

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. Thursday, **December 1, 2011**. Donald McCollum was absent. Chairman Spira read over the agenda for tonight's meeting.

APPROVE NOVEMBER 3, 2011 MINUTES

Jipp Ortiz read over the minutes of the November 3, 2011 Planning Board meeting. With no additions or corrections, Thomas Oddy made a motion to approve the minutes as submitted. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

THOMAS STACK SUBDIVISION REQUEST

Thomas Stack came before the Planning Board to request a subdivision of his property at 972 Lake Road, Youngstown. The parcel has been surveyed. A substandard lot is being created. Mr. Stack would like to sell seventy-five (75) feet to the neighbors. The property has been re-surveyed in order to comply with the 125 foot frontage as required by town law.

Chairman Spira explained that in November, 2011 a new zoning law was implemented that requires a minimum of 125 feet of frontage on each lot in a rural agriculture area. The neighbor would like to purchase the parcel that Mr. Stack is subdividing and does not intend to attach it to her property. The neighbor was informed that the Town Board and Planning Board would not allow a substandard lot to be created. The neighbor maintains that the lot would be kept vacant in order to preserve her privacy. Chairman Spira and Attorney Dowd again stressed that a substandard lot would not be allowed. The neighbor was advised to request an area variance from the Zoning Board of Appeals who would also deny the request to create a substandard lot.

The neighbor was advised that if she purchased the seventy-five (75) foot wide lot it would have to be attached to her property. She feels that the town had allowed substandard lots to be created in the past. She was assured that the Planning Board would never approve a substandard lot to be created unless it was being attached to an existing lot in order to be in compliance with town code. Chairman Spira explained the process that is required to attach the intended newly created seventy-five (75) foot wide parcel to her existing parcel. The neighbor is concerned about the tax value of the property increasing with the creation of a larger lot. Susan Driscoll explained that the taxes may be less when the larger lot is created.

Thomas Stack asked what the timeline would be to get this request for subdivision to a Public Hearing at the January 5, 2012 Planning Board meeting. He was informed that five surveys and a legal description would need to be submitted three weeks prior to the January 6, 2012 date.

Maxwell Coykendall, representing the estate of Clarence Jackson, came before the Planning Board to request a two lot subdivision at 704 Lake Road, Youngstown, NY. This is a two lot subdivision and both parcels are being sold. There is a driveway and a bridge. There will not be an encroachment when the lots are sold. The purpose of this request is to make the driveway wider. The request is to move the property line to the east. Roy Rogers will decide the address that is given to each parcel.

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

Chairman Spira read a letter from Conestoga-Rovers & Associates regarding the drainage review of this request for minor subdivision. Based upon their review of available information, the subdivision will not have an adverse impact on the existing Town drainage system. Conestoga-Rovers & Associates recommend approval of this subdivision request.

Chairman Spira read the Short Environmental Assessment form Part I – Project Information completed by the applicant. Part II – Impact Assessment – was completed by the Planning Board. Anthony Collard made a motion that based on the information and analysis above and supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

Jipp Ortiz made a motion to approve this two-lot subdivision request. Anthony Collard seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Thomas Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

UPDATE ON WIND ENERGY CONVERSION SYSTEM PROJECT

Town Attorney Michael Dowd reported on the progress of the Wind Energy Conversion System(s). Conestoga, Rovers and Associates and Michael Dowd have requested information regarding the ownership of the Balmer Road property and have not received any correspondence yet. The Town Board has asked that the possibility of placing four towers on the Balmer Road/Army land that is leased to the United States Air Force.

This property needs to go to the Pentagon for approval and that process could take about one year. Two twenty kilowatt towers will not fit on the property. The Town Board is looking to see if the Army Corp of Engineers is okay with the fall zone. The Braley Road site and Porter-On-The-Lake property is not an option.

CODE ENFORCER ROY ROGERS REPORTS

Roy Rogers submitted his monthly reports and the Planning Board read over them.

TRAINING AT NCCC

Thomas Oddy and Donald McCollum recently attended a training session at Niagara County Community College. Thomas Oddy reported that the session was very informative. It was broken into three sections – Niagara County Department of Economic Development permitting and project review process, Short Environmental Assessment form, and Keeping the Comprehensive Plan up to date.

Michael Dowd reported that the Special Use Permit process will be going back to the Zoning Board. Mr. Dowd will put together a law change to the local Zoning Law. A Public Hearing will be held. Upon the law being adopted, the Zoning Board of Appeals will resume the Special Use Permit process.

With no further business to come before the Planning Board tonight, Anthony Collard made a motion to adjourn the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:15 p.m. The next regular meeting of the Planning Board will be January 5, 2012 at 7:00 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board