



Town of Porter

Special Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, March 8, 2021

6:30 PM

Town Hall Auditorium

I. Call to Order

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

Attendee Name	Organization	Title	Status	Arrived
Jipp Ortiz	Town of Porter	Councilman	Present	
J. Duffy Johnston	Town of Porter	Supervisor	Present	
Jeff Baker	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Remote	
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. Resolution

III. Resolutions

1. Resolution 2021-31

Public Hearing on 5 New Proposed Local Laws

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, the said Town Board will hold a Public Hearing at the Town Hall, 3265 Creek road, Youngstown, NY 14174 on the 8th day of March 2021 at 6:30 PM to hear all interested parties and citizens for or against the 5 proposed Local Laws below:

- Proposed Local Law #2 of 2021 - Flood Damage Prevention
- Proposed Local Law #3 of 2021 - Lake Ontario Environmental Overlay District
- Proposed Local Law #4 of 2021 - Niagara River Environmental Overlay District
- Proposed Local Law #5 of 2021 - Local Waterfront Revitalization Program Consistency Review Law
- Proposed Local Law #6 of 2021 - Pet Waste

Supervisor Johnston read the legal notice that was advertised in the Niagara Gazette. "These proposed local laws need to be adopted because New York State is mandating it because of our Local Waterfront Revitalization Program. He asked if anybody in the audience would like to speak for

or against adopting these local laws or have any questions. The Town of Porter has been working on this since 2018 and this is the last process. The state has required these be adopted by the Town of Porter to finalize the process.

Motion to close the public hearing and adopt the 4 local laws regarding the LWRP was made by Deputy Supervisor Baker and seconded by Councilman Adamson. Motion carried.

Proposed Local Law #2 - Flood Damage Prevention - Will hopefully be adopted at next month's Town Board meeting after the negative declaration is done.

Roll call vote was taken and all 5 town board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman White, Councilman Adamson and Councilman Ortiz) were in favor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Deputy Supervisor
SECONDER:	Tim Adamson, Councilman
AYES:	Ortiz, Johnston, Baker, White, Adamson

2. Resolution 2021-36

Public Hearing Continued on Tier 3 Solar

The Public Hearing started at 6:30 PM which was a continuation from last month's public hearing. Terence Rasmussen was the first to speak and he joined the meeting via tele-conference. He wished he could have been here but unfortunately due to covid restrictions, he was not able to cross the border. The largest issue they have is that the zoning is limiting it to just industrial zones. He feels that there are other parcel suitable for land. The National Guard training center and the Waste Management facility(which is no longer active anymore) make it very hard to develop solar land. Most of the industrial zones are very small and make it very hard to put solar on. The solar law does work well in other areas (other zoned lands like agricultural land.) He feels that the property (owned by Richard Shears) would be good land to put a solar development on. There are a few other provisions that he found problematic one being the 10% savings. He does not want that. People would be able to switch providers. He went on to explain some other things that he did not agree with. He did appreciate the board taking time to listen to him and would entertain any questions that anybody had. Nobody had any questions for Terence.

Brenda Bank of 785 Lockport Road came forward and said while she appreciates Mr. Rasmussen to push forward with the project, she thinks that the community input as well as the solar board that was put together to determine whether or not the community actually wants an industrial solar project like this has been made relatively clear that a community like this is more interested in farming and keeping the community as it is right now. A project of this scale doesn't really fit in this place.

Supervisor Johnston felt that the due diligence had been done. "The board listened to the pros and cons

from the public and took them into consideration. There was a good mix of people that made up the solar committee (Tim Adamson from the Town Board, Terry Duffy from the Zoning Board, Tony Collard from the Planning Board and resident too). They have done a great job. We added 6 months to the moratorium to give the committee more time to go through everything. There were a total of 9 solar committee meeting and a lot of interaction between meetings. We thought that moving this to the M1 - M2 Districts (with the stipulation about the trees) was very restrictive. The area is very wooded with about 85 percent dead trees along with some wetlands and we would like to take that out as a correction. Where as you do not have to cut down a tree and replace it with two. Shrubbery for screening can be an option. The reason that we do not want to replace that in our law is that when we took this to the Niagara County Planning Board they thought it was one of the best laws that they have seen in the county. They are modeling other laws after our law. I do not want to adjust that part of it in the law. The Niagara County Planning Board highly approved this law".

Councilman Adamson reiterated about the 9 public solar meetings he was on and the majority of the people that came to the meetings did not want to see solar farms being put on agricultural land. It would be a good idea to go into the M1 - M2 industrial zones. The solar committee members were 100% behind this.

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson to close the public hearing. Motion carried.

Roll call vote was taken and all 5 Town Board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz) were in favor.

Attorney Dowd spoke up and said before the board takes action, the SEQR and negative declaration have to be done.

Code Enforcer Jeffery's said the SEQR had already been done.

Motion was made by Councilman Ortiz and seconded by Councilman Adamson to issue a negative declaration and have Supervisor Johnston sign it.

Attorney Dowd explained we have adopted the short environmental assessment form because it's a legislative action with the Town and asked Supervisor Johnson to give a brief summary of the legislation that will supersede our existing solar energy law and replace it with the new one. "We do not have to go through the legislative action with all 20 questions in part 1 but the board does need to go through the questions in part 2 and part 3 is the negative declaration".

Supervisor Johnston read the questions and answers out loud to the public on the short environmental assessment form part 2.

Motion was made by Councilman Adamson and seconded by Councilman Ortiz to entertain a negative declaration. Motion carried.

Roll call vote was taken and all 5 board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz) were in favor.

Councilman Adamson made a motion to entertain and approve the new Solar Law for 2021 to supersede our previous solar law. Councilman Ortiz seconded the motion. Motion carried.

Deputy Supervisor Baker abstained from voting.

Roll call vote was taken and all Town Board members (except for Deputy Supervisor Baker who recused himself) Supervisor Johnston, Councilman Adamson, Councilman White, Councilman Ortiz were in favor.

Attorney Dowd stated "The new Solar Law (Local Law #1) for 2021 has been adopted and effective immediately. It will now be sent to the Secretary of State to be filed".

A motion was made by Supervisor Baker to adjourn the meeting at 7:24 PM and seconded by Councilman Adamson.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jipp Ortiz, Councilman
SECONDER:	Tim Adamson, Councilman
AYES:	Ortiz, Johnston, Baker, White, Adamson
