

Chairman Spria called the regular meeting of the Town of Porter Planning Board to order on **Thursday, April 8, 2010** at 7:00 p.m. Chairman Spira went over the items on the agenda. He welcomed everyone tonight.

#### **Approve March 4, 2010 Planning Board minutes**

Anthony Collard read over the minutes of the March 4, 2010 meeting. After review of the minutes, Anthony Collard made a motion to approve the minutes as submitted. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

#### **Steven Stauffer Public Hearing**

Chairman read the following notice of Public Hearing.

Subdivision request of Subdivision request Steven C. Stauffer, 195 North St., Auburn, NY Beginning at a point in the center line of Youngstown-Lockport Road 205.47 feet northwesterly, measured along said center line of Youngstown-Lockport Road from the intersection of said center line of Youngstown-Lockport Road with the east line of lands heretofore conveyed to one Frank Baker and Grace Baker, his wife, by Ada M. Schulze, by warranty deed dated September 7, 1940 and recorded in the Niagara County Clerk's Office in Liber 673 of Deeds at Page 101 September 9, 1940. Running thence southerly on a line parallel with the east line of said Lot 3, 643.68 feet to the south line of the lands of one Frank Baker and Grace Baker, his wife, as conveyed to them by the aforementioned deed; running thence northwesterly and along said south line of the lands of the said Frank Baker and Grace Baker, his wife, as conveyed to them in the aforementioned deed, 50 feet; running thence northerly on a line parallel with the said east line of Lot 3, 654.53 feet to the center line of Youngstown-Lockport Road; running thence southeasterly and along said center line of Youngstown-Lockport Road 52.38 feet to the point or place of beginning. This parcel contains 0.740 acres of land, more or less and is known as tax map no. 47.04-1-23

Joseph Leone, representing the estate of the late Edward Stauffer, came before the Planning Board to represent this request. There is a letter in the file giving Mr. Leone permission to act on behalf of Steven Stauffer regarding this matter. Steven Stauffer is the executor of the estate. Larry & Bonnie Balch were given a right of first refusal in the will of Mr. Edward Stauffer regarding the purchase of a fifty foot strip next to their home. Both the Stauffer and Balch lots will be more equal in size if the subdivision request is approved. With no further comments or questions from the audience or Planning Board, Jipp Ortiz made a motion to close the Public Hearing portion of the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried. Chairman Spira read a letter from Conestoga-Rovers & Associates regarding drainage. Based upon their field observations and review of available information.

The subdivision will not have an adverse impact on the existing town drainage system. Therefore they recommend approval of the requested.

Chairman Spira read the SEQR form and completed Part II on behalf of the Planning Board. Anthony Collard made a motion that based on the information and analysis of the SEQR form and supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Thomas Oddy seconded the motion. All in favor; motion unanimously carried. Jipp Ortiz made a motion to approve this subdivision as submitted. Donald McCollum seconded the motion. A roll call vote resulted in the following: Mr. Ortiz, yes; Mr. Collard, yes; Mr. McCollum yes; Mr. Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

### **Lawrence Balch Public Hearing**

Chairman Spira read the following Notice of Public Hearing.

Subdivision request of Subdivision request Steven C. Stauffer, 195 North St., Auburn, NY  
Beginning at a point in the center line of Youngstown-Lockport Road 257.85 feet northwesterly, measured along said center line of Youngstown-Lockport Road from the intersection of said center line of Youngstown-Lockport Road with the east line of lands heretofore conveyed to one Frank Baker and Grace Baker, his wife, by Ada M. Schulze, by warranty deed dated September 7, 1940 and recorded in the Niagara County Clerk's Office in Liber 673 of Deeds at Page 101 September 9, 1940. Running thence southerly on a line parallel with the east line of said Lot 3, 654.53 feet to the south line of the lands of one Frank Baker and Grace Baker, his wife, as conveyed to them by the aforementioned deed; running thence northwesterly, and along said south line of the lands of the said Frank Baker and Grace Baker, his wife, as conveyed to theme in the aforementioned deed, 140.92 feet; running thence northerly on a line parallel with the said east line of Lot 3, 685.10 feet to the center line of Youngstown-Lockport Road; running thence southeasterly and along said center line of Youngstown-Lockport Road, 147.62 feet to the point or place of beginning, containing 2.152 acres of land, more or less.

Subdivision request of Lawrence G. Balch and Bonnie Balch, 2048 Youngstown-Lockport Road, Beginning at a point in the center line of Youngstown-Lockport Road 105.47 feet northwesterly, measured along said center line of Youngstown-Lockport Road from the intersection of said center line of Youngstown-Lockport Road with the east line of lands heretofore conveyed to one Frank Baker and Grace Baker, his wife, by Ada M. Schulze, by warranty deed dated September 7, 1940 and recorded in the Niagara County Clerk's Office in Liber 673 of Deeds at Page 101 September 9, 1940. Running thence southerly on a line parallel with the east line of said Lot 3, 622.290 feet to the south line of the lands of one Frank Baker and Grace Baker, his wife, as conveyed to them by the aforementioned deed; Running thence northwesterly and along said south line of the lands of the said Frank Baker and Grace Baker, his wife, as conveyed to them in the aforementioned deed, 145.46 feet; running thence northerly on a parallel line with the said east line of Lot 3, 654.53 feet to the center line of Youngstown-Lockport Road; running thence southeasterly and along said center line of Youngstown-Lockport Road 152.38 feet to the point or place of beginning, containing 2.118 acres of land more or less. This parcel is known as tax map no. 47.04-1-22.

Mr. Balch came before the Planning Board to attach the 50' parcel that was previously subdivided from the estate of Edward Stauffer to his property. Mr. Ortiz asked if there would be any problem with the leach field. Mr. Leone stated that the leach fields run southerly and will not be involved in the pieces being subdivided. The purpose of this is to create a green space. No

building is anticipated. Anthony Collard made a motion to close the Public Hearing portion of the meeting. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter from Conestoga-Rovers & Associates regarding drainage. Based upon their field observations and review of available information, the subdivision will not have an adverse impact on the existing town drainage system. Therefore they recommend approval of the requested subdivision. Chairman Spira read the SEQR form and completed Part II on behalf of the Planning Board. Jipp Ortiz made a motion that based on the information and analysis of the SEQR form and supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Anthony Collard made a motion to approve this subdivision request as presented. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Mr. Ortiz, yes; Mr. Collard, yes; Mr. McCollum yes; Mr. Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

### **Lewis & Nancy Cabello Request to combine two lots**

This is a request to combine two lots ( SBL#21.18-1-27 and 21.18-1-60).

F. Warren Kahn came before the Planning Board to represent this action. Mr. & Mrs. Cabello own two adjacent lots and want permission to combine them together. They intend to put an addition on the house. They have spoken with Mr. Rogers regarding the addition. This is merely a request to combine two lots currently owned by the applicant. This was a substandard lot that is now being made into a legal lot. This is a procedure that the assessor can file the deed because the applicant owns both lots. The Planning Board feels that the two lots can be easily combined without any issues. Thomas Oddy made a motion to approve this request to combine two lots owned by Lewis and Nancy Cabello. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

### **Douglas & Jan Howard subdivision request - 3334 Lutts Rd., Youngstown, NY.**

Mr. & Mrs. Howard wish to combine parcels 46.00-2-31 and 46.00-2-32.12. They currently own both parcels in question. Chairman Spira went over the submitted material and explained the concept. Everyone on the Planning Board approves this request. This is a procedure that the assessor can file the deed because the applicant owns both lots. The Planning Board feels that the two lots can be easily combined without any issues. A motion to approve this request was made by Anthony Collard, second Donald McCollum. All in favor; motion unanimously carried.

### **Chemical Waste Management Update**

John Hino and Mike Mahar came before the Planning Board to discuss what is going on at the site.

### **Landfill Permit RMU-2**

Permitting process for a proposed landfill RMU-2. They expect that the permitting process will take about another 4 years with lengthy, involved, public process. Maybe in 2011 the DEC will

get to a point of deeming the application is complete. Once the application is complete, it will be approximately two or three years before the process is complete.

### **SPEDES discharge**

New York is implementing tougher and more stringent regulations to discharges to the Great Lakes water. CWM has been going through a very lengthy process to get an updated state permit for discharge.

### **Tank construction**

CWM is in the process of getting a leach ate holding tank permitted for water collected in RMU-1 during rain storms. They expect a public hearing will be held on this 850,000 gallon tank sometime in May or June 2010.

Attorney Michael Dowd stated that the town's engineers are process of reviewing the plans for the tank construction and application. After the recommendations have been made by the town's engineers, the state of New York will review the application. This project is overseen by the state. The town will issue a building permit after all state requirements have been met. The NYDEC is the lead agency on the tank project.

### **Code Enforcer Report**

Roy Rogers submitted three reports for the month of March. Mr. Rogers anticipated four or five new homes to be constructed in the town this year. Mr. Elia, Old Lake Road, Youngstown, has been issued a permit to build the foundation on his property. That has been completed. The building permit for the home has not been submitted yet.

Preparations are being made to institute the new software. Once the software is up and running Roy Rogers will share the process with the Planning Board.

The Planning Board unanimously reels that it is obvious that the Code Enforcer is not able to perform his duties with the 17.5 hours.

**Attorney Dowd Report** - nothing to report

### **Conestoga-Rovers & Associates**

Christian Amico reported that they are working on reviewing the CWM application.

Councilman Joe Fleckenstein attended the Planning Board meeting tonight. He is the liaison to the town for the Zoning Board of Appeals and the Planning board.

Chairman Spira read a letter from Paradigm for a safety emergency response program. It will be held in May at the Hearthstone Manor.

Thomas Oddy asked Jipp Ortiz for any feedback from Ransomville regarding the Little Joe's Pizza shop. Mr. Ortiz reported that it is as good as it can be. A request for curbing in front is in the process and is awaiting action from the state.

Jipp Ortiz asked about a fence that is being built by Joe Calato in front of his house on Youngstown-Lockport Road next to Little Joe's Pizza . Mr. Rogers is not shop. Mr. Rogers is not aware of any request from Mr. Calato and will look in to it.

With no further business to come before the Planning Board tonight, Jipp Ortiz made a motion to adjourn. Anthony Collard seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,  
Pamela F. Parker, Secretary  
Town of Porter Planning Board