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Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. Thursday, October 1, 2009 and welcomed everyone to the meeting. All Planning Board members were present.

GARY & GAIL REID PUBLIC HEARING

Subdivision request Gary and Gail Reid, 3070 Orange Grove Trail, Naples, Florida, to subdivide their property at 1600 Youngstown-Wilson Road,. Beginning at a point in the center line of Braley Road, said point being 100.0 feet measured westerly from the southeast corner of lands conveyed to Robert Marsh by Deed recorded in the Niagara County Clerk's Office February 1, 1996, in Liber 2631 of Deeds at page 180. Running thence northerly at an interior angle of 89 degrees, 22 minutes, and along the west line of lands conveyed to Robert March by Deed recorded in the Niagara County Clerk's Office in Liber 2631 of Deeds at Page 180, 283.0 feet measured to a point; running thence westerly at an interior angle of 90 degrees, 38 minutes along a line which is parallel to the center line of Braley Road, 161.78 feet measured to a point; running thence southwesterly at an interior angle of 99 degrees, 34 minutes, 286.97 feet to a point in the centerline of Braley Road; running thence easterly at an interior angle of 80 degrees, 26 minutes and along the center line of Braley Road, 212.60 feet measured to the point or place of beginning. This property is known as tax map no. 46.00-1-23.1.

This is a subdivision request to subdivide property on Youngstown-Wilson Road (tax map no. 46.00-1-23.1). Once completed, the piece being subdivided will be attached to the property of Halena Madra, a neighbor. F. Warren Kahn, the attorney representing both the Reid subdivision and the Madra subdivision spoke about this request. This is a two-phase request that is very cut and dry. With no further questions or comments from the Planning Board or audience, 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 & Associates that based upon their field observations and review of available information the subdivision will not have an adverse impact on the existing Town drainage system.

Chairman Spira read the Short Environmental Assessment form submitted by Gary & Gail Reid. After completing Part II on behalf of the Planning Board, Donald McCollum made a motion that, based on the information and analysis and supporting documentation, this proposed action will not result in any significant adverse environmental impacts. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

Anthony Collard made a motion to approve this subdivision request as presented. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes;

Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

HALINA MADRA PUBLIC HEARING

Subdivision request of **Halina Madra**, 1704 Youngstown-Wilson Rd., Youngstown to combine her property. Beginning at a point in the center line of Braley Road, said point being the southeast corner of lands conveyed to Robert Marsh by Deed recorded in the Niagara County Clerk's Office February 1, 1996, in Liber 2631 of Deeds at Page 180; running thence northerly at an interior angle of 89 degrees, 22 minutes, and along the west line of lands conveyed to Robert March by Deed recorded in the Niagara County Clerk's Office in Liber 2631 of Deeds at Page 180, 283.0 feet measured to a point; running thence westerly at an interior angle of 90 degrees, 38 minutes along a line which is parallel to the center line of Braley Road 261.78 feet measured to a point; running thence southwesterly at an interior angle of 99 degrees 34 minutes, 286.97 feet measured to a point in the center line of Braley Road; running thence easterly at an interior angle of 80 degrees 26 minutes and along the center line of Braley Road, 312.60 feet measured to the point or place of beginning. This property is known as tax map no. 46.00-1-23.1.

This is a subdivision request to combine a parcel that has just been subdivided from Gary and Gail Reid, 1600 Youngstown-Wilson Road with the property of Helina Madra, 1704 Youngstown-Wilson Road. F. Warren Kahn, the attorney representing both the Reid subdivision and the Madra subdivision spoke about this request. Once approval of this request is granted, a deed will be filed joining the two parcels together. With no further questions or comments from the Planning Board or audience, Donald McCollum made a motion to close the Public Hearing portion of the meeting. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read a letter from Conestoga-Rovers & Associates that based upon their field observations and review of available information the combining the two lots into one lot will not have an adverse impact on the existing Town drainage system.

Chairman Spira read the Short Environmental Assessment form submitted by Halina Madra. After completing Part II on behalf of the Planning Board, Donald McCollum made a motion that, based on the information and analysis and supporting documentation, this proposed action will not result in any significant adverse environmental impacts. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

Jipp Ortiz made a motion to approve this subdivision request as presented. Donald McCollum seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

SANTO CANDELLA PUBLIC HEARING

Subdivision request of Santo Candella, Blairville Estates, 625 Center Street, Lewiston and John Palermo, 619 Blairville Rd. Youngstown, NY to subdivide property. Beginning at a point on the centerline of Blairville Road (a.k.a. Church Street)

a 66 foot wide right-of-way , said point being 956.19 feet measured southeasterly from the intersection of the centerline of Blairville Road and the east line of Lot 30. Running thence northeasterly and perpendicular to the centerline of Blairville Road, 33.0 feet to the true point or place of beginning. Continuing northeasterly and perpendicular to Blairville Road 200.0 feet to a point. Running thence northwesterly at 90 degrees, 307.45 feet to a point. Running thence southwesterly at 90 degrees, 193.0 feet to a point. Running thence southeasterly at 90 degrees along the northern line of lands appropriated by the County of Niagara, parcel number 81.86-04, 123.0 feet to a point. Running thence southwesterly at 90 degrees, 7.0 feet to a point. Running thence southeasterly along the northern line of Blairville Road, 184.45 feet to the true point or place of beginning. Said tract or parcel of land containing 1.39 acres of land being the same, more or less. This parcel is known as tax map no. 59.00-2-6.11

This is a subdivision request to subdivide property on 619 Blairville Road, Youngstown. This is a request to subdivide 493 square feet off major property and combine the piece to the property of John Palermo. Santo Candella was present to represent this request. With no further questions or comments from the Planning Board or audience, Anthony Collard 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 the Short Environmental Assessment form submitted by Mr. Candella. After completing Part II on behalf of the Planning Board, Donald McCollum made a motion that, based on the information and analysis and supporting documentation, this proposed action will not result in any significant adverse environmental impacts. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

Anthony Collard made a motion to approve this subdivision request as presented. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

JOHN PALERMO PUBLIC HEARING

This is a subdivision request to combine property at 619 Blairville Road, Youngstown. This is a request to combine the piece subdivided from Santo Candella to John Palermo's property. The two combined pieces will total 1.39 acres. Santo Candella was present to represent this request. With no further questions or comments from the Planning Board or audience, Anthony Collard 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 the Short Environmental Assessment form submitted by Mr. Palermo. There is no signature on the SEQR form. Mr. Palermo will need to sign the form in order for final approval. After completing Part II on behalf of the Planning Board, Jipp Ortiz made a motion that based on the information and analysis and supporting documentation, this proposed action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Anthony Collard made a motion to approve this request to combine two parcels contingent upon receipt of the town drainage approval and Mr. Palermo's signature on the SEQR form. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

ROBERT E. WADDELL PUBLIC HEARING

Subdivision request of Robert E. Waddell, 3654 Lutts Road, Town of Porter and **Robert B. Waddell, Jr.**, 1143 Balmer Road, Town of Porter Beginning at a point in the west line of Lutts Road at a distance of 1330.86 feet northerly from the intersection of the west line of said Lutts Road with the north line of Balmer Road, as measured along said west road line; thence continuing northerly along said road line a distance of 413.03 feet to a point; thence westerly at an interior angle of 89 degrees, 58 minutes a distance of 656.00 feet to a point; thence northerly at an exterior angle of 89 degrees, 58 minutes a distance of 126.28 feet to a point; thence westerly at an interior angle of 90 degrees, 17 minutes a distance of 858.24 feet to a point; thence southerly at an interior angle of 89 degrees, 42 minutes, 41 seconds a distance of 1514.24 feet to the point or place of beginning, containing 16.959 acres of land, being the same more or less. This parcel is known as tax map no. 60.00-2-28.

Chairman Spira read from the June 4, 2009 Planning Board minutes regarding this subdivision request. This is a request to divide a thirty-six (36) acre hay field with a thirty (30) feet road access. Because this is more than five acres for agricultural purposes, subdivision requirements do not apply. A Public Hearing does not necessary in order to divide this parcel of farmland. Jipp Ortiz made a motion to close the Public Hearing portion of the meeting.

Chairman Spira read a letter from Conestoga-Rovers & Associates that based upon their field observations and review of available information the combining the two lots into one lot will not have an adverse impact on the existing Town drainage system.

Chairman Spira read the Short Environmental Assessment form submitted by Mr. Waddell. After completing Part II on behalf of the Planning Board, Jipp Ortiz made a motion that, based on the information and analysis and supporting documentation, this proposed action will not result in any significant adverse environmental impacts. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Anthony Collard made a motion to approve this subdivision request as presented. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Donald McCollum, yes; Chairman Spira, yes. Motion unanimously carried.

ZONING BOARD OF APPEALS REFERRALS

Application of Neal Freiermuth, 893 Youngstown-Lockport Road, Youngstown, NY 14174. Under Sections 401.3, 704.2, 705 and 710, a special use permit is requested to

operate a small home business at residence and an area variance for 10' x 22' storage building attached to the rear of existing structure. Property is located on the North Side of Youngstown-Lockport Road (Rte 83) in an ARR-100 Zoned District between Creek Road and the Robert Moses Parkway in said Town.

Regarding the above request for a special use permit to operate a small home business at a residence, the Planning Board recommends that the Zoning Board of Appeals approve this request providing

- No parts and vehicles for maintenance or repair are allowed outside of the building
- One employee
- No more than two vehicles inside the garage under repair at any time
- Limit the house of operation to daylight hours

Please consider the above recommendation to be a site plan review prepared by the Planning Board on Thursday, October 1, 2009.

Regarding the request for an area variance for an addition to the shop behind the garage, the Planning Board is in favor of this request and recommends that the Zoning Board of Appeals approve this request.

Supervisor Wiepert contacted Chairman Spira regarding a house that is going to be built on the Old Lake Road property by Larry Elia.

Attorney Dowd will send a letter to Judith and Thomas Fleckenstein regarding wind tower requirements.

A letter will be sent to Supervisor Wiepert and the town board regarding the presentations made by Roy Rogers and Michael Dowd at the Planning Board and Zoning Board of Appeals training held at the town hall September 24, 2009. Chairman Spira reported that the work session was excellent. Roy and Mike's presentation on wind energy was very well done and greatly improves both board's understanding of the matter.

Marn Weld, 5333 Lake Road, expressed concern about a derelict barn on Lake Road across from the McVie property. Laurie Washuta is the owner of the barn. The barn needs to be torn down or repaired. Ms. Weld was instructed to go to the town board with this valid concern.

With no further business to come before the Planning Board, Anthony Collard made a motion to adjourn the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board

