

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on **Thursday, August 7, 2008**. William Rolland was absent. Chairman Spira read the agenda aloud and added Shuartha Ghose to the agenda.

APPROVAL JULY 3, 2008 MINUTES

James McIntyre made a motion to approve the minutes of the July 3, 2008 Planning Board as presented. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

ZONING BOARD OF APPEALS REFERRAL

SHUARTHRA GHOSE, is requesting an area variance for his property at 2257 Old Lake Road, Ransomville, in order to build a new garage and an addition on the home. The coverage would exceed ten percent to a maximum of 12.8 percent coverage. Approval of the area variance is necessary in order to get a building permit.

Anthony Collard made a motion that the Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request for an area variance as presented. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried

JOHN PALERMO SUBDIVISION REQUEST

John Palermo, 619 Blairville Road, Youngstown, came before the Planning Board to request a subdivision of one half acre of land (101' X 193') that he has a contract with Santo Candella to purchase. The property is owned by Santo Candella, not John Palermo. Mr. Palermo said he is not planning to do anything with the lot at the present time. He does not intend to combine it with his property that is adjoining. In order to move ahead with this request, the lot must be 20,000 square feet in size, and a notarized statement from Mr. Candella, giving Mr. Palermo to act in his behalf must be submitted. The Planning Board approves of the concept of this request.

DOROTHY DIETER SUBDIVISION REQUEST

Dorothy Dieter, 884 Balmer Road, Youngstown, came before the Planning Board to request a subdivision of her property. She presented a map of the property that is located on the south side of Balmer Road. A neighbor would like to purchase part of the property. Dorothy Dieter would like to keep a lot of frontage and subdivide the remainder. The Planning Board approves of the concept of this request.

RAMONA CARTER SUBDIVISION REQUEST

Wayne Carter came before the Planning Board to inquire about the possibility of his mother, Ramona Carter, who resides at 1751 Lockport Road, Youngstown, to subdivide her property in order for her grandson (Wayne Carter's son) to purchase the farm, but subdivide a parcel with the house Mrs. Carter currently lives in from the farm. This

property has been subdivided six times before. Is this considered a major subdivision? A minor subdivision consists of four lots; a major subdivision is five lots and above. The intent of the past subdivisions of this property was to increase the size of adjoining lots. Only one house has been built on any of the subdivided land. Michael Dowd said that usually the purpose of a major subdivision is to comply with town regulations for curbing, utilities, turn-around, etc. Although this request does seem to fall into the major subdivision regulations, there have been less than five lots subdivided within the last three year period. The Planning Board feels this request can be treated as a minor subdivision. Wayne Carter would like to leave two acres and the existing house and subdivide the remainder of the farm. This request meets Planning Board approval. Due to the size of the lot being created, no septic approval is required.

ZONING BOARD OF APPEALS REFERRALS

JOHN SCHMITZ, representing a wind turbine request at 3571 Porter Center Road, was not in attendance at the meeting. Therefore no action was taken on the request.

Chairman Spira read from the Zoning Law regarding wind towers in the town, page 111 through page 113. Section 562 and some discussion regarding what the town would permit regarding wind towers was held.

MICHAEL BLENK, 426 Dansworth Road, Youngstown, is requesting a special use permit for a five foot fence. The Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request.

LON FLICK, 1587 Lake Road, has submitted a special use permit request for a six foot fence. This is a request for a six foot in height fence, 240' long to the south of the garage and sixty feet long north of the garage. The Planning Board feels that the section of fence that goes from the garage to the lake is not acceptable because it would block the neighbor's view of the lake. The Planning Board recommends that the Zoning Board of Appeals **APPROVE** the 240 feet of six foot fence to the south of the garage, but **NOT** the sixty feet long section north of the garage.

DAVID HAKE, 3832 Ransomville Road, Ransomville, is requesting a special use permit for a six foot fence. There would be approximately 320 feet of sculpted fence, 5' to 6' in height and would be located on either side of the house and along the back lot line. The Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request.

CATHERINE WRIGHT, 889 Youngstown-Lockport Road, Youngstown, is requesting a special use permit for a five foot fence, 130 foot in length. The Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request.

CODE ENFORCER REPORT

Code Enforcer Roy Rogers handed out his report of permits issued in July. He reported that there will be a hearing July 18 with the Town Board regarding a matter concerning

condemning a barn in the town. This is a civil action regarding an unsafe building in the town. Mr. Rogers reported that there is a new state law requiring that all new swimming pools over eighteen inches in depth be surrounded by a fence and have a pool alarm.

ATTORNEY DOWD REPORT

Nothing to report

MISCELLANEOUS ITEMS

It was reported that the Porter on the Lake (Town Park) will hold a Labor Day celebration from noon until 6:30 p.m. This will be the grand opening of the park. The park is open daily from dawn until dusk. Everyone should try to attend the celebration. There will be food, vendors, a beer tent, and crafts for kids. Shinia Twin will perform a concert.

Councilwoman Orsi reported that the role of the alternate needs to be defined and an amendment to the local law passed. Pam Parker will work with Attorney Dowd regarding this matter.

With nothing to come before the Planning Board tonight, James McIntyre made a motion to adjourn the meeting. Jipp Ortiz seconded the motion. All in favor; meeting adjourned at 8:30 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary