

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on **Thursday, July 3, 2008**. Jipp Ortiz was excused from tonight's meeting. Chairman Spira read over the agenda for tonight's meeting and welcomed everyone.

APPROVE MINUTES

Anthony Collard made a motion to approve the minutes of the June 5, 2008 Planning Board as presented. James McIntyre seconded the motion. All in favor; motion unanimously carried.

PAUL & AMY INVORVAIA PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Vacant Sublot 1

Calkins Road, Town of Porter, County of Niagara and State of New York

All that tract or parcel of land situate in the Town of Porter, County of Niagara and State of New York, being a part of Lot 29, Township 15, Range 9 of the Holland Land Company's Survey, so called, and being more particularly bounded and described as follows:

Beginning at a point in the center line of Calkins Road, a 49.5 foot wide right of way, said point being the intersection of the north line of lands conveyed to Dingman by deed recorded in the Niagara County Clerks Office in Liber 672 of deeds at Page 163 and the center line of Calkins Road; Running thence easterly along the north line of Dingman at an interior angle of $126^{\circ}-19'-20''$, 234.87 feet measured to a point; Running thence southerly along a line at an interior angle of $89^{\circ}-49'-12''$, 100.71 feet measured to a point; Running thence westerly along a line parallel to the north line of Dingman, at an interior angle of $90^{\circ}-10'-48''$, 308.59 feet measured to a point on the center line of Calkins Road; Running thence northeasterly along the center line of Calkins Road, 125.0 feet measured to the point or place of beginning. Subject to the rights of the public in and through Calkins Road

Vacant Sublot 2

Calkins Road, Town of Porter, County of Niagara and State of New York

All that tract or parcel of land situate in the Town of Porter, County of Niagara and State of New York, being a part of Lot 29, Township 15, Range 9 of the Holland Land Company's Survey, so called, and being more particularly bounded and described as follows:

Beginning at a point in the center line of Calkins Road, a 49.5 foot wide right of way, said point being 125.0' southwest of the intersection of the north line of lands conveyed to Dingman by deed recorded in the Niagara County Clerks Office in Liber 672 of deeds at Page 163 and the center line of Calkins Road; Running thence easterly and parallel to the north line of Dingman at an interior angle of $126^{\circ}-19'-20''$, 308.59 feet measured to a point; Running thence southerly along a line at an interior angle of $89^{\circ}-49'-12''$, 100.71 feet measured to a point; Running thence westerly along a line parallel to the north line of Dingman, at an interior angle of $90^{\circ}-10'-48''$, 382.32 feet measured to a point on the center line of Calkins Road; Running thence northeasterly along the center line of Calkins Road, 125.0 feet measured to the point or place of beginning. Subject to the rights of the public in and through Calkins Road. This parcel is known at tax no. 59.00-2-61.211

James McIntyre recued himself from the meeting in order to represent Paul and Amy Invorvaia. This is a request to subdivide two building lots on Calkins Road, Youngstown. Each lot will be 125' feet wide with 100' at right angles to the road. A question from the audience regarding the 49.5 right-of-way was asked. Mr. McIntyre stated that the right of way is the width of Calkins Road. Chairman Spira read from the May 1, 2008 Planning Board minutes regarding this request. Sketch plan approval was given at that meeting.

With no further comments or questions William Rolland made a motion to close the Public Hearing portion of the meeting. Donald McCollum seconded the motion. All in favor; motion carried.

Chairman Spira read a letter from Paul and Amy Invorvaia giving James McIntyre permission to represent them in this matter tonight. There is not a letter in the file regarding the approval for a sewage disposal system to be designed for the lots. The subdivision approval will be contingent upon such a letter from a licensed engineer.

Chairman Spira read a letter from CRAWorld indicating that this action will not result in any adverse impacts on the town drainage system.

Chairman Spira read the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. Anthony Collard made a motion that the proposed action will not have a significant adverse impact. Donald McCollum seconded the motion. All in favor; motion carried.

William Rolland made a motion to approve this subdivision as request contingent upon documentation that a suitable sewage disposal system can be designed to support the land. Anthony Collard seconded the motion. A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

PHILLIP INVORVAIA PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing

PARCEL "A" West side of Creek Road

All that tract or parcel of land situate in the Town of Porter, County of Niagara and State of New York, being a part of Lot 29, Township 15, Range 9 on the west side of Creek Road and being more particularly bounded and described as follows;

Beginning at a point in the center line of Creek Road, said point being the northeast corner of lands conveyed to Phillip J. And Faith Incorvaia by deed recorded in the Niagara County Clerks Office May 22, 1987 in Liber 2060 of deeds at page 292, said point also being the northeast corner of Sublot 2 as shown on a map by Julius F. Frehsee, P.E., May 14, 1937 and filed in the Niagara County Clerk's Office August 5, 1937 in Book 33 of Maps at page 799, Now in Book 25 of Microfilmed Maps at page 2454; **Running** thence westerly at an interior angle of 89E-49'-12" and along the north line of lands conveyed to Incorvaia, 435.0 feet measured to a point; **Running** thence southerly parallel to the center line of Creek Road and at an interior angle of 90E-10'-48", 115.0 feet measured to a point; **Running** thence easterly parallel to the north line

of lands conveyed to Incorvaia and at an interior angle of 89E-49'-12", 435.0 feet measured to a point in the center line of Creek Road; **Running** thence northerly along the center line of Creek Road at an interior angle of 90E-10'-48", 115.0 feet measured to the point or place of beginning. Subject to the rights of the public in and to the portion of the above described premises which are a part of Creek Road. Containing 1.33 acres of land more or less (excluding ½ of road)

PARCEL " B" West side of Creek Road

All that tract or parcel of land situate in the Town of Porter, County of Niagara and State of New York, being a part of Lot 29, Township 15, Range 9 on the west side of Creek Road and being more particularly bounded and described as follows; Beginning at a point in the center line of Creek Road, said point being 115.0 feet measured southerly along the center line of Creek Road from the northeast corner of lands conveyed to Phillip J. And Faith Incorvaia by deed recorded in the Niagara County Clerks Office May 22, 1987 in Liber 2060 of deeds at page 292, said point also being the northeast corner of Sublot 2 as shown on a map by Julius F. Frehsee, P.E., May 14, 1937 and filed in the Niagara County Clerk's Office August 5, 1937 in Book 33 of Maps at page 799, Now in Book 25 of Microfilmed Maps at page 2454; **Running** thence westerly at an interior angle of 89E-49'-12" and along a line which is parallel to the north line of lands conveyed to Incorvaia, 435.0 feet measured to a point; **Running** thence southerly parallel to the center line of Creek Road along a westerly line of lands conveyed to Incorvaia and at an interior angle of 90E-10'-48", 208.91 feet measured to a point, **Running** thence southwesterly along a west line of lands conveyed to Incorvaia and at an exterior angle of 143E-51'-27", 149.10 feet measured to a point; **Running** thence easterly along a line which is parallel to the north line of lands conveyed to Incorvaia at an interior angle of 53E-40'-40", 522.94 feet measured to a point in the center line of Creek Road; **Running** thence northerly along the center line of Creek Road and at an interior angle of 90°-10-48", 329.04 feet measured to the point or place of beginning. Subject to the rights of the public in and to the portion of the above described premises which are a part of Creek Road. Containing 2.98 acres of land more or less (excluding ½ of road)

PARCEL " C" West side of Creek Road

All that tract or parcel of land situate in the Town of Porter, County of Niagara and State of New York, being a part of Lot 29, Township 15, Range 9 on the west side of Creek Road and being more particularly bounded and described as follows; Beginning at a point in the center line of Creek Road, said point being 444.04 feet measured southerly along the center line of Creek Road from the northeast corner of lands conveyed to Phillip J. And Faith Incorvaia by deed recorded in the Niagara County Clerks Office May 22, 1987 in Liber 2060 of deeds at page 292, said point also being the northeast corner of Sublot 2 as shown on a map by Julius F. Frehsee, P.E., May 14, 1937 and filed in the Niagara County Clerk's Office August 5, 1937 in Book 33 of Maps at page 799, Now in Book 25 of Microfilmed Maps at page 2454; **Running** thence westerly at an interior angle of 89E-49'-12" and along a line which is parallel to the north line of lands conveyed to Incorvaia, 522.94 feet measured to a point; **Running** thence southwesterly along the westerly line of lands conveyed to Incorvaia and at an interior angle of 126E-19'-20", 142.73 feet measured to a point, said point being the southwest corner of lands conveyed to Incorvaia; **Running** thence easterly parallel to the north line of lands conveyed to Incorvaia and at an interior angle of 53E-40'-40", 607.12 feet measured to a point in the center line of Creek Road, said point being the southeast corner of lands conveyed to Incorvaia;

Running thence northerly along the center line of Creek Road at an interior angle of 90E-10'-48", 115.0 feet measured to the point or place of beginning. Subject to the rights of the public in and to the portion of the above described premises which are a part of Creek Road. Containing 1.33 acres of land more or less (excluding ½ of road). This parcel is known as tax no. 59.00-2-61.3

This is a request is for a three-lot subdivision on Creek Road, Youngstown. Chairman Spira noted that a sketch design was approved at the June, 2008 Planning Board meeting. There is a letter in the file giving James McIntyre permission to represent Mr. Invorvaia in this matter. Mr. McIntyre noted that there is a modification that is needed. The lots being subdivided off will be 100' wide, not 115' feet wide. This will increase the size of the remaining lot.

Faith Incorvaia, owner of the property, stated that she did not approve this action. This subdivision does not comply with the divorce decree. She was not aware of the subdivision request until she received a Public Hearing notice in the mail. This action is a direct discrepancy to the divorce decree. Ms. Incorvaia has consulted her attorney regarding this matter and there are two letters in the file from the attorney.

Ms. Incorvaia would like the Public Hearing postponed until such a time that this can be done properly. The information presented in the Public Hearing Notice is not accurate. The lots sizes are not as set forth in the divorce decree. At the June Planning Board meeting Mr. Incorvaia said that he was the sole owner of the property. Ms. Incorvaia stated that she has been the sole tax payer since 2001.

Chairman Spira read a letter from Faith Incorvaia's attorney, Damon DeCastro, indicating that the Public Hearing needs to be redone. The property cannot be conveyed unless all owners sign the deed.

Anthony Collard made a motion to close the Public Hearing portion of the meeting. William Rolland seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter from Phillip Incorvaia giving James McIntyre permission to act on his behalf regarding this subdivision request tonight.

Chairman Spira stated that there are two options regarding this Public Hearing/subdivision request. The Public Hearing can be adjourned or the Public Hearing can be rejected. Ms. Faith Incorvaia asked that the Public Hearing be rejected because there is not approval of the owner.

Anthony Collard made a motion to reject the Phillip Incorvaia Public Hearing. William Rolland seconded the motion. . A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

SUZANNE AND DONALD LARRABEE PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing

Subdivision request of Donald and Suzanne Larrabee, 1755 Harrison Lane, Youngstown, NY to combine their two lots.

All that tract or parcel of land situate in the Town of Porter, County of Niagara, State of New York, and being part of Lot 12, Township 15, Range 9 of the Holland Land Company survey, described as follows: Beginning at the intersection of the north line of Lake Road (100 feet wide) and the west line of a right-of-way known as Olwer Road (25 feet wide); running thence southwesterly, along the north line of Lake Road, a distance of 53.90 feet to a point; running thence northwesterly, at right angles to the last described line, a distance of 200 feet to a point; running thence northeasterly, at right angles to the last described line and parallel with the centerline of Lake Road, a distance of 50 feet to a point; running thence northwesterly, at right angles to the last described line a distance of 130 feet to a point on the south line of right-of-way (30 feet); running thence northeasterly, along the south line of said 30 wide foot right-of-way and parallel with the centerline of Lake Road, a distance of 104.99 feet to a point of curvature; running thence southeasterly, along a curve to the right having a radius of 25 feet, a distance of 49.22 feet to a point of tangency, said point being also on the west line of Owl Road; running thence southerly, along the west line of Owl Road, a distance of 320.43 feet to the point or place of beginning, containing 0.777 acres, more or less. These lots are known as tax map no. 33.13-1-37 and 33.13-48.

This is a request to combine two lots on Harrison Lane, Youngstown. In order to construct a garage, Mr. Larrabee needs a larger lot. The combination of the two lots will give Mr. Larrabee sufficient square footage to do so. Chairman Spira read from the minutes of the June, 2008 Planning Board meeting. A sketch design was approved at that time.

James McIntyre made a motion to close the Public Hearing portion of the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Dave Britton, representing CRAWorld stated that he visited the site and gives verbal approval that this request will not result in any adverse drainage impacts to the town. A letter will be forthcoming.

Chairman Spira read the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. James McIntyre made a motion that this action will not result in any significant adverse environmental impacts to the town. Anthony Collard seconded the motion. All in favor; motion carried.

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

ZONING BOARD OF APPEALS REFERRAL – Reid Petroleum

David Petrosewitz, representing Reid Petroleum, came before the Planning Board to discuss a request for a special use permit to operate a convenience store and gas station at 2560 Youngstown-Lockport Road, Ransomville.

Mr. Petrosewitz offered drawings as well as a visual projection of the signs Reid Petroleum intends to use at the site. The signs will say “Crosby Mart”, “Corner Café”, and there will be a goal post price sign.

Chairman Spira read from the Zoning Law, page 80, regarding signage in an Urban Commercial district. The sign cannot exceed fifty square feet in size. The sign being requested is 50.2 square feet. Mr. Petrosewitz reminded the Planning Board that Reid Petroleum has complied with everything that has been requested by the Planning Board in order to meet the standards of the town, and the desires of the Planning Board.

William Rolland would like to see the steel post more in character with the decorative clock across the street in order to give the sign some character. Perhaps wood-grain or a dark color for the sign posts would be more in keeping with the desires of the Planning Board. Mr. Petrosewitz indicated that the licensing with Sunoco is very specific regarding the colors used.

Sidewalks will be going around the business.

A minor change is being made regarding the air/vacuum area. There will be no vacuum facility on the southern boundary of the property, in order to make that boundary more secure and provide a better line of sight from the store. The air station will be significantly away from the nearest house.

Reid Petroleum plans to eliminate a light pole from the corner in as much as there is a street light at the corner site.

There will be an outdoor ice machine at the southwest corner of the store. There will be a concrete pad with the ice machine on it.

The Zoning Board of Appeals has approved the request for a Special Permit subject to Planning Board approval.

James McIntyre made a motion for the Planning Board to recommend that the Zoning Board of Appeals approve this request for a Special Permit providing the following requirements are met:

- Relocation of the air pump
- Addition of an ice machine
- Elimination of the light standard on the corner
- Signage approval as submitted tonight with the request to Reid Petroleum that they try to change the color of the post to the color of the Crosby Sign – Sunoco dark blue or black.

Anthony Collard seconded the motion. All in favor; motion unanimously carried.

The Planning Board will send a letter to the Zoning Board of Appeals recommending the above.

Roy Rogers submitted his report of activity for the month of June.

Dowd – nothing to report

Orsi – nothing to report

Tower – nothing to report

CRAWorld

David Britton reported on the progress of the sidewalk on Riverview Drive, Youngstown. Due to a bonding issue with contractor, there has been a delay in the starting date. The issue should be resolved July 7 or thereabouts and the sidewalk project should commence toward the end of July.

Chairman Spira would like CRAWorld to schedule a meeting with the town boards in order to be brought up to date on progress of various projects in the town.

William Rolland asked if the town could adopt a local law providing for alternate members as described in the Spring, 2008 issue of New York Planning Federation Planning News. The local law should state under which circumstances an alternate may serve. The Planning Board will send a letter to the town board asking them to enact a local law or ordinance in order to have the alternate fill in in the event of an absence of a board member. The law will allow the alternate to fill in if a member is sick, on vacation or absent. The alternate will have all the same rights of a regular member of the board. Michael Dowd will move forward with this request.

With no further business to come before the Planning Board Anthony Collard made a motion to adjourn the meeting. James McIntyre seconded the motion. All in favor; meeting adjourned at 8:15 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary