

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, October 2, 2008. All members were present. Chairman Spira read over the agenda and welcomed everyone to the meeting.

APPROVE SEPTEMBER 4, 2008 MINUTES

Anthony Collard made a motion to approve the minutes of the September 4, 2008 Planning Board meeting as submitted. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

MARIAN BAX PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing
Subdivision request of Marion Bax, Lake Road, Ransomville, NY to subdivide her Property:

Sublot 1 Beginning at the intersection of the centerline of Lake road (a 100 foot wide right-of-way) with the west line of lot 62, running thence northeasterly along the centerline of Lake road 107.36 feet to the true point or place of beginning. Running thence southerly and parallel to the west line of lot 62, 292.20 feet to a point. Running thence easterly and parallel to the south line of lot 62, 111.20 feet to a point. Running thence southerly and parallel to the west line of lot 62, 408.35 feet to a point on the south line of lot 62. Running thence easterly along the south line of lot 62, 293.05 feet to a point, said point being 622.81 feet westerly from the centerline of Dickersonville road (a 49.5 foot wide right-of-way). Running thence northerly and parallel to the centerline of Dickersonville road, 535.42 feet to a point. Running thence westerly at an interior angle of 87 degrees 20 minutes 24 seconds, 203.82 feet to a point. Running thence northerly and parallel to the west line of lot 62, 253.14 feet to the centerline of Lake road. Running thence southwesterly along the centerline of Lake road, 215.84 feet to the point or place of beginning. Said Parcel of land containing 4.85 acres of land being the same more or less.

Sublot 2 Beginning at the intersection of the centerline of Dickersonville road (a 49.5 foot wide right-of-way) with the south line of lot 62, running thence northerly along the centerline of Dickersonville road, 364.18 feet to the true point or place of beginning. Continuing northerly along the centerline of Dickersonville road, 200.0 feet to a point. Running thence westerly at an interior angle of 87 degrees 20 minutes 24 seconds, 623.48 feet to a point. Running thence southerly and parallel to Dickersonville road, 171.24 feet to a point. Running thence easterly and parallel to the south line of lot 62, 622.81 feet to the point or place of beginning. Said Parcel of land containing 2.65 acres of land being the same more or less. This property is known as tax map no. 33.00-2-5 and consists of 4.8 acres and 2.6 acres after subdivision.

James McIntyre rescued himself from the meeting for this matter. Karen Wieland-Schmidt pointed out the location of this subdivision request on the overhead screen. Chairman Spira asked if anyone from the audience wanted to speak up about this subdivision. Robert Koryl, representing property owner Dave Taylor, raised a concern about water run off on the property. The property of Marian Bax slopes downward toward his property. The culvert on the land is too small to handle run off. Scott Hillman, highway superintendent, has been made aware of this problem. Perhaps a professional engineer should provide a site plan for grading the water.

Christian Amico, engineer for CRAWorld suggested a site and drainage plan is required as part of the process before any building is done on the subdivided property. As far as having a professional engineer do a study before a subdivision is approved, this is not usually done unless a major subdivision is being done, not a minor subdivision.

If the town feels that there is a drainage problem, an easement for the town can be required. The town should ask for an easement and it appears that a swale could be where a house might be placed. This is a 4.6-acre parcel and there is adequate room for a house to be placed.

With no further questions or comments, Anthony Collard made a motion to close the Public Hearing portion of the meeting. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

Chairman Spira read through the file and noted that there is power of attorney letter in the file giving Marian Bax's daughter, Marie Graf permission to act in her behalf on this matter.

Chairman Spira read a letter from CRAworld that, based upon field observations, preview of available information, and conversations with the Highway Superintendent, the subdivision will not have an adverse impact on the existing Town drainage system. There is a letter in the file from Apex Consulting stating that a sewage disposal system can be designed for this parcel.

Chairman Spira read over the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. Anthony Collard made a motion that the proposed action will not result in any significant adverse environmental impacts. A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

Jipp Ortiz made a motion to approve this subdivision request contingent upon:

- The property owner insuring that a fifty foot (50') right-of-way easement to allow the proper maintenance of the swale
- A letter from Apex Consulting stating that a sewage disposal system can be designed for the second parcel

William Rolland seconded the motion.

A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

DIRIENZO PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing

Subdivision request of Berardino and Louise DiRienzo, 883 Upper Mt. Rd., Lewiston, to combine two lots on 3544 East Ave, Youngstown.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Porter, County of Niagara, State of New York, being part of Lot No. 30, Township 15, Range 9, of the Holland Land Company's Survey, and more particularly bounded and described as follows:

BEGINNING in the west line of East Avenue where the same is intersected by the north line of Lot 30; thence southwesterly along the west line of East Avenue, a distance of 225.56 feet to a point; thence northwesterly, making an exterior angle of 90 degrees with the continuation of East Avenue, a distance of 233 feet; thence northeasterly, making an interior angle of 90 degrees, on a line parallel with East Avenue, a distance of 100 feet; thence continuing northeasterly, making a measured interior angle of 61 degrees 59' with a line drawn parallel with the southerly boundary of said premises, a measured distance of 69.85 feet, to a point in the north line of Lot 30, thence easterly along the north line of Lot 30, a distance of 210.14 feet to the point or place of beginning. This property is known as tax map no. 59.00-2-7 and 59-00-2-8 and when combined is approximately one acre in size.

This is a request to combine two lots at 3544 East Avenue, Youngstown. A deed has already been filed. Chairman Spira read from the September 4, 2008 Planning Board minutes regarding this request at which time sketch plan approval was given. Chairman Spira asked if there was anyone from the audience who would like to speak to this request. Ms. Jane Richardson, owner of property to the north, stated that a cement truck washed out their truck on her property and left a mess. Mr. Dirienzo stated he was not aware of this and would take care of it right away. With no further comments or questions, James McIntyre made a motion to close the Public Hearing portion of the meeting. Anthony Collard seconded the motion. A roll call vote resulted in the following: Anthony Collard, yes; James McIntyre, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

Chairman Spira read a letter from CRAworld regarding this request to combine two lots into one lot of approximately one acre. Based upon their field observations, review of available information and conversations with the Highway Superintendent, the subdivision will not have an adverse impact on the existing Town drainage system.

There is a letter in the file from Niagara County Department of Health regarding the approved sewage disposal system for this subdivision.

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

James McIntyre made a motion to approve this request to combine two lots into one as presented. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

DUFFY JOHNSTON SUBDIVISION REQUEST

Duffy Johnston came before the Planning Board with a request to subdivide 23 acres of his property. This property is known as “debt for nature”. Chris Reid will purchase the property and attach it to his home on Youngstown-Lockport Road. Duffy Johnston will then have a lot with a house on it approximately 1.49 acres. The Planning Board approves of this concept and Mr. Johnston will need to schedule a Public Hearing.

CHRIS REID SUBDIVISION REQUEST

Chris Reid came before the Planning Board to request permission to attach the 23 acres he is purchasing from Mr. Johnston to his property on Youngstown-Lockport Road. The Planning Board approves of this concept and Mr. Reid will need to schedule a Public Hearing in order to combine the 23 acres to his property.

VERIZON CELL TOWER

A request has been submitted to the Zoning Board of Appeals for a cell tower to be placed on Timothy Senek’s property on Youngstown-Wilson Road in Ransomville. This request has been before the Zoning Board of Appeals and it is scheduled to come before the Niagara County Planning Board on October 20, 2008.

Two representatives from Verizon presented the site plan. The addition of this cell tower would greatly improve the cell coverage for Verizon customers in the area. A map was presented that clearly detailed the areas in the town that currently do not have sufficient cell phone coverage. With the addition of this tower, the coverage would be significantly improved. The proposed tower will fill in the gaps for coverage.

The representative spoke about site propagation regarding finding the best location for the tower in the northeast portion of the town, particularly along Lake Road.

The Planning Board recommends approval of the site plan upon town engineer approval of the State Environmental Quality Review. The Zoning Board is the lead agency in this project. The Planning Board feels that excellent documentation has been presented for this request. The Planning Board further recommends that the design of the tower be 150' – 175' as necessary in the future for up to three additional co-locations on the town. The Planning Board requests that the town engineer review the SEQR form and report back to the town on their findings.

Jipp Ortiz made a motion to approve the site plan of Verizon as presented and recommends further that the Zoning Board be the lead agency. James McIntyre seconded the motion. All in favor; motion unanimously carried.

MARK AND BILL FOX SUBDIVISION REQUEST

Mark and Bill Fox would like to combine two lots on Lockport Street before Creek Road. In order to obtain financing from the mortgage company the lots must be put together. Mark and Bill Fox are making this request. Sketch plan approval was given tonight. Chairman Spira explained that a Public Hearing would be necessary. Anthony Collard made a motion to approve the sketch plan as presented. Jipp Ortiz seconded the motion. The motion was carried with James McIntyre abstaining.

ZONING BOARD OF APPEALS REFERRALS – none

ATTORNEY DOWD REPORT

Mr. Dowd is working on the model law regarding the alternate serving on the Planning Board. If anyone has the July/August Talk of the Town magazine forward it to him.

CODE ENFORCER ROGERS REPORT

Mr. Rogers presented a list of permits issued in the month of September.

Anthony Collard and Jipp Ortiz presented the proposed new zoning map for the town of Porter. The final map of the zoning is has been completed. There will be a joint meeting of all the boards of the town to be held October 27 at the town hall. Ultimately this action will require a public hearing.

With no more business to come before the Planning Board Donald McCollum made a motion to adjourn the meeting. Jipp Ortiz seconded the motion. Meeting adjourned at 8:50 p.m.

Respectfully submitted,
Pamela F. Parker, Secretary
Town of Porter Planning Board