

# DRAFT...DRAFT...DRAFT

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, August 4, 2011. All Planning Board members were present. Chairmen Spira welcomed everyone to the meeting and read over the agenda for tonight's meeting.

## **APPROVE JULY 9, 2011 PLANNING BOARD MINUTES**

Chairman Spira read over the minutes of the July 7, 2011 Planning Board meeting. Page 2, under Joshua Stack/Boatworks Public Hearing – Special Use Permit the application should read as follows:

Application of Josh Stack, BoatWorks, 3970 River Road, Youngstown, NY 14174 for a Special Use Permit to operate a Vehicle Repair Station (Marine Repair Shop) at 786 Blairville Road, Youngstown, NY, formerly known as Country Kernel, Restaurant. Property is located on Blairville Road near the intersection of Creek Road, Youngstown, NY.

Anthony Collard made a motion to approve the amended minutes of the July 9, 2011 Planning Board meeting. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

## **Public Hearing Paul & Amy Incorvaia, 3933 Calkins Road, Youngstown - Two lot subdivision**

Chairman Spira read the following Notice of Public Hearing:

**Application of Paul & Amy Incorvaia, 3933 Calking Road, Youngstown, NY** to subdivide their property at 3933 Calkins Road, Youngstown, NY.

**Lot 1:** 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 250.00 feet 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 126E-19'-20", 382.32 feet measured to a point; running thence southerly along a line at an interior angle of 89E-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 90E-10'-48", 456.05 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

**Lot 2:** 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 375.0 feet 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 126E-19'-20", 456.05 feet measured to a point; running thence southerly along a line at an interior angle of 89E-49'-12" , 121.78 feet measured to a point; running thence westerly along a line parallel to the north line of Dingman, at an interior angle of 90E-10'-48", 545.18 feet measured to a point on the center line of Calkins Road; running thence northeasterly along the center line of Calkins Road, 151.13 feet measured to the point or place of beginning. Subject to the rights of the public in and through Calkins Road. This property is known as tax map no. 59.00-2-61.211.

Mr. Incorvaia came before the Planning Board to represent this request to subdivide two lots from his property. This concept has already been discussed and approved by the Planning Board. The parcel of land was shown on the overhead screen and a survey of the property was shared. With no questions or comments from the Planning Board or audience, Jipp Ortiz made a motion to close the Public Hearing portion of the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter submitted by Conestoga-Rovers & Associates regarding town drainage. 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 requested subdivision is given.

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

Chairman Spira read a letter from Apex Consulting regarding the perk test. A sewage disposal system can be designed for the property.

Jipp Ortiz made a motion to approve this two-lot subdivision as presented. Thomas Oddy 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.

**Public Hearing Suzanne Dewey, 2488 Youngstown-Lockport Road, Ransomville - Special Use Permit renewal to house four (4) horses**

Chairman Spira read the following Notice of Public Hearing:

Application of Suzanne Dewey, 2488 Youngstown-Lockport Road, Ransomville for a Special Use Permit renewal to house four (4) horses at 2488 Youngstown-Lockport Road, Ransomville, NY. Property is located in an RA (Rural Agricultural) Zoned District on the South Side of Youngstown-Lockport Road, between Dickersonville Road and Estes Street in said Town.

The Zoning Board of Appeals granted a Special Use Permit one year ago. The permit was issued for one year. Chairman Spira read aloud the old permit. Suzanne Dewey was in attendance at the meeting to represent this request. Five acres of land is required to house horses in the town; Ms. Dewey's property is 4.6 acres. Ms. Dewey would like the Planning Board to consider extending the permit for five years. The Planning Board reminded Ms. Dewey that, if a horse expires, it is not to be replaced until there are only two horses on the site. With no questions or comments from the Planning Board or audience, Thomas Oddy 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 Short Environmental Assessment Form and completed the Impact Assessment on the back of the form. Donald McCollum made a motion that, based on the information and analysis and any 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.

Anthony Collard made a motion to renew this Special Use Permit to house four horses for FIVE years – permit to expire August 4, 2016. 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.

**Public Hearing Paul Schmoyer – Schmoyer Building Company, Inc., 1809 Lake Road, Youngstown, NY - Special Use Permit renewal to operate a campground**

Chairman Spira read the following Notice of Public Hearing:

Application of Paul J. Schmoyer – Schmoyer Building Company, Inc., 1809 Lake Road, Youngstown, NY for a Special Use Permit renewal to operate a campground on the north side of Lake Road between Porter Center Road and Cothran Road in Said Town. Property is located in WR (Waterfront Residential) Zoned District in said Town.

Mrs. Schmoyer and her son, Steve Schmoyer, came before the Planning Board to represent this request.

Mike Adams, 1787 Lake Road, is a neighbor of the campground. He raised the following concerns: (1) two campers were torn down and three new campers were put in their place. The new campers appear to be significantly higher than the old ones and can be

seen above the six (6) foot fence therefore interfering with the privacy of the neighbors; (2) there appear to be a number of campers that have built Florida rooms on to the campers. The structures that are being added are permanent and that is clearly a violation of the permit. Chairman Spira read from the criteria for New York State towing law regarding height restrictions of mobile homes. Generally, Mr. Adams feels that the campground is run very well for the most part.

The Planning Board feels that the Schmoyer family should add cedars or some type of vegetation that will help with privacy. Steve Schmoyer suggested that some cedars could be added to the site in order to promote privacy. It is suggested that owner of the campground talk to the neighbors on these matters. Regarding the Florida rooms that have been attached to the campers, Mr. Schmoyer stated that the structures are not permanent and can be moved. The Planning Board will address these valid concerns with Roy Rogers to be sure the items listed in the permit are being followed. There is a shed that needs to be removed from the road access.

With no further comments or questions from the Planning Board or audience, Anthony Collard made a motion to close the Public Hearing portion of the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried.

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

Chairman Spira would like the campground owners and Mr. Adams to address the height issue. The campground owners should abide by the criteria set forth in the permit and possibly add some trees or shrubs to reduce the visual line of sight problem related to the height of the trailers.

Anthony Collard made a motion to renew this Special Use Permit to operate a campground for TEN years – permit to expire August 4, 2021. 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.

**Preliminary Scott Macvie, 1225 Balmer Road, Youngstown -Special Use Permit renewal of permit to house an 18,000 gallon propane storage tank for distribution (permit expires September 28, 2011)**

This is a request to renew a Special Use Permit for a propane storage tank. T.P.S. Petroleum Products currently store the propane at the site for distribution to their customers. Mr. Macvie owns the property that the tank is stored on therefore the permit is in his name. T.P.S. and Scott Macvie are requesting that the permit be renewed for ten (10) years. Chairman Spira read over the old permit.

A Public Hearing will be held in September for the renewal of the Special Use Permit.

**Code Enforcer Report (Rogers)**

Although Mr. Rogers, Code Enforcement Officer for the town was not at the meeting, he submitted a Building Department Report, Permit Monthly Report, and Complaints by Date report for the month of July.

**Attorney Dowd Report**

Mr. Dowd reported on the Boat Law amendment and the sewer upgrade.

With no further business to come before the Planning Board Jipp Ortiz made a motion to adjourn the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary  
Town of Porter Planning Board