



# 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 on Thursday, May 1, 2014 at 7:00 p.m. All members were present. Chairman Spira welcomed everyone and read aloud the agenda for tonight's meeting. Due to the resignation of Donald McCollum from the Planning Board, there is a vacancy now exists. Peter Jeffrey has expressed a desire to serve on the Planning Board. Mr. Jeffrey currently serves on the Zoning Board of Appeals and would like to transfer to the Planning Board.

The required four-hour training session that is required by New York State law was discussed. It was decided that June 12 at 6:00 p.m. a joint board (Zoning Board of Appeals and Planning Board) meeting will be held. Chairman Spira will contact Norm Ault to arrange for any necessary accommodations. The tentative agenda will include Property Maintenance in the Code Manual and other items by the town attorney.

## APPROVE APRIL 10 PLANNING BOARD MINUTES

Chairman Spira read over the April 10, 2014 Planning Board minutes. With no additions or corrections, Jipp Ortiz made a motion to approve the minutes as submitted. Thomas Oddy seconded the motion. With all in favor the motion was unanimously carried.

## MICHAEL AND MELISSA DOWD PUBLIC HEARING

Chairman Spira read the revised Notice of Public Hearing as follows:

### New Lot 100

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 27, Township 15, Range 9, of the Holland Land Company's Survey, bounded and described as Commencing at the centerline intersection of Youngstown-Lockport Road (also known as Lockport- Youngstown Road) and Blairville Creek Road; running thence northerly along the centerline of said Blairville Creek Road a distance of 189.51 feet to an angle point; running thence northerly at an interior angle of 179°-36' from the previous course and continuing along said centerline of Blairville Creek Road, a distance of 43.31 feet to a point; running thence easterly at an interior angle of 87°-33'-44" from the previous course, a distance of 200.00 feet to a point; running thence southerly at an interior angle of 92°-26'-26", a distance of 256.59' to the centerline of said Youngstown-Lockport Road; running thence westerly at an interior angle of 80°-48'-48" along said centerline of Youngstown -Lockport Road a distance of 201.10 feet to the point or place of beginning. Excepting therefrom lands appropriated by the County of Niagara for highway purposes described as being part of Parcel 1.1-B in Liber 774 at page 232 and filed in the N.C.C.O on April 1, 1945. Excepting therefrom lands appropriated by the people of the State of New York for Highway purposes and described as part of Map 225, Parcel 280 in Liber 1487 of deeds at page 754 and filed in the N.C.C.O. on December Area: 28,335.04 Square Feet or 0.65 Acres ± (Excludes area with right-of-ways)

New Lot 200

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 27, Township 15, Range 9, of the Holland Land Company's Survey, bounded and described as Commencing at a point in the centerline of Youngstown-Lockport Road (also known as Lockport- Youngstown Road) a distance of 201.10 feet easterly from its intersection with the centerline of Blairville Creek Road; running thence southeasterly along said centerline of Youngstown- Lockport Road, a distance of 713.30 feet to a point, said point being the southwest corner of Ladd by deed recorded in Liber 1256 of Deeds at page 482; running thence northeasterly at an exterior angle of  $88^{\circ}-34'-57''$  along the west line of lands of Ladd a distance of 111.43 feet to an angle point, running thence northwesterly at an interior angle of  $154^{\circ}-13'$  along the west line of lands conveyed to Uptegraff in Liber 1209 of Deeds at page 39, a distance of 412.17 feet to a point; running thence easterly at an exterior angle of  $77^{\circ}-15'-13''$  along the northerly line of Uptegraff a distance of 135.39' feet to a point; running thence northerly at a right angle to the previous course along the west line of Uptegraff, a distance of 35.00 feet to a point; running thence easterly at a right angle to the previous course along then northerly line of Uptegraff, a distance of 149.44 feet to a point; running thence northerly at an interior angle of  $90^{\circ}-25'-55''$  along the west line of Uptegraff and lands conveyed to Moss by deed recorded in Liber 6 of Deeds at Page 606, a distance of 264.00 feet to the southeast corner of lands conveyed to Messersmith & Senf by deed recorded in Liber 1501 of deeds at page 63; running thence westerly at an interior angle of  $88^{\circ}-21'-52''$  along the south line of Messersmith & Senf, a distance of 365.32 feet to a point; running thence northerly at a right angle and along the west line of Messersmith & Senf, a distance of 60.00 feet to a point; running thence westerly at a right angle and along the southerly line of Messersmith & Senf, a distance of 300.00 feet to a point on the east line of lands reserved by Whitney for graveyard purposes conveyed by deed recorded in Liber 832 of Deeds at page 544; thence southwesterly at an interior angle of  $103^{\circ}-38'-13''$  along the easterly line of said graveyard lands, a distance of 141.09 feet to the southeast corner thereof; thence westerly at an exterior angle of  $97^{\circ}-40'-40''$  along the southerly line said graveyard lands, a distance of 54.78 feet to the southwest corner thereof; running thence northerly at an exterior angle of  $92^{\circ}-22'-10''$  and along the westerly line of said graveyard lands, a distance of 27.98 feet to a point; running thence westerly at an interior angle of  $92^{\circ}-26'-16''$ , a distance of 344.19 feet to a point on the centerline of Blairville Creek Road; running thence southerly at an interior angle of  $87^{\circ}-33'-44''$  and along the centerline of Blairville Creek Road, a distance of 362.72 feet to a point; running thence easterly at an exterior angle of  $87^{\circ}-33'-44''$ , a distance of 200.00 feet to a point; running thence southerly at an exterior angle of  $92^{\circ}-26'-16''$ , a distance of 256.59 feet to the point or place of beginning. Excepting therefrom lands appropriated by the County of Niagara for highway purposes described as being part of Parcel 1.1-B in Liber 774 at page 232 and filed in the N.C.C.O on April 1, 1945. Excepting therefrom lands appropriated by the people of the State of New York for Highway purposes and described as part of Map 225, Parcel 280 in Liber 1487 of deeds at page 754 and filed in the N.C.C.O. on December Area: 551,221.41 Square Feet Or 12.65 Acres (Excluding areas within right-of-ways)

Michael Dowd came before the Planning Board to explain this request. The legal description has changed from what was originally submitted. The change is due to the placement of the driveway for the new lot being created.

The lot with the existing house will be approximately 200 feet frontage on Creek Road and 300 feet wide and consist of approximately 1.47 acres more or less.

There is a job in the survey that accommodates the Tower Cemetery north of the property. There is a pond in the back of the subdivision. Mr. Dowd will build a house behind the barn on the high bank. A new deed description will appear in the minutes.

Thomas Oddy made a motion to close the Public Hearing portion of the meeting. Anthony Collard seconded the motion. With all in favor the motion was unanimously carried.

Chairman Spira read aloud Part 1-Project Information- of the Short Environmental Assessment form that was completed by the applicant. Chairman Spira completed Part 2-Impact Assessment- on behalf of the Planning Board. Anthony collard made a motion that based on the information and analysis presented and supporting documentation the Planning Board has determined that the proposed action will not result in any adverse environmental impacts. Jipp Ortiz seconded the motion. With all in favor the motion was unanimously carried.

Chairman Spira read a letter from Conestoga-Rovers & Associated regarding their review of the minor subdivision of this property. Based upon their review, the subdivision will not have an adverse impact on the existing drainage system. It is noted that a portion of New Lot 200 is located within the 100 Year Floodplain and Federal Wetland boundary. However, these items are not expected to have an impact on the proposed requested action.

Anthony Collard made a motion to approve this two-lot subdivision as presented. Mr. Dowd will have eighteen (18) months from the date of a building permit being issued to complete his new house. Thomas Oddy seconded the motion. A roll call vote resulted in the following: Mr. Ortiz, yes; Mr. Collard, yes; Mr. Oddy, yes; Chairman Spira, yes. Motion unanimously carried.

#### **CODE ENFORCER ROY ROGERS REPORT**

Mr. Rogers submitted his monthly reports for the Planning Board to discuss. There is a complaint report, a monthly report and a building permit report.

The property of Thomas Freck, 1820 Balmer Road was discussed. Mr. Freck has been sited for an unsafe building. The Planning Board has much concern for the appearance of his property.

Roy Rogers addressed the application of Michael McCabe, 2384 Lake Road, Ransomville, for a building permit for an additional pole barn on his property. Mr. McCabe indicated that the building will be used for storage and renovation of a personally owned collection of farm tractors and equipment. Without a zoning change or variance, no commercial transactions are to be permitted. Mr. McCabe reported to Mr. Rogers that all tractors are for his personal use.

Roy Rogers responded to a complaint making a site visit, followed by a letter to Mr. McCabe directing that no commercial business may be conducted on the premises. This would be nonconforming use on the property as a commercial operation. The Planning Board should consider changing the law back to the old law that allows service of farm equipment.

Anthony Collard raised the condition of the Storage Facility on Creek Road/Blairsville Road. The facility is not in compliance with the permit that has been issued by the town. Mr. Rogers reported that he is in conversation with the Dollar General who is looking into purchasing the site for a Dollar General Store.

#### **ATTORNEY MICHAEL DOWD REPORT**

Attorney Michael Dowd reported that the town is looking into a moratorium on the use of Equate in the town. Getting rid of the waste byproduct is an issue. There is a concern that heavy metals will remain and brown fields created.

With no further business to come before the meeting tonight, Thomas Oddy made a motion to adjourn the meeting. Jipp Ortiz seconded the motion. With all in favor the motion was unanimously carried and the meeting adjourned at 8:30 p.m.

Respectfully submitted

Pamela F. Parker, Secretary  
Town of Porter Planning Board