

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order on Thursday, March 5, 2009. James McIntyre was absent. Chairman Spira read the agenda aloud and added Virginia Pearce subdivision request.

APPROVE FEBRUARY 5, 2009 MINUTES

Anthony Collard made a motion to approve the minutes of the February 5, 2009 Planning Board as submitted. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

JOHN & GENINE PUBLIC HEARING

Chairman Spria read the following Notice of Public Hearing: Subdivision request of John and Genine Golba, 4711 Curtiss Court North, Lewiston, NY, to subdivide their property at 3933 Calkins Road, Youngstown, NY. 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 29, Township 15, Range 9 of the Holland Land Company's Survey and being more particularly described as follows: BEGINNING in the centerline of Calkins Road a Town of Porter right-of-way 49.5 feet in width at the northwest corner of lands of Dingman by deed filed in the Niagara County Clerks office in liber 672 of deeds, page 163; running thence easterly along the north line of Dingman a distance of 234.87' feet to a point; running thence southerly at an interior angle of 89°-49'-12" a distance of 201.42' to a point; running thence westerly at an interior angle of 90°-10'-48" a distance of 382.32' to a point in the centerline of said Calkins Road; running thence northeasterly along the centerline of said Calkins Road and at an interior angle of 53°-40'-40" from the previous course a distance of 250.00' feet to the point or place of beginning. Subject to the rights of the public in and to that portion that lies within the bounds of Calkins Road. Area: 1.28 acres ± (excludes lands with the right-of-way) This property is known as tax map. No. 59.00-2-76 and 59.00-2-77.

This property is located at 3933 Calkins Road. Two lots are being combined into one parcel and a home is being built in the middle. There was no one at the meeting to represent this action, however, the Planning Board went ahead with the request. This property is located on the east side of Calkins Road. With no comments or questions from the Planning Board or audience, Anthony Collard made a motion to close the Public Hearing portion of the meeting. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read the Short Environmental Assessment Form and completed Part II (Impact Assessment) on behalf of the Planning Board. Donald McCollum made a motion that, based on the information and analysis the proposed action will not result in any significant adverse environmental impacts. Anthony Collard seconded the motion. All in favor; motion unanimously carried. It is noted that Mr. & Mrs. Golba have not signed the SEQR form and must do so before the subdivision can be approved.

Chairman Spira read a letter from CRAWorld Associates and Engineering and approval with respect to drainage was given.

Roy Rogers, Code Enforcer, has the septic design drawings in the file.

Anthony Collard made a motion to approve this request to combine two lots into one contingent upon Mr. & Mrs. Golba's signature on the SEQR form. Donald McCollum seconded the motion. A roll call vote resulted in the following: Anthony Collard, yes; Jipp Ortiz, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

WILLIAM FOX PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing: Subdivision request of William Fox, 913 Lockport Road, Youngstown, NY.

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 27, Township 15, Range 9 of the Holland Land Company's Survey and being more particularly described as follows: BEGINNING at the Southwest corner of Sublot 9 as shown on a map entitled "Tower North Subdivision" by William Gidlow, P.E. filed in the Niagara County Clerks office on January 18, 1955 in Book 53 of Maps at page 1329, now in book 36 of Microfilmed maps at page 3509; running thence northwesterly a distance of 250.00' feet to the northwest corner of subplot 9; running thence northeasterly at an interior angle of 90°-00'-00" from the previous course a distance of 200.00' to a point; running thence southeasterly at an interior angle of 90°-00'-00" from the previous course a distance of 250.00' to a point; running thence southwesterly at an interior angle of 90°-00'-00" a distance of 200.00' feet to the point or place of beginning. Subject to the rights of the public in and to that portion that lies within the bounds of Youngstown-Lockport Road. Area: 0.996 Acres (excludes that portion that lies within the bounds of Youngstown-Lockport Road). This property is known as tax map no. 40.03-1-13 and 40.03-1-14.

This is a request to combine two lots at 913 Lockport Road, across the street from the Town Hall. 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. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read the Short Environmental Assessment Form and completed Part II (Impact Assessment) on behalf of the Planning Board. Anthony Collard made a motion that, based on the information and analysis the proposed action will not result in any significant adverse environmental impacts. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter from CRAWorld Associates and Engineering and approval with respect to drainage was given.

Anthony Collard made a motion to approve this request to combine two lots into one. Donald McCollum seconded the motion. A roll call vote resulted in the following: Anthony Collard, yes; Jipp Ortiz, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

JOHN PALERMO SUBDIVISION REQUEST

John Palermo, 617 Blairville Road, would like to purchase a ½ acre vacant lot next to his property and combine the lots. Santo Candella is the owner of the ½ acre property. Mr. Candella needs to come before the Planning Board in order to proceed with this request, in as much as he is the owner of the property. There was a question asked about the ownership of the property. Does it belong to Mr. Candella or Mr. Bryk? The answer was not clear. After looking at the town maps, it was not easily resolved. Susan Driscoll will look into the matter to see if a subdivision of this parcel has already occurred without Planning Board approval.

Ownership of the parcel is in question. This must be resolved before anything can be done regarding this subdivision request. John Palermo will look into this matter with Santo Candella and will let Roy Rogers know the answer.

The Planning Board approves on the concept of this request and Jipp Ortiz made a motion to approve the sketch plan as presented. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

VIRGINIA PEARCE SUBDIVISION REQUEST

Valerie Culverwell came before the Planning Board to discuss the matter of a deed being filed without Planning Board approval. Valerie submitted a letter giving her permission to act on behalf of her mother, Virginia Pearce. This property is located at 3597 & 3601 Curtiss Avenue. A deed was filed in the county clerk's office May 2007 because Mrs. Pearce had a septic system put in that was on an adjoining parcel. She was advised to combine the two lots and did so. Mrs. Pearce also owns a parcel of land behind 3597 & 3601 Curtiss. This parcel is not included in the lots that are being combined.

This is a sketch plan review tonight. A public hearing is required. Jipp Ortiz made a motion to approve this sketch plan as presented. Anthony Collard seconded the motion. All in favor; motion unanimously carried. A Public Hearing will be scheduled when the necessary documentation has been submitted to the Planning Board.

DRAFT SUBDIVISION REGULATIONS

Supervisor Wiepert would like the Planning Board to look over the draft subdivision regulations and provide feedback and comments. Chairman Spira announced that a work session will be held on Thursday, March 26 at 7:00 p.m. at the town hall to discuss the draft subdivision regulations and provide feedback to the town board. A notice will be placed in the local paper regarding the meeting.

Chairman Spira will conduct a work session in the spring of 2009 for the purpose of training on the Planning Board Overview that he attended at the Association of Towns recently held in New York City. The New York State Department of State, Office of Coastal, Local Government and Community Sustainability conducted the seminar Chairman Spira attended. Attendance at this work session will count toward the four

hours of mandatory training required yearly in order to remain a member of the Planning Board.

ZONING BOARD OF APPEALS REFERRAL

David Jakubowski, 1135 Cain Road, is requesting a five-year renewal of a special permit to operate a golf repair shop. The Planning Board recommends **approval** of this request.

ATTORNEY MICHAEL DOWD REPORT

Attorney Dowd reported that Mr. Freck has filed a claim regarding property damage that occurred when the town of Porter had a structure removed from his property. The insurance company for the town has denied coverage of this claim.

CODE ENFORCER REPORT

Roy Rogers submitted an Order of Violation report, Building Department Report, and Permits Issued for the month of February 2009.

With no further business to come before the Planning Board tonight, Anthony Collard 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