

The regular meeting of the Town of Porter Planning Board was called to order at 7:00 p.m. on Thursday, January 5, 2012 by Vice Chairman Anthony Collard. George Spira and Susan Driscoll were excused. Jipp Ortiz read over the agenda for tonight's meeting.

APPROVE December 1, 2011 Planning Board MINUTES

Thomas Oddy read over the minutes of the **December 1, 2011** Planning Board meeting and the following corrections were made. Page 1 paragraph 4 line one should read "Chairman Spira explained that in November, 2010 a new zoning law was implemented" and the last line of page one should read "**January 5, 2012.**" With no more additions or corrections, Jipp Ortiz made a motion to approve the minutes as amended. Thomas Oddy seconded the motion. All in favor; motion unanimously carried.

THOMAS STACK PUBLIC HEARING

Vice Chairman Collard read the following Notice of Public Hearing:

Subdivision request of Thomas Stack, 972 Lake Road, Youngstown to subdivide one lot from his property.

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 23, Township 15, Range 9 of the Holland Land Company's survey.

Lot 1: Beginning at a point which is 1452 feet north from the south line of said Lot 23 and 500 feet west from the southeast corner of the said lands conveyed to James L. Allen and wife by deed recorded in the Niagara County Clerk's Office in Liber 981 of Deeds, page 259, as measured along said south line, said point also being southeast corner of lands conveyed to Herbert J. Allen and wife by deed recorded in Liber 1461 of Deeds, page 583; thence westerly on a line parallel to the south line of said lot 23, a distance of 125 feet to a point; thence northerly at an interior angle of 80° along a line parallel to the west line of lands conveyed to Herbert J. Allen and wife by deed recorded in Liber 1413 of Deeds at page 893, a distance of 252.23 feet to a point in the southerly line of Lake Road (a/k/a Creed Road Relocation) as laid down of Plan of Niagara Parkway, Section 4, Map No. 22R251, made by senior Dissell and Bronkie January 3, 1963; thence northeasterly along the south line of said Lake Road a distance of 127.35 feet to the northeast corner of lands conveyed to Herbert J. Allen and wife by deed recorded in Liber 1461 of Deeds at page 583; thence along the easterly side of Allen lands a distance of 276.52 feet to the point or place of beginning.

Lot 2: Beginning at a point in lot 23 a distant 1452 feet north from the south line of lot 23 and 625 feet west from the southwest corner of land conveyed to James L. Allen and Veldren B. Allen by deed recorded in Liber 981 of deeds at page 259, measured. Thence westerly parallel with the south line of lot 23 distance of 75 feet; thence northerly a distance of 236.38 feet; thence easterly along the south line of Creek Road Relocation a distance of 76.85 feet; thence southerly on a straight line a distance of 252.23 feet to the point or place of beginning. This parcel is known as tax map no. 46.00-1-62.

Thomas Stack came before the Planning Board to represent this request to subdivide a seventy five foot (75') parcel from the west side of his property. It is so noted that by doing this a substandard lot will be created. With no questions or comments from the Planning Board members 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.

Vice Chairman Collard read a letter from CRA Infrastructure & Engineering regarding this request to subdivide one lot from the property at 972 Lake Road. They stated that "Based upon our review of available information, the subdivision will not have an adverse impact on the existing Town drainage system. However, this subdivision would create a substandard lot (Lot2). The minimum lot width and road frontage requirement in a rural agricultural zoning district is 125 feet. Lot 2 has a lot width of approximately 75 feet."

Vice Chairman Collard read over Part I, Project Information, of the Short Environmental Assessment form and completed Part II – Impact Assessment, on behalf of the Planning Board. Jipp Ortiz made a motion that based on the information and analysis given the proposed action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Jipp Ortiz made a motion to approve this one lot subdivision request conditioned upon the substandard lot that is being created being attached to the neighbor' property, Michael C. Arrowsmith and Giselle V. Horvath, 964 Lake Road (tax map no. 46.00-1-61). Donald McCollum seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Donald McCollum, yes; Thomas Oddy, yes; Vice Chairman Collard, yes. Motion unanimously carried.

The two lot subdivision has been conditionally approved pending the substandard parcel being attached to the neighbor's property at 964 Lake Road. Attorney Dowd said that normally the process required for this to be done is to have the neighbors attaching the substandard lot to their parcel is to hold two Public Hearings on the same day in order to complete the process. However, this has not been done tonight, therefore a Public Hearing will be scheduled for February at which time Mr. Arrowsmith and Ms. Horvath will complete the process by attaching the substandard 75' parcel to their parcel. Ms. Horvath was given the necessary paperwork in order to get this done. The Planning Board will not require Mr. Arrowsmith and Ms. Horvath to submit surveys with this request, however, a legal description of the new lot being created will be required in order to place notification in the newspaper.

ASSESSOR MERGE – ROBERT W. REESE, JR. AND CAROL M. REESE

The Planning Board recommends that the Assessor for the Town merge the following properties located in the town: tax map no. 33.10-2-112 and 33.10-2-1.3 (1821 Lake Road).

CODE ENFORCER REPORT

Roy Rogers, Code Enforcer for the Town, reported that Jennifer L. Berglund, 2011 Balmer Road, Ransomville, is operating an animal kennel or shelter without the required permit to operate such a business. Animal kennels or shelters are permitted in her zoning area only upon approval of a site plan issued by the Town of Porter Planning Board after a public hearing. Also, Grandpaws, Inc. 1650 Braley Road, Youngstown has changed ownership. The special permit issued in December 2006 is not assignable or transferable. Therefore, the new owners are required to apply to the Town of Porter Planning Board for a new permit, subject to a site plan review and public hearing. Both businesses have been notified by the Code Enforcer.

Mr. Rogers also submitted a Building Department Report for December, 2011, a Permit Monthly Report for December, 2011 and a Complaints by Date report for December, 2011. A resident asked Mr. Rogers to check on a house on Ransomville Road belonging to Mr. Westmoreland, three houses south of New Road on the west side of the road. It is unsightly and has been that way for a very long time.

ATTORNEY MICHAEL DOWD REPORT

Mr. Dowd reported that the Zoning Board of Appeals will soon have the authority to grant Special Use Permits, not the Planning Board. There will be a change made to the local law soon.

With no further business to come before the Planning Board tonight, Jipp Ortiz made a motion to adjourn the meeting. Donald McCollum 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