

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, May 7, 2009. All Planning Board members were present. Chairman Spira read over the agenda for tonight's meeting.

PIPPARD PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request **William and Heidi Pippard**, 3608 Curtiss Avenue, Ransomville, NY. to combine two lots. Beginning at a point in the westerly boundary of Curtiss Avenue at the northeasterly corner of subdivision Lot 7, being also the southeasterly corner of subdivision Lot 9, as shown on a map made for J.J. Curtiss by Frehsee and Olmsted, Surveyors, dated February 3, 1910 filed in the Niagara County Clerk's Office book 7 pages 649 and 650. Running thence northerly along the westerly boundary of Curtiss Avenue, a distance of 132 feet to the northeasterly corner of subdivision Lot 11, being also the southeasterly corner of subdivision Lot 13. Running thence westerly along the boundary between subdivision Lots 11 and 13 and a projection westerly thereof, a distance of 253.37 feet to a point distant 150 feet measured westerly along said boundary from the westerly boundaries of subdivision Lots 11 and 13; running thence southerly along a line parallel with westerly boundaries of subdivision Lots 9 and 11, a distance of 132 feet to a projection westerly of the boundary between subdivision Lots 7 and 9; running thence easterly along said projection and boundary between subdivision Lots 7 and 9, a distance of 253.83 feet to the point of beginning. These parcels are known as tax map no. 62.10-3-22 and 62.10-3-23.

This is a request to combine two parcels in order to build a garage. William Pippard is present to represent this action. With no questions or comments from the Planning Board members or audience, Anthony Collard made a motion to close the Public Hearing portion of the meeting.

Chairman Spira read the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. James McIntyre made a motion that this action will not...Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter from CRAWorld Engineering and approval with respect to drainage was given.

Anthony Collard made a motion to approve this subdivision request to combine two lots. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; James McIntyre, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

GEORGE WINGER PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of **George and Shirley Winger** to subdivide their property at Sunrise Lane, Youngstown, NY. Beginning at the northeast corner of lands conveyed to George V. Winger by deed recorded in the Niagara County Clerk

S Office in Liber 2346 of deeds at page 297. Said point being in the southerly bounds of a 50 foot wide right of way running along the southerly end of the lots in Sunrise Beach Subdivision as said subdivision lots and right of way are shown on a map of Sunrise Beach Subdivision made for George H. Cothan and C. A. Johnston by Julius F. Freehsee on the 16th day of August 1921 and filed in Niagara County Clerk's Office on the 16th day of June 1922 under cover 447; which point of beginning is 342.48 feet westerly, measured along the southerly line of said right of way from the east line of property conveyed to George H. Cothan and C.A. Johnston by deed recorded in the Niagara County Clerk's Office in Liber 423 of deeds at page 500. Thence southerly, along the east line of lands conveyed to said George V. Winger, a distance of 200 feet to a point. Thence westerly, parallel with the southerly line of said 50-foot wide right of way, a distance of 90 feet to a point. Thence northerly, parallel with the east line of said George V. Winger lands, a distance of 200 feet to a point in the southerly line of said 50-foot wide right of way. Thence easterly, along the southerly line of said 50 foot wide right of way, a distance of 90 feet to the point of place of beginning, containing 0.38 acres, more or less. This property is known as tax map no. 32.16-1-11.1.

This is a request to subdivide a parcel of land from the parent parcel in order for Mr. Winger's son to build a garage. Chairman Spira read from the April 2, 2009 Planning Board minutes. This is a request to create a legal building lot. Mr. Winger's son is considering the construction of a 30' X 40' garage to be built on the parcel being subdivided. A question about the "lane" in the area and its ownership was asked. On the town tax map, the owner is listed as unknown. With no further questions or comments from the Planning Board members or audience, James McIntyre 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 the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. James McIntyre made a motion ...Donald McCollum seconded the motion. All in favor; motion unanimously carried.

After looking over the survey, it appears the lot being subdivided measured 200' X 90', therefore it a substandard lot and the survey must be amended before final approval is given. The lot being created must be 20,000 square feet in order to be a standard size lot in the town. Mr. Winger needs to revise the survey and lot size. This lot must conform to the regulations set forth in the town law. A motion to adjourn the Public Hearing for one month was made by Anthony Collard, second by Jipp Ortiz. All in favor; motion unanimously carried. The Public Hearing will resume at the June 4, 2009 Planning Board meeting at which time new surveys will be submitted.

THOMAS RADOMSKI PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of **Thomas and Robin Radomski** to subdivide their property at 3827 Lower River Road, Youngstown, NY

Lot 1 All that tract or parcel of land situate in Part of Lot 7 of the New York State Mile Reserve, Town of Porter, County of Niagara, State of New York, and more particularly bounded and described as follows: Beginning at the southwest corner of lands of Howard recorded in Liber 199 of Deeds at page 294 at the Niagara County Clerks Office on October 8, 1890. Running thence southeasterly along said line of Howard a distance of 290.48 to a point; Running thence northerly at an interior angle of $76^{\circ}-20'-09''$ a distance of 253.37 to a point being the northeast corner of Parcel "B" recorded in Liber 1828 of Deeds at page 183 at the Niagara County Clerks Office; Running thence northwesterly at an interior angle of $99^{\circ}-13'-11''$ from the previous course a distance of 103.31 feet to an angle point; Running thence westerly at an exterior angle to the previous course of $188^{\circ}-04'-30''$ a distance of 180.00 feet to a point along the east line of Lower River Road; Running thence southerly along the east line of said Lower River Road a distance of 178.38 feet to a point; Running thence Southeasterly and parallel to the said south line of Howard a distance of 13.36 feet to a point; Running thence Southerly and parallel to Lower River Road a distance of 20.45 feet to a point; Running thence westerly at an interior angle of $76^{\circ}-20'-09''$ to the previous course point a distance of 13.11 feet to a point along the east line of Lower River Road; Running thence southerly along the east line of said Lower River Road a distance of 6.44 feet to the point or place of beginning of this description. ALSO all that tract or parcel of land situate in the Town of Porter, County of Niagara, State of New York, being part of Lot 7 of the New York State Mile Reserve and more particularly bounded and described as follows: Beginning at the northeast corner of lands conveyed to the Town of Porter in Liber 2185, page 220 filed in the Niagara County Clerks Office; Running thence northerly along the west line of Lower River Road a distance of 164.86 feet to a point; Running thence northwesterly at an interior angle of $103^{\circ}-37'-31''$ from the previous course a distance of 151.5 feet \pm to the shore line of the Niagara River; Running thence southerly along the shore of the Niagara River as it meanders a distance of 161.08 feet \pm to a point along the shoreline of said Niagara River; Running thence southeasterly along the north line of said lands conveyed to the Town of Porter a distance of 217.00 feet to the point or place of beginning of this description. Includes lands underwater conveyed by Letters Patent recorded in Liber 349 of Deeds at page 502 in the Niagara County Clerks Office.

Property is subject to a 20 foot wide utility easement granted to the Town of Porter and filed at the Niagara County Clerks Office in Liber 2185 of deeds at pages 265-271. Area: $2.11 \pm$ (Excludes lands underwater)

Lot 2 All that tract or parcel of land situate in Part of Lot 7 of the New York State Mile Reserve, Town of Porter, County of Niagara, State of New York, and more particularly bounded and described as follows: Commencing at a point along the south line of lands conveyed to Henry C. Howard Recorded in the Niagara County Clerks Office in Liber 199 of Deeds at Page 294, a distance of 290.48 feet southeasterly from it's intersection with the east line of Lower River Road; Running thence southeasterly along said south line of lands of Howard a distance of 1930.04 feet to a point; running thence northeasterly at an interior angle of $89^{\circ}-38'-15''$ from the previous course a distance of 330.00 feet to a point; running thence northwesterly at an interior angle of $90^{\circ}-19'-10''$ from the previous course a distance of 1988.17 feet to a point; Running southwesterly along said east line of Arthur a distance of 82.0 feet to an angle point; Running thence southeasterly and in interior angle of $165^{\circ}-46'-39''$ from the previous course a distance of 253.37 feet to the point or place of beginning. Property is subject to a 20 foot wide utility easement

granted to the Town of Porter and filed at the Niagara County Clerks Office in Liber 2185 of deeds at pages 265-271. Also subject to a 30 foot utility easement located in the former right-of-way for Lewiston-Youngstown Frontier Railroad Company lands filed in the Niagara County Clerks Office in Liber 259 of Deeds at Page 302. Area: 14.87 Acres \pm **30" Ingress/Egress Easement All that tract or parcel of land** situate in Part of Lot 7 of the New York State Mile Reserve, Town of Porter, County of Niagara, State of New York, and more particularly bounded and described as follows: Beginning at a point being 40.00 feet southeasterly along the east line of Lower River Road from the northwest corner of lands of Arthur filed in the Niagara County Clerks Office in Liber 1828 of Deeds at Page 181 to the true point or place of beginning of this description; Running thence northeasterly at an interior angle of 88°-51'-19" from the previous course and along the south line of said lands of Arthur a distance of 180.00 feet to an angle point; Running thence southeasterly at an exterior angle of 188°-04'-30" to the previous course a distance of 103.31 feet to a point; Running thence southerly at an interior angle of 99°-13'-11" from the previous course a distance of 30.39 feet to a point; Running thence northwesterly at an interior angle of 80°-46'-49" from the previous course a distance of 176.87 feet to an angle point; running thence southwesterly at an interior angle of 171°-55'-29" from the previous course a distance of 177.28 feet to a point along the east line of Lower River Road; Running thence northwesterly along east line of said Lower River Road a distance of 30.00 feet to the point or place of beginning. This property is known as tax map no. 59.00-1-17.1.

This is a request to subdivide one parcel in to two lots. Tom Radomski was present tonight to represent this request. Glenn Arthurs, a neighbor, is concerned about right-of-way and access to the area in the back that is being subdivided. Mr. Arthurs is concerned that there is not enough room between his house and the lot line for road access. Mr. Arthurs is further concerned about any future development of the back section in the future. This area is zoned UR80, Urban Residential. Chairman Spira read from the Zoning Law regarding UR80 district.

This is a sewerred area. It currently allows four families per acre, however, the new proposed zoning law will make the density per acre higher, ten families per acre.

With no further questions or comments from the Planning Board or audience, Anthony Collard made a motion to close the Public Hearing portion of the meeting. Motion carried with James McIntyre abstaining.

Chairman Spira read a letter from CRAWorld Engineering regarding drainage...

Chairman Spira read the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. Donald McCollum made a motion that Anthony Collard seconded the motion. Motion carried with James McIntyre abstaining.

Chairman Spira made a motion to approve this subdivision contingent upon if there is any future subdivision work on lot or lot 2 that require access to the back section, Andrea Place or the south portion of the lot 1 property (the house) will be used for ingress/egress. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes;

Anthony Collard, yes; James McIntyre, abstain; Donald McCollum, yes, Chairman Spira, yes. Motion carried.

ZONING BOARD OF APPEALS REFERRALS

Vincent Sirianni, is requesting an area variance to construct a new home at 509 Lake Road. The lot is an existing sub-standard lot of 90 X 250. This parcel is zoned ARR-100 and the maximum lot coverage is 10%. He is requesting a total coverage of 12.5%. The Planning Board advises that the Zoning Board make sure that the erosion formula is being met. Roy Rogers knows the specific requirements on the lake erosion formula. The Planning Board recommends that the Zoning Board of Appeals **approve** this request.

Audrey Smith, 2667 Youngstown-Lockport Road, Ransomville, would like to erect a six foot fence from the corner of the garage to 36 feet west from the garage. It is noted that the garage has already been built. The Planning Board recommends that the Zoning Board of Appeals **approve** this request.

David Wayda, 3065 North Creek Road, Youngstown, is requesting an area variance for a six (6) foot fence on one side of his property (175 feet from the back lot lint to the garage). The purpose of this fence is privacy from the neighbor. The Planning Board recommends that the Zoning Board of Appeals **approve** this request for an area variance.

Steven Rhoads, 344 Brentwood Drive, Youngstown, is requesting a variance to allow storage of a camping trailer in the front yard. He would like to store a pup-up trailer in front of his house. Mr. Rhoads explained the reasons for his request. Chairman Spira feels that the side yard is sufficient for storage of the pup-up trailer. Roy Rogers, Code Enforcer, does not recommend this variance in as much as it does not meet the conditions set forth in the Zoning Law Section 704.3. The Planning Board recommends that the Zoning Board of Appeals **DENY** this request for a variance.

ARMAND CERRONE/MIKE and BARB COSTELLO SUBDIVISION

A deed has been filed with the county that has not received subdivision approval by the Planning Board. The county assessor sent notification to the town of Porter assessor regarding this action. Former SBL# 45.00-1-9 has been subdivided into 45.00-1-9-1 and 45.00-1-9-2 without prior Planning Board approval on February 10, 2009. Additionally, the subdivision has separated the dwelling house from some substantial barns and outbuildings, which now stand along on 45-00-1-9-1. A letter will be sent the Cerrone family regarding this unapproved transfer of land.

APPROVE APRIL 2, 2009 MINUTES

Anthony Collard made a motion to approve the minutes of the April 2, 2009 Planning Board as submitted. James McIntyre seconded the motion. All in favor; motion unanimously carried.

PLANNING/ZONING TRAINING REQUIREMENTS

The Town Board has made a resolution to allow Chairman Spira to hold the mandatory four-hour training session as required by New York State law. This training will be held at the town hall sometime in September or October, 2009.

CODE ENFORCER REPORT

Chairman Spira read a letter from Code Enforcer Roy Rogers regarding violations and permits that occurred in the month of April.

There will be a work session of the Planning Board at 7:00 p.m. on Thursday, May 28, 2009 for the purpose of completing work on the proposed zoning law.

With no further business to come before the Planning Board tonight, James McIntyre made a motion to adjourn the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,
Pamela F. Parker, Secretary