

Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, June 5, 2008. Mr. Spira read over the agenda for tonight's meeting and added two Zoning Board of Appeals referrals: Stevens and Collard.

APPROVE MAY 1, 2008 MINUTES

Jipp Ortiz made a motion to approve the minutes of the May 1, 2008 Planning Board meeting as presented. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

LAURENE BUCKLEY PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of Laurene Buckley, 2295 Lake Road, Ransomville to subdivide her property.

Parcel B-1: Beginning at a point on the centerline of Old Lake Road at its intersection with the west line of lands conveyed to James W. and Maureen O. Evans by deed recorded in the Niagara County Clerk's Office in Liber 1904 of deeds at page 174; running thence easterly along the centerline of Old Lake Road, a distance of 105.0 feet to a point; running thence southerly, at right angles to the last described line, a distance of 256.94 feet to a point on the north line of Parcel no. 77 of lands conveyed to the County of Niagara for Lake Road by deed recorded in the Niagara County Clerk's Office in Liber 556 of Deeds at Page 586; running thence southwesterly, at an exterior angle of 59 degrees, 47 minutes with the last described line and along the north line of Lake Road as now laid out, a distance of 121.51 feet to the southwest corner of said Evans lands; running thence northerly, at an interior angle of 59 degrees, 47 minutes with the last described line and along the west line of said Evans lands, a distance of 318.10 feet to the point of place of beginning, containing 0.693 acres more or less.

Parcel B-2: Beginning at a point on the centerline of Old Lake Road at a distance of 105.0 feet easterly measured along the centerline of Old Lake Road from its intersection with the west line of lands conveyed to James W. and Maureen O. Evans by deed recorded in the Niagara County Clerk's Office in Liber 1904 of Deeds at Page 174; running thence easterly, along the centerline of Old Lake Road, a distance of 110.0 feet to a point; running thence southerly, at right angles to the last described line, a distance of 193.12 feet to point on a non-tangent curve; said point being also the north line of Parcel No. 77 of lands conveyed to the County of Niagara for Lake Road by deed recorded in the Niagara County Clerk's Office in Liber 556 of Deeds at Page 586; running thence southwesterly, along a curve to the left having a radius of 1837.56 feet and along

the north line of Lake Road as now laid out, a distance of 27.37 feet to a point of tangency; running thence southwesterly, along the north line of Lake Road, a distance of 99.81 feet to a point; running thence northerly, at an interior angle of 59 degrees, 47 minutes with the last described line, a distance of 256.94 feet to the point or place of beginning, containing 0.568 acres more or less.

Parcel B-3: Beginning at a point on the centerline of Old Lake Road at a distance of 215.0 feet easterly measured along the centerline of Old Lake Road from its intersection with the west line of lands conveyed to James W. and Maureen O. Evans by deed recorded in the Niagara County Clerk's Office in Liber 1904 of Deeds at Page 174; running thence easterly along the centerline of Old Lake Road, a distance of 288.80 feet to the northeast corner of Parcel II of lands conveyed to Laurene Buckley by deed recorded in the Niagara County Clerk's Office in Liber 3340 of Deeds at Page 966; running thence southerly, at right angles to the last described line and along the east line of said Buckley lands, a distance of 62.03 feet to a point on a non-tangent curve, said point also being on the north line of Parcel No. 77 of lands conveyed to the County of Niagara for Lake Road by deed recorded in the Niagara County Clerk's Office in Liber 556 of Deeds at Page 586; running thence southwesterly, along a curve to the left having a radius of 1837.56 feet and along the north line of Lake Road, a distance of 317.55 feet to a point; running thence northerly, along a line drawn at right angles to the centerline of Old Lake Road, a distance of 193.12 feet to the point or place of beginning, containing 0.813 acres, more or less.

This parcel is known as tax map no. 211.17-1-1 and 21.17-1-52.

Chairman Spira read the Planning Board minutes from the June 2007 meeting regarding Laurene Buckley's request to subdivide this property. The intent is to divide the Lake Road parcel owned by Ms. Buckley into four lots.

Karen Wieland-Schmidt displayed the parcel on the overhead that showed the area being subdivided. Ms. Buckley came forward to represent this subdivision. This is a four-lot subdivision because there is a parcel across Old Lake Road on the north side that has a house that is attached to the whole parcel being subdivided.

Several nearby residents shared their concerns about this subdivision request. Chairman Spira read the Zoning Law regarding what is allowed in an ARR100 district so that everyone would understand what the property being subdivided could be used for.

The lot being created on the north side of Old Lake Road will be substandard in size; however, there is a vacant lot next to it that Ms. Buckley also owns. Providing the two lots are combined, a viable lot can be created that will be over twenty thousand (20,000) square feet. A contingency will be that the two parcels on the lake side of this subdivision must be combined into one lot.

A letter from a licensed engineer stating that an adequate sewage disposal system can be built on each lot being subdivided will also be added as a contingency of final approval.

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

Chairman Spira read a letter from CRAWorld Engineering regarding this subdivision and approval with respect to town drainage was given. This subdivision will not have any adverse impacts on the existing town drainage system.

Chairman Spira read the Short Environmental Assessment form Part 1 and completed Part 2 on behalf of the Planning Board. Jipp Ortiz made a motion that this action will not result in any adverse environmental impacts on the town. Anthony Collard seconded the motion. A roll call vote resulted in the following: Anthony Collard, yes; James McIntyre, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

Anthony Collard, seconded by James McIntyre, made a motion to approve this subdivision with the following contingencies:

- The remaining parcel located on the north side of Lake Road must be attached to tax map no.21.17-1-1.
- You must obtain a letter from a licensed professional engineer stating that a septic system can be built on each of the three building lots being created.
- There must be adequate space to turn around in the driveways so that no vehicles are backing onto Lake Road. The Planning Board would prefer the driveways ingress/egress is on to Old Lake Road.

A roll call vote resulted in the following: Anthony Collard, yes; James McIntyre, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried

Phillip Incorvaia Pre-application Conference

James McIntyre rescued himself from the meeting in order to represent Phillip Incorvaia. Mr. Invorvaia would like to subdivide two lots from a parcel he owns on Creek Road, Youngstown. This is a three-lot subdivision with the north and south lots being created at 115' of frontage and 329' in depth. Phillip Incorvaia is the owner of the property. The lot in the middle has a house on it.

A motion to approve this sketch plan as submitted with the understanding that the north and south lots will be able to support a septic system was made by Donald McCollum, second by Jipp Ortiz. A roll call vote resulted in the following: Anthony Collard, yes; William Rolland, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion carried. James McIntyre abstained.

Larrabee Pre-application Conference

Donald and Suzanne Larrabee, 1755 Harrison Lane, Youngstown, would like to combine two lots in order to build a 30 X 30 foot garage on his property. The combining of the lots is necessary in order achieve sufficient area to meet current town code. Jipp Ortiz made a motion to approve this sketch plan as presented. James McIntyre seconded the motion. All in favor; motion unanimously carried.

Zoning Board of Appeals Referrals

Application of Reid Petroleum Corporation, 100 West Genesee Street, Lockport, NY for a Special Permit to build a Convenience Store, Gas Station and sign located on Tax Map No. 62.14-1-24, 25, 26, 27, 29.2 on the Southeast Quadrant of the Intersection of Youngstown-Lockport Road and Ransomville Road in an Urban Commercial 60 Zoned District located between Academy Street and Ransomville Road. The special use permit for convenience store and gas station was discussed. Regarding the request for approval to install signage as shown on the special permit application, the Planning Board feels the signage presented in unacceptable. The Planning Board would like a more "countrified" look to the signage.

The Planning Board requests that Reid Petroleum look into alternate types of signage that are currently being used in up scale locations in the area i.e. Pittsford, NY, and Clarence, NY. The signage presented to the Planning Board is not acceptable. The design needs to be more ascetically pleasing.

The Planning Board requests Reid Petroleum Corporation make arrangements for a representative to attend the July 3, 2008 Planning Board meeting at 7:00 p.m. at the town hall.

Application of Jamie Swanson, 1334 Cain Road, Youngstown, NY. for a Special Permit to operate an auto dealership (two to three cars) at above address. Property is located on the South side of Cain Road in an ARR-100 Zoned District between Creek and Lutts Roads. This is not a customary occupation. The Planning Board recommends that the Zoning Board of Appeals DENY this request because it is not a permitted use in an ARR100 district.

Application of Gerald Stevens, 3692 Creek Road, Youngstown, NY to construct a six foot fence in the rear of the yard. Property is located in an ARR-100 District on the West side of Creek Road between Cain and Blairsville Road. The

Planning Board recommends that the Zoning Board of Appeals **approve** this request.

Application of J. A. Collard, 840 Lockport Road, Youngstown, NY. A Variance to construct a six-foot wooden fence on the West side to run North to South. Property is located in an ARR-100 District on the south side of Lockport Road between East Avenue and Creek Road. The Planning Board recommends that the Zoning Board of Appeals **approve** this request.

CODE ENFORCER REPORT

Roy Rogers, Code Enforcer for the town, submitted his report for the month of May. Seven permits were issued.

Mr. Rogers reported that two bids have been received for the Riverview sidewalk project. The drainage study is on going.

Miscellaneous Items

Supervisor Wiepert told Reeve Tower, Lake Road, that he could address the Planning Board tonight regarding a drainage problem that has been created in his area by the construction of a large barn. Janice O'Keefe, Lake Road, lives adjacent to the barn and is concerned about drainage issues that have evolved since the barn was built. Apex Consulting submitted a drainage plan for the barn prior to the construction. Mr. Tower and Ms. O'Keefe were advised to schedule a meeting with the town board in order to address their concerns. CRAWorld Engineering has reviewed the revised drainage plan. The Planning Board feels that drainage in any area being developed should be better than it was before the development rather than worse.

Chairman Spira announced a Planning and Zoning Summer school and a New York State Department of Training that will be held on June 18.

With no further business to come before the Planning Board tonight, Jipp Ortiz made a motion to adjourn the meeting. James McIntyre seconded the motion. All in favor; meeting adjourned at 9:00 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board

