



PLANNING BOARD TOWN OF PORTER

3265 Creek Road • Youngstown, New York 14174 • (716) 745-3730 • Fax (716) 745-9022

Thursday, January 4, 2024

The regular meeting of the Town of Porter Planning Board was called to order at 7:00 p.m. with the Pledge to the Flag.

Present: Chairperson Mark Fox, Vice Chairperson Jeffrey Schulze, Member J. Anthony Collard, Member Robert Tower, Code Enforcer Peter Jeffery, Attorney Michael Dowd, Planning Board Secretary Amy Beaudreau.

Absent: Member Ryan Ross

Attorney Dowd made an announcement that the Planning Board would enter into executive session at 7:03 p.m. to discuss a legal matter for an application on hand. The executive session was adjourned at 7:28 p.m. with no formal action taken.

Public Hearing for James Ibaugh Jr. and Phila Ibaugh Family Trust, vacant parcel abutting Dickersonville Road (parcel to the east) and Lockport Road (parcel to the north), Ransomville; Tax Map 61.00-1-6.11 for a Minor Subdivision.

James and Jay Ibaugh were present to represent the application.

A motion to open the public hearing was made by Member Collard and seconded by Member Tower. All in favor, motion carried

Chairperson Fox read the public hearing notice. He stated that the Sketch Plan was approved at a previous meeting and that no variances would be needed for this Subdivision. Code Enforcer Jeffery stated that all codes are met.

Mr. Ibaugh stated that minor dimension adjustments were made due to ditches, but overall the concept is the same as approved. The updated survey was provided and displayed.

Chairperson Fox asked for public comment or question. With no comment, a motion to close the public hearing was made by Member Tower and seconded by Member Collard.

A motion was made to approve the Subdivision as presented by Member Tower and seconded by Vice Chairman Schulze.

With no further discussion, roll was called.

Chairperson Fox: Yes

Vice Chairperson Schulze: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Absent

Motion carried.

Chairperson Fox announced that the Savard application would be moved further down on the agenda to open up time for discussion.

Site Plan for Phil Anello/Anello Construction, 3636 Creek Road, Youngstown for a recommendation to the Zoning Board of Appeals for a Special Use Permit – Accessory Apartment.

Phil Anello was present to represent the application.

Chairperson Fox stated that an accessory apartment and storage is an allowed use within this zoning area with a Special Use Permit (SU1) and site plan approval. Code Enforcer Jeffery stated that a 15-foot side yard setback is requested. Therefore Mr. Anello will need a variance of 5-feet as he only has a 10-foot setback on his drawings. Chairperson Fox stated that the Planning Board cannot approve the site plan without approval of a variance as well. Attorney Dowd stated that the site plan can be approved with the condition of a variance being approved by the Zoning Board of Appeals. He also stated that the Planning Board could give their recommendation on the variance to the ZBA at this meeting as well.

Mr. Anello stated that there are hundreds of feet to the neighboring house from where he would like to build the 30 x 70' living space with storage requested. He felt that without the variance the space would be very narrow and not practical. Currently there is an existing fence and pool limiting the width of the proposed addition without a variance.

Attorney Dowd stated there were five criteria that the ZBA will determine the answers to for a variance before approval. He discussed the criteria with the Members and it was agreed that the site plan, SUP1 as well as the variance seemed appropriate for the application.

A motion was made to approve the site plan contingent on the ZBA issuing a variance. The motion included a recommendation that the ZBA approve the SUP1 and variance from the Planning Board. This motion was made by Member Tower and seconded by Vice Chairperson Schulze.

With no further discussion, roll was called.

Chairperson Fox: Yes

Vice Chairperson Schulze: Yes

Member Collard: Yes
Member Tower: Yes
Member Ross: Absent

Motion carried.

Sketch Plan for Kathy and Bob Zdziebko, 3944 Dickersonville Road (between Balmer Road to the north and the south Lewiston Porter municipal boundary line; Tax Map 61.00-2-39.12 for a Minor Subdivision with a recommendation to the ZBA for an Area Variance for road frontage. *Note that the Zdziebko's originally merged the same pieces of land into one parcel years ago; they are asking to put it back to an original recorded subdivision as shown on microfilm maps at pages 5529 & 5530 filed in the Niagara County clerk's office. Part of lot 56, township 15, range 8 of the Holland Land Purchase.*

Robert and Kathy Zdziebko were present to represent the application.

Chairperson Fox stated that the Zdziebko's would like to divide a single parcel into 2 but are requesting a variance of 5-feet for each as minimum road frontage is 125 feet and this subdivision would create both lots having only 120-feet. Chairperson Fox stated it was a small variance at only 4%.

Mr. Zbziebko stated that currently there are no plans for the individual lots. Code Enforcer Jeffery stated that this subdivision would revert the property to its original condition of two parcels.

All Members agreed that 5 feet for each parcel was a reasonable request and that the sketch plan approval would be contingent upon the approval of the variance from the ZBA.

A motion was made to approve the sketch plan on the condition that the ZBA approve a variance of 5-feet for each parcel. The motion also recommended from the Planning Board that the ZBA approve the variance. This motion was made by Member Collard and seconded by Member Tower.

With no further discussion, roll was called.

Chairperson Fox: Yes
Vice Chairperson Schulze: Yes
Member Collard: Yes
Member Tower: Yes
Member Ross: Absent

Motion carried.

Public Hearing for Kristin and Todd Savard, property located at the end of Lynbrook Drive and Brentwood Drive, Youngstown; Tax Map 59.19-1-1 through 59.19-1-21 and 59-00-1-22 a Minor Subdivision/Subdivision Consolidation.

Kristin Savard was present to represent the application.

Chairperson Fox read the public hearing notice. A motion to open the public hearing was made by Vice Chairperson Schulze and seconded by Member Collard. All in favor, motion carried.

Chairperson Fox stated that since the meeting on the sketch plan a bit more research was done in regard to road frontage and the Town owned right-of-way. When the Town deeds the right-of-way to the Savard's the road frontage will be 66 feet rather than 33 feet to the west of the parcel. Initially the Members thought that road frontage needed to be 125 feet, but as per code it is only 80 feet. As this is a preexisting condition that is out of the control of the Savard's it was agreed that the Town must convey this right of way to the Savard's in order to approve the minor subdivision.

The Members agreed that two conditions must be met for the subdivision approval. (1) The Savard's must accept the right-of-way from the Town and it must be merged with the newly created subdivision adjacent to the parcel. (2) Abandonment of Phase II of the current undeveloped subdivision must be completed.

Code Enforcer Jeffery displayed the subdivision and explained that 5-acres will be divided from the parent parcel and sold for a single-family home to be constructed. The remaining parcels of the "old" subdivision would be merged into the parent parcel as one piece.

Ms. Savard stated her family lives in this area and they do not want additional construction of numerous homes. She said that when they decided to sell the land, they had multiple offers but felt that abandoning the current Phase II subdivision made the most sense while creating 2 parcels with the condition that only a single-family home would be built on the newly created/sold estate size parcel. The Savard's will retain ownership of the second, larger parcel.

Neighbor Annie O'Connor stated that the drainage is poor in Collingwood and wondered if this would increase with the subdivision and new construction of the single-family home. Code Enforcer Jeffery stated that all new builds must include a drainage plan and therefore drainage will not become a larger issue.

Neighbor Sandra Curtiss asked about how the back lot would be utilized. Ms. Savard stated that it is very wet and that they are currently working to clean the ditch behind the properties adjacent to the property. Ms. Savard stated that this parcel will remain her property as one large lot.

Attorney Dowd stated that Ms. Savard could have sold multiple lots for building parcels, but has decided to reduce those lots to 2.

Neighbor Jim Manuse stated he was glad that the remaining parcel will stay intact and not disturbed. All neighbors in attendance agreed.

With no further comment from the public, a motion to close the public hearing was made by Member Collard and seconded by Member Tower. All in favor, motion carried.

Members agreed that this subdivision would be contingent upon the Savard's abandonment of the Phase II subdivision. Ms. Savard stated that this process has already been started with Niagara County. The subdivision would also be contingent upon the Savard's accepting the Town right-of-way and merging it

with the adjacent parcel. Ms. Savard stated that the 66-foot road frontage would include an easement to the larger parcel and ditch as well as the driveway for the home to be constructed.

A motion was made to approve the subdivision with the above contingencies was made by Member Collard and seconded by Vice Chairperson Schulze.

With no further discussion, roll was called.

Chairperson Fox: Yes

Vice Chairperson Schulze: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Absent

Motion carried.

Code Enforcer Jeffery's report.

Code Enforcer Jeffery stated he would email his report shortly. He stated that there were more building permits issued in 2023 (than in 2022) including multiple new builds.

Attorney Dowd's report.

Attorney Dowd had nothing to report.

Correspondence / New / Old / Miscellaneous Business.

None.

With no further discussion, a motion to adjourn the meeting at 8:31 p.m. was made by Member Tower and seconded by Member Collard. All in favor, motion carried.