

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on **Thursday, July 2, 2009**. James McIntyre and Jipp Ortiz were absent.

#### **APPROVE JUNE 4, 2009 MINUTES**

Anthony Collard made a motion to approve the minutes of the June 4, 2009 Planning Board as submitted. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

#### **GEORGE WINGER PUBLIC HEARING**

Chairman Spira reopened the Public Hearing of the George Winger subdivision request. Chairman Spira read from the June 4, 2009 Planning Board minutes regarding the Winger Public Hearing at which time there was no one present to represent the subdivision request, therefore no action was taken.

Chairman Spira read from the May 7, 2009 Planning Board minutes regarding the Winger subdivision request at which time the survey that was submitted did not have sufficient square footage required by the town zoning law. Due to the insufficient square footage on the survey, the Public Hearing was delayed until such a time that a survey with at least 20,000 square feet was submitted.

Brian Winger, representing his father, George Winger, came before the Planning Board tonight with new surveys that show 20,426 square feet for the lot that is being created. Two variances will be required in order for Mr. Winger to construct a garage of 1,600 square feet on the newly created lot. A six foot side yard set back and a twenty foot front yard set back will be asked for from the Zoning Board of Appeals.

Mr. Winger provided photos of the concept that shows the house and garage. The house and garage will need to be sold together. There will be a deed restriction stating so. With no further questions or comments Anthony Collard 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 & Assoc. that recommends approval of the requested subdivision. Based upon their field observations, review of the available information, and conversations with the Highway Superintendent, the subdivision will not have an adverse impact on the existing Town drainage system.

Chairman read the Short Environmental Assessment form and completed the back section on behalf of the Planning Board. Anthony Collard made a motion that, based on the information and analysis the proposed action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Donald McCollum made a motion to approve this subdivision with the condition that appropriate deed restriction is in place that this lot cannot be sold without a master dwelling on it. Anthony Collard seconded the motion. A roll call vote resulted in the following: Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

#### **ZONING BOARD OF APPEALS REFERRAL - LAURENCE ELIA**

Mr. Elia would like a variance to erect a storage building before construction of a residence. He further requests a variance of set back required on Beech Avenue. Mr. Elia has worked with the Department of Environmental Conservation as well as New York State on this project, trying to do everything according to the law. This parcel consists of approximately twelve acres of land on a pristine site. The shoreline has been secured according to DEC regulations. The Planning Board that the Zoning Board of Appeals **APPROVE** this request providing the house construction is started one year after the completion of the garage.

#### **CODE ENFORCER ROY ROGERS REPORT**

Mr. Rogers submitted his three reports for the Month of June  
Anthony Collard asked about regulations for above ground swimming pools. Mr. Rogers said that, according to New York State law, any pool over twenty (20) inches and under forty eight (48) inches in height must have a fence around it.

#### **ATTORNEY DOWD REPORT**

Mr. Dowd stated the he has sent information to Supervisor Wiepert and town bookkeeper Alt regarding NYSCERTA regarding local law – Wind Tower Farms. The Planning Board has requested that the Town Board enact the Wind Tower regulations as soon as possible.

#### **COUNCILWOMAN ORSI REPORT**

Ms. Orsi reported that the Land Use Committee would reconvene soon to attempt to incorporate the suggestions submitted into the law.

Chairman Spira read a letter from Roy Rogers addressed to John Palermo regarding the illegal creation of a lot that has been subdivided without Planning Board approval.

With no further business to come before the Planning Board Donald McCollum made a motion to adjourn the meeting. Anthony Collard seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary  
Town of Porter Planning Board