

Chairman Spira called the regular meeting of the town of Porter Planning Board to order at 7:00 p.m. **Thursday, September 02, 2010**. Jipp Ortiz was excused. Chairman Spira welcomed everyone to tonight's meeting and read over the agenda.

Chairman Spira read over the minutes of the August 5, 2010 Planning Board. Susan Driscoll requested the minutes be amended regarding Subdivision Requests, Stephen and Colleen Pacia, line 7 and 8. The assessor DOES NOT file deeds when combining parcels. Anthony Collard made a motion to approve the minutes as amended. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

**Frank Destino**, 3909 Creek Road, Youngstown. This is a request to display and sell cars in the Destino's Pizzaria parking lot. The parking lot is a separate parcel from the pizza shop. Mr. Destino requests permission to display a few cars (2-4) for sale. There would not be an auxiliary building on this local. This is zoned ARR100. Chairman Spira read from the zoning law to determine that this request is not allowed in an ARR100 zoned area. This location has operated as if it were a commercial operation for at least forty years. It truly does act as if it is a commercial application. This action will require a special use permit issued by the Zoning Board of Appeals. The Planning Board recommends that the Zoning Board of Appeals approve this request. The Planning Board recommends that the Zoning Board of Appeals limit the permit to the sale of two (2) cars at one time. The Zoning Board of Appeals should contact Mr. Dowd to see if this is setting a presedent. This does not give permission for anyone to sell cars in an ARR100. This should be granted for one year and revisited at that time. Mr. Destino does not own the property, but leases it. There is a letter in the file giving Mr. Destino permission to act on behalf of the owner, Nelson & Phyllis Fasciano.

**Lorraine Keese** 908 Lockport Road, Youngstown, represented by Duane Murray, this is a request for a side set back variance. Lorraine Keese has life use of the house, but Mr. Murray owns the house. This is a request for an addition of a 12 foot mud room off the kitchen. The new addition will leave 10.8 feet from the building to the property line, not the required 15 feet. The Planning Board recommends that the Zoning Board of Appeals approve this request. Anthony Collard made a motion to recommend approval, seconded by Donald McCollum. All in favor; motion unanimously carried.

**Sandra Dell'Aria**, 3765 Ransomville Rd., Ransomville requests a special permit to own and house a pet miniature horse at her home. This property is located south of

the Stevenson Elementary School. The lot is 80 X 575. This is over one acre in size. The manure will be composted. The Planning Board recommends that the Zoning Board of Appeals deny this action in order to not set a precedent. This request to house a horse is too close to everything in the hamlet. Because of the size of the lot and the proximity to home owners the Planning Board recommends that the Zoning Board of Appeals reject this request. Although Ms Dell' Aria made a wonderful presentation for the benefit of having the miniature horse on the property, the Planning Board feels this would be setting a very indefensible position for the town.

**Elaine Martin** , 1878 Balmer Road, Ransomville, has submitted a request to subdivide three lots from her father's estate. The total parcel consists of 68 acres plus a house. There is a letter in the file giving Elaine Martin permission to represent her brother and sister in this action. This is a request to subdivide the property into three parcels. The property is located between Porter Center Road and Dickersonville Road. Ms. Martin presented surveys of the intended subdivision. The entire parcel is 750' wide, 4000' deep. This property is located right on the border line of the town of Lewiston. The property in the back is rented out to a farmer. The Planning Board is concerned about creating unreasonable lots. The Planning Board recommends approval of the sketch plans presented tonight. A Public Hearing will be scheduled for October providing all of the requirements are met. The Planning Board is not comfortable with the long narrow lots being created. A SERQ form, fee and three surveys are on file.

Anthony Collard gave a report regarding the public hearing for new zoning regulations. Ten people attended the meeting. There was discussion regarding New York State right-to- farm law that Tom Fleckenstein spoke about. The M1 district is to be extended north on Lutts Road. Ted Hogan suggested that the commercial zone in Ransomville be looked at. This proposal will now go back to Peter Smith who will present a final draft that will go to the town board

A building inspector report, permit report and complain action summary for August were submitted on behalf of the Code Enforcer, Roy Rogers.

With no further business to come before the Planning Board tonight, Donald McCollum made a motion to adjourn meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary