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Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on **Thursday, May 12, 2011**. Donald McCollum and Roy Rogers were absent. Chairman Spira welcomed everyone to the meeting and read over the agenda. Riverlife Chapel Special Permit request and Stack Marine Repair Shop Special Permit request were both added to the agenda.

APPROVE APRIL 7, 2011 MINUTES

Chairman Spira read over the minutes of the April 7, 2011 Planning Board meeting. With no additions or corrections, Anthony Collard made a motion to approve the minutes as submitted. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

FAH PROPERTIES PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

All that tract or parcel of land situate in the Town of Porter, County of Niagara, State of New York, being part of Lot No. 3 of the Mile Reserve, bounded and described as follows: Commencing at a point in the north line of Lot 3 at the southwest corner of Subdivision Lot No. 32 as shown on a plat map prepared by James M. McIntyre, dated March 2, 1960 and recorded in the Niagara County Clerk's Office in Book 41 of Microfilmed Maps at Page 4018, said point also being the east line of the Village of Youngstown. Thence easterly along the north line of Lot 3 and the South line of Subdivision Lots No. 32 and 33 a distance of 280 feet to the northeast corner of lands conveyed to Alessandro and Karen L. Renzi by deed filed in the Niagara County Clerk's Office in Liber 3327 of Deeds at Page 679 and the point of beginning; thence continuing easterly along the north line of Lot 3 and the south line of said Subdivision and the easterly extension thereof a distance of 368.11 feet to a point; thence southerly forming an interior angle of 91°52'40" and along a line parallel to said Renzi's east line a distance of 371.75 feet to the northwest corner of lands conveyed to Joseph R. and Pamela J. O'Brien by deed filed in the Niagara County Clerk's Office in Liber 2010 of Deeds at Page 73; thence southwesterly along the westerly line of said O'Brien's lands a distance of 410.80 feet to a point in the northerly line of Blairville Road, said line also being the northerly line of lands acquired by the County of Niagara for highway purposes, parcel number 81-86-01; thence northwesterly along the northerly line of Blairville Road a distance of 210.97 feet to the southeast corner of said Renzi's lands; thence northerly along the east line of said Renzi's lands a distance of 653.99 feet to the point of beginning. Containing 5.326 acres more or less. Subject to easements and rights-of-way of record. This parcel is known as tax map no. 59.00-1-2.1 (part of).

Robert Clark of Dan & Lucy Realty has permission to represent FAH Properties in this matter. This is a request to subdivide a five point two (5.2) acre parcel from the FAH property. Mr. Clark explained that Mr. Nelson would like to build a house on the parcel that is being subdivided. There has been some question regarding road access to Blairville Road and a right-of-way that the

Village of Youngstown has requested in the past. The Village of Youngstown is meeting on this matter tonight. Mr. Nelson intends to attend the meeting at the Village Office as soon as the Public Hearing for FAH is over. Mr. Nelson will then have a clear definition of what must be done regarding the right-of-way for the Village of Youngstown. Mr. & Mrs. Nelson intend to leave the property description as it is until such a time that the Village of Youngstown requests a right-of-way be required.

Mr. Clark read a letter regarding this subdivision that was dated 2007. The outcome of the meeting tonight at the Village of Youngstown will determine the path of the right-of-way. A resident from East Oak Terrace (in the Village of Youngstown) spoke about her concern regarding the low water pressure in that area and asked if a substation will be added to boost the water pressure. The lot being subdivided tonight gets its water supply off of Blairville Road.

The resident voiced concern about a road that might be built if the right-of-way is required. If there is to be a road built in the future, a Public Hearing will be held and the design of the road will be addressed at that time. The road is not an issue at this time.

The town engineer will look as this subdivision regarding town drainage as well as the water pressure concerns of the resident.

With no further comments or concerns from the Planning Board or audience, Thomas Oddy made a motion to close the Public Hearing portion of the meeting. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

Chairman Spira reported that Site Plan Review has been approved by the Niagara County Planning Board for this request for subdivision.

Chairman Spira read a letter from Apex Consulting Survey Engineering Services regarding the subsurface sewage disposal system design.

Chairman Spira read over the Short Environmental Assessment Form and completed the Impact Assessment on behalf of the Planning Board. Jipp Ortiz made a motion that, based on the information and analysis of information and supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

Anthony Collard made a motion to approve this subdivision request with the following contingencies:

- A letter from CRA World Engineering giving approval with respect to town drainage.
- A deed with a sixty-six (66) foot right-of-way if required by the Village of Youngstown.

Thomas Oddy seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Thomas Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

If the Village of Youngstown requests a right-of-way to Blairville Road it must be included in the deed. If the Village of Youngstown does require a right-of-way will be necessary, the Planning

Board will allow the owner to change the deed. A deed description for the easement for the right-of-way will be necessary. The Planning Board needs to approve where the right-of-way will be placed on the deed. A meets and bounds description needs to be prepared by the attorneys. The intention of the owner (Mr. & Mrs. Nelson) is to build a single-family house. They have no intention to subdivide the property.

FRANK PALLONE SUBDIVISION REQUEST

Subdivision request of Frank Pallone, 3111 Dickersonville Road, Ransomville, to subdivide 2.1 acres of land from his 33.9 parcel. Mr. & Mrs. Pallone would like to build a ranch house on the property being subdivided. There is an existing house on the property that is in poor repair. Even though there will be two houses on one lot, there will be a condition in the subdivision approval that the old house is to be removed before final occupancy can be given. The owner plans to tie into the existing septic system. Chairman Spira requested a letter from a licensed engineer regarding the sewage disposal system or a letter from the Niagara County Health Department stating that the septic system is adequate to serve the new house that is being build. Anthony Collard made a motion to approve this sketch plan as presented. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried. A Public Hearing will be scheduled for the June 9, 2011 Planning Board meeting.

THOMAS & LIZA ROCKWOOD SPECIAL PERMIT REQUEST

Thomas and Liza Rockwood came before the Planning Board tonight to request a Special Use Permit in order to construct a 36' X 26' building on their property located directly across from 2573 Lake Road, Ransomville. It is noted that the parcel the building will be on is across the road from their home, on a separate parcel of land. This area is zoned Rural Commercial. Chairman Spira read from the zoning manual regarding Rural Commercial on the Lake Road. The vacant lot is just over one acre in size. The building will be used for personal storage of a recreational vehicle and a boat as well as for storage of small equipment used in their farming operation.

The owners have a mirco-orchard where they grow rare antique American and English cider apples as well as a variety of bush fruits used in experimental small batch wine making.

A Special Use Permit or variance will be required in order to construct a building. Currently, the vehicles being stored on the site are in violation of town law. A Special Use Permit can be given if the request is for a permitted use. The owner volunteered to put up a fruit stand on the site if that would help the request to be approved. If this is an agricultural enterprise, a site plan needs to be put together. Anthony Collard read from the zoning law page 161 regarding the definition of a farm.

The owners were advised to schedule a meeting with Chairman Spira and Code Enforcer Roy Rogers in order to research the possibilities that are available for a request such as this. Ordinarily, the Planning Board does not allow a building to be built on a lot without a house there as well.

FRANK DESTINO SPECIAL USE PERMIT REQUEST

This is a request of Frank Destino for a Special Use Permit to sell used cars at 3909 Creek Road, Youngstown. Mr. Destino has been before the Planning Board with this request in the past. He has submitted a Real Estate Lease from the owner of the Pizza Shop, Nelson Fasciano. Mr. Destino has been operating the Pizza Shop at this location for seven (7) years. Chairman Spira read from the Planning Board minutes regarding this request to sell cars on the site of the Pizza Shop.

Mr. Destino presented a marginal picture generated from Google Maps depicting the site of the Pizza Shop as well as the area he intends to market the cars from. This is a request for a Special Use Permit to sell used cars (three (3) cars, maximum). Mr. Destino stated that on the window of each car will be a description of the vehicle as well as the asking price. Mr. Destino has sold cars like this in the past.

The Planning Board feels that the drawing submitted does not have sufficient information. Mr. Destino was advised to come back to the Planning Board with the following information:

- Area dimensions
- Graphic description
- Lighting plan
- Fencing plan
- Any shrubs/trees
- Black top or parking information (stripes, etc.)
- Area drainage

The Planning Board encourages Mr. Destino to submit a detailed plan for this Special Use Permit request. Also, Mr. Destino is required to submit a notarized statement from Mr. Fasciano giving his permission to act in his behalf in this request.

GLENN SANGER SUBDIVISION REQUEST

Glenn Sanger came before the Planning Board for preliminary approval to subdivide his property at 3355 East Avenue as well as property owner by his daughter, Nancy Sanger, 3369 East Avenue. This is a request for a four lot subdivision.

- Lot 1 would be 100' frontage X 250' depth,
- Lot 2 66' frontage X 250' depth would give access road to land in the read (variance required if not covered by Right to Farm Law,
- Lot 3 is 330' X 151' to be added to 3369 East Ave. parcel owned by Nancy Sanger,
- Lot 4 100' frontage X 250' depth. This area is low density residential that requires 100' frontage. There is a house on Lot 1 – it is a duplex home.

Attorney Dowd said that a property that is being attached to Nancy Sanger's lot can be deeded over by the Town Assessor.

Jipp Ortiz made a motion to approve this preliminary approval for a four-lot subdivision of land. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

JAMES SHEAR SPECIAL USE PERMIT – PRIVATE AIRPORT

James Shear, 1698 Braley Road, Youngstown came before the Planning Board to request a renewal of the Special Use Permit to maintain a private airport on this property. Mr. Shear owns 100 acres of land, 4000' in depth. The runway is 3,200 feet long and is a grass strip. This is a ten (10) year permit. Chairman Spira read the permit that is in place now. Anthony Collard read from page 6 of the Zoning Law regarding permitted used of an airport/landing field. The Planning Board approves of this renewal request and a Public Hearing will be scheduled for the June 12, 2011 Planning Board meeting.

RIVERLIFE CHAPEL SPECIAL USE PERMIT REQUEST

John Woodhouse, representing River Life Chapel, came before the Planning Board with a site plan and proposed improvements for 3474 Creek Road, Youngstown, in order to get a special use permit for a place of worship. Chris Amico from CRA World Engineering and Infrastructure, reported that he has received the site plan and will go over it with Roy Rogers. John Woodhouse went over the site plan drawings that he submitted and thoroughly explained them to the Planning Board.

Thirty-six parking spaces will be sufficient at this time. There will be two handicap parking spaces. The building is 7,300 square feet. This is in a Rural Commercial zoned district and will require a Special Use Permit. Roy Rogers, Code Enforcer, and Chris Amico, Town Engineer for CRA World Engineering, will meet with Mr. Woodhouse regarding this request. Mr. Woodhouse reported that River Life Chapel has purchased the building.

Anthony Collard made a motion to approve the Preliminary Site Plan as presented. Jipp Ortiz seconded the request. All in favor; motion unanimously carried.

MARINE REPAIR SHOP SPECIAL USE PERMIT REQUEST

Pat Stack and Josh Stack came before the Planning Board to expand on their request for a Special Use Permit to operate a Marine Repair Shop. They have met with Roy Rogers, Code Enforcer, and submitted a site plan for review by the Planning Board. They have decided not to put up a pole barn at this time, therefore, it is not in the site plan at this time. A Special Use Permit will not include boat storage if the pole barn is not being built. The Special Use Permit will be amended at a later date if the barn is built and boat storage requested.

It is noted that this is quite a significant difference from the original request that was discussed last month. A three-foot berm with trees on top will be built. There will be two boats in the building being worked on at a time. The repairs will be made inside of the building. Boat motors will be run in test tanks. Removal of oily water will be taken care of in an environmentally sound manner. The anticipated house of operation will be from 8:00 a.m. until 5:00 p.m. or 6:00 p.m. Noise should not be an issue because the

work on boats will be done inside of the building. Roy Rogers and Chris Amico will get together with the owners in order to move forward on this matter.

The Planning Board feels that the site plan and photos submitted are not sufficient for a site plan. The owners were advised to consult the zoning law page 131, section 106 in order to submit a complete Site Plan Application for Planning Board review. This is a preliminary conference tonight. A timeline was established for the process to get a Special Use Permit. Site Plan Review will be held at the June 12 Planning Board meeting with a Public Hearing tentatively scheduled for July providing site plan approval is given in June.

CODE ENFORCER REPORT

Roy Rogers, Code Enforcer, submitted three reports for the month of April.

With no further business to come before the Planning Board tonight, Jipp Ortiz made a motion to adjourn the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board