

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order on Thursday, June 4, 2009. Anthony Collard and James McIntyre were absent. Chairman Spira welcomed everyone, including several students from Lewiston Porter School's Participation in Government class and read over the agenda for tonight's meeting.

APPROVAL OF MAY 7, 2009 MEETING

Jipp Ortiz made a motion to approve the minutes of the May 7, 2009 Planning Board as submitted. Donald McCollum seconded the motion. All in favor; motion carried.

HARDISON PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of Bradley D. Hardison, 2231 Balmer Road, Ransomville, to subdivide his property. 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 50, Township 15, Range 8 of the Holland Land Company's survey being more particularly described as follows: Beginning at a point in the center line of Balmer Road, said center line also being the south line of Lot 50, said point of beginning being measured at 43.06 chains or 2841.96 feet west of the east line of Lot 50 measured along the center line of Balmer Road; thence west along the center line of Balmer Road 517.04 feet to a point; thence northerly at an interior angle of 87 degrees 363.04 feet to a point;; thence easterly parallel with the center line of Balmer Road at an interior angle of 93 degrees 492.74 feet to a point; thence southerly along the east line of Hardison as described in Liber 1839 at page 179, 349.54 feet to the point of beginning. This property is known as tax map no. 61.00-1-16.2

Bradley Hardison came before the Planning Board to represent this subdivision. There is a house at 2231 Balmer Road, Ransomville, there are also two out buildings which have been combined with the house in order to have the house and buildings on one lot measuring 492' X 383'. There is now a lot of approximately four (4) acres. With no questions or comments from the Planning Board members or audience, Donald McCollum 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 and based on their field observations and review of available information, a determination was made that the subdivision will not have an adverse impact on the existing Town drainage system. Approval of the request for subdivision is recommended. It is noted that a portion of the lot is within the 100- and 500-Year Floodplain. However, this item is not expected of have an impact on the proposed requested action.

Chairman Spira read the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. Jipp Ortiz made a motion that, based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Donald McCollum made a motion to approve this request for subdivision. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

CHARLES CLARK PRELIMINARY REVIEW

Betsy Strzelczyk came before the Planning Board with a request to combine two lots at 1950 Lockport Road, Ransomville. This property is located on the south side of Lockport Road, tax map no. 47.04-1-35 and 47.04-1-34. Ms. Strzelczyk and her sister own the property and Charles Clark has life use of it. Two old surveys were presented tonight. A new survey of the property will be required in order to move forward with a Public Hearing. Ms. Strzelczyk is advised to make sure that a copy of the filed deed is given to the town assessor's office. Jipp Ortiz made a motion to approve the sketch plan presented tonight. Donald McCollum seconded the motion. All in favor; motion carried. A Public Hearing will be scheduled when all necessary documentation has been submitted.

GEORGE BROWN PRELIMINARY REVIEW

George Brown, 4731 Lower River Road, Lewiston, would like to combine two lots he owns at 1806 Youngstown-Wilson Road, tax map no. 47.00-1-5. There is home on one lot. Six-mile Creek runs through the corner of the property. Donald McCollum made a motion to approve the sketch plan presented tonight. Jipp Ortiz seconded the motion. All in favor; motion carried. A Public Hearing will be scheduled when all necessary documentation has been submitted.

ROBERT E. WADDELL PRELIMINARY REVIEW

Robert B. Waddell came before the Planning Board tonight with a request to subdivide a parcel his father owns on Lutz Road. There is a letter in the file giving Mr. Robert B. Waddell permission to act in his father's behalf, however, a notarized statement must be provided for any further business to be transacted by Mr. Waddell in his father's behalf. There is a hay field that Mr. Waddell would like to have access to from Lutz Road. Access to the hay field is an issue and the purpose of the request. The Planning Board generally frowns on the creation of flag lots and discussed the options available. It is

noted that there are flag lots in the area. Jipp Ortiz made a motion that the Planning Board approves of this concept as long as thirty (30) feet is maintained for a road. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

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ZONING BOARD OF APPEALS REFERRALS

Mark Chilberg , 839 Balmer Road is requesting a variance to put a steel pole barn (24' X 24') on his property. A variance is needed to build a building in front of the residence. Chairman Spira would like the barn next to the house. Jipp Ortiz and Donald McCollum would like the barn screened as it is too close to the road OR try to place the building as far back from the road a possible.

The Planning Board recommends that the Zoning Board of Appeals request that the barn be built back farther from the road than requested.

William O'Connor, 2268 Youngstown-Wilson Road, Ransomville, is requesting the renewal of a special permit for sales and service of motorized recreational sports equipment and related accessories on his property. The Planning Board recommends **APPROVAL** of this request.

Brian/George Winger – no action regarding the Public Hearing that was adjourned last month as well as the Zoning Board of Appeals referral – no one present to represent this request

ATTORNEY MICHAEL DOWD – nothing to report

CODE ENFORCER ROY ROGERS

Mr. Rogers provided his three monthly reports for Planning Board perusal.

Jipp Ortiz asked about the ownership of the “road” on the Winger area that is being subdivided. The ownership is listed as “unknown” on the tax map.

Chairman Spira announced that the Master Plan does not control the Zoning Regulations. The Master Plan is a tool for guidance.

With no further business to come before the Planning Board tonight, Jipp Ortiz made a motion to adjourn the meeting. Donald McCollum seconded the motion. All in favor; meeting adjourned at 8:30 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary

