

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 on Thursday, September 4, 2008. James McIntyre was absent. Chairman Spira read the agenda aloud and added Lazarek and Fronzak.

### **APPROVE AUGUST 7, 2008 MINUTES**

Anthony Collard made a motion to approve the minutes of the August 7, 2008 Planning Board as submitted. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

### **BERENARDINO AND LOUISE DiRienzo SUBDIVISION REQUEST**

Mr. DiRienzo came before the Planning Board to represent this request. He would like to combine two lots at 3544 East Avenue in order to build a modular home on the site. This is about 2,000 feet from Blairville Road on the west side of East Avenue. There is a sixty-six foot easement on the map. In order to place the modular home on the site, the two lots have to be combined.

Mr. DiRienzo has met with Roy Rogers regarding this request.

In order for the Planning Board to move on this action, a Public Hearing must be scheduled. Anthony Collard made a motion to approve this concept as presented to combine two lots on East Avenue. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

### **RONALD FRONZAK SUBDIVISION REQUEST**

Ronald Fronzak came before the Planning Board to request a subdivision of his property at 480 Lake Road near Youngstown (45.00-1-5). He owns 361 feet of frontage on Lake Road and would like to subdivide a lot 100' X 200'. Mr. Fronzak would like to start building a home sometime in the spring of 2009. This property is near the property that Nancy Sanger is planning to build condominiums on. This is in a sewered area. William Tower stated that the town of Lewiston has reached the maximum limit for sewerage capacity. Michael Dowd said that there has not been a moratorium placed on construction in the town.

This request is for two lots to be subdivided, ultimately there will be three lots. This action will not create any flag lots. This is in an ARR100 zoned area. Jipp Ortiz made a motion to approve this subdivision concept as presented. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

### **ROBERT MAINES/PETER BAKER SUBDIVISION REQUEST**

Robert Maines would like to purchase property from Pete Baker. Mr. Baker intends to subdivide a parcel 100' X 475' on 2035 Youngstown-Lockport Road on the north side of there will be no neighbors building on the lot.

The Planning Board does not have any concerns regarding this request and approves the sketch plan as presented. In order for this request to move forward, Mr. Baker must give Mr. Maines permission to act in his behalf. A letter from an engineer stating that a sewage disposal system can be build on the lot is required, as well as surveys, and a check for \$100.

Anthony Collard made a motion to approve this request, Donald McCollum seconded the motion. All in favor; motion unanimously carried.

### **ZONING BOARD OF APPEALS REFERRALS**

Anthony Lazarek is requesting a use variance to build an accessory building prior to home construction. Mr. Lazarek would like to put up a pole bard before he builds his home at 447 Lake Road, Youngstown. There was a cottage on the land, however, it has been taken down. The barn will be 960 square feet and be located on the east side of the property. The purpose of the building is to store the building supplies before and during the construction of the house.

The Planning Board approves this request to build a 24' X 40" pole barn with the provision that the construction of the home begins within one year. Michael Dowd said that the construction of the home should have specific time limits. The construction should start on the primary building sometime before one year. The Planning Board sees no problem with the construction of the barn as long as the primary construction of the home is started one year after the barn is completed. Jipp Ortiz made a motion to approve this request for a use variance for an accessory building prior to home construction providing the home construction is started within one year. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

### **NIXSON-PEABODY/CELLULAR NETWORK/VERIZON TOWER REQUEST**

Chairman Spira reported that William Tower and he met recently regarding a request for a cell tower to be built on Tim Senek's property on Youngstown-Wilson Road, Ransomville. The site of the cell tower is quite a way back from the road.

Chairman Spira went over the paper work submitted by the applicant and discussed the areas in the town that will now have cell phone coverage. The tower height being requested is between 150' and 176'. A 176' tower is what the applicant wants; however, 150' is what they are asking for at the present time. There will be a total of four co-locations allowed on the tower. It is noted that there has been no formal application submitted at this time.

### **ATTORNEY DOWD REPORT**

Michael Dowd reported that he received a call from an attorney representing Mr. Drennan. Mr. & Mrs. Tower are bringing suit against Mr. Drennan regarding the water runoff that is going in to the ditch on their property.

### **CODE ENFORCER ROY ROGERS – NO REPORT**

COUNCILWOMAN NANCY ORSI expressed her concerns regarding Zoning Board of Appeals approval of the pole barn that is being requested at 447 Lake Road before a house is build in light of what happened with the Drennan barn.

The Planning Board feels that as long as it is clearly stipulated that the house construction must begin within one year it should be acceptable.

### **CRAWORLD REPORT**

Mr. Amico reported that the sidewalk project in Youngstown was completed last week. The drainage study is coming along.

### **MISCELLANEOUS ITEMS**

It was reported that the Federal government is requesting a permit for a tower 300' – 400' in height for the purpose of monitoring boat and air traffic. This will require a special permit. There will be no co-location on the tower. This request involves the Home Land Security Act.

Supervisor Wiepert reported that the Porter Country Mart would be selling gasoline and coffee beginning tomorrow morning. He further stated that the same owner of Bailey's that is located on Shawnee Road and Lockport Road would own the new store.

The original permit for the new store was issued to Dave Erway. Reid Petroleum then applied for a permit when Mr. Erway was no longer involved with the store. A permit has not been issued to Bailey's. Concern was raised about two gas stations being located at the intersection of Ransomville Road and Youngstown-Lockport Road, Ransomville.

It was reported that the Porter-on-the-Lake grand opening held on Labor Day was a huge success. The attendance is estimated between 5,000 and 6,000.

With no further business to come before the Planning Board meeting, Jipp Ortiz made a motion to adjourn the meeting. Anthony C collard seconded the motion. All in favor; meeting adjourned at 8:25 p.m.