

Chairman Spira called the regular meeting of the Town of Porter Planning Board to order at 7:00 p.m. on Thursday, May 1, 2008. James McIntyre and William Rolland were absent. Chairman Spira read aloud the agenda for tonight's meeting and welcomed everyone.

### **APPROVE APRIL 3, 2008 MINUTES**

Jipp Ortiz made a motion to approve the minutes of the April 3, 2008 Planning Board. Anthony Collard seconded the motion. All in favor; motion unanimously carried.

### **BUZZARD PUBLIC HEARING**

Chairman Spira read the following Notice of Public Hearing:

**Subdivision request of Jesse and Patti Buzzard, 3959 Dickersonville Road, Ransomville, NY to combine three lots of their property.**

Beginning at a point in the center line of Dickersonville Road distant 700 feet northwesterly from the point of intersection of the center line of Dickersonville Road with the south line of Lot No. 49, said point also being the southwest corner of lands deeded by Arthur Brookland to Bernard Henry and Perle Iona Caldwell by deed recorded in Niagara County Clerk's Office in liber-1402 at page 247; running thence northeasterly along the southwesterly line of aforesaid Caldwell lands a distance of 312 feet to the north corner of said Caldwell lands; running thence southeasterly along a line parallel with the center line of Dickersonville Road and distant 312 feet northeasterly thereof and along the northeasterly lines of a) lands conveyed to Garcia by deed recorded in liber-1540 at page 1122 b) lands conveyed to Garcia by deed recorded in liber-1367 at page-309 c) lands conveyed to Knotts by deed recorded in liber-1298 at page-307 d) lands conveyed to Vaux by deed recorded in liber-1574 at page-956 e) lands conveyed to Robertson by deed recorded in liber-1579 at page-672 and f) lands conveyed to Auchu by deed recorded in liber-1289 at page-307, a distance of 600 feet to a point on the northerly line of lands conveyed to Schmidli by deed recorded in liber-1411 at page-375; running thence northeasterly along aforesaid northerly line of Schmidli land a distance of 8.6 feet to a point on the east line of lands conveyed to Brookland by deed recorded in liber—951 at page-78; running thence northerly along aforesaid east line of Brookland lands a distance of 953.8 feet to the northeast corner of lands conveyed by Maines to Albert L. Strasburg by deed recorded in liber-2414 at page-146; running thence southwesterly along northwesterly line of aforesaid Strasburg lands a distance of 839.96 feet to the center line of Dickersonville Road; running thence southeasterly along the center

line of Dickersonville Road a distance of 200 feet to the point of beginning. This parcel contains 6.36 acres of land and is known as tax map no. 61.00-2-16, 61.00-2-15.111 and 61.00-2-15.112.

Ms. Patti Buzzard was present to represent this request to combine three lots on Dickersonville Road, Ransomville. Someone from the audience asked what the purpose of combining the lots was. Ms. Buzzard stated she intends to build a garage to store cars in. In order to do so, the lots need to be combined into one parcel. The parcel will consist of 6.3 acres when the deed is filed. With no comments or questions from the audience, Anthony Collard made a motion to close the Public Hearing portion of the meeting. Jipp Ortiz seconded the motion. All in favor; motion unanimously carried.

Chairman Spira looked over the documents in the file. A letter from CRAWorld was read and a determination that this action will not have an adverse impact on the existing Town drainage system. It is noted that a portion of the lot is within Agricultural District No. 8, National Wetlands Inventory, and a 100 year flood plain. However, there items are not expected to have an impact on the proposed requested action.

Chairman Spira read Section I of the Short Environmental Assessment form and completed Section II on behalf of the Planning Board. Jipp Ortiz made a motion that this action..... Donald McCollum seconded the motion. A roll call vote resulted in the following: Anthony Collard, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

Anthony Collard made a motion to approve this request to combine three lots. Jipp Ortiz seconded the motion. . A roll call vote resulted in the following: Anthony Collard, yes; Donald McCollum, yes; Jipp Ortiz, yes; Chairman Spira, yes. Motion unanimously carried.

#### PAUL INCORVAIA SUBDIVISION REQUEST

Paul Incorvaia, owns property at 3933 Calkins Road with 1,000 feet of road frontage. He would like to subdivide two lots on the north end of the property. The lots would be approximately 125' X 280'. A sketch plan was presented with the two lots clearly outlined. Mr. Invorvaia was reminded that the 125' of frontage must be measured at right angles and 20,000l square feet is required for each lot in an ARR100 district.

Jipp Ortiz made a motion to approve the sketch plan as presented. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

## DAVE ERWAY/REID PETROLEUM

David Petrosewitz, representing Reid Petroleum, came before the Planning Board to request the transfer of a special use permit from David Erway to Reid Petroleum. The permit was issued by the Zoning Board of Appeals in April, 2008. This was a twenty year agreement between the Town of Porter and David Erway. According to the town Zoning Law, a new permit must be issued. A special use permit is not transferrable or assignable.

The Planning Board has worked on this project with Mr. Erway extensively. Chairman Spira reminded everyone that drainage was a problem initially. Code Enforcer Roy Rogers stated that the drainage issues were resolved with a swail on the east boundary. The slope is sufficient for the drainage. The drainage plans that have been drawn up have been approved by CRAWorld and the Town. As long as the site plan is complied with as approved by the Planning Board and the Zoning Board of Appeals last year, the Planning Board feels that is agreeable to issue a new permit to Reid Petroleum.

Anthony Collard made a motion that the Planning Board recommends that the Zoning Board of Appeals re-issue the special permit that was assigned to David Erway to Reid Petroleum. The Planning Board further recommends that the new permit be issued to Reid Petroleum for twenty years.

Anthony Collard made a motion that the Planning Board approve the adoption of the original site plan as previously submitted. Donald McCollum seconded the motion. All in favor; motion unanimously carried.

Mr. Petrosewitz stated that Halley Development Corp. is the current owner of the property currently being managed as Porter Country Mart. The Planning Board was adamant that two competing fuel stations in the heart of Ransomville is unacceptable.

## TIM JEFFREY ZONING REFERRAL

Tim Jeffrey would like to build a repair shop in Ransomville. He currently operated his automobile repair shop in the back of the Porter Country Mart building that is soon to be vacated.

Michael Dowd explained that Reid Petroleum is the landlord of the current repair shop. Mr. Jeffrey wanted to build a garage on his property

on Braley, however, the neighbors complained therefore a new location is necessary.

There is a parcel on Ransomville Road (62.14-1-47) that Mr. Jeffrey is currently exploring the possibility of purchasing. It is a vacant lot that is owned by Schrack and was used for petroleum storage years ago. There was a large oil spill at that site in the past.

Mr. Jeffrey would like to build a 40' X 80' building with a four bay garage. In order to do this, a use variance is necessary.