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The regular meeting of the Town of Porter Planning Board was called to order at 6:30 p.m. on Thursday, November 3, 2011. George Spira was absent. Anthony Collard led everyone in the Pledge of Allegiance. He then read over the agenda for tonight's meeting.

APPROVE OCTOBER 6, 2011 MINUTES

Anthony Collard read over the minutes of the October 6, 2011 Planning Board meeting. With no additions or corrections, Jipp Ortiz made a motion to approve the minutes as submitted. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

ZONING BOARD OF APPEALS REFERRAL – Dean Sutton Architects, for an area variance for side yard setback from fifteen (15) feet to ten (10) feet. There was no one at the meeting to represent this request. Roy Rogers, Code Enforcer for the Town, stated that owner intends to demolish the existing home and build a new home on the site. This is in a Water Front Residential (RW) district. The owner is asking for a side yard setback of ten (10) feet and intend to place the home in the center of the lot. There is a right-of-way on the north side of the lot. The house is not going to be on the right-of-way. Roy Rogers has met with the neighbor who has a concern about the placement of the house. She would prefer the driveway be placed on the other side of the lot. There was no input from the audience regarding this request. Jipp Ortiz made a motion to recommend that the Zoning Board of Appeals approve this request for an area variance for side yard setback from fifteen (15) feet to ten (10) feet. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

SITE PLAN REVIEW 1800 BRALEY RD., YOUNGSTOWN for the installation and construction of two (2) ten kilowatt (10kw) Wind Energy Conversion Towers

Jipp Ortiz read the request of the Town of Porter to install and construct wind energy conservation towers on Braley Road. Conestoga, Rovers and Associates is representing the Town of Porter on this request. Robert Lannon is the project engineer and was at the meeting to do the presentation tonight. The grant is for two monopole towers and two guy wire towers. The Braley Rd. towers location was displayed on the overhead screen. There will be two (2) monopole towers each 120 feet high.

SITE PLAN REVIEW BALMER RD., YOUNGSTOWN for the installation and construction of two (2) ten kilowatt (10kw) Wind Energy Conversion Towers. Jipp Ortiz read the request of the Town of Porter to install and construct wind energy conservation towers on Balmer Road. The grant is for two monopole towers and two guy wire towers. Mr. Lannon had the Balmer Road site displayed on the overhead screen. The two towers on Balmer Rd. will be 120 feet in height with guy wires. They will be free standing. The

fall down zone is 150% of the tower height. According to town code, towers may not be within 120 feet of each other.

At the Balmer Road site there is a water tank and a water tower that will be within the fall down zone. There are some overhead power wires in the area. The towers will be 120 feet apart. There were no line of site photos for the audience or Planning Board to look at.

The Planning Board is lead agent on the SEQR form. It will need coordinated review. This is a state grant and also is funded with federal money. The power will be sixty percent of what the town is using now. This project will save money for the town.

Joe Fleckenstein, councilman for the town of Porter, explained the concept of the Wind Energy Conversion systems. He has one on his property that is currently operational. Mr. Fleckenstein said there is no down time for maintenance, there will be no lights on the tower because it is not tall enough to require lighting and there is no noise produced.

When the audience was asked if there were any questions or concerns, the following issues were raised by the neighbors:

- Ben Martin, 1841 Braley Road, lives across the road from the town garage. He and his wife are not in favor of the towers and can see no reason for them to be built. They moved to the country to enjoy the farming aspect as well as the peacefulness of the area. He asked what the purpose of the windmills is. Who is paying for the tower? He added that the wind towers do not add anything to the environment or the quality of life.
- Kenneth Krawczyk and his wife live at 1821 Braley Road, also across the street from the town garage. They are strongly opposed to the towers being built at the 1800 Braley Road site that is directly across from their home. They do not want to look at the towers each day. They are concerned about their property values being diminished because of the towers. Mr. Krawczyk asked Mr. Fleckenstein if he would profit if the towers were built. Mr. Fleckenstein said he would not.
- Jeffrey Budde, 1783 Braley Road, lives across the street from the town garage. Mr. Budde is not in favor of the towers being put on the 1800 Braley Road site. He is concerned about contamination of the land from years of contamination being on the site. If the ground is disturbed in order to put up the towers, the contamination would be exposed. There is oil that leaches out into the creek in the area. He is concerned about wildlife in the area as well. He asked if the DEC would conduct a soil study.
- Jonathan Martin, 1889 Braley Road, lives next to the town garage. Mr. Martin feels that the Balmer Road site is a good choice for the Wind Energy Conversion system, but is clearly not in favor of the Braley Road site that he lives next to. He asked the Planning Board if anyone is going to benefit financially from this project. Mr. Collard replied that "No one from the Planning Board will benefit financially from the Wind Energy Conversion System, including the chairman

who is not here tonight.” Mr. Martin asked if this should go up for referendum. He stated that his property is in the fall down zone.

All residents who spoke were adamantly against the Wind Energy Conservation system being built at 1800 Braley Road. Their concerns include ascetics, soil contamination, devaluation of home property, and reduction of the effectiveness of the town garage property in as much as no buildings can be in the fall down zone. Wild life, bird migration were concerns that were raised. Are there fuel tanks located in the fall down zone? They asked if it is possible for the towers to go on other town property, specifically the Porter on the Lake property.

Regarding the Balmer Road site for the Wind Energy Conversion System, Michael Dowd, attorney for the town was contacted by Jennifer Janik, real estate engineer for the Army Corp of Engineers. Her response via email was “The 860 acre parcel north of Balmer Road is currently owned by the US Army and licensed to the NY Army National Guard. This parcel is known as the Weekend Training Site (WETS). It is ineligible for DERP-FUDS because it is still owned by the DoD. The US Army real estate agent is the New York District (NAN), POC is Noreen Dresser. The US Army point contact for environmental issues at this site is the National Guard Bureau.”

In order to move forward on the Balmer Road site needs some clarification is necessary from the Army.

This is a local project. The DEC is not a permitting agency. No coordinated review is required. The Planning Board will move to adopt lead agency status and complete the long form SEQR. The issues are addressed in the long form SEQR in order to complete the environmental assessment form.

A RFP will have to be issued in the next two to three weeks in order to have the four towers operational by March 31, 2011. Mr. Dowd said that this is considered a single project. Segmentation cannot be done. There is one long form SEQR that will be completed by the town.

The Planning Board has to hold a Public Hearing on this matter. Jipp Ortiz is not comfortable granting the variance tonight. He needs more information in order to make a decision. The Planning Board can keep the Public Hearing open.

Michael Dowd advised the Planning Board to adopt lead agency tonight. Wind Energy Conversion systems are not regulated by the Department of Environmental Conservation. Anthony Collard made a motion that the Planning Board be lead agency on this project. Thomas Oddy seconded the motion. A roll call vote resulted in the following: Donald McCollum, yes; Thomas Oddy, yes; Anthony Collard, yes; Jipp Ortiz, yes. Motion unanimously carried.

Norm Ault, bookkeeper for the town, reported some figures on the electric cost for the town if 2010. Total electric cost was \$48,656. Total cost for the Town Hall was \$7,805.

Total cost for the Town Garage was \$9,493. Detailed figures below received after the meeting.

The long form SEQR cannot be done tonight. A special meeting will have to be scheduled in the near future. The Planning Board will keep the Public Hearing open. If the Town Board decides to have Conestoga, Rover and Associates look at the Porter on the Lake area as a site for the Wind Energy Conversion systems, this matter will have to go before the Niagara County Planning Board for approval because it is next to state park property. The Town Board will need to address the implementation of another location, not the Planning Board.

Michael Dowd said that this request cannot be separated out for the purpose of SEQR. This is one grant. Norm Ault said that this is two separate grants. Duffy Johnson, Zoning Board of Appeals Chairman, said that if this is two separate grants, shouldn't there be two long form SEQR's completed.

The site plan can be sent electronically to Noreen Dresser, US Army real estate agent.

Michael Dowd would like the Town Board to hold a meeting and look in to the possibility of using Porter on the Lake property for an alternative site for the Wind Energy Conversion system rather than Braley Road.

The Planning Board made a decision to adjourn site plan discussion and leave the Public Hearing open. The Planning Board will reconvene after the Town Board holds their meeting on November 7, 2011. Thomas Oddy made a motion to leave the Public Hearing portion of the meeting open. Anthony Collard seconded the motion. A roll call vote resulted in the following: Donald McCollum, yes; Thomas Oddy, yes; Anthony Collard, yes; Jipp Ortiz, yes. Motion unanimously carried.

ESTATE OF CLARENCE JACKSON

Max Coykendall, attorney representing the estate of Clarence Jackson, 704 Lake Road, Youngstown, came before the Planning Board to request permission for a two lot subdivision. There are two parcels of land, on Lake Road (lot #1 and lot #6). Both lots have been sold, however, there is a driveway with a bridge. The purchasers would like to cut off 27.56 feet of the west line of the lot #1 so that the owner of lot #6 does not have an encroachment. Each lot would have 120+ feet of frontage. The Planning Board approves this concept and instructed Mr. Coykendall what is needed for a Public Hearing. Jipp Ortiz made a motion to approve this preliminary subdivision concept. Thomas Oddy seconded the motion. A roll call vote resulted in the following: Donald McCollum, yes; Thomas Oddy, yes; Anthony Collard, yes; Jipp Ortiz, yes. Motion unanimously carried.

CODE ENFORCER REPORT

Roy Rogers, Code Enforcer for the town, submitted his monthly reports and the Planning Board went over them.

ATTORNEY DOWD REPORT

Michael Dowd reported that he has been contacted by an attorney regarding FAH Properties on Blairville Road, Youngstown regarding a 66-foot right-of-way. The deed will be prepared with a perpetual agreement that the town of Porter can use the road as necessary. There will be a house on the lot that cannot be any closed to the right-of-way than is allowed by the town code.

With no further business to come before the Planning Board tonight, Jipp Ortiz made a motion to adjourn the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:00 p.m.

Respectively submitted

Pamela F. Parker, Secretary
Town of Porter Planning Board

PROJECTED WIND TURBINE'S SAVINGS:

Year	Location	Percent Savings	kWh Used	Electricity Cost	Estimated Annual Savings
2009	Town Hall	48.00%	52,400	6,489.46	3,114.94
2010	Town Hall	48.00%	58,080	7,805.83	3,746.80
2009	D P W	36.00%	78,820	8,830.79	3,179.08
2010	D P W	36.00%	77,160	9,493.86	3,417.79

The percent savings are the figures used in the Grant

The 2010 figures are based on the Town of Porter 2010 annual accounting report.

