

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order on Thursday, April 7, 2011 at 7:00 pm. Anthony Collard and Michael Dowd were absent. Chairman Spira welcomed everyone and read over the agenda for tonight's meeting.

### **APPROVE MARCH 3, 2011 MINUTES**

Chairman Spira read aloud the minutes of the March 3, 2011 Planning Board meeting. With no additions or corrections, Donald McCollum made a motion to approve the minutes as presented. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

### **RICHARD PARSON SPECIAL PERMIT PUBLIC HEARING**

Chairman Spira read the following Notice of Public Hearing:

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 267 of the Town Law of the State of New York and Local Law No. #1 of 1968, as amended and Sections 401.3CC, 563.3, 705 and 710 of the Town of Porter, Niagara County, New York Zoning Ordinance a Public Hearing will be held by the Planning Board of the Town of Porter at the Town Offices, 3265 Creek Road, Youngstown, NY on April 7, 2011 at 7:00 p.m. for the purpose of considering and hearing all interested persons concerning the following application:

Application of **Richard Parsons, 1549 Lockport Road, Youngstown, NY 14174** to renew his Special Permit to operate a home and retail sales at residence. Property is located on the North Side of Lockport Road (Rte 93) in an ARR-100 Zoned District between Lutts and Porter Center Roads in said Town.

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT.**

This request is a request to renew a current Special Permit. With no comments or questions from the Planning Board or audience, Jipp Ortiz made a motion to close the Public Hearing portion of the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried.

Thomas Oddy made a motion to renew this Special Permit for FIVE years. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Donald McCollum, yes; Thomas Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

LOUIS ANTONNACCI – VARIANCE – NOT PRESENT

FRANK DESTINO – SPECIAL PERMIT – NOT PRESENT

LISA WILLA – SUBDIVISION REQUEST – NOT PRESENT

### **GORDON NELSON SUBDIVISION REQUEST**

This is a request to subdivide approximately 5.2 acres from tax map #59.00-2-1. This is a 17.2 acre parcel on the north side of Blairville Road adjoining the Village of Youngstown on the north, immediately south of what is called West Oak Terrace. The intended purchasers are Gordon and Mary Ellen Nelson who wish to build a single family home once the land is subdivided. Robert Clark, as agent for Dan & Lucy Wilson Realty, has permission from William Ferrigno to represent the interests of FAH Properties in a notarized letter in the file.

The area involved was projected on the overhead screen. Mr. Clark, an agent from Dan & Lucy Realty, came forward to explain this request. He presented a legal description as well as surveys. This is a 5.326 acre parcel that is being subdivided. On a previous subdivision FAH properties did on the parent parcel, the Village of Youngstown requested that a right-of-way be placed on the deed from the property to Blairville Road. The right-of-way is for a road sixty-six (66) feet wide. In a previous subdivision, FAH failed to record the right-of-way on the deed. This is a Village of Youngstown request regarding the right-of-way. The Planning Board approves the concept of this subdivision request. The Planning Board advised the owner and his representative to contact the Village of Youngstown's lawyer regarding the right-of-way before final Planning Board approval can be given.

A house will be built on the site. A letter from a licensed engineer will be required stating that a septic system can be built on the site. This matter will need to go before the Niagara County Planning Board for approval.

Jipp Ortiz made a motion to approve this sketch plan design as presented. In order to have final approval, the owner will need the following:

- An easement for the 66 foot right-of-way
- A letter from an engineer that a septic system can be designed on the sight
- Approval from the Niagara County Planning Board
- Five original copies of the survey

Thomas Oddy seconded the motion for sketch plan approval. All in favor; motion unanimously carried.

### **JOHN WOODHOUSE SPECIAL USE PERMIT REQUEST**

John Woodhouse, 1552 Youngstown-Wilson Road, came before the Planning Board with a pre-application for a Special Use Permit. Mr. Woodhouse, representing RiverLife Chapel, Inc. is interested in getting a special use permit. There is a letter in the file giving John Woodhouse/RiverLife Chapel, Inc. permission to represent the Bayview Loan Servicing Co., Scott Perlman, REO. Asset Manager, permission to represent their interest in the process of obtaining a special use permit for use of the property as a place of worship.

Mr. Woodhouse reported that there are about 30-40 members of the congregation and they currently rent a hall in Niagara Falls for their worship needs. The Hardings property would be a good place to hold their services. The site has space for a worship/meeting area, classrooms as well as kitchen facilities. Mr. Woodhouse plans to re-vitalize the property on the outside as well as the interior. The site is 5.3 acres.

Chairman Spira read from the Zoning Law regarding this Special Permit Use request.

Mr. Woodhouse reported that he is working with Apex Engineering on this concept. The Planning Board will issue a Special Permit following Site Plan approval. Chairman Spira read from page 53 of the Zoning Law regarding Place of Worship as well as page 131 regarding Site Plan Review. Chris Amico the engineer from CRAWorld Engineering and Roy Rogers, Town of Porter Code Enforcer, will work on this Special Permit request with Mr. Woodhouse. Mr. Woodhouse was advised by the Planning Board to set up a meeting with Roy Rogers and Chris Amico soon in order to move forward with this request.

Upon completion and approval of the Site Plan a Public Hearing will be held for the Special Permit. The Planning Board is in favor of this concept and feels it is a great addition to the area as well as a good use of the vacant building.

### **MARINE REPAIR SHOP SPECIAL PERMIT REQUEST**

Pat Stack and Josh Stack came before the Planning Board to inquire about obtaining a Special Permit to operate a Marine Repair Shop at the site of the Old Country Kernel on Creek Road/Blairville Road. Chairman Spira has met with the applicants and feels this is a good use of the property. Josh Stack, a marine mechanic, currently works in the field and would like to set up a shop in the building. The building is 30' X 40' and is in good repair structurally. The Stack family has purchased the property and would like to put up a pole barn and a berm to make the site more appealing to the eye. The roof of the existing building needs to be replaced.

There is two acres of land on this parcel. The owners plan to put up a steel building, a pole barn for storage of boats, and a berm along the road to create an appealing view from the road. Fencing should be considered on the site. The owners do not feel that noise will be an issue. Mr. Stack is planning to bury the power, phone and cable.

This are is zoned RC. Vehicle Repair Shop is a Special Use Permit. A Site Plan approval will be required.

The applicant intends to offer winter storage inside as well as wrapped boats that will be stored on the premises.

The applicants were advised to meet with Roy Rogers, the Town's Code Enforcer in order to move forward with this request for a Special Use Permit. The Planning Board

feels this is a great idea and the applicants were encouraged to move forward with the concept. Perhaps this project can be completed in phases.

### **CODE ENFORER ROY ROGERS REPORT**

Code Enforcer Roy Rogers submitted the following reports:

- Building Department Report for March
- Complaints Report
- Permit Monthly Report

Roy Rogers reported that there have been changes made to the Zoning Law that need to be addressed. The Town Board will give this issue to the Planning Board as soon as some of the items have been identified. The Planning Board will schedule a work session in order to identify the issues and proceed accordingly.

Chairman Spira read a letter regarding recreational vechiles/utility trailers being stored in the town.

A work session of the Planning Board and the Zoning Board of Appeals is scheduled for Thursday, April 28, 2011 at 7:00 pm. Pam Parker will contact Gail Zachary, Town Clerk regarding this meeting.

With no further business to come before the Planning Board, Jipp Ortiz made a motion to adjourn the meeting. Thomas Oddy seconded the motion. All in favor; meeting adjourned at 9:00 pm.

Respectfully submitted,

Pamela F. Parker, Secretary  
Town of Porter Planning Board