

Chairman Ortiz called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m., September 3, 2015. All members were present. Chairman Ortiz read aloud the agenda for tonight's meeting.

#### **APPROVE AUGUST 6, 2015 PLANNING BOARD MINUTES**

Chairman Ortiz read over the minutes of the August 6, 2015 Planning Board. With no additions or corrections the minutes were approved as read by a motion from Anthony Collard. Mark Fox seconded the motion. With all in favor the motion was unanimously carried.

#### **PUBLIC HEARING: CHERI'S GOLD MINE, 1940 LANGDON RD., RANSOMVILLE**

Chairman Ortiz read the Public hearing Notice for the subdivision of property of Cheri's Gold Mine, located at 3661 Ransomville Road, Ransomville, NY. This property is known as tax map no. 62.14-1-66.1. This property also includes Rocky's Pizza Shop. There is a letter in the file giving consent for the Purchaser to pursue and obtain assessment merger approval for the parcel being subdivided to be combined with the adjoining parcel with the understanding that the site will be developed for the construction of a Dollar General store.

Susan Driscoll displayed this request on the overhead projector.

With no questions or comments from the planning Board members or audience, Anthony Collard made a motion to close the Public Hearing portion of the meeting. Peter Jeffrey seconded the motion. With all in favor the motion was unanimously carried.

Chairman Ortiz looked over Part 1 of the Short Environmental Assessment form as completed by the applicant. Chairman Ortiz completed 2 – Impact Assessment – on behalf of the Planning Board. Mark Fox made a motion that based on the information and analysis presented and any supporting documentation that the action will not result in any significant adverse environmental impacts. Anthony Collard seconded the motion. With all in favor the motion was unanimously carried.

Anthony Collard made a motion to approve this subdivision request contingent upon an assessor merge of all three parcels when the deeds have been filed. Mark Fox seconded the motion. A roll call vote resulted in the following: Mark Fox, yes; Anthony Collard, yes; Peter Jeffrey, yes; John Bis, yes, Chairman Ortiz, yes. Motion unanimously carried.

**PUBLIC HEARING: LOUISE GRAGLIA, 2568 ACADEMY ST.,  
RANSOMVILLE, NY**

Chairman Ortiz read the Public hearing Notice for the subdivision of property of Louise Graglia, 2658 Academy Road, Ransomville, NY located at 2658 Ransomville Road, Ransomville, NY. This property is known as tax map no. 62.14-1-66.2. There is a letter in the file giving consent for the Purchaser to pursue and obtain assessment merger approval for the parcel being subdivided to be combined with the adjoining parcel with the understanding that the site will be developed for the construction of a Dollar General store. Susan Driscoll displayed this request on the overhead projector.

With no questions or comments from the planning Board members or audience, Peter Jeffrey 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 Ortiz looked over Part 1 of the Short Environmental Assessment form as completed by the applicant. Chairman Ortiz completed 2 – Impact Assessment – on behalf of the Planning Board. Mark Fox made a motion that based on the information and analysis presented and any supporting documentation that the action will not result in any significant adverse environmental impacts. Peter Jeffrey seconded the motion. With all in favor the motion was unanimously carried.

Peter Jeffrey made a motion to approve this subdivision request contingent upon an assessor merge of all three parcels when the deeds have been filed. John Bis seconded the motion. A roll call vote resulted in the following: Mark Fox, yes; Anthony Collard, yes; Peter Jeffrey, yes; John Bis, yes, Chairman Ortiz, yes. Motion unanimously carried.

**PUBLIC HEARING: CREATIVE SERVICES STRUCTURES SITE PLAN  
APPROVAL**

Chairman Ortiz read a letter from Roy Rogers, Code Enforcement Officer. The letter is to confirm that in accordance with Section 106, page F bus (1) of the Town of Porter Zoning Codes, he has certified that the Application of Dollar General for site plan review is complete.

The Zoning Board of appeals met on August 20, 2015 for the purpose of approving three variances for Creative Structures Services. A variance for a reduction from 46 to 30 parking spaces, for a six (6) foot in height fence in the front yard, and signage greater than the allowed 40 square feet for the Dollar General Store, 3661 Ransomville Road, Ransomville, NY.

Chairman Ortiz opened the Public Hearing Portion of the meeting. This is a request for Site Plan review for Creative Services Structures to construct a Dollar General store at 3661 Ransomville Road, Ransomville, NY near the intersection of Academy Street on the east side of Ransomville Road south of Academy Street. The fence is being lowered from eight (8) feet to six (6) feet and ends at the back of the building. Ingress/egress will be only on Ransomville Road.

Chairman Ortiz read a letter from GHD Consulting Services, Inc. regarding their review of contract drawings and engineer's report. Based upon their review of the contract drawings and engineer's report the following comments were made:

- There are existing drainage issues downstream (with limited capacity) of the project site. In order to connect to the public drainage system as proposed, a downstream capacity assessment shall be completed by C & S Engineers, Inc. to confirm the system has adequate capacity. Alternatively, they would accept a reduction in peak flow rate with a 6-inch pipe connection in lieu of the proposed 8-inch HDPE. The drainage calculations within the Engineer's Report will need to be revised
- It should be noted that storm water conveyance is to the Town of Porter storm system, not Niagara County.
- The Engineer's Report states "a portion of the site is located in the 100-yr floodplain. The building finished floor is 1.5' above the 100-yr floodplain elevation.
- If a sprinkler system is proposed for the building, a larger Type K copper water service shall be required. The proposed size of the water service is 1 inch.
- The Fire Marshal should review the Contract Drawings for compliance with applicable regulations associated with Fire Department access and proximity to water system hydrants.

There is a letter in the file from C & S Companies in response to the town engineer's review letter-proposed Dollar General that addresses all of the concerns of GHD Consulting Services, Inc.

He is looking to mid-December as an opening date. CSS and David Pawlik have been working closely with the town of this project. Chairman Ortiz passed out drawings of the proposal and site plan.

David Pawlik is the owner of the Dollar General Store and he came forward to explain to the Planning Board and audience the concept of the plan. The store will be 9,100 square feet. They will pay full taxes to the town. This store will create seven to nine jobs and will likely be filled by local people. Mr. Pawlik will try to use local business for snow plowing, landscaping, etc.

A resident who lives across the street from the Bus Garage is concerned about traffic congestion on Ransomville Road. Mr. Pawlik expects store hours to be 9:00 a.m. until 9:00 p.m. Monday through Friday and 9:00 a.m. until 6:00 p.m. Saturday and Sunday. The store will be set back from Ransomville Road ninety (90) feet. There is a detailed landscaping plan on the drawings. The lighting on the building has been changed. There will be two light poles in the parking and they will be shielded. The lights will not be on when the store is closed. There is a motion detector and an alarm system. The dumpster is enclosed.

The Planning Board feels that Mr. Pawlik has addressed the concerns and has met all of the codes set forth by the town law.

With no additional comments or concerns, Peter Jeffrey 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 Ortiz looked over Part 1 of the Short Environmental Assessment form as completed by the applicant. Chairman Ortiz completed 2 – Impact Assessment – on behalf of the Planning Board. John Bis made a motion that based on the information and analysis presented and any supporting documentation that the action will not result in any significant adverse environmental impacts. Peter Jeffrey seconded the motion. With all in favor the motion was unanimously carried.

Anthony Collard made a motion to approve this site plan with the understanding that the hours of operation will not exceed 6:00 a.m. until 10:00 p.m. seven days a week. John Bis seconded the motion. A roll call vote resulted in the following: Mark Fox, yes; Anthony Collard, yes; Peter Jeffrey, yes; John Bis, yes, Chairman Ortiz, yes. Motion unanimously carried.

### **THOMAS FLECKENSTEIN WIND ENERGY CONVERSION SYSTEM, 1953 BALMER ROAD, RANSOMVILLE**

Chairman Ortiz read a letter from Roy Rogers, Code Enforcement Office. On August 31, 2015 Mr. M. Wiefert, Michel Dowd and Mr. Rogers met with Mr. Thomas Fleckenstein regarding his claim to be a legitimate farm operation at 1953 Balmer Road.

Mr. Fleckenstein presented the following evidence to support criteria to determine his status.

- Acreage greater than 7 acres
- Income greater than \$10,000, 4 years of schedule "F"
- A letter from Mr. Robert Somers, of the Department of Ag & Markets, that based on information provided by Mr. Fleckenstein, the crops grown on the farm are crops that would be part of a farm operation.

Based on this determination Mr. Rogers has issued a building permit (for a windmill) as provided by the zoning code which allows the suspension of the requirement for a special use permit if "part of a legitimate farm operation in a certified agriculture district".

Perhaps the Planning Board should plan a field trip to Mr. Fleckenstein's farm in the future to better understand what the aqua ponds entail.

**DISCUSS PLANNING BOARD RECOMMENDATIONS ON CHANGING THE LAW THAT INCLUDED SALES AND SERVICE OF GARDEN/FARM EQUIPMENT IN AN RA DISTRICT AS REQUESTED BY TOWN BOARD**

The Town Board has asked the Planning Board to make a recommendation to make a change in the law regarding sales and service of garden/farm equipment. Chairman Ortiz said the Planning Board will discuss this tonight, however, he does not feel that the Planning Board should act on this matter tonight. Perhaps this could be treated as a home occupation. The Planning Board will research this matter can come prepared to discuss it at the October meeting. The meeting will commence at 6:30 p.m. for the purpose of work on the above mentioned change to the zoning law.

**CODE ENFORCER REPORT (ROGERS)**

Roy Rogers passed out his reports for August and discussed them.

**ATTORNEY REPORT (DOWD)**

Attorney Dowd reported about the meeting with Thomas Fleckenstein.

A letter has been received from Attorney Koryl regarding a recent subdivision of land that was done between Scott Macvie and David Webb. There is a difference of opinion about the easement. Michael Dowd will send a letter to Mr. Koryl outlining who is responsible to file the easement for access to the land from Lutts Road.

With no further business to come before the Planning Board tonight Peter Jeffrey made a motion to adjourn the meeting. John Bis seconded the motion. With all in favor the motion was unanimously carried and the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary  
Town of Porter Planning Board