13/19 07:00 PM

Grant Writer

Grants Status Report: Projects we are currently working on:

CBDG Grant: Ft Niagara Beach. Supervisor has signed the contract with Ensol and the project is on it way. Engineering and permitting is the first phase. Hoping construction can be scheduled for the fall.

Greenway: Submitting \$25,576.67 for the trail material for reimbursement.

LWRP: Total reimbursement of \$18,386.00 has been received and semi-final report submitted to DOS. A project extension has been requested, as the State (DOS) needs to review the draft LWRP that can take some time.

Porter 2018 DASNY SAM #14325 Improvements to Porter on the Lake Facility Including the Construction of a Barn: Duffy spoke with DASNY contact and as of today all supporting documentation has been submitted. We just need to wait for a contract from the State.

Porter Vacuum Truck CFA application: the 2019 CFA application is open and we are working on the application with Scott Hillman. Scott is working with 4 neighboring communities to submit a joint application. More details to follow once we have the other town's commitments and budget.



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2019-62

Meeting: 05/13/19 07:00 PM

Calendar of Events

- May 23 - Zoning Board meeting
- May 27 - Town Hall closed in observance of Memorial Day
- June 3 - Recreation meeting
- June 6 - Planning Board meeting



Town of Porter
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Youngstown, NY 14174

2019-64

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4.12

Meeting: 05/13/19 07:00 PM

Public Comments

report



Town of Porter
3265 Creek Road
Youngstown, NY 14174

2019-65

Kara Hibbard
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Meeting: 05/13/19 07:00 PM

4.13

Town Board Comments

report