

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, **October 6, 2011**. All Planning Board members were in attendance. Chairman Spira read over the agenda for tonight's meeting and welcomed everyone.

APPROVE SEPTEMBER 1, 2011 MINUTES

Chairman Spira read over the minutes of the September 1, 2011 Planning Board meeting. With no additions or corrections, Anthony Collard made a motion to approve the minutes as submitted. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

JANE RICHARDSON PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of **Jane Richardson**, 3529 East Avenue, Youngstown, NY. to subdivide her property.

All that tract or parcel of land, situate in Town of Porter, Range 9 of the Holland Land Company's Land, so called, and bounded and described as follows:
Beginning at a point along the centerline of East Avenue, 1114.88 feet northeasterly measured along the centerline of said East Avenue from it's intersection with the south line of Lot 31; running thence easterly at an interior angle of 72°-04'-37" a distance of 244.52 feet to a point; running thence northeasterly and parallel with the centerline of East Avenue a distance of 94.74 feet to a point, said point being the northeast corner of lands owned by Tuttle and described in a deed filed in the Niagara County Clerk's Office on March 24, 1976 in Liber 1591 at page 711; running thence westerly along the north line of Tuttle a distance of 233.13 feet to a point along the centerline of East Avenue' running thence southwesterly at an interior angle of 93°-36'-18" from the previous course and along the centerline of East Avenue a distance of 155.43 feet to the point or p lace of beginning. The area is 0.55 acres, more or less. This property is known as Tax Map No. 59.00-2-5.

It is noted that the dimensions listed above are for the lot of Doug Tuttle that is being created, not the 63.06 X 244.52 for a total of 15.431 square feet or 0.354 acres that is being subdivided from Ms. Richardson's property. The purpose of this subdivision is to create a lot for Doug Tuttle that is sufficient to put up a garage.

With no questions or comments, Anthony Collard made a motion to close the Pubic Hearing portion of the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

There is a letter in the file from Conestoga-Rovers & Associates regarding their visual site inspection of the property. 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 they recommend approval of this subdivision request.

Chairman Spira read over the Short Environmental Assessment form regarding the project information. The Impact Assessment (Part II) was completed by the Planning Board. Thomas Oddy made a motion that based on the information and analysis of the request and 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.

Jipp Ortiz made a motion to approve this request for subdivision. 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.

DEBRA TARGON SUBDIVISION REQUEST

Chairman Spira read the following Notice of Public Hearing:

Subdivision request of Debra Targon to subdivide her property 3642 Creek Road, Youngstown.

All that tract or parcel of land, situate in the Town of Porter, County of Niagara and State of New York; being part of Lot 25, Township 15, Range 9 of the Holland Land Company's Land, more particularly described as follows:

Beginning at a point in the centerline of Creek Road, distant 271.72 feet northeasterly of the southeasterly corner of lands conveyed to Truesdale as recorded in the Niagara County Clerk's Office in Liber 182 of Deeds at page 7, said point being the southeasterly corner of lands conveyed to Held as recorded in the Niagara County Clerk's Office in Liber 844 of Deeds at page 448; thence westerly at an interior angle of 133 degrees 45' 07" along the southerly line of said Held, 631.30 feet to the westerly line of said Truesdale; thence northerly at an interior angle of 88 degrees 07' 22" along the westerly line of said Truesdale, 73.26 feet; thence easterly at an interior angle of 91 degrees 52' 38" and parallel with the southerly line of said Held, 661.12 feet to the centerline of Creek Road; thence southerly along the centerline of Creek Road 80.00 feet to the point of beginning. This property is known as tax map no. 60.00-2-69.

This property was subdivided without Planning Board approval and a deed has been filed. A substandard 80' wide has been created.

With no questions or comments, 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.

There is a letter in the file from Conestoga-Rovers & Associates regarding their visual site inspection of the property. They note that it is the intent to combine the new parcel to the adjacent parcel to the south as illustrated on a boundary survey prepared by Nussbaumer & Clarke, Inc. 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 they recommend approval of this subdivision request.

Chairman Spira read over the Short Environmental Assessment form regarding the project information. The Impact Assessment (Part II) was completed by the Planning Board. Thomas Oddy made a motion that based on the information and analysis of the request and 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.

Jipp Ortiz made a motion to approve this request for subdivision. 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.

NOWACKI ENTERPRISES –REQUEST FOR ASSESSOR MERGE

Mr. Nowacki would like to request the assessor to merge his property at 2000 Lake Road, Youngstown, tax map no. 33.00-2-3-121 and 33.00-2-3-122. One parcel has a motel and cabin units, the parcel to the east is vacant. Mr. Nowacki is concerned about any changes that will result regarding his tax valuation. The Planning Board does not feel this will be an issue. This is an assessor merge. Jipp Ortiz made a motion to approve this merge; Anthony Collard seconded the motion. All in favor; motion unanimously carried.

NOWACKI, WALDEMAR SUBDIVISION REQUEST

Mr. Waldemar Nowacki would like preliminary approval to subdivide his property at 1993, 2053 and 2051 Lake Road. Mr. Nowacki currently lives at 2051 Lake Road. Mr. Nowacki would like to subdivide this property to give to his children. There is 224 feet on the lake with a 36 foot driveway. There is a cottage on the lot that is thirty (30) feet wide. The erosion rate is low in the area, maybe one foot. There is a single driveway that goes back with an easement from the east to the west property. The Planning Board discussed this concept and advised Mr. Nowacki what is needed to move forward with this request. A single driveway easement would be the way to go in order for both lots to have access from Lake Road.

CODE ENFORCER DOWD REPORT

Mr. Dowd reported that the town has passes the law regarding boat storage. There were no complaints at the meeting. Porter on the Lake is working on a master plan for the parking. They will submit a long environmental assessment form to the town.

TRAINING FOR PLANNING BOARD MEMBERS

Chairman Spira read an announcement regarding training for local planning and zoning boards. The training will be held at Niagara County Community College on Thursday, October 27 from 5:00 p.m. to 9:00 p.m. Mr. Collard, Mr. Ortiz, Mr. Oddy and Mr. McCollum plan to attend this training in order to comply with the four hours of training required by the state.

DOUGLAS ZASTROW REZONING REQUEST

Chairman Spira read a letter from Douglas F. Zastrow, 394 Canford Place, Gahanna, Ohio. Mr. Zastrow owns 8.2 acres of land located at the corner of Lake Road and Ransomville Road. He would like to list the property for sale so that homes could be built on it. The land is currently zoned Rural Commercial. In order to subdivide the property for residential homes, a zoning change would be needed. This property is currently zoned Rural Commercial and Mr. Zastrow would like it to be changed to Rural Agriculture.

The Planning Board discussed this request and noted that a letter to the Town Board is required in order to request a change in the Zoning Law. The Planning Board feels that the current zoning for this area should be kept Rural Commercial.

Once Mr. Zastrow requests a change in the zoning law with the Town Board, the Town Board will send this request to the Planning Board for a recommendation. The Planning Board feels that this area should be kept Rural Commercial.

The Secretary will send Mr. Zastrow a letter advising him to contact the Town Board in order to request a zoning change.

CODE ENFORCER REPORT

Roy Rogers submitted his building department report for September, 2011 as well as the monthly permit report for September 2011 and a complaints for September 2011 report.

With no further business to come before the Planning Board, Donald McCollum made a motion to adjourn the meeting. Thomas Oddy seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board