

Draft...draft...draft

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on **Thursday, May 3, 2012**. All members were present. Chairman Spira read over the agenda for tonight's meeting and welcomed everyone.

PUBLIC INFORMATION MEETING

The owners of property located at 681 Blairville Rd., Youngstown came before the Planning Board in April to discuss changing the zoning of their property from Low Density Residential to Rural Commercial. This property was formerly known as the Porter House. A Public Information meeting was held tonight to address this request. The purpose of the meeting is to discuss a proposed zoning change. Forty neighbors within a 500 foot radius were sent letters as well as a Notice posted at the town hall. Three residents were at the meeting to inquire about the zoning change request. If there is a zoning change the Town Board must make the final ruling. Chairman Spira read over the Zoning Manual regarding what is allowed in a Rural Commercial zone. He advised that this information is available on the town's website. Ron Fronczak, 619 Blairville Rd. asked how the Porter House was allowed to operate in the past. He was informed that it was a prior non-conforming use, therefore a special permit was not required. Robert Luizonis asked what the current owners want to do with the property. They would like to sell the property, however, interested buyers want to operate a business, not residence. A formal request for a zoning change has been sent to the town board by the owners. A road side stand is the only activity allowed that would not require a special permit. The property owner has the right to develop the property once it is rezoned as long as all of the requirements have been met. Chairman Spira thanked everyone for coming to the meeting tonight.

APPROVE APRIL 12, 2012 MINUTES

Chairman Spira read over the minutes of the April 12, 2012 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.

GARY NOLAN PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Lot 1

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Porter, County of Niagara and State of New York, being part of Lot 33, Township 15, Range 9 of the Holland Land Company's and being part of Lot E of the Fort Niagara tract, so called as shown on a Map of U.S. Garrison grounds surveyed by Jesse P. Haines, C.E. in 1844 filed by the Surveyor General on July 31, 1844, copied from original by David E.E. Mix, C.E. in Deed Atlas in 1856 and filed in the Niagara County Clerks Office on October 16, 1857, being more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Lake Road as originally laid out

200.40 feet easterly along said centerline from the west line of Lot E of the aforesaid Fort Niagara Tract; Running thence southerly at an interior angle of 101°-20'-36" and along the easterly line of lands of Pera as described in Liber 3337 of deeds at page 102, a distance of 268.33 feet to a point, said point being the southeast corner of lands of Pera; Running thence westerly at an exterior angle of 103°-09'-00" from the previous course and along the southerly line of aforesaid lands of Pera, a distance of 201.77 feet to a point along the west line of Lot E of the Fort Niagara Tract; Running thence southerly along the westerly line of Lot E of the Fort Niagara Tract a distance of 125.94 feet to a point; Running thence easterly at an interior angle of 85°-40'-36" from the previous course a distance of 295.48 feet to a point; running thence northerly at an interior angle of 94°-19'-24" from the previous course, a distance of 437.60 feet to a point along the original centerline of Lake Road; Running thence westerly at an exterior angle of 101°-20'-36" from the previous course and along the original centerline of Lake Road, a distance of 100.11 feet to the point or place of beginning.

EXCEPTING therefrom that portion of the above described premises conveyed to the County of Niagara for highway purposes by Dedication recorded in the Niagara County Clerks Office on December 28, 1928 in Liber 533 of Deeds at Page 156.

1.45 Acres ±

(excludes ½ R.O.W. & lands excepted)

Lot 2

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Porter, County of Niagara and State of New York, being part of Lot 33, Township 15, Range 9 of the Holland Land Company's and being part of Lot E of the Fort Niagara tract, so called as shown on a Map of U.S. Garrison grounds surveyed by Jesse P. Haines, C.E. in 1844 filed by the Surveyor General on July 31, 1844, copied from original by David E.E. Mix, C.E. in Deed Atlas in 1856 and filed in the Niagara County Clerks Office on October 16, 1857, being more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Lake Road as originally laid

out, 300.51 feet easterly measured along the original centerline from the west line of Lot E of the aforesaid Fort Niagara Tract; Running thence southerly at an interior angle of 101°-20'-36" a distance of 437.60 feet to a point; Running thence westerly at an exterior angle of 94°-19'-24" from the previous course, a distance of 295.48 feet to a point along the aforesaid west line of Lot E of the Fort Niagara Tract; Running thence southerly at an exterior angle of 85°-40'-36" and along the west line of Lot E of the Fort Niagara Tract, a distance of 125.94 feet to a point; running thence easterly at an interior angle of 85°-33'-38" from the previous course, a distance of 425.06 feet to a point; Running thence northerly at an interior angle of 91°-20'-24" from the previous course, a distance of 573.44 feet to a point along the original centerline of Lake Road; Running thence westerly at an exterior angle of 98°-14'-38" from the previous course and along the original centerline of Lake Road, a distance of 100.10 feet to the point or place of beginning.

EXCEPTING therefrom that portion of the above described premises conveyed to the County of Niagara for highway purposes by Dedication recorded in the Niagara County Clerks Office on December 28, 1928 in Liber 533 of Deeds at Page 156.

2.18 Acres ±(excludes ½ R.O.W. & lands excepted)

Lot 3

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Porter, County of Niagara and State of New York, being part of Lot 33, Township 15, Range 9 of the Holland Land Company's and being part of Lot E of the Fort Niagara tract, so called as shown on a Map of U.S. Garrison grounds surveyed by Jesse P. Haines, C.E. in 1844 filed by the Surveyor General on July 31, 1844, copied from original by David E.E. Mix, C.E. in Deed Atlas in 1856 and filed in the Niagara County Clerks Office on October 16, 1857, being more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Lake Road as originally laid out, 400.61 feet easterly along said centerline from the west line of Lot E, Fort Niagara Tract; running

thence southerly at an interior angle of 98°-14'-38", a distance of 573.44 feet to a point; Running thence westerly at an exterior angle of 91°-20'-24" from the previous course, a distance of 425.06 feet to a point along the west line of Lot E of the Fort Niagara Tract; Running thence southerly at an exterior angle of 85°-33'-38" from the previous course and along said west line of Lot E of the Fort Niagara Tract, a distance of 166.80 to a point along the northerly line of lands of the State of New York and being part of the Robert Moses Parkway, Section 4 and being part of proposal No.143, Parcel No. 133, Map No.22R-233 on file in the Niagara County Clerks Office and also recorded in Liber 1411 of Deeds at Page 93; running thence southeasterly at an interior angle of 103°-33'-47" and along said lands of the State of New York, a distance of 173.40 feet to a stone monument; running thence northerly at an interior angle of 73°-07'-58" from the previous course and along the westerly line of lands of Reagan as described in Liber 1601 of Deeds at Page 1173, a distance of 67.14 feet to a point; running thence easterly at an exterior angle of 90°-00'-00" from the previous course and along the northerly line of aforesaid lands of Reagan a distance of 369.83 feet to a point; Running thence northerly at an interior angle of 90°-00'-00" from the previous course and along the westerly line of aforesaid lands of Reagan, a distance of 745.55 feet to a point along the centerline of Lake Road as originally laid out; Running thence westerly at an exterior angle of 98°-02'-20" from the previous course and along said original centerline of Lake Road, a distance of 100.11 feet to the point or place of beginning.

EXCEPTING therefrom that portion of the above described premises conveyed to the County of Niagara for highway purposes by Dedication recorded in the Niagara County Clerks Office on December 28, 1928 in Liber 533 of Deeds at Page 156.

3.22 Acres ±(excludes ½ R.O.W. & lands excepted)

This property is known as tax map no. 45.00-1-4.12.

Melissa Szarszewski, 484 Lake Road, Youngstown, NY came before the Planning Board to address this subdivision request. She stated that the sand filtration system on the site is not new. The Niagara County Health Department said that if you have a functioning sewerage system you can use the existing set up until there is a change of ownership. Chairman Spira displayed the surveys. There is a creek that runs through the land. A house is not going to be put on the flood zone. Ms. Szarszewski is concerned about flooding in the subdivision because her property is adjacent to the parcel being subdivided. Mr. Nolan reported that no house will be put in the flood zone.

Chairman Spira displayed the zoning map to the neighbor. This is in a Medium Density Residential zone. With no further comments or questions from the Planning Board members or audience, 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 review. Based upon their review of available information, the subdivision will not have an adverse impact on the existing Town drainage system.

Chairman Spira read over the Short Environmental Assessment Form Part I – Project Information as submitted by Mr. Nolan. The Planning Board completed Part II – Impact Assessment. Thomas Oddy made a motion that based on the information and analysis 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.

Thomas Oddy made a motion to approve this three-lot subdivision as submitted. Donald McCollum seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Donald McCollum, yes; Thomas Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

RHONDA & ROBERT MACVIE ASSESSOR MERGE

Robert MacVie would like to put up an addition to their house at 3004 Orchard Drive, Youngstown. In order to do this, two lots must be combined because lot coverage will be exceeded if the lots are not combined. The covered patio will exceed lot coverage requirements. The Planning Board recommends that the assessor merge this property known as SBL 31.83-1-28 and 31.83-1.29.

ZONING BOARD OF APPEALS REFERRALS

MO MO ELECTRONICS SPECIAL USE PERMIT RENEWAL

Paul Pinkey, 3449 Porter Center Rd., Ransomville is requesting to renew his special use permit to allow the assembly of electronic components in a former church building. The Planning Board recommends renewal of this permit providing the Code Enforcer, Roy Rogers and the Town Engineer Chritian Amico check to make sure the property is safe. The Zoning Board of Appeals should require Mo Mo Electronics to put up any money required for the Town Engineer to be involved in this matter.

JUDY SKRLIN AREA VARIANCE REQUEST FOR A FENCE

Judy Skrlin, 2623 Lake Rd., Ransomville has submitted a request for an area variance for a fence. The Planning Board recommends that the Zoning Officer and the Town Engineer make sure that all of the rules and regulations of the town law are followed in accordance with in the fences and walls requirements of the town law.

CODE ENFORCER REPORT

Roy Rogers, Code Enforcement Officer, submitted his report for the month of April. The Building Department Report, Monthly Permit Report, and Complaint Report were submitted and discussed by the Planning Board. The Planning Board will send a letter to the Town Board regarding this request.

Chairman Spira read a letter from Douglas Zastrow, Gahanna, Ohio, requesting to rezone his property on Ransomville Road from (RC) Rural Commercial to (RA) Rural Agriculture. The Planning Board is in favor of the Town Board rezoning this area.

The Property Maintenance Code is very good, however, it is not able to be enforced because Roy Rogers, Code Enforcer, does not have enough hours available to do the work.

With no further business to come before the Planning Board tonight, Donald McCollum made a motion to adjourn the meeting. Jipp Ortiz seconded the motion. All in favor; meeting adjourned at 8:15 p.m..

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board