

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order on **Thursday, April 12, 2012** at 7:00 p.m.

APPROVE MARCH 1, 2012 MINUTES

Thomas Oddy read over the minutes of the April 12, 2012 Planning Board meeting and discussed them. Jipp Ortiz made a motion to approve the minutes as submitted. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

PORTER HOUSE REZONING REQUEST AT 681 BLAIRVILLE RD., (SBL#59.00-2-18) from current 'residential' to 'commercial'

Mary Ohanessian and her siblings are in the process of selling their property at 681 Blairville Road, Youngstown. This property was known as the Porter House and operated as a restaurant, bar and volleyball league site. The property has not been in operation for the past few years. The property owners would like to sell the property and understand that the zoning has been changed to residential. Potential buyers have been reluctant to pursue purchasing the property because they fear the property is no longer zoned commercial. The owners would like to request that the property zoning be changed back to commercial.

The Planning Board informed Ms.Ohanessian that the zoning has not been changed in the area, therefore the Porter House must have been operating under a Special Use permit. 681 Blairville Road is located in a Low Density Residential area. According to the town's zoning law, a commercial use is not allowed in this area, however, a special use permit must have been issued in the past. The owners would like to change the zoning to commercial status in order to market their property. A letter from Albert Walton, Licensed associate sales person with Realty USA was submitted outlining the issues involved when marketing the property as residential versus commercial.

The Planning Board feels that Commercial Mixed Use should be the new zoning if a business is going to be allowed. Chairman Spira read from Section 12 of the Zoning Law regarding Commercial mixed Use. If this parcel is rezoned it would not require a special use permit to operate it as it was when it was the Porter House. Another option would be for the new owners to request a Special Use Permit or variance from the Zoning Board of Appeals.

In order to get a change in zoning, the owners must submit a formal request to the Planning Board. The Planning Board would then make a recommendation to the Town Board. Ultimately the Town Board makes the final decision to change the zoning in the town. This property has been used for commercial purposes in the town for a long time.

Chairman Spira read page 141 from the town Zoning Law that explain the process that has to be followed in order to change the zoning in the town. The town has just implemented the new Zoning Law in November, 2010. The Planning Board feels that this is a good idea to rezone this specific area. A letter should be sent to the Town Board requesting the zoning change. The new zoning law clearly stated what is allowed in a commercial zone. Parking along the road has been an issue in the past and should be addressed.

The Town Board will hold a formal Public Hearing for a Zoning change once the proper documentation has been received by the Ohanessian family. The Planning Board can hold a public information session to discuss the change to the zoning law. This matter could have to go before the Niagara County Planning Board if Blairville Road is a county road.

Chairman Spira read a letter that Mary Ohanessian sent to the Zoning Board of Appeals on December 14, 2011 requesting a zoning change. This is the first time the Planning Board has been made aware of the letter. Roy Rogers will put together a package for the owners to help them along with the process.

The Planning Board is interested in community input in this matter and will hold a Public Information session on May 3. Neighbors within five hundred feet of the location will be notified of the meeting and it will be noticed in the paper.

ASSESSOR MERGE – ROBERT SCHRUISE, 3586 CURTISS AVENUE, RANSOMVILLE

Request to merge two parcels Robert Schruise is in the process of purchasing a parcel to the west of his property on Curtiss Avenue. The property he is purchasing is on 3585 Ransomville Road and backs up to his property. Once Mr. Schruise owns both parcels he would like to increase the size of his Curtiss Avenue property and reduce the size of the Ransomville Road lot. The Planning Board and Roy Rogers informed Mr. Schruise that a substandard lot cannot be created with the Ransomville Road parcel in order to increase the size of his Curtiss Avenue property. A minimum of 20,000 square feet must be left on the Ransomville Road parcel in order not to create a substandard lot.

MIKE MCCABE ASSESSOR MERGE

Request to combine SBL#s34.00-1-5.22, 34.00-1-5.212, 34.00-1-5.211 on Lake Rd. Michael McCabe and his wife, Carol, currently own two parcels on the south side of Lake Road. A large parcel is owned solely by Carol McCabe. There is a house on one of the parcels Mike and Carol own together. Mr. McCabe would like to put up a garage on

the large lot, however, in order to do so, there must be a house on the lot. This matter can be taken care of if all three parcels are in one name. As soon as the parcel with the house on in as the parcel that the garage is going on are in one name, the Planning Board recommends that the assessor merge the properties.

CYRUS ARDALAN (SBL#62.00-1-2.1)SUBDIVISION TO THOMAS SZARSZEWSKI at SBL#62.00-1-2.2 on Lockport Rd.

Thomas Szarszewski, 2347 Youngstown-Lockport Road, Ransomville, would like to purchase a parcel of the property to the east of his currently owned by Cyrus Ardalán. Three hundred fifty feet by 250 feet is the size of the lot that Mr. Ardalán intends to sell to Mr. Szarszewski. The Planning Board approves this preliminary request and has instructed Mr. Ardalán and Mr. Szarszewski what is required in order to move forward with this request. The Planning Board recommended that Mr. Ardalán keep at least one hundred twenty five (125) feet of frontage available on the east side of the intended subdivision.

RANSOMVILLE FREE METHODIST CHURCH,

ASSESSOR MERGE request of SBL#s76.06-1-24, 62.00-1-30.12, 62.00-1-30., 62.00-1-30.111

Pastor Bill Lowery came before the Planning Board to represent the Ransomville Free Methodist Church in this matter. Last month the church requested an assessor merge of three parcels south of the church. Chairman Spira read from the March 1, 2012 Planning Board minutes regarding this request. The Planning Board was interested in what the church's plans were for the land. The two parcels to the north were approved for assessor merge last month. Pastor Lowery explained the long range goals of the church regarding the property to the south of the church. The church is looking to build a community center on the two lots along Ransomville Road. The church plans to begin a 1.4 million dollar fund raising campaign in September, 2012. As for the farm land, Pastor Lowery said the current tenants would continue to farm the property but the church would not charge the farmers.

The assessment of the property is the responsibility of the assessor, not the Planning Board. The Planning Board recommends that the assessor merge the three parcels.

GARY NOLAN SUBDIVISION REQUEST (SBL#45.00-1-4.12) Lake Rd.

Gary Nolan came before the Planning Board with a request to subdivide his property at 427 Lake Road, Youngstown. Mr. Nolan owns 6.6 acres and would like to subdivide it into three residential lots. Chairman Spira read from the Medium Density Residential requirements in the Zoning Law. Eighty feet in width is the minimum allowed. Town sewers are in the area. Mr. Nolan submitted four surveys that were done by McIntyre Surveying. Lot One is empty. Lot Two has a house on it and Lot Three has a house on it. Mr. Nolan would like to temporarily have an easement to share a driveway. There are two existing sand filtration systems, however, if sewers are in the area, the town requires the owner to hook up to them. Mr. Nolan will speak to Scott Hillman, Highway

Superintendent for the Town regarding sewer hook up. The Planning Board approves this preliminary proposal for subdivision approval, and upon the necessary document from the applicant, a Public Hearing will be scheduled.

WALTER HOLMES (SBL#76.06-1-20) AND LOUISE GRAGLIA (SBL#62.00-1-26.1) SUBDIVISION REQUEST 3875 Ransomville Rd.

Walter Holmes and Louise Graglia came before the Planning Board tonight. Mr. Holmes would like to purchase a strip of land from Louise Graglia. Mr. Holmes is asking for a strip twelve feet wide by two hundred fifty feet deep. The Planning Board would prefer the width be twenty feet. Louise Graglia asked how much of her property could be subdivided into lots. The Planning Board recommended a two lot subdivision along with the twenty feet by 250 feet to Mr. Holmes. A survey will be required in order to move forward with this request.

GRANDPAWS PLACE SPECIAL USE PERMIT

Trista Gabrielle came before the Planning Board to apply for a new Special Permit to operate Grandpaws Place, 1650 Braley Road, Youngstown. Ms. Gabrielle must apply for a new permit because the permit is not transferable or assignable. She will have to go before the Zoning Board of Appeals for approval of the permit.

Chairman Spira read from the current Special Use Permit for Grandpaws Place. The Planning Board recommends that the Zoning Board of Appeals approve the issuance of this in permit in the new owner's name.

ZONING BOARD OF APPEALS REFERRAL -NONE

CODE ENFORCER REPORT (ROGERS)

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

With no further business to come before the Planning Board tonight, Jipp Ortiz made a motion to adjourn the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board