

Anthony Collard called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on **Thursday, October 7, 2010**. Chairman Spira was absent. Mr. Collard introduced the members of the Planning Board. Mr. Collard read over the agenda for tonight's meeting and added Ben Sutherland/Laurene Buckley, ABC Nursery School and East Garrison Development.

#### **APPROVE SEPTEMBER 2, 2010 MINUTES**

The minutes of the September 2, 2010 Planning Board were discussed and it is noted that on page 2, line 16, the sentence regarding the M1 district should be deleted. Thomas Oddy made a motion to approve the minutes as amended. Jipp Ortiz seconded the motion.

#### **FRANKLIN MILLER ESTATE PUBLIC HEARING**

Anthony Collard read the following Notice of Public Hearing:  
Subdivision request of Elaine M. Martin, Karolyn J. Miller, Norman C. Miller, Marilyn J. Miller, to subdivide the Franklin Miller estate at 1878 Balmer Road, Ransomville, NY.

**Lot 1: BEGINNING** at a point in the north line of Lot 1, said north line of Lot 1 being the center line of Balmer Road (66.0 feet wide), said point being 1,745.72 feet west of the northeast corner of Lot 1; Thence westerly along the north line of Lot 1, a distance of 217.74 feet to a point; Thence southerly at an interior angle of 87°55'00" a distance of 211.86 feet to a point; Thence southwesterly at an interior angle of 192°52'00", a distance of 574.00 feet to a point; Thence continuing in a southwesterly direction, at an interior angle of 170°53'00", a distance of 200.00 feet to a point; Thence continuing in a southwesterly direction, at an interior angle of 191°12'07", a distance of 112.00 feet to a point; Thence continuing in a southwesterly direction, at an interior angle of 191°24'00", a distance of 405.00 feet to a point; Thence continuing in a southwesterly direction, at an interior angle of 201°07'00", a distance of 45.55 feet to a point; Thence southerly at an interior angle of 134°26'06", a distance of 2,500.24 feet to a point in the southerly line of Lot 1; Thence easterly along the southerly line of Lot 1 at an interior angle of 89°21'47", a distance of 527.48 feet to a point; Thence continuing northerly at an interior angle of 91°02'12", a distance of 3,745.64 feet to a point; Thence northerly at an exterior angle of 180°51'12", a distance of 233.00 feet to the point or place of beginning. The above course forms an exterior angle of 89°22'00" with the north line of Lot 1; Containing within said bounds 41.550 acres of land more or less.

**EXCEPTING** there from Land Appropriated by the Niagara County Department of Public Works – Highway Division as designated as Parcel Number 86-109-20, Map Number 15 & Parcel Number 86-109-22, Map Number 17.

**Lot 2: BEGINNING** at a point in the north line of Lot 1, said north line of Lot 1 being the center line of Balmer Road (66.0 feet wide), said point being 1,545.72 feet west of the northeast corner of Lot 1; Thence westerly along the north line of Lot 1, a distance of 200.00 feet to a point; Thence southerly at an interior angle of 89°22'00" a distance of 233.00 feet to a point; Thence continuing in a southerly direction, at an interior angle of 180°51'12", a distance of 3,745.64 feet to a point in the southerly line of Lot 1; Thence easterly at an interior angle of 88°57'48" along the southerly line of Lot 1, a distance of 250.00 feet to a point; Thence northerly at an interior angle of 90°16'00" along a line being parallel with the east line of Lot 1, a distance of 3,975.22 feet to the point or place of beginning, The above coarse forms an interior angle of 90°33'00" with the north line of Lot 1; Containing within said bounds 20.392 acres of land more or less.

**Lot 3: BEGINNING** at a point in the north line of Lot 1, said north line of Lot 1 being the center line of Balmer Road (66.0 feet wide), said point being 1,963.46 feet west of the northeast corner of Lot 1; Thence westerly along the north line of Lot 1, a distance of 334.00 feet to a point; Thence southerly at an interior angle of 89°49'13" a distance of 1,485.90 feet to a point; Thence northeasterly at an interior angle of 45°33'54", a distance of 45.55 feet to a point; Thence continuing in a northeasterly direction, at an exterior angle of 201°07'00", a distance of 405.00 feet to a point; Thence continuing in a northeasterly direction, at an exterior angle of 191°24'00", a distance of 112.00 feet to a point; Thence continuing in a northeasterly direction, at an exterior angle of 191°12'07", a distance of 200.00 feet to a point; Thence continuing in a northeasterly direction, at an exterior angle of 170°53'00", a distance of 574.00 feet to a point; Thence northerly at an exterior angle of 192°52'00", a distance of 211.86 feet to the point or place of beginning. The above coarse forms an exterior angle of 87°55'00" with the north line of Lot 1; Containing within said bounds 7.922 acres of land more or less. **EXCEPTING** there from Land Appropriated by the Niagara County Department of Public Works – Highway Division as designated as Parcel Number 86-109-20, Map Number 15 & Parcel Number 86-109-22, Map Number 17.

This is a request to subdivide 68 acres of land at 1878 Balmer Road between Porter Center Road and Dickersonville Road in Ransomville. This property is located on the south side of the road. The southern portion of the land borders on the town of Lewiston, therefore a referral to the Niagara County Planning Board is required. The subdivision will be granted contingent upon approval of the Niagara County Planning Board.

The lots will be very long and narrow. With no comments from the Planning Board or audience, Jipp Ortiz made a motion to close the Public Hearing portion of the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried.

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

Mr. Collard read a letter from Conestoga-Rovers & Associates regarding their drainage review. Based upon their review, the proposed subdivision will not have an adverse impact on the existing Town drainage system. Therefore, they recommend approval of the requested subdivision.

Jipp Ortiz made a motion to approve the three-lot subdivision of the Franklin Miller estate as requested, contingent upon approval of the Niagara County Planning Board. Donald McCollum seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Donald McCollum, yes; Thomas Oddy, yes; Anthony Collard, yes. Motion unanimously approved.

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

Michael Ricciardelli, 1757 Lake Road, Youngstown, is requesting a side set variance from fifteen (15) feet to five (5) feet in order to build an addition on the west side of his property. Linda Scott came before the Planning Board to represent this request. There is a letter in the file giving Ms. Scott permission to represent Mr. Ricciardelli. The construction is necessary on the west side because the septic tank, electric service and telephone service are on the east side of the building. The lot is 100' by 160'. The addition cannot be on the north side because of the erosion of the bluff along Lake Ontario. The Planning Board is concerned about the safety access with only five feet between houses. The cottage to the west is approximately 15 feet from the lot line according to a relative of Garrett Owler, the owner of the cottage to the west. That being the case, twenty feet would be left between the houses if the variance is granted. The Planning Board recommends that the Zoning Board of Appeals approve this request to allow a five (5) foot side set variance. Thomas Oddy recommends that the Zoning Board of Appeals confirm the twenty feet between the Ricciardelli dwelling and the Owler dwelling before final approval is given.

### **RANSOMVILLE FREE METHODIST CHURCH/ABC NURSERY SCHOOL**

This is a request for the ABC Nursery School, 3924 Ransomville Road, Ransomville, to renew their special use permit to operate a Nursery and Day Care facility. The Planning Board recommends that the Zoning Board of Appeals approve this request to renew the permit and recommends the special permit be renewed for ten (10) years.

### **BEN SUTHERLAND/LAURENE BUCKLEY**

This is a request of Ben Sutherland who owns a house along Old Lake Road. He would like to purchase a vacant lot from Ms. Buckley in order to build a garage across from his home. The lot being referenced is 21.17-1.52.12 on the tax map. There is a letter in the file giving Mr. Sutherland permission to act in Ms. Buckley's behalf. A variance is needed in order to build a garage on a vacant lot without a home on the lot.

Perhaps a deed restriction could be put in place to stop the owner (Mr. Sutherland) from selling the garage parcel without the house parcel. The lot is almost one acre in size. A sketch drawing was presented that shows the concept of the garage on the lot. The entrance will be on Old Lake Road. This will be a two or three car garage. Michael Dowd, attorney for the Town, would like to make this a single tax map comparable to the lots on River Road that are owned on a single deed. The tax maps were examined in order to determine if the lots are contiguous.

The Planning Board recommends that a site plan be presented to the Zoning Board of Appeals at their next meeting in order to determine the exact size and placement of the garage. The ideal resolution is to combine the lots into one lot. Mr. Sutherland is advised to contact the town's assessor and building inspector in order to gather information regarding combining the two lots. The Planning Board would prefer that the two lots be combined into one lot.

#### **EAST GARRISON DEVELOPMENT.**

Richard Haight, P.E., came before the Planning Board to discuss the eighteen (18) -unit developments that is planned. There is a letter from Conestoga-Rovers & Associates. There is a modification of the original site plan. This is well done on the site plan. Mr. Haight gave an overview of the new site plan and pointed out the modifications. The Site civil drawing package issued by Advanced Design Group 8/07/2007, revised 9/22/10 was reviewed by CRA. The following condition from the August 7 ,2007 recommendation by CRA needs to be addressed. "Based on our August 2 (2007) Planning Board meeting and our August 6 (2007) site visit to Old Lake Road with the Highway Superintendent, it is our understanding that the town will make the necessary improvements within the existing right-of-way to accommodate fire trucks and other utility vehicles." Thomas Oddy read from the Conestoga-Rovers & Associates letter and raised a concern regarding a statement that was made three years ago. The condition of the town road is in question.

CRA further states that, based upon their review of available information, they have concluded that the revised site drawings are acceptable and in substantial accordance with Town Code.

Scott Hillman, Highway Superintendent for the town, will need to address this concern. A letter will be sent to Mr. Hillman, requesting his presence at the next Planning Board meeting in November in order to elaborate on the improvement of the road.

#### **CODE ENFORCER REPORT**

Roy Rogers submitted his reports for the Month of September.

#### **ATTORNEY DOWD REPORT**

Nothing to report.

With no further business to come before the Planning Board tonight, Thomas Oddy made a motion to adjourn the meeting. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:15 p.m.

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