

# Revised Draft—draft---draft

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, February 3, 2011. All members were present. Chairman Spira read the agenda for tonight's meeting and welcomed everyone.

## **APPROVE JANUARY 6, 2011 MINUTES**

Chairman Spira read aloud the minutes of the January 6, 2011 Planning Board meeting and with no additions or corrections, Thomas Oddy made a motion to approve the minutes as presented. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

## **ELAINE BELL PUBLIC HEARING**

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of Elaine M. Bell, 2111 Lake Road, Youngstown, NY, to subdivide her property at 1656 Braley Road, Youngstown, N.Y.

**Parcel One** All that Tract or Parcel of land situate in the Town of Porter, County of Niagara, State of New York, being part of Lot 10, Township 15, Range 9 of the Holland Land Company's survey, being further described as follows; Beginning at the northwest corner of Lot 10, Township 15, Range 9. Running thence southerly along the west line of Lot 10, 33.0 feet to the true point or place of beginning. Continuing southerly along the west line of Lot 10, 570.31 feet to a point. Running thence easterly and parallel to the north line of Lot 10, 728.33 feet to a point. Running thence northeasterly at an interior angle of 101 degrees, 06 minutes, 13 seconds, 581.18 feet to a point on the south line of Brayley Road ( a 66 foot wide right-of-way ), said centerline of Brayley Road being the north line of Lot 10. Running thence westerly along the south line of Brayley Road, 837.51 feet to the point or place of beginning. Said Parcel of land containing 10.25 acres of land, being the same more or less.

**Parcel Two** All that Tract or Parcel of land situate in the Town of Porter, County of Niagara, State of New York, being part of Lot 10, Township 15, Range 9 of the Holland Land Company's survey, being further described as follows; Beginning at the northwest corner of Lot 10, Township 15, Range 9. Running thence southerly along the west line of Lot 10, 603.31 feet to the true point or place of beginning. Continuing southerly along the west line of Lot 10, 1096.71' feet to a point. Running thence easterly and parallel to the north line of lot 10, 1070.01' to a point. Running thence northerly and parallel to the west line of Lot 10, 1667.02' feet to a point on the south line of Brayley Road ( a 66 foot wide right-of-way ), said centerline of Brayley Road being the north line of Lot 10. Running thence westerly along the south line of Brayley Road, 232.50 feet to the point. Running thence southwesterly forming an exterior angle of 78 degrees, 53 minutes, 47 seconds, 581.18 feet to a point. Running thence westerly and parallel to the north line of Lot 10, 728.33 feet to the point or place of beginning. Said Parcel of land containing 30.70 acres of land, being the same more or less.

**Parcel Three** All that Tract or Parcel of land situate in the Town of Porter, County of Niagara, State of New York, being part of Lot 10, Township 15, Range 9 of the Holland Land Company's survey, being further described as follows; Beginning at a point on the South line of Brayley Road said point being 1070.01' feet east of the east line of lot 10, said centerline of Brayley Road being the north line of Lot 10. Running thence southerly and parallel to the west line of lot 10, 1667.02' feet to a point. Running thence westerly and parallel to the north line of lot 10, 1070.01' feet to a point on the west line of lot 10. Running thence southerly along the west line of lot 10, 609.86' feet to a point. Running thence easterly forming an

interior angle of 90 degrees, 04 minutes, 55 seconds, 1417.02' feet to a point. Running thence northerly and parallel to the west line of lot 10, 1667.02' feet to the south line of Brayley Road. Running thence westerly along the south line of Brayley Road, 347.01' feet to the point or place of beginning. Said Parcel of land containing 33.26 acres of land, being the same more or less.  
This property is known as tax map no. 47.00-1-32

Elaine Bell was present to support this request. This is a request to subdivide one seventy-five acre parcel into three separate parcels: 10.25 acres, 30.70 acres and 33.26 acres. Susan Driscoll displayed the area being subdivided on the screen. There are two houses on the parcel. One of the parcels has a business "Grandpaws" that has a special permit from the town to operate. There is also a house on the parcel with the Grandpaws special permit business. With no questions or comments from the audience or Planning Board, Jipp Ortiz made a motion to close the Public Hearing portion of the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously.

Chairman Spira read the Short Environmental Assessment form. Part I, Project Information, has been completed by the applicant. Chairman Spira completed Part II, Impact Assessment, on behalf of the Planning Board. Jipp Ortiz made a motion that, based on the information and analysis presented the proposed action will not result in any significant adverse environmental impacts. 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 field observations and review of available information they state the subdivision will not have an adverse impact on the existing Town drainage system. It is noted that a portion of parcel three is within the National Wetlands Inventory. This item is not expected to have an impact on the proposed requested action.

Donald McCollum made a motion to approve this request to subdivide three lots as presented. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Donald McCollum, yes; Thomas Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

### **KEITH SHAW SPECIAL PERMIT RENEWAL**

Keith Shaw, 1434 Lake Road, Youngstown, would like to renew his Special Use Permit No. SP-287-2006 to operate a repair garage for agricultural equipment and lawn mower repair. This is a request for the continuation of a non-conforming use (Article IX). This is a prior non-conforming use and can be continued according to Michael Dowd, attorney for the town.

After discussion of this request for a special use permit at tonight's meeting this request will go to Public Hearing in March. Chairman Spira went over some of the provisions of § 107 Special Use Permit section of the Zoning Law of the Town of Porter adopted November 8, 2010.

### **DESTINO'S PIZZA/CAR SALES REQUEST FOR A SPECIAL PERMIT**

Susan Driscoll asked what would be necessary for a car sales operation in the parking lot of Destino's Pizza business. The Planning Board requests the owner provide a copy of the lease before coming in to the March meeting. A pre-submission consultation will be required prior to the preparation of the Site Plan (as outlined in § 106 Site Plan Review, D).

### **ATTORNEY DOWD REPORT**

Michael Dowd spoke about the procedures involved with the Special Use Permit section of the Town of Porter Zoning Law. Mr. Dowd will guide the Planning Board through this process.

### **CODE ENFORCER REPORT**

Roy Rogers, Code Enforcer for the Town, provided three reports of activity for the month of January.

### **CONESTOGA-ROVERS & ASSOCIATES**

Christian Amico, project engineer for Conestoga-Rovers & Assoc. reported he has been working on the Wastewater treatment plan for Lewiston and Porter.

A concern from the audience was raised regarding the workload of the Code Enforcer, Roy Rogers, who works part time for the Town. It is the feeling of the resident, as well as the Planning Board, that the responsibilities involved with the Building Inspector/Code Enforcer require substantially more hours in order to do the job well. The Planning Board and the resident feel that Mr. Rogers needs more help.

With no further business to come before the Planning Board, Anthony Collard made a motion to adjourn the meeting. Donald McCollum seconded the motion. All in favor; meeting adjourned at 8:20 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary  
Town of Porter Planning Board