

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order on **Thursday, June 6, 2013 at 7:00 p.m.** All members were present. Chairman Spira read aloud the agenda for tonight's meeting.

The next scheduled meeting of the Planning Board will be held on Monday, July 1, 2013 due to the fact that the first Thursday in July is July 4, a holiday.

APPROVE MAY 2, 2013 MINUTES

Chairman Spira read over the minutes of the May 2, 2013 Planning Board meeting. With no additions or corrections the minutes were approved as submitted. So moved by Thomas Oddy, second by Anthony Collard. All in favor; motion unanimously carried.

JAMES BOOS PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of James C. Boos, to subdivide his property at 3861 Creek Rd., Youngstown, NY.

Beginning at the north east corner of lands conveyed to John D. Miles and Sandra L. Miles by deed filed in the Niagara County Clerk's Office in Liber 3315 of deeds at page 689; Thence easterly on the extension of the north line of lands conveyed to Miles a distance of 410.50 feet to a set Iron Pin and Plastic Cap labeled NBMS 50439; Thence southerly at right angles to the previous course a distance of 113.0 feet to a set Iron Pin and Plastic Cap labeled 50439; Thence westerly at right angles and parallel to the first course a distance of 410.50 feet to a set Iron Pin and Plastic Cap labeled NBMS 50439 on the east line of lands conveyed to Miles; Thence northerly along the east line of lands conveyed to Miles a distance of 113.0 to the point or place of beginning, containing 1.065 acres more or less. This parcel is known as tax map no. 60-00-3-18.111.

This is a request of Mr. Boos to subdivide a portion of his property and sell it to his neighbor, John Mies. It is noted that in the Public Hearing Notice John D. Mies and Sandra L. Mies are referred to as John D. Miles and Sandra L. Miles. This is an error.

With no comments from the Planning Board members or audience Anthony Collard made a motion to close the Public Hearing portion of the meeting. Thomas Oddy seconded the motion. With all in favor the motion was unanimously carried.

Chairman Spira read a letter from Conestoga-Rovers and Associates regarding the request to subdivide this parcel. Upon their review of this subdivision, approval regarding town drainage is given.

Chairman Spira read over the Short Environmental Assessment Form and completed Part II – Impact Assessment - on behalf of the Planning Board. Jipp Ortiz made a motion that based on the information and analysis submitted the proposed action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. With all in favor the motion was unanimously carried.

Anthony Collard questioned the potential for wetland on the parcel as mentioned in the report submitted by Conestoga-Rovers and Associates. Roy Rogers, Code Enforcer for the Town, presented a map that showed the Federal Wetland on the parcel being subdivided. The portion of land being subdivided appears to be outside of the South East Branch of Four Mile Creek as well as the Federal Wetland on the eastern portion of the property.

Jipp Ortiz made a motion to approve this request for subdivision. Anthony Collard 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.

EXTENSION OF DEED FILING FOR SUBDIVIDED PARCELS

Chairman Spria has been contacted by Andrew C. Rawls, 2217 Lake Road, Ransomville and Walter C. Holmes, Ransomville Road, Ransomville to request an extension of their subdivisions in the town. The Planning Board agrees to extend their final subdivision an additional six months from today. A letter will be sent to Rawls and Holmes with a copy to the assessor and code enforcer regarding this matter.

CODE ENFORCER REPORT

Code Enforcer Roy Rogers submitted his reports for the month of May. The reports include a monthly Permit report, a Complaints report and Violations report.

The Planning Board discussed the Special Use Permit that was issued to Joshua Stack to operate a Vehicle Repair Station (Marine Repair Shop) in the town. Mr. Stack has not followed some of the requirements set forth on the permit. The Planning Board will send Mr. Stack a letter reminding him of the conditions that were set forth in the permit (as outlined in the original permit (below) issued by the Planning Board July 7, 2011.

**Mr. Joshua Stack
786 Blairville Road
Youngstown, NY 14174**

Has this date been duly granted permission by the Town of Porter Planning Board for:
A Special Use Permit to operate a Vehicle Repair Station (Marine Repair Shop) at 786 Blairville Road in said Town.

Subject to the following Terms and Conditions:

1. This permit shall expire **five (5)** years from the below date –
Expiration Date: July 7, 2016.
2. Hours of Operation shall be: Monday through Friday 8:30 a.m. until 8:00 p.m., Saturday 9:00 a.m. until 1:00 p.m.
3. Emergency services boat towing twenty four (24) hours a day, seven (7) days a week
4. Maximum number of boats for services not to exceed ten (10)
5. Maximum number of boats outside for storage not to exceed thirty-seven (37) storage is from September through June 1.
6. Operations may proceed after berm is constructed and after certificate from Town of Porter
7. Engine testing is restricted to 8:30 a.m. until 8:00 p.m. Monday through Saturday.
8. Lighting will be considerate of neighbors as approved by Town Zoning Officer
9. Any storage has to be screened from public view.
10. This Special Permit is not assignable or transferable and its privileges extend only to the above-named applicant.
11. This Special Permit shall become immediately null and void in the event that said premises are not at all times maintained and kept in full compliance with the laws of the State of New York and the ordinances and regulations of the Town of Porter.

DATED: July 7, 2011
No.: #SP-301-2011

PLANNING BOARD

George H. Spira, Chairman

The Planning Board is working with the Code Enforcer regarding this matter. The berm has not been planted and there are boats in the location north of the berm. This is unsightly from the road.

ATTORNEY DOWD REPORT

Attorney Michael Dowd was not at the meeting tonight, therefore there is no report.

REVIEW OF LAND LOCKED PARCELS IN THE TOWN OF PORTER

The remainder of the meeting was spent discussing land locked parcels that exist in the town and how the Planning Board intends to address them. Thomas Oddy read a letter drafted by Attorney Michael Dowd regarding land locked parcels. The letter has not been sent out. After considerable discussion of this situation in the town, the Planning Board agreed to send a letter to four home owners in the town who have land-locked parcels. Matthew & Kimberly Grace, Richard and Mary Maslen, Darrick Brochey and Janice O'Keefe.

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. With all in favor the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board