

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order on Thursday April 5, 2007 at 7:00 p.m. All members were present. Chairman Spira read over the agenda for tonight's meeting.

APPROVAL MARCH 1, 2007 MINUTES

Donald McCollum made a motion to approve the minutes of the March 1, 2007 Planning Board as presented. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

DAVE ERWAY DEVELOPMENT UPDATE

Tim Arlington, of Apex Consulting, came before the Planning Board to represent Mr. Erway on his request to build a commercial convenience store and gasoline station at the intersection of Ransomville Road and Youngstown Lockport Road, Ransomville. This area is zoned UCC60. There is a letter in the file from CRA Infrastructure & Engineering, Inc. stating that the subdivision will not have an adverse impact on the existing or proposed Town drainage system. Niagara County Health Department has approved a septic system design for the site.

Mr. Arlington passed out the most recent site plans for the Planning Board to review. Roy Rogers, Building Inspector/Zoning Officer for the Town of Porter, has reviewed the plans. Regarding the parking spaces, there must be twenty-six (26) spaced in order to meet town-zoning regulations. The landscape plan has been revised in order to buffer the neighbors to the southwest and east. All of the trees have been removed from the site and the developer will be adding trees and shrubs to the site. At the March Zoning Meeting, some of the members did not like the landscaping design due to a concern about the line of sight. All low-lying species are being placed on the development site. The flowers and fauna will be twenty-four (24) inches or less in height upon maturity. A more updated drawing of the landscaping plan was looked at.

Mr. Erway is in negotiations with Tim Horton's and Dunkin Donuts at the present time to possibly have a drive-thru window on the site.

The current drawing has a hip roof that is similar to a store in Clarence. The HVAC will be on the roof of the building. The lighting drawing is standard for a commercial building.

The Niagara County Planning Board has recommended approval of the combining of the five lots (March 19, 2007). The Niagara County Planning Board will make a recommendation of the final site plan review of the development at their April meeting. Town approval is subject to the Niagara County Planning Board's approval.

This action will be referred back to the Zoning Board of Appeals with a recommendation from the Planning Board.

Chairman Spira asked the representative from CRA Infrastructure & Engineering to expound on his review of the site. The representative referred to the March 23, 2007 letter that is in the Erway file. The following items need to be addressed by Apex Consulting.

- Comment #2 - Soil bearing tests shall be completed prior to start of construction to verify the design value of 2,000-psf compressive strength obtainable.
- Comment #4 - No response received to comment “The project conformance with federal, state or count plans is not discussed (such plans may not exist in this area).”
- Comment #5 - Sign design has not been finalized, but shall be submitted and reviewed by the Town Planning Board.

Sunoco will be the petroleum products vendor. The Sunoco colors must be on the canopy of the gasoline sales area.

The pole sign on the corner will be similar to the sign that is currently on the existing Porter Country Mart across the street. The price of fuel must be displayed on the sign by law. Mr. Erway intends to adhere to the sign regulations set forth in the town zoning law.

At last month’s Planning Board meeting a pre-application meeting for this development was held. The Zoning Board of Appeals did not take any action at their March meeting.

FULL ENVIRONMENTAL ASSESSMENT FORM - ERWAY

Mr. Arlington went over the Full Environmental Assessment form with the Planning Board. The Planning Board is going to be lead agency for the determination of the state environmental quality review of the full environmental assessment form. Anthony Collard made a motion appointing the Planning Board lead agency status. James McIntyre seconded the motion. All in favor; motion unanimously carried.

Chairman Spira read over the full environmental assessment form and discussed each item with the Planning Board. Chairman Spira read a letter from the Niagara County Health Department, Environmental Health Division regarding the sewage disposal at the site.

At the meeting the Full Environmental Assessment form was discussed. Jipp Ortiz made a motion that, based on the documentation provided in the long environmental assessment form, this action will not have a significant impact on the environment. Anthony Collard seconded the motion. A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; James McIntyre, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried. Therefore a negative declaration was determined.

William Rolland read Action 16 from the town's comprehensive plan regarding the preparation of a streetscape improvement plan for the hamlet of Ransomville. William Rolland has a problem with the signage being so large in the center of the hamlet. Dave Erway said that the signage is going to be electronic.

Tentative construction schedule is to begin May 15 with completion August 15, 2007.

The drawings presented today are dated March 13, 2007. William Rolland made a motion that the Planning Board would like to have a revised drawing with modified signage. James McIntyre seconded the motion. . A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; James McIntyre, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

James McIntyre made a motion to grant final site plan approval as presented. William Rolland seconded the motion. A roll call vote resulted in the following: William Rolland, yes; Anthony Collard, yes; James McIntyre, yes; Donald McCollum, yes; Jipp Ortiz, yes, Chairman Spira, yes. Motion unanimously carried.

EAST GARRISON DEVELOPMENT – NANCY SANGER

Nancy Sanger came before the Planning Board tonight to introduce a new design for the development she is working on in Youngstown on Lake Road near Old Lake Road. Ms. Sanger has had a market analysis done by a real estate consultant. This design has individual garages and entrances. A topographical drawing was provided. Ed Hastings is the builder Ms. Sanger plans to use. At the present time there are two entrance options: Option one has two entrances into the development; an entrance on Lake Road and an entrance on Old Lake Road. The second option has only one entrance on Lake Road.

The west boundary of the development has a road bed owned by the town that has not been maintained. Ms. Sanger has contacted the town and the town is not interested in selling that area to the developer.

The current plan presented tonight has eighteen (18) units that are town homes. A maintenance or homeowners agreement with a homeowners association will most likely be created. The homes will be made of stone and mixed brick. The Unit A homes are 2,100 square feet and the Unit B homes are 1,900 square feet. This is a MF80 zoned area. The timeframe for development completion is about one year. The builder would like to start as soon as possible. This is a pre-application meeting. This is not a subdivision request. This is a site plan. Tonight is a preliminary conference that requires a site plan approval.

As long as everything meets the zoning law regulations, the next step is to create a site plan including a drainage plan, sewage plan, etc., as set forth in the town zoning law. There is a ditch that bisects the site.

An engineering cost recovery is going to be required.

This is a major subdivision because each building is going to be owned/sold individually. The town law does not have a zero set back written anywhere. These are town homes in which the homes and the adjoining land belong to the homeowner.

This is going to be one building on eighteen lots. Michael Dowd read from the zoning law page 43. Options are to change the town law or go to the zoning board and get a variance for side lot changes.

The Planning Board approves of the concept for this development.

ATTORNEY DOWD REPORT – no report

CODE ENFORCER ROGERS

Roy Rogers has completed his state certification for building inspectors. Fifteen building permits have been issued during the month of March.

With no further business to come before the Planning Board tonight Anthony Collard made a motion to adjourn the meeting. James McIntyre seconded the motion. All in favor; motion unanimously carried. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary