



PLANNING BOARD
TOWN OF PORTER

3265 Creek Road • Youngstown, New York 14174 • (716) 745-3730 • Fax (716) 745-9022

Chairman Ortiz called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m., Thursday, December 3, 2015. All members were present. Chairman Ortiz welcomed everyone and read over the agenda for tonight's meeting. Dollar General was added to the agenda.

2015 VOUCHERS

Vouchers for 2015 were passed out and signed by everyone. The vouchers will be submitted to Supervisor Wiepert for payment. Fourteen meetings were held during the past year.

APPROVE MINUTES OF NOVEMBER 5, 2015 PLANNING BOARD MEETING

Chairman Ortiz discussed the minutes of the November Planning Board and read them over. With no additions or corrections the minutes were approved as submitted by a motion from Anthony Collard. John Bis seconded the motion. With all in favor the motion was unanimously carried.

DOLLAR GENERAL

Chairman Ortiz read a letter submitted by Scott P. Francis, Team North Construction Project Manager of Dollar General. The Planning Board is very concerned about changes that have are being made from the original approved site plan. David Pawlik and his attorney, Brian Attea, came before the Planning Board to explain the need for the changes being made. As for color of the awning, Hunter Green would be acceptable by Dollar General. However, the cornice must remain Dollar General Brown to remain consistent with the corporate image, trademarked colors and branding. The color in the front of the building and the awnings are the most critical to Dollar General. Mr. Pawlik said that Dollar General has never had to change the building before. Dollar General cannot accept the green color change that is being requested. The Planning Board is concerned that the changes that are being made are after the site plan was approved.

The north side of the building does not seem to have full windows as approved in the original site plan. The front elevation will be what was originally approved by the Planning Board. David Pawlik apologized that the colors are not what was originally submitted by him. The roof line has been an issue from the start.

Page 2
December 3, 2015

The Planning Board agrees that the hunter green color is acceptable. Dollar General feels that these are minor details. Chairman Ortiz feels that there are several minor changes that have been changed from the original approved site plan agreed upon by David Pawlik and the Planning Board.

Mark Fox likes the detail that was initially approved by the Planning Board. John Bis thinks this is an unsightly building. The Planning Board has compromised with the flat roof not the pitched roof. Hunter green is the new color Dollar General is using, not the green that was on the original approved site plan. Mark Fox does not like the awning, specifically the awning frame on the north side of the building. Anthony Collard likes the awnings, it gives a three dimensional look.

Attorney Dowd wants the Planning Board to make clear the resolution of what is going to be amended to the original approved site plan. A site plan can always be changed if there is a good reason. The cornice will be brown; the awnings will be hunter green. Faux windows will be added to the north side, and will look like the faux windows on the front of the building. There will be a wood frame on the awning that will be enclosed on the side. The lighting on the north side will be enhanced... photometrics may be an issue that needs to be addressed by Dollar General. Decorative lights can be the Dollar General hunter green.

The Planning Board is in agreement with the changes that have been made and approved. John Bis made a motion to approve the changes as outlined above. Peter Jeffrey seconded the motion. With all in favor the motion was unanimously carried.

CWM CHEMICAL SERVICES, LLC SITE PLAN REVIEW APPLICATION

Roy Rogers, Code Enforcer for the town of Porter, has sent the Planning Board a letter to confirm that in accordance with section 106, para F sub (1) for the Town of Porter Zoning Codes, he has certified that the Application of CWM Chemical Services for site plan review is complete.

Attorney Michael Dowd introduced Mike Mahar, CWM District manager and Jonathan Rizzo, Project Manager for CWM. This is on the agenda tonight for the Planning Board to begin the process of Site Plan Review. There will most likely be a Public Hearing scheduled sometime in the near future (possibly February, 2016). New York State Department of Environmental Conservation is the lead agency on this matter. CWM Chemical Services is not giving any pressure to move forward on this until the Planning Board fully understands the application as it has been submitted. Tonight the Planning Board will start looking at the project application.

Page 3
December 3, 2015

An Administrative judge will make the decision if CWM Chemical Services is allowed to site here. The Zoning Board of Appeals will be asked to issue a Special Use Permit and an area variance. The SEQR has been going on for some time. The Site Plan that has been given to the Planning Board is an abridged format. The unabridged application has been given to the New York State Department of Environmental Conservation. The abridged application is easier for the Planning Board and Zoning Board of Appeals to understand. There will be a host-community agreement. Perhaps a special meeting will be scheduled before the Planning Board holds a Public Hearing. The Niagara County Planning Board will need to approve this application as well.

Mr. Mahar and Mr. Rizzo made a presentation as to what has been done to get to this point of the process. Currently the site consists of 730 acres. There are six closed land fills. The expansion request will entail a 44 acre expansion. The new site is going to be its own individual landfill. CWM Chemical Services has taken the Town of Porter Zoning Law and addressed each item individually (page 22, section 106 E specifically).

The Planning Board will schedule a work session to look at each item individually. It is important for the Planning Board to hold a work session with CWM Chemical Services, Roy Rogers, Code Enforcer for the Town, and Jason Bridges, Engineer for the Town, to understand the process better. Roy Rogers has submitted a letter that the Site plan Review application is complete. The Planning Board will schedule a meeting to start the review process in the near future.

CODE ENFORCER ROGERS REPORT

Roy Rogers submitted his reports for November, 2015. The Planning Board looked over the reports of complaints and building permits. The mobile home park at 999 Balmer Road has added a new mobile home and removed an old one.

The Town Board will schedule a Public Hearing to consider changing Local Law 2 2014 Sales and Service of garden/farm equipment in areas zoned Rural Agricultural.

With no further business to come before the Planning Board John Bis made a motion to adjourn the meeting. Chairman Ortiz seconded the motion. With all in favor the motion was unanimously carried and the meeting adjourned at 8:30 p.m.

It was noted that after 23 years, this is the last meeting for Pam Parker.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board