

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, August 3, 2006. Douglas Canfield and Gary Myers were absent.

JEFFREY STEVENS PUBLIC HEARING

Chairman Spira read the following Notice of Public Hearing:

Request of Jeffrey Stevens, 3881 River Road, Youngstown, New York to subdivide his land at 3881 River 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 8 of the Mile Reserve, bounded and described as follows: Commencing at the northeast corner of land conveyed to Peter A. Knack and Marie T. Knack by deed recorded in Liber 1924 of deeds at page 355; thence easterly along the northerly line of said Knack lands, a distance of 17.41 feet to the point of beginning; thence continuing easterly along the northerly line of Knack Lanes, a distance of 137.10 feet to a point; thence continuing easterly, forming an interior angle of 187 degrees, 39 minutes, 35 seconds, a distance of 15.00 feet to the northwest corner of land conveyed to Anthony S. and Kathleen Nasco by deed recorded in Liber 1995 of deeds at page 4; thence southerly, forming an interior angle of 85 degrees, 54 minutes, 25 seconds, a distance of 147.05 feet to a point in the centerline of land conveyed to the Lewiston and Youngstown Frontier Railway Company by deed recorded in Liber 259 of deeds at page 292; thence westerly, parallel with the south line of Lot 8 and in part along the north line of land conveyed to Otto W. Krueger by deed recorded in Liber 727 of deeds at page 98 a distance of 135.69 feet to a point; thence northerly, at right angles, a distance of 158.33 feet to the point of beginning.

Together with a non-exclusive easement for the purpose of ingress and egress between premises and Lower River Road together with an easement to operate, maintain, repair and replace underground sanitary sewer and water lines between premises and Lower River Road, said easements to be located in a strip of land having a sixty-six (66) foot perpendicular width the south line of which is the north line of the above described premises, the north line of said lands of Knack and the north line of land conveyed to George Baxter and Elizabeth M. Baxter, his wife, by deed recorded in Liber 1603 of deed at Page 367. Subject to easements and rights of way of record.

This parcel is known as tax map no. 73-06-1-5

Karen Wieland Schmidt provided the town map of the site and the Planning Board looked over the surveys that were provided by the applicant. Mr. Nasca, a neighbor who is interested in purchasing the parcel being subdivided came forward to ask a few questions he has regarding this subdivision. His concern is regarding whether this action will create a standard lot for development in the town. The Planning Board said that the lot being subdivided is a standard lot for the area. Mr. Nasca asked if the lot could have a home built on it and the Planning Board said yes, the lot being created is 21,000 square feet. (20,000 square feet is needed for a lot in this zoned area. There is a sewer line that runs in front of the parcel being subdivided. The sewer line is a private line in a private right-of-way. Each lot has to have a new service including a water and sewer meter. It is not allowable to have two lots using one service.

Mr. Stevens was not present at the meeting tonight to represent this subdivision request, therefore; Jip Ortiz made a motion to adjourn the Public Hearing tonight. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

The secretary will send Mr. Stevens a letter informing that him the Public Hearing has been postponed until September 7, 2006. Failure to appear at that time will make this application null and void.

PLANNING NEWS

Chairman Spira announced that a Planning conference will be held October 8 – October 10, 2006 at Saratoga Springs. Planning Board members are encouraged to attend.

Chairman Spira announced that the Association of Towns conference will be held in February in New York City. Members interested in attending should make their wishes known to Chairman Spira as soon as possible. Supervisor Wiepert said that the town board would be addressing the matter of attendance at the Association of Towns conference.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MEETING

A meeting of the N.Y.S. D.E.C. was held last week at Michigan Avenue, Buffalo. Representatives from Jedidiah, their developer, attorney, engineering staff and architectural staff were there. In addition, representatives from permit administration. Assistant permit administrator, Supervisor Wiepert, Councilman Baia, Attorney Dowd, Assessor Wieland-Schmidt, Planning Chairman George Spira, Code Enforcer Roy Rogers, Highway Superintendent Scott Hillman, and CRAWorld Engineer Rob Lannon were in attendance.

Some of the areas covered were coastal zone, erosion of the site, the old oak trees (they will be dead because of the soil being disturbed).

The architects went over the proposed SEQR process. Currently the action is asking for five stories above ground; 2 sub or garden levels, one main level and four levels above grade. A long Environmental Assessment form has not been submitted to date. The new Environmental Assessment Form must be submitted before lead agency status is decided.

Dave Britton, representing CRAWorld Engineering spoke about the process that he anticipates will be required of Jedidiah. Some items that could be requested include a visual impact and a full archeological study.

The Master Plan Committee and a group of town residents are requesting to change the zoning from MF80 to ARR100 in the lake front area.

ZONING BOARD OF APPEALS REFERRALS

Application of Mr. & Mrs. Nelson Fasciano, 2109 Pine Avenue, Niagara Falls, NY 14301. To renew their Special Permit dated August 28, 2003 to operate a pizzeria or fast food restaurant on their property at 3909 Creek Road, Youngstown, NY

The Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request for a special permit to continue to operate a pizzeria/fast food restaurant.

Application of Donald J. Robertson, 3989 Dickersonville Road, Ransomville, NY
Under Sections 503.3A, 705 & 710, a Variance is requested to construct a six foot in height paneled fence running to the rear on both sides of the house. Section 503.3 states "Maximum Height Residential Districts four (4') feet. Thus, a variance of two feet is requested. Property is located on the East Side of Dickersonville Road in an ARR-Zoned District between Balmer Road and Town of Porter Line in said Town.

Chairman Spira read a letter from the applicant regarding the request to construct a six foot fence 100' X 312". The Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request.

Application of Mary Wallace (Butters) 1709 Harrison Lane, Youngstown, NY.
Under Sections 401.6, 705 & 710, a Special Permit is require to erect a 30' x 40' pole barn, 12' high and 42' concrete posts. Under Section 401.6, maximum land coverage per buildings permitted 10%. Property is located on East Side of Harrison Lane in an ARR-100 Zoned District between Murphy's Corner Road and Porter Center Road off of Lake Road in said Town.

The Planning Board recommends that the Zoning Board of Appeals **DENY** this request because it exceeds lot coverage. The information submitted is insufficient.

Application of Tina and Richard Brady, Jr., 1274 Cain Road, Youngstown, NY 14174. Under Sections 503.3A, 705 & 710, a Variance of requested to construct a six foot fence in the year yard, approximately 112' deep x 73' wide. Section 503.3 states "Maximum Height Residential Districts four (4') feet. Thus, variance of two feet is requested. Property is located on the South Side of Cain Road in an ARR-100 Zoned District between Creek Road (Rte 18) and Lutts Road in said Town.

This request is for a six foot fence to safeguard the play area of children. The fence will be 112' X 73'. The Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request providing there are no objections from the neighbors.

Application of William Brown, 2652 Youngstown-Lockport Road, Ransomville, NY.
Under Sections 503.3A. 705 & 710, a Variance is requested to construct a six foot fence on the North side of the property approximately 85' going East and West. Section 503.3 states "Maximum Height Residential Districts four (4') feet. Thus, a variance of two

feet is requested. Property is located on the South Side of Youngstown-Lockport Road in a UR-60 Zoned District between Curtis Avenue and Town of Porter line in said Town.

Mr. Brown is requesting a six foot privacy fence 85' long. Mr. Brown requests privacy from the neighbor. *In the future, any referrals that are sent to the Planning Board must have sufficient information (drawings, surveys, pictures, etc.) included in order for the Planning Board to make a recommendation.* In this case a member of the Planning Board understands the concept of this request; therefore the Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request.

Application of Tim Keller, 1028 Youngstown-Wilson Road, Youngstown, NY

14174. Under Sections 401.2, 705 and 710, a Special Permit is requested to operate a small mail-order/internet business from existing home office. Property is located on the East side of Youngstown-Wilson Road in an ARR-100 Zoned District between Youngstown-Lockport Road and Meadow Drive in said Town.

The Planning Board recommends that the Zoning Board of Appeals **APPROVE** this request for a special permit conditioned upon 563 Home Occupation Zoning Law requirements being met; specifically accumulation of stock.

Application of Scott MacVie, Youngstown, NY. Under Sections 472.3, 705 and 710, a Special Permit is required to place a propane tank for distribution located on Tax Map No. 60.00-2.29.4 on the North Side of Balmer Road in an M-2 Zoned District between Creek Road and Lutts Road in said Town.

Mr. Macvie is requesting a special permit for petroleum storage on his property next to Jippter's. There is a survey with a drawing on it that indicates the location of the tank. The Planning Board would like to know if the request included distribution of petroleum products.

Chairman Spira read from the Zoning Law regarding M4 permitted uses and uses requiring a special permit. Public utility storage requires a special permit. **There is not enough information provided with this application for the Planning Board to make a recommendation.** A detailed outline of what Mr. Macvie intends to do, the size of the tank, screening and security all need to be addressed before the Planning Board can make a recommendation.

Regarding a request of **Lyn Bahringer** to operate a home occupation mail order business, the Planning Board recommends that the Zoning Board of Appeals **APPROVE** the **RENEWAL** of this special permit providing the applicant complies with Article 561 of the Zoning Law.

ZONING COMMITTEE REPORT

Councilwoman Nancy Orsi announced that the first meeting of the Zoning Committee for the Town of Porter was held last week. Ms. Orsi feels that there is not full agreement by

the committee of the zoning issues that should a become a comprehensive plan. This is a tool for planning for future of the town; looking at what is good for the whole community.

APPROVE JULY 6, 2006 PLANNING BOARD MINUTES

James McIntyre made a motion to approve the minutes of the July 6, 2006 Planning Board meeting as presented. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

With no further business to come before the Planning Board Jipp Ortiz made a motion to adjourn the meeting. Donald McCollum seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary
Town of Porter Planning Board