



# Town of Porter

## Special Meeting

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174  
[TownofPorter.Net](http://TownofPorter.Net)

Kara Hibbard  
716-745-3730

Monday, February 8, 2021

6:30 PM

Town Hall Auditorium

### I. Call to Order

6:30 PM Meeting called to order on February 8, 2021 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Jipp Ortiz	Town of Porter	Councilman	Absent	
J. Duffy Johnston	Town of Porter	Supervisor	Present	
Jeff Baker	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Present	
Tim Adamson	Town of Porter	Councilman	Present	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	

### II. Public Hearing

### III. Reports

#### 1. Report 2021-23

#### Public Hearing Regarding Adopting a New Law on Tier 3 Solar.

#### Notice of Public Hearing

Legal Notice is Hereby Given that the Board of the Town of Porter will hold a Public Hearing at the Town Hall, 3265 Creek Road, Youngstown, New York, 14174, Town of Porter, on Monday the 8<sup>th</sup> day of February 2021 at 6:30 p.m., to hear all interested parties regarding the adoption Local Law No. 1 of 2021, titled "Solar Energy Systems." Further information, including access to a copy of said proposed Local Law, may be obtained at the Town Code Enforcement Office, or contact the Town of Porter Code Enforcement Office with questions; 716-745-3730, ext. 7. Due to COVID 19 Pandemic any written comments will be entered into record if submitted to the Code Enforcement Officer prior to the 6<sup>th</sup> of February 2021.

The Public Hearing was open to the public at 6:30 PM on February 8, 2021 by Supervisor Johnston reading the Public Notice.

Gloria Baker of 3605 Porter Center rd. was the first resident to speak. She stated that they have been working for months on the proposed law and meetings were open to the public and there was a good showing of people that came and expressed their opinions but the petition was brought forth so that we can preserve what we have here in the Town of Porter and the reason why we all live here.

Richard Ries of 715 Onondaga st., was the second resident to speak and stated that he had read through the solar code and for the most part, a lot of it is pretty standard. "It's seen throughout Towns all across New York but there is one thing that kind of differentiates and that is the fact that your going to allow commercial solar in industrial areas. I've looked at the map and the industrial areas don't have a lot of capacity. They are all flooded lines for the most part and also pretty heavily wooded" and he feels that it wouldn't be environmentally friendly to cut down a lot of trees to build a solar farm. He would like to see it opened up to medium density residential and also rural residential and maybe just do it for smaller solar farms that do not include a lot of acres. Just keep it minimal so the people can develop their land and properly screen it and hear what their neighbors have to say.

Paul Brown of 3591 Porter Center rd., said that he feels that the laws that the solar committee came up with were pretty fair. As far as cutting down the trees, those trees are being replaced someplace else in the Town of Porter.

Ryan Harding of 1927 Youngstown Lockport rd., said that commercial solar should be in a commercial or industrial area.

Andy Giarrizzo of 2008 Lake rd., read for the first time the proposed solar law and he can see that a lot of work has been put into it and there are a lot of people in this room speaking out against solar farms. I have to agree to some extent with the gentleman next to me that destroying any green element and replacing it with another green element is problematic. If your current areas are all industrial zoned and heavily wooded to cut them down for the sake of another purpose when other open pieces of property may be available and designated as such without impacting neighbors or community enjoyment is a consideration allowed in the new plan. Perhaps overlay districts may accommodate rare flexibility to use without impacting community enjoyment. I am speaking personally because it could very well happen next to my house. He is also of the opinion that a lot of things can be executed in such a way that they do not have community impact and there can be a compromise. Sometimes laws are written too strictly. Can the industry be accommodated in the Town of Porter. Has the law that has currently been written been vetted by an environmental attorney, somebody who specializes in challenging the law. The culture of today is looking in favor of these things and tomorrow will look more in favor.

Supervisor Johnston wanted everyone to know that first of all (because some people are not familiar with the drafted law) that when it came to forming our solar committee, we took a person from each of our boards, along with Bldg. Inspector Jefferys and some residents of the community. There were close to 10 meetings and it was very tough with the Covid pandemic. This went on for over a year in which we established a moratorium and then an extension. The committee did a great, diverse look at everything. The land that is over on M1, yes, there is some wooded areas over there but for the most part, most of it is dead. There are some open areas along with transmission lines.

Supervisor Johnston read the email from Elizabeth Reece sent to Bldg. Inspector Jefferys and also the email that was sent to Peter from Richard Ries. There was another email sent to Peter from OYA Solar regarding their views on Solar. If anyone would like to read these, they are available at the Town Hall.

Building Inspector Jefferys did say that OYA Solar felt that OYA's primary concern was that they wanted to be able to install Tier 3 solar entites in our rural agricultural district. The reality of the non solar committee meetings that we had in the process over the last year was, with the consensus of the board and the residents at the meeting was that Tier 3 was not wanted in the rural agricultural districts. The people wanted our agricultural resources protected. The committee included on 2 occasions, at 2 different meetings have OYA Solar do a presentation on what their company was about and how they approach things. The committee did have a chance to ask questions and have them answered. On the second occasion, they had a very significant debate on how they determine lot coverage.

Supervisor Johnston did read the letter from legislature, Irene Myers. She wanted to be at this meeting but because of a conflict in her schedule, she was not able to attend. She praised the people involved with their hard work and effort regarding the solar law. Her main focus is to protect and preserve our

community, agriculture and heritage. She is not against solar energy but like everything else, it has it's place. She does not feel that acres of solar panels belong on farmland. The Town has worked hard to come up with a plan that offers implementing solar energy but also protecting the community. We are not going to allow more land in the Town of Porter to be taken for the sake of the dollar. We have a garbage dump, a chemical waste dump along with the leftovers from the atomic era which still haunts us. We do not know how solar will affect us in the years to come. Let's keep one thing clear, the land in the Town of Porter is tillable land and I find it necessary to keep that land free from negative environmental issues. That is why this board established this playing field. Solar, we can use it but let's use it wisely. It can be installed on land that will never be built on or land that will be allowed to feed our families or land that farmers use to make a living.

Supervisor Johnston stated that nothing will be acted upon tonight and the public hearing will be kept open and resume March 8, 2021 at 6:30 PM.

Attorney Dowd stated that the board is going to finish looking at the SEQR and possibly issue a negative declaration next month and also listen to any other comments from the public.

**Motion was made to adjourn the meeting at 6:55 PM by Deputy Supervisor Baker and seconded by Councilman Adamson.**

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