

Chairman Spira called the regular meeting of the town of Porter Planning Board to order at 7:00 p.m., Thursday, July 7, 2011. All Planning Board members were present. Chairman Spira read over the agenda for tonight's meeting.

APPROVE JUNE 9, 2011 MEETING

Chairman Spira read aloud the minutes of the June 9, 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.

GLENN SANGER PUBLIC HEARING-THREE LOT SUBDIVISION

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 31, Township 15, Range 9 of the Holland Land Company's Survey, so called, and bounded as follows: COMMENCING at a point of intersection of the center line of East Avenue and the north line of Lot 31; thence easterly along said lot line 250 feet to a point; thence southerly and parallel to East Avenue 100 feet to a point; thence westerly and parallel to both the north line of Lot 31 and the first described line 250 feet to the center line of East Avenue; thence north along the center line of East Avenue 100 feet to the point of beginning.

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 31, Township 15, Range 9 of the Holland Land Company's Survey, so called, and bounded as follows: COMMENCING at a point on the center line of East Avenue being 166 feet south of the intersection of East Avenue and the north line of Lot 31; thence easterly and parallel to said north line 250 feet to a point; thence southerly and parallel to East Avenue 434.6 feet; thence westerly and parallel to said north line 118 feet to a point; thence northerly and parallel to East Avenue 334.6 feet to a point; thence westerly 132 feet to the center line of East Avenue; thence northerly along said center line 100 feet to the point of beginning.

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 31, Township 15, Range 9 of the Holland Land Company's Survey, so called, and bounded as follows: COMMENCING at a point of intersection of the north line of Lot 31 and the center line of East Avenue; thence southerly along said center line 100 feet to the point or place of beginning; thence easterly and parallel to said north line of Lot 31, 250 feet to a point; thence northerly and parallel to East Avenue 100 feet to the north line of Lot 31; thence easterly along said north line of Lot 31, 349.30 feet to the east line of Lot 31; thence southerly along the east line of Lot 31, 600.60 feet to a point; thence westerly 349.30 feet to a point; thence northerly and parallel to East Avenue 434.6 feet to a point; thence westerly and parallel to the north line of Lot 31, 250 feet to the center line of East Avenue; thence northerly along the center line of East Avenue 66 feet to the point or place of beginning.

This parcel is known as tax map no. 45.00-1-32 & 45.00-1-33

F. Warren Kahn, the attorney representing Mr. Sanger, and Glenn Sanger came before the Planning Board to speak about this request. Mr. Sanger would like to subdivide a twelve (12) acre parcel on East Avenue, Youngstown and create three lots. This request was discussed and the concept approved at a previous Planning Board meeting. With no questions or comments from Planning Board members or the 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 submitted by Conestoga-Rovers & Associates regarding town drainage. Based upon their field observations and review of available information, the subdivision will not have an adverse impact on the existing Town drainage system. Therefore, approval of the requested subdivision is given. Conestoga-Rovers & Associates further state that the property is zoned LDR-Low Density residential District, therefore the minimum lot width and road frontage should be 100 feet. The survey shows Lot 3 with a width of 66 feet, therefore a variance may be needed to satisfy the minimum lot width and road frontage requirement.

Chairman Spira read over the Short Environmental Assessment Form and completed the Impact Assessment on the back of the form. Jipp Ortiz made a motion that, based on the information and analysis and any 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.

Anthony Collard made a motion to approve this three-lot subdivision as presented. Jipp Ortiz 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.

JOSHUA STACK/BOATWORKS PUBLIC HEARING – SPECIAL USE PERMIT

Chairman Spira read the following Notice of Public Hearing:

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 267 of the Town Law of the State of New York and Local Law No. #1 of 1968, as amended and Sections 58 of the Town of Porter, Niagara County, New York Zoning Ordinance a Public Hearing will be held by the Planning Board of the Town of Porter at the Town Offices, 3265 Creek Road, Youngstown, NY on July 7, 2011 at 7:00 p.m. for the purpose of considering and hearing all interested persons concerning the following application:

Application of Josh Stack, Youngstown, NY 14174 to renew his Special Permit to operate a home and retail sales at residence. Property is located on the North Side of Lockport Road (Rte 93) in an ARR-100 Zoned District between Lutts and Porter Center Roads in said Town.

APPLICANT OR REPRESENTATIVE MUST BE PRESENT.

Joshua Stack was in attendance at the meeting to represent this request. The Planning Board has held a number of meetings in the last few months regarding this new Special Use Permit.

The location is the old Country Kernal Restaurant, 786 Creek Road, Youngstown. This is a rural community and is allowed by law to have an engine repair business in as much as the location is zoned commercial. The Planning Board and Mr. Stack have been very concerned about the noise issues that might be of a concern to the neighbors. The purpose of this meeting tonight is to allow the public to speak on this matter.

Mr. Joshua Stack is a trained marine mechanic. He came forward to explain what this request would entail. A visual display of the site was shown to the Planning Board and audience. A berm will be set up along the line of sight. Everything will be shielded from public view as much as possible. There will be a total facelift to the building and a pole barn will be added to the site. The berm will be ten (10) feet high, three (3) feet wide, and two hundred (200) feet long. It will be fifty (50) feet from the road. Boat storage will be inside and outside. Terry Thompson, 776 Blairville Road, asked if there would be outside lighting on the site. Chairman Spira read from the draft Special Use Permit written by the Planning Board regarding lighting.

The Planning Board has put a significant amount of time and thought into this request. Chairman Spira read a draft of the Special Use Permit that has been put together by the Planning Board.

Joe Panoessa, 783 Blairville Road, is very much in favor of this request. He spoke about the town of Porter being a fishing and boating area and he feels this is a great way to promote fishing and boating. Scott Mueller is generally in favor of this facility. He is concerned about engine testing and also concerned about the disposal of oil and oily water from an environmental aspect. Chairman Spira assured Mr. Mueller that these two concerns are very legitimate. The Special Use Permit will address the noise issues and Mr. Stack assured the Planning Board that the oil and oily water would be disposed of in accordance with environmental regulations.

Bob Reese, 535 Main Street, Youngstown, is enthusiastically in favor of this project. This is a vast improvement to the site. He is very much in favor of a boat repair facility in this area of the town. Dan Daul, 890 Balmer Road, is in favor of a project like this in the area.

A concern about the length of the permit being only for two (2) years was raised. After two years, the permit will be re-issued conditioned that the items in the Special Use Permit are being adhered to. The length of the permit is optional by the Planning Board.

With no further questions or comments 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 discussed the draft permit. A detailed site plan was presented and Mr. Stack explained it. The berm will be put in next week; however, the planting will not occur until fall when cooler weather prevails.

The Code Enforcer for the Town, Roy Rogers, will give a Certificate of Occupancy.

A concern was raised regarding the necessity of this Special Use Permit request being submitted to the Niagara County Planning Board for approval. Michael Dowd will research this.

Anthony Collard made a motion to approve the Special Use Permit for a Vehicle Repair Station – Marine Repair, 786 Creek Road, Youngstown. Jipp Ortiz 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.

PAUL INCORVAIA SUBDIVISION REQUEST

Mr. Incorvaia, 3933 Calkins road, Youngstown, NY came before the Planning Board with a request to subdivide his property at 3933 Calkins Road, Youngstown. He has an opportunity to sell two lots. Lot 1: 125' X 400' – 1.25 acres, Lot 2: 150' X 400' – 1.5 acres. Two lots were subdivided from the parent parcel in 2004. The Planning Board is in favor of this request. A letter from an engineer stating that a sewage disposal system been be built on the lots will be necessary. Thomas Oddy made a motion to approve this two-lot subdivision request. Donald McCollum seconded the motion. All in favor; motion unanimously carried. A Public Hearing will be scheduled when the town has received the necessary documentation.

CODE ENFORCEMENT OFFICER REPORT

Roy Rogers, Code Enforcement Officer for the town, submitted a Building Department Report, Permit Monthly Report, a Certificate of Occupancy, and Complaints by Date report for the month of June.

Ms. Driscoll reported that a substandard lot has been created on Creek Road. Subdivision was done without Planning Board approval. The deeds were filed with the county in April. Bonnie Rice and Debra Targon are the landowners. Roy Rogers will contact the landowners regarding this matter. Planning Board approval is required in order to rectify the subdivision and be sure that the substandard lot situation is resolved.

ATTORNEY DOWD REPORT

Mr. Dowd reported that there will be a Public meeting held at the Town Hall Monday, July 11, 2011 at 7:00 p.m. to discuss the proposed changes to the Zoning Law.

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 8:45 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board