

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, June 9, 2011. All members of the Planning Board were present. Chairman Spira read aloud the agenda for tonight's meeting and added Josh Stack Boat Yard as well as a Work Session letter regarding changes in the Zoning Law to the Town Board.

APPROVE MAY 12, 2011 PLANNING BOARD MEETING MINUTES

Chairman Spira read over the minutes of the May 12, 2011 Planning Board meeting. With no additions or corrections, Anthony Collard made a motion to approve the minutes as submitted. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

FRANK PALLONE PUBLIC HEARING-One lot subdivision

Chairman Spira read the following Notice of Public Hearing:

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 60, Township 15, Range 8 of the Holland Land Company's Survey, so-called, bounded and described as follows:
Commencing at a point in the east line of Dickersonville Road a 66 feet wide town highway (F/K/A Smith Road 49.5 feet wide town highway) at its intersection with the south line of Lot 60; Running thence northerly along said east line of Dickersonville Road as it is currently laid out, a distance of 1224.30 feet to the true point or place of beginning of this description; Running thence easterly at an interior angle of 89°-55'-42" from the previous course, a distance of 335.06 feet to a point; Running thence southerly at an interior angle of 86°-13'-08" from the previous course, a distance of 287.10 feet to a point; running thence westerly at an interior angle of 90°-36'-41" from the previous course, a distance of 316.01 feet to a point along the east line of Dickersonville Road; Running thence northerly along said east line of Dickersonville Road at an interior angle of 92°-14'-30" from the previous course, a distance of 274.51 feet to the point or place of beginning. This parcel consists of 2.10 acres more or less and is known as tax map no. 47.00-1-48

This is a request to create one new lot from parcel 2.1 acres. Chairman Spira read a letter from a neighbor, James A. Wesolowski, in support of this subdivision request. 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. All in favor; motion unanimously carried.

Chairman Spira read over Part I of the Short Environmental Assessment Form that was completed by the Applicant. The back section was completed by the Planning Board. Based on the information and analysis of the information submitted, Thomas Oddy made a motion that this action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter from Conestoga-Rovers & Associated regarding their drainage review of the area. Based upon their field observations and review of available information, the subdivision will not have an adverse impact on the existing Town drainage system; therefore, approval of the subdivision is given by Conestoga-Rovers & Associates.

Thomas Oddy made a motion to approve this one-lot subdivision request as presented. Donald McCollum 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.

JAMES SHEAR PUBLIC HEARING-Special Use Permit

Chairman Spira read the following Notice of Public Hearing:

APPLICATION OF JAMES J. SHEAR, 1698 Braley Road, Youngstown, NY 14174. To renew his Special Use Permit dates May 24, 2001 under Section 710 to maintain a private airfield/landing strip at 1698 Braley Road, Youngstown, NY. Property is situated between Porter Center Road and Youngstown Wilson Road in said Town.

This is a request to renew a Special Use Permit for to maintain a private airfield/landing strip at 1698 Braley Road, Youngstown. Chairman Spira read from the May 12, 2011 Planning Board minutes regarding this request. James and Margaret Shear were present to represent this request. With no questions or comments from the Planning Board members 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 over the draft of the Special Use Permit. The permit should include the name of Margaret Shear, James Shear wife. Also, under Terms and conditions #2. It should read “There shall be no more than two (2) privately owned, single-engine aircrafts on property at any one time, not including aircraft owned by James and Margaret Shear.”

Anthony Collard made a motion to approve this request for a Special Use Permit with the two additions listed above. 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.

RIVERLIFE CHAPEL PUBLIC HEARING-Special Use Permit

Chairman Spira read the following Notice of Public Hearing:

APPLICATION OF RIVERLIFE CHAPEL, 1552 Youngstown-Wilson Road, Youngstown, New York, for a Special Use Permit to operate a Place of Worship, 3474 Creek Road, Youngstown, New York.

This is a request for a Special Use Permit to operate a Place of Worship at 3474 Creek Road, Youngstown. Chairman Spira read from the May 12, 2011 Planning Board minutes regarding this request. John Woodhouse was present to represent this request. Nancy Orsi and Jane Richardson, land-owners in the vicinity, both spoke about their support of this request. Nancy Orsi is very pleased that the building is going to be put to such a good use. This will be a nice addition to the community. With no further comments or questions from the Planning Board members or audience, 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 Conestoga-Rovers & Associates regarding this request. After review of the site plan for the RiverLife Chapel prepared by Apex Consulting Survey and Engineering Services, Conestoga-Rovers & Associates recommends the following for consideration and distribution:

1. The site plan conforms to the applicable requirements of Section 106 (Site Plan Review) of the Town of Porter Zoning Law.
2. The site plan forms to Section 47 (Place of Worship) of the Town of Porter Zoning Law. However, a variance may be necessary to satisfy the following requirement of Section 47: *"A 50 foot landscaped area shall be maintained on all sides of the property excluding access drives."*

Mr. Woodhouse handed out copies of the site plan completed by Apex Consulting Survey and Engineering Services. He explained the site plan layout of the building and boundary survey. Parking lay out is included in the site plan, even though the lot is not paved and lined. There is space available for 36 vehicles. The septic system will be in place before the building is occupied. There is a pump tank with a chlorination system that pumps back to the ditch. There is a list of improvements that has been submitted. Roy Rogers, Code Enforcer for the town, is working with Mr. Woodhouse on the signage. Mr. Woodhouse would like to put up a temporary sign announcing this will be the "future home of RiverLife Chapel."

Michael Dowd read from the Zoning Law regarding the wording of the permit. Parking, traffic, health, safety and general welfare should be mentioned in the permit. Services will commence when a Certificate of Occupancy is issued by the Building Inspector, Roy

Rogers. This permit is subject to the treatment of the applicant being a religious entity. Mr. Woodhouse said there is a Board of Trustees at RiverLife Church. It is locally governed. Eldership is also in place. This chapel is non-denominational. It is comparable to the Chapel in Buffalo. It is bible based and scripture based.

Thomas Oddy made a motion to approve this request for a Special Use Permit for a Place of Worship. Donald McCollum 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.

JOSH STACK BOAT WORKS SPECIAL USE PERMIT REQUEST

This is a request for a Special Use Permit for vehicle/marine repair. Chairman Spira read from the minutes of the May 12, 2011 Planning Board meeting regarding this request. The site is located at 786 Blairsville Road, the site of the former Country Kernel restaurant. Mr. Stack came forward with a scale model of the proposed request that outlined the intentions of the owner. There will be a berm on the site to enhance or cover up points of view and visibility from the road. The berm will be two hundred (200) feet long and three (3) feet high and landscaped with trees and shrubs. There is a fence and tree line separating the site from U Store It on the south side. The Planning Board requests a much more detailed site plan before final approval can be given. The requirements for a site plan as outlined in the zoning law must be addressed. The Planning Board wants more specific information outlined regarding screening, tree species and location, shrub species and location, information regarding the berm. Mr. Stack stated that Bloom Landscaping is doing the landscaping and he will have a detailed drawing included in the site plan before the July Public Hearing.

The Planning Board requests Mr. Stack submit a time line of construction before the Public Hearing is held in July. It should include dates anticipated on the update of the building, roof renovation, berm construction, parking outline, pole barn construction date, etc.

There will be no boat storage until the berm has been completed. It is realistic to think the project will take two years to complete the items that will be outlined in the special use permit.

Boat storage, vehicle storage, and outdoor material storage should all be addressed in the site plan. There is outside storage available for approximately 35 boats.

The Zoning Law states that the Planning Board can establish the number of boats that can be stored (page 86, section 78). Boat storage in the front will not exceed the height of the berm and it's landscaping. The taller, larger boats will be stored in the back of the building, so they will not be so visible from the road.

This is a very small commercial area in a residential zone. Mr. Stack said that water/boat testing on large motors will be done on Lake Ontario or the Niagara River, not on site, therefore reducing any as much noise as possible. Line of sight is important so that the neighbors are not impacted by this operation.

Some items that need to be addressed are

- Noise
- Traffic exits on to the road
- Lighting
- Hours of operation
- Timeline of storage (dates)
- Number of boats allowed in the area under repair or in need of repair
- Security of the area

Roy Rogers, George Spira, and Anthony Collard visited a similar boat repair business on Lower Mountain Road and Myers Hill Road in Lewiston. This is the same type of operation that Mr. Stack intends to own. The owner gave some insight to the plan.

Mr. Stack was told that everything must be in place prior to the Public Hearing, July 7, 2011.

Conestoga-Rovers & Associates and Roy Rogers, Code Enforcer, are satisfied with the drainage on the area. It will not be an issue.

LETTER TO TOWN BOARD REGARDING ZONING LAW CHANGES

The Planning Board held a work session on April 28, 2011 at which it discussed changes to some of the zoning laws in the new zoning manual. Following is a correspondence that is to be sent to the Town Board members regarding amendments that should be considered to the newly adopted town law.

The Planning Board respectfully requests that the Town Board of the Town of Porter consider amending the following sections and items in the newly adopted Zoning Law, adopted November 8, 2010.

- § 80 - Recreational Vehicles/Utility Trailers/Boat and Trailer-return to the old zoning law. Consider amending the law to limit outside storage of a boat, boat and trailer, camp trailer, recreational vehicle owned for personal use by a resident on the premises when not located in a front yard in a Medium Density Residential zone and Water Front Residential along River Road in Youngstown.
- Amend the law to prohibit no more than one residence on one parcel as the old law did.
- § 83 – Signs – the new law is too restrictive; return to the regulations in the old zoning law.
- Amend the definition of boat/cargo trailer to the definition in the old Zoning law page 16.

CODE ENFORCER ROY ROGERS REPORT

Mr. Rogers submitted the following reports: Monthly Permit Report, Complaints Report

With no further business to come before the Planning Board tonight, Donald McCollum made a motion to adjourn the meeting. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board