PLANNING BOARD
TOWN OF PORTER
3265 Creek Road • Youngstown, New York 14174 • (716) 745-3730 • Fax (716) 745-9022

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m., Thursday, April 10, 2014. All members were present. Chairman Spira welcomed everyone and read aloud the agenda for tonight's meeting.

APPROVE MARCH 6, 2014 PLANNING BOARD MINUTES

Chairman Spira read aloud the minutes of the March 6, 2014 Planning Board meeting. Mr. Spira stated that the paragraph regarding the Anaerobic Digestion Facilities in the Town of Porter is incorrect. It should read as follows:

ANAEROBIC DIGESTION FACILITIES IN THE TOWN OF PORTER

Thomas Oddy reported on research he has done regarding possible anaerobic digestion facilities in the town of Porter. Mr. Oddy has done research on the process that is being introduced in the Town of Wheatfield. There is currently a business "Quasar" located on Liberty Drive in Wheatfield. The company has petitioned the town of Wheatfield to increase their storage facilities in the town at the current site on Liberty Drive. Quasar is also involved in a request to develop an open air lagoon in the Town of Lewiston. Chairman Spira reported there are ten farms owned by individuals in the towns of Wilson, Cambria and Wheatfield who have expressed interest in injecting Equate as fertilizer. It takes thirty-nine months from the time that the equate is injected into the ground until items intended for direct human consumption are allowed to be planted. Mr. Oddy reported that according to local news sources the company had some troubles in Ohio.

Chairman Spira read the definition of manure lagoon from the Zoning Law, page 166 and farm pond's definition on page 162. This process is not a manure lagoon, but an anaerobic digestion facility.

The Niagara County Planning Board has to approve this concept.

Thomas Oddy made a motion to approve the REVISED minutes of the March 6, 2014 Planning Board. Jipp Ortiz seconded the motion. With all in favor the motion was unanimously carried.

BARBARA PIPER PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:
Notice is hereby given that a Public Hearing will be held by the Planning Board of the Town of Porter, 3265 Creek Road, Youngstown, New York on Thursday, April 10, 2014 at 7:00 p.m. for the purpose of considering and hearing all interested persons concerning the following:

Subdivision request of Barbara Piper, 260 South 9th Street, Lewiston, NY to subdivide her property at 3994 Dickersonville Rd., Ransomville, NY.

Parcel Sub Lot 1
All That Tract Or Parcel Of Land, Situate In The Town Of Porter, County Of Niagara And State Of New York, Being Part Of Lots 49 And 56, Township 15 And Range 8 Of The Holland Land Company's Survey, Bounded And Described As Follows:
Beginning At The Intersection Of The Westerly Line Of Dickersonville Road With The South Line Of Lot 49; Thence Northwesterly Along Said Road Line A Distance Of About 221 Feet To A Point; Thence Westerly And Parallel With Said Lot Line A Distance Of About 400 Feet To A Point; Thence Southeasterly And Parallel With Said Road A Distance Of About 221 Feet To The South Line Of Said Lot 56; Thence Easterly And Along Said South Lines Of Lot 56 And 49 A Distance Of About 400 Feet To The Point Or Place Of Beginning.

Parcel Sub Lot 2
All That Tract Or Parcel Of Land, Situate In The Town Of Porter, County Of Niagara And State Of New York, Being Part Of Lots 49 And 56, Township 15 And Range 8 Of The Holland Land Company's Survey, Being Further Described As Follows:
Beginning At A Point In The Westerly Line Of Dickersonville Road At A Distance Of About 221 Feet Northwesterly From The Intersection Of Said Road Line With The Southerly Line Of Said Lot 49, Said Distance As Measured Along Said Road Line; Thence Continuing Northwesterly Along Said Road Line A Distance Of About 140 Feet To A Point; Thence Westerly And Parallel With Said South Line Of Lot 49 A Distance Of About 400 Feet To A Point; Thence Southeasterly And Parallel With Said Road A Distance Of About 140 Feet To A Point; Thence Easterly And Parallel With Said Lots 49 And 56 A Distance Of About 400 Feet To The Point Or Place Of Beginning.

Sub Lot Parcel No. 3
All That Tract Or Parcel Of Land Situate In The Town Of Porter, County Of Niagara And State Of New York, Being Part Of Lots 49 And 56, Township 15, Range 8 Of The Holland Land Company's Survey, Described As Follows: Beginning At The Southwest Corner Of Lot 56, Thence Northerly Along The West Line Of Said Lot 56 A Distance Of About Nine Chains To A Point; Thence Easterly A Distance Of About 2531 Feet To A Point; Thence Southeasterly And Parallel With Dickersonville Road A Distance Of About 258 Feet To A Point; Thence Easterly And Parallel With Said South Line Of Lot 56 A Distance Of About 400 Feet To The Westerly Line Of Said Road; Thence Southeasterly Along Said Road Line A Distance Of About 78 Feet To A Point; Thence Westerly And Parallel With Said South Lot Line A Distance Of About 400 Feet To A Point; Thence Southeasterly And Parallel With Dickersonville Road A Distance Of About 361 Feet To The South Line Of Lot 49; Thence Westerly And Along The South Line Of Lots 56 And 49 A Distance Of About 3114 Feet To The Point Or Place Of Beginning, Containing About 35 Acres Of Land.
Excepting About 2.12 Acres Of Land Deeded To The Lake Ontario Shore Railroad.

Parcel Sub Lot 4
All That Tract Or Parcel Of Land, Situate In The Town Of Porter, County Of Niagara And State Of New York, Being Part Of Lots 49 And 56, Township 15, Range 8 Of The Holland Land Company's Survey, Being Further Described As Follows:
Beginning At A Point In The Westerly Line Of Dickersonville Road, At A Distance Of About 439 Feet Northwesterly From The Intersection Of Said Road With The South Line Of Said Lot 49, Said Distance As Measured Along Said Road Line; Thence Continuing Northwesterly Along Said Road Line A Distance Of About 140 Feet To The Southeasterly Corner Of Lands Deeded In Liber 1508 At Page 44;Thence Westerly And Along The South Line Of Said Lands Deeded In Liber 1508 At Page 44 To The Southwest Corner Of Said Lands Deeded In Said Liber 1508 At Page 44;Thence Northerly Along Said West Line Of Said Liber 1508 At Page 44 To The North Line Of Lands Deeded In Liber 1562 At Page 1180; Thence Westerly Along Said North Line Of Liber 1562 At Page 1180 A Distance Of About 200 Feet To A Point; Thence Southeasterly And Parallel With Dickersonville Road A Distance Of About 285 Feet To A Point; Thence Easterly And Parallel With Said South Line Of Lots 49 And 56 A Distance Of About 400 Feet To The Point Or Place Of Beginning

This Parcel Is Known As Tax Map No. 61.00-2-25.

This request for a four lot subdivision has not been previously looked at by the Planning Board. Roy Rogers gave an overview of this request and showed it on the overhead screen. This is a four-lot subdivision that includes a sixty-six (66) foot access to a large parcel in the back that will be used for farming purposes. A deal for the thirty-five (35) acre parcel has been completed. There is a barn that does not go with the thirty-five (35) acre parcel. There are no houses on this subdivision request, however there is a barn. This parcel is the first parcel in the town of Porter outside of the town of Lewiston.

A person from the audience asked if this is a commercial development because there is a commercial for sale sign from Hunt Real Estate. The Hunt sales person, Bob Seyler, reported that this is not a commercial development but he works for the commercial division of Hunt Real Estate and has been hired by Mrs. Piper to represent this action. With no further comments or questions from the audience or Planning Board members Anthony Collard made a motion to close the Public Hearing portion of the meeting. Thomas Oddy seconded the motion. With all in favor the motion was unanimously carried.

Chairman Spira read a letter from Conestoga-Rovers & Associates regarding drainage review. Based upon their review of available information, the subdivision will not have an adverse impact on the existing Town drainage system.

Chairman Spira read over the Short Environmental Assessment Form Part I – Project Information as submitted by Mrs. Piper. The Planning Board completed Part II – Impact Assessment. Jipp Ortiz made a motion that based on the information and analysis and 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 approve this four lot subdivision as presented. Jipp Ortiz seconded the motion. A roll call vote resulted in the following: Jipp Ortiz, yes; Anthony Collard, yes; Thomas Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

FRED BRUENING SUBDIVISION REQUEST

Fred Bruening came before the Planning Board to request a three lot subdivision on his property at 1472 Youngstown-Lockport Road, Youngstown. Some of the property has been purchased by Mr. Ewray. Lot one has 52.4 acres, Lot 2 has 21.83 acres, and Lot 3 has 59 acres. Mr. Bruening was advised to submit the $100 fee, a legal description and five copies of the survey. Anthony Collard made a motion to approve this subdivision as a preliminary concept. Jipp Ortiz seconded the motion. With all in favor the motion was unanimously carried. A Public Hearing will be scheduled upon submission of the necessary documentation.

MICHAEL AND MELISSA DOWD SUBDIVISION REQUEST

Michael Dowd came before the Planning Board to request a subdivision of his property at 3245 Creek Road, Youngstown. Mr. Dowd would like to subdivide his house and one acre of land. With the remaining property Mr. Dowd intends to build a home. His plans are to commence building a new home in the summer of 2015. Because this subdivision will result in a barn without a house on it, which is against town zoning rules, this request will have to be approved conditionally that a house be built on the remaining property where the barn is within a specific amount of time. The Planning Board feels that an eighteen (18) month extension is reasonable for Mr. Dowd to complete the construction of the new house. If Mr. Dowd does not sell his house before the new house is complete, this action will become null and void.

Anthony Collard made a motion to approve this preliminary request for a subdivision. Thomas Oddy seconded the motion. With all in favor the motion was unanimously carried.

Upon submission of the necessary documentation, a Public Hearing will be scheduled.

CODE ENFORCER ROY ROGERS REPORT

Roy Rogers submitted his monthly reports regarding complaints and permits in the town.

Mr. Rogers reported that a dollar store is in the beginning of the process to develop two stores in the town of Porter. The sites being researched are (1) Creek Road and Route 93 and (2) Braley Road and Ransomville Road. Site Plan approval will be required by the Planning Board. The Ransomville location is within a commercial zoned area.

ATTORNEY DOWD REPORT

Michael Dowd reported that the Town Board has adopted a new anaerobic digester law. Eleven farms in the area have been approved to have Equate as fertilizer injected into their property.

Mr. Dowd has written a letter to the village of Youngstown regarding a sewer agreement between the town and the village. No fee has been paid by the village for one year.

With no further business to come before the Planning Board tonight Thomas Oddy made a motion to adjourn the meeting. Anthony Collard seconded the motion. With all in favor the motion was unanimously carried and the meeting adjourned at 8:50 p.m.

Pamela F. Parker, Secretary
Town of Porter Planning Board