



PLANNING BOARD TOWN OF PORTER

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Approved May 4, 2017

Thursday, April 6, 2017.

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 Peter Jeffery, Vice Chairperson Anthony Collard, Member Mark Fox, Member John Bis, Member Robert Tower, Assessor Susan Driscoll,

Absent: Attorney Michael Dowd, Code Enforcer Roy Rogers

Approval of the minutes from the Planning Board Meeting on March 2, 2017

A motion was made to approve the minutes as presented by Member Bis and seconded by Member Collard. All in favor, motion carried.

Recommendation to the Zoning Board of Appeals for an area variance for Paul and Amy Incorvaia, 2525 Lake Road, Ransomville, Tap Map ID: 21.18-1-37.1

Chairperson Jeffery read the below letter submitted to secretary Freiermuth from Paul and Amy Incorvaia.

April 3, 2017

Dear Amy,

We received your letter today regarding the April 6th Town of Porter Planning Board meeting. In lieu of our attendance we ask you to please submit this letter to the Planning Board. We live in Saint George, Maine presently but will soon be relocating to Ransomville, NY. We have made arrangements to represent ourselves at the upcoming Zoning Board of Appeals on April 27th, 2017. If there are any questions during the Planning Board Meeting please tell members we are available by phone if needed at 207-390-1639.

We are requesting this variance of four feet on both East and West boundaries rather than request for a single eight foot variance on the East boundary as not to cause a dramatic impact on the property. We were advised to request this by our Architect David Giusiana. Please see proposed site plan.

Thank you for your assistance and cooperation and we look forward to living in the Town of Porter once again.

Sincerely,

Paul and Amy Incorvaia

Chairperson Jeffery stated that this land was recently subdivided and the lot that the Incorvaia's own is approximately 100 x 500 feet, but the property lines are on a bias. The building plans that Assessor Driscoll displayed for the Planning Board showed a ranch style home with attached garage located in the center of the lot (east and west). Chairperson Jeffery stated that he assumed that the rationale behind the request for each side yard setback it to reduce the impact on the property (rather than having 8 feet on one side).

Member Tower asked if there were many houses on the Lake that held variances with side yard setbacks. Chairperson Jeffery stated that he thought that many of the houses were prior non-conforming use for the side yard setbacks.

Member Bis asked if the lot was subdivided, why it was not a larger parcel upon the division. Assessor Driscoll explained that the Incorvaia's did not subdivide the land and bought the parcel as 100 feet. Chairperson Jeffery read an email addressed to Assessor Driscoll where the Incorvaia's stated that the architect recommended they apply for a variance on both sides (rather than on only one side).

Member Tower stated that it appears that the house on the adjacent property is approximately 15-20 feet from the property line. Member Fox asked if anybody knew how the neighbors feel about the home being constructed close to the property line. Chairperson Jeffery stated the plans showed the house to be built about 294 feet from the road (to the front of the garage), which was about the same distance back as the adjacent home.

Member Tower asked if the garage should be shifted to reduce the requested side yard setback. Chairperson Jeffery stated that if the garage is shifted it could affect storage because it was a single-story home. He stated that there would be approximately 31 feet between structures.

Member Fox stated his only concern was how the neighbors would react. Chairperson Jeffery stated that the Zoning Board of Appeals would have a public hearing where neighbors will be invited to comment and ask questions.

Member Collard stated that the Planning Board could recommend that the Zoning Board approve the variance if the neighbors were ok with the location. The Members agreed.

A motion was made to recommend to the Zoning Board of Appeals the approval of the variance for side yard setbacks provided there is no dissension from the neighbors was made by Member Fox and seconded with Member Bis.

With no further discussion, roll was called:

Chairperson Jeffery: Yes

Member Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Yes

Motion Carried.

Preliminary Review of Minor Subdivision Mark and Andrea Woodcock, 1567 Lake Road, Youngstown, Tax Map ID: 32.16-1-23.11 and 32.16-1-23.2

Chairperson Jeffery stated that Mr. Woodcock subdivided his land and filed the deed with the county, but did not realize that he needed to have the division approved by the Town, hence the reason for his current application.

Mr. Woodcock stated the he purchased a piece of land adjacent to his property. This land included a 40 foot strip of land with access to the Lake. He then subdivided a portion of this land and sold it, while retaining the land with the lake access for his private use.

Chairperson Jeffery stated that he spoke with the owner of the newly divided lot (on the phone) and she was concerned that she owned “illegal” property. Chairperson Jeffery stated that he informed the owner that the procedure was being followed at this point and explained the process. Chairperson Jeffery informed the owner that it was Mr. Woodcock’s responsibility to complete the process and that he did not anticipate any issues.

Mr. Woodcock stated the he did speak with Code Enforcer Rogers when he purchased the land and was told that he only needed a survey and building permit (both of which he retained).

A motion to approve the preliminary review of Minor Subdivision was made by Member Collard and seconded by Member Fox.

With no further discussion, roll was called:

Chairperson Jeffery: Yes

Member Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Yes

Motion Carried.

Assessor Merge for applicant Claudia Andres and Mark Tower, Youngstown Wilson Road, Youngstown, Tax Map ID: 46.00-1-35 and 46.00-1-35.2

Mr. Tower explained that he and his sister Claudia Andres inherited a small building lot on the corner of Cothran and Youngstown Wilson Road. He stated they would like to merge that property with the large parcel adjacent to the lot.

Chairperson Jeffery stated that there did not appear to be any issues with the request.

Member Tower stated that he would abstain from the decision, as both Mr. Tower and Ms. Andres are family.

A motion was made to approve the Assessor Merge by Member Bis and Seconded by Member Fox.

With no further discussion, roll was called:

Chairperson Jeffery: Yes

Member Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Abstain

Motion Carried.

Chairperson Jeffery informed Mr. Tower that Assessor Driscoll would complete the process on her end.

New / Old / Miscellaneous Business

Member Collard stated that the Town Board had a waterfront public informational meeting on Monday and that it went well. He stated that approximately 50 residents were in attendance and the main topic was shore erosion. However, the committee has no authority on shore erosion. He stated that the plan will focus on the waterfront from the Town line on the river to the Village (of Youngstown) and from the Fort (Niagara) to the town line along the lake.

Chairperson Jeffery provided a flyer with training information to the Planning Board members. He stated that there would probably be in-house training for the members again this year.

Code Enforcer Rogers' report

Absent. Report distributed by Assessor Driscoll. A complaint was noted regarding Mr. Michael McCabe's property at 2371 Lake Road. A violation was issued by Code Enforcer Rogers on March 28, 2017 for non-permitted business use. Mr. McCabe has 10 days from the date of the violation in which to respond. Due to Code Enforcer Rogers absence, the outcome of the violation response was not recorded.

It was also noted on the complaint report that Mr. Thomas Walker, 1340 Cain Road was issued a violation for unpermitted construction for building a house on a parcel that already has a home built on the parcel. Assessor Driscoll stated that a stop work order was issued to Mr. Walker for building a house without a permit by Village of Youngstown Code Enforcement Officer John Stevens (due to Code Enforcer Rogers absence) on April 5, 2017. Code Enforcer Stevens stated to Assessor Driscoll that Mr. Walker was cooperative.

Member Collard asked for the timeframe for Mr. Fleckenstein's aquaponics farm completion. Chairperson Jeffery stated he has 18 months to complete Phase I of the project and that the project was approved in June of 2016 so he still had time remaining.

Attorney Dowd report

Absent.

A motion was made to close the meeting at 7:57 p.m by Member Tower and seconded by Member Bis. Motion carried.