



# PLANNING BOARD TOWN OF PORTER

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*Approved May 5, 2021*

**Thursday, April 1, 2021**

The regular meeting of the Town of Porter Planning Board was called to order at 7:01 p.m. with the Pledge to the Flag.

Present: Chairperson J. Anthony Collard, Vice Chairperson Jeffrey Schulze, Member Mark Fox, Member Robert Tower, Attorney Michael Dowd, Code Enforcer Peter Jeffery, Planning Board Secretary Amy Freiermuth

Excused: Member Ryan Ross

## **Approve March 4, 2021 Planning Board minutes**

A motion was made to approve the minutes as presented by Vice Chairperson Schulze and seconded by Member Tower. All in favor, motion carried.

## **Public Hearing for Lynn Beahen, 3481 East Avenue, Youngstown; Tax Map 60.00-1-55 for a Minor Subdivision.**

Doug Hiddie, Lynn Beahen's brother, was present on her behalf as documented in a letter from Ms. Beahen.

The public hearing was opened by Chairperson Collard reading the published notice and Member Fox making a motion. Vice Chairperson Schulze seconded the motion. All in favor, motion carried.

Code Enforcer Jeffery displayed the survey of the subdivision and explained that Ms. Beahen would like to split a 4.46 acre parcel into two pieces. One piece will have the home, barn and garage on it while the other will be vacant land. He stated that the previously approved Sketch Plan had not changed and that the plans are straight forward and comply with all zoning requirements (including road frontage, setbacks, etc.).

Neighbor Julie Burkey asked what the future plans for the larger parcel included. Attorney Dowd stated that the application was not before the board based on future plans and therefore they could not be speculated. He stated that currently the application is to divide the land into two parcels and that is what will be taken into consideration from the Planning Board when making their decision.

Vice Chairperson Schulze asked Code Enforcer Jeffery if anything had changed from the Sketch Plan and he stated that if there were changes they were very minor (as per the completed survey/legal description).

With no further audience discussion, a motion to close the public hearing was made by Member Fox and seconded by Member Tower. All in favor, motion carried.

With no further questions or discussion from the Board, a motion to approve the Minor Subdivision as presented was made by Member Tower and seconded by Member Fox.

With no further discussion, roll was called.

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Yes

Member Tower: Yes

Member Ross: Absent

Motion carried.

**Sketch Plan review for Richard Shears, 3200 Creek Road, Youngstown, NY; Tax Map 46.00-1-44.11 for a Minor Subdivision.**

Peggy Shears was present. Code Enforcer Jeffery stated that the Shears' have a 55 acre parcel they would like to divide with 3 parcels off Creek Road from a larger parent parcel. In total there will be 4 parcels once the subdivision is complete. He stated there is a 70-foot ingress/egress on Creek Road, as well as a second on Lockport Road that will lead to the parent parcel. Two of the parcels will be 186-wide (road frontage) by 250 feet deep. The third lot will be the corner lot that is also 250 feet deep, while the fourth is the large parent parcel. He stated that all lots will be larger than the current zoning regulations demand.

Member Tower asked how many parcels can be sold off one parcel. Attorney Dowd stated that a Minor Subdivision is four parcels over a two-year cycle as per the NYS Town law.

Code Enforcer Jeffery stated that there are currently significant piles of brush from logging that need to be removed and cleaned up. Mrs. Shears stated she has been working with a contractor on doing so for over a year. Chairperson Collard stated that the timeframe is a concern because it is unsightly, and the neighbors should not have to look at the piles. He also stated that rodents could be an issue if not addressed. Code Enforcer Jeffery agreed and stated that a definitive plan should be provided so that it does not become a code violation. Neighbor William Fox agreed and asked for action.

Attorney Dowd stated that the application on hand is in regard to a Minor Subdivision and that is what should be addressed. If a code violation is documented, then the Board will not be able to take further action.

With no further discussion, a motion to approve the Sketch Plan as presented was made by Member Tower and seconded by Member Fox.

With no further discussion, roll was called.

Chairperson Collard: Yes  
Vice Chairperson Schulze: Yes  
Member Fox: Yes  
Member Tower: Yes  
Member Ross: Absent

Motion carried.

Code Enforcer Jeffery explained to Mrs. Shears the requirements for the Minor Subdivision to move forward including a 21-day advance of all materials to be submitted to make the agenda.

#### **Discussion/decision on recommendation to the Town Board for Farm Market definition.**

Code Enforcer Jeffery distributed materials on the Farm Market definition as used by NYS Ag and Markets. Attorney Dowd stated that he and Code Enforcer Jeffery spoke and thought that these definitions may be a good place to start in looking at how to define a Farmers' Market, Farm Stand and Mobile Market within the Town Code. He continued that a Farm Stand requires a 50% grow rule from land owned or leased by a farmer. Code Enforcer Jeffery stated that currently that grow rule for the Town applies to a farmer of a local community – not necessarily from the Town of Porter. Member Tower stated he feels that the code needs to be modified to further protect local farmers.

Code Enforcer Jeffery and Attorney Dowd stated they would further brainstorm ideas to present the modified code to the Zoning Board of Appeals.

Chairperson Collard asked if anyone from the audience wished to speak. Brenda Bank stated she would talk to Code Enforcer Jeffery about the reasoning for using Ag and Markets' definition as a basis for the Town code.

#### **Discussion regarding local law changes for small home-based contractor businesses.**

Code Enforcer Jeffery distributed the current proposal on rural residential business parameters. Discussions ensued regarding employee numbers, lot size, deliveries, how to enforce the regulations, etc. Code Enforcer Jeffery stated he would email the Members with further changes based upon the discussion and asked if they would do the same if they had further ideas.

#### **Attorney Dowd's report**

Attorney Dowd had nothing further to report.

#### **Code Enforcer Jeffery's report**

Code Enforcer Jeffery's stated he would email his report once completed.

#### **Correspondence / New / Old / Miscellaneous Business**

None.

With no further discussion, a motion to adjourn the meeting at 8:18 p.m. was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.