

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, June 3, 2010. Mr. Spira welcomed everyone and read over the agenda for tonight's meeting.

APPROVE MAY 6, 2010 PLANNING BOARD MINUTES

Chairman Spira read over the minutes from the May Planning Board meeting. Anthony Collard made a motion to approve the minutes of the May meeting as presented. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

THOMAS O'CONNOR PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of Thomas O'Connor, Lake Road, Ransomville, to subdivide his property as follows: Parcel A: 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 55, township 15, range 8 or the Holland Land Company Survey, bounded and described as follows: Commencing at a point of intersection of the present line of Lake Road in said town with the westerly line of said Lot No. 55; running thence southerly and along the westerly line of said Lot No. 55; 171.18 feet; thence northeasterly on a line running parallel with the present southerly line of Lake Road, 112 feet; thence northerly on a line running parallel with the west line of said Lot No. 55, 171.18 feet to the present southerly line of said Lake Road; thence southwesterly along the present line of said Lake Road, 112 feet to the point or place of beginning.

Parcel B: All that tract or parcel of land situate in the town of Porter, county of Niagara, state of New York, being part of Lot 62, township 15, range 8 of the Holland Land Company Survey, so called, being a part of a farm known as the Raymond Bradley Farm, bounded and described as follows, to wit: Commencing at a point of intersection of the present southerly line of Lake Road in said town with the easterly line of said Lot No. 62; running thence southerly and along the easterly line of said Lot No. 62, 171.18 feet; thence southwesterly on a line parallel with the present southerly line of said Lake Road, 108.45 feet; thence northerly on a line running parallel with the east line of said Lot No. 62, 171.18 feet to the present southerly line of said Lake Road; thence northeasterly and along the

present southerly line of said Lake Road 108.45 feet to the point or place of beginning. This property is known as tax map no. 33.00-2-17 and 33-00-2-15.21

This matter came before the Planning Board in March at which time the concept was approved. Chairman Spira read from the March, 2010 minutes regarding this request.

Mr. O'Connor said that surveys have been completed and everything is in place to transfer the subdivided property to his son, Mike. There is a question about the size of the lots being created. The boundary survey will require an area variance because the lots being created are not 20,000 square feet in size. Mr. O'Connor came forward to explain the surveys. The legal description should be corrected to say that it is one lot, not two parcels. The deed description should be amended to indicate this is one lot. There will be three parcels ultimately. Two of the lots will have houses on them. The greenhouses will be on a separate parcel. There is no residence on the greenhouse parcel. Michael Dowd will review the deed description when it has been revised. Thomas Oddy made a motion to close the public hearing portion of the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter from CRA Engineering and this subdivision will not have an adverse impact on the existing town drainage system.

Chairman Spira read over the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. Jipp Ortiz made a motion that, based on the information and analysis of the SEQR form and supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Thomas Oddy seconded the motion. All in favor; motion unanimously carried.

Jipp Ortiz made a motion to approve this subdivision request contingent upon the deed description being revised and a redefinition of the scope of the boundary lines approved by Michael Dowd. Anthony Collard 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.

SARAH AND MATT STEPHENSON of 1123 Cain Rd, Youngstown
SBL# 60.00-1-39.

This is a request for an area variance to construct a six foot fence on their property. The fence is needed for a special needs child. The government will pay for the

fence if approved. Chairman Spira read a letter from the special education teacher regarding the disability of the child at this address. The good side of the fence should be on the inside in order to prevent the child from climbing it. The Planning Board recommends that the Zoning Board of Appeals approve this request providing the neighbors do not object.

ROBIN RADOMSKI, 3827 River Rd, fence variance

This is a request for a six foot high fence stockade pressure treated fence. This is for a privacy fence. Ms. Radomski owns two large dogs. There will be fence with a gate. The size of the fence is 100' X 140'. The fence will be 200' off of River Road. The fence will be 100' parallel with the road. There is a town easement and the fence will be up against the easement, not on the easement. Roy Rogers feels that is an acceptable request. The fence will be yellow pine and the contractor will try to architecturally fit the fence design in with the house. Anthony Collard would like to have landscaping put in on the west side of the fence on the River Road side. Eventually there will be an in-ground pool at the site. The Planning Board would like to see a landscaping plan submitted before the Planning Board recommends approval of this request to the Zoning Board of Appeals.

Ms. Radomski is in favor of providing a landscaping design. Councilman Flecksenstein said that the six foot fence approval is based upon safety, not appearance according to the zoning law. The Planning Board recommends **approval** of this request but is extremely concerned about the portion parallel to River Road that should be required to have beautification shrubbery on the river side.

PAUL SCHMOYER, 1809 Lake Road, Ransomville.

Chairman Spira read a letter from Mr. Schmoyer to Roy Rogers regarding this request.

This is a request to relocate an existing six foot high fence to the west side of his residence property line. This location is a camp ground.

Mr. Schmoyer presented drawings of the area and explained the purpose of this request. The neighbor has debris that is unsightly. The relocation of the fence will cover up the unsightly mess. Roy Rogers feels this is an appropriate use of the fence as long as Mr. Schmoyer doesn't go all the way to the lake. The Planning Board feels that a six foot fence should be moved ten feet. The Planning Board has no objection for Mr. Schmoyer to move the fence 10 feet to the east to the property and extending the fence 40 feet to the westerly boundary. Approval of this request is recommended.

STEVE O'LAY, 2488 Youngstown-Lockport Rd, Ransomville.

This is a request for an area variance because the addition Mr. O'Lay is requesting exceeds the area coverage by 56 square feet. The Planning Board recommends approval of this request providing Mr. O'Lay applies for special permit for his landscaping business as well.

SUZANNE DEWEY, 2443 Youngstown-Lockport Rd., Ransomville. This is a request for an area variance for the keeping of horses on less than 5 acres. The property is 4.6 acres in size. The four horses are family pets. Chairman Spira read the application . Ms. Dewey spoke about this request. Councilman Fleckenstein is concerned about the disposal of the manure. The Planning Board recommends **approval** of this request as long as the property is fenced, manure properly handled, manure trucked out, rodent and fly control is addressed. A special permit will also be required from the Zoning Board of Appeals.

JUDITH FINLEY of 3240 Manor Drive, Youngstown, request for a fence variance

This is a request for a six foot fence even to the front of the house. There is a 29' rear yard. The Planning Board **approves** this request, but feels that the fence should be to the back of the house, not along the side of the house.

ATTORNEY DOWD REPORT

CODE ENFORCER REPORT

Roy Rogers spoke about a request for Blockbuster DVD kiosk machine at the Crosby Mart. The Planning Board would prefer to have the machine inside the building.

Jipp Ortiz inquired about the barn Mr. Westmoreland is refurbishing. Mr. Rogers stated that the trusses are certified. The owner has one year to complete the barn.

Roy Rogers read over the building permits issued, orders of violation report and a building department report in May.

Chairman Spira announced that new Draft subdivision regulations, a map of Ransomville and the draft zoning law will be copied and made available at the training session next Thursday, June 10, 2010.

With no further business to come before the Planning Board tonight, Thomas Oddy made a motion to adjourn the meeting. Anthony Collard seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:45.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board