



## PLANNING BOARD **TOWN OF PORTER**

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**Thursday, April 7, 2022**

The regular meeting of the Town of Porter Planning Board was called to order at 7:00 p.m. with the Pledge to the Flag.

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

Excused: Attorney Michael Dowd

**Public Hearing and Site Plan for Armand and Jane Cerrone, vacant land on Lake Road, Youngstown; Tax Map 45.00-1-9.1 for a Minor Subdivision.**

Armand Cerrone was present. Code Enforcer Jeffery stated that there are no changes from the Preliminary Subdivision approved in March. He displayed the survey on the screen in addition to providing full size hard copies to the Members for review.

Code Enforcer Jeffery explained that there are currently three pieces of land on this deed – 50 acres south of Route 18F with 2 “fingers” on the north side of the road. This Subdivision will break off the west “finger” to sell as a building lot. Vice Chairperson Fox verified that all pieces would meet the minimum lot sizes and Code Enforcer Jeffery concurred.

Chairperson Schulze read the public hearing notice as published in the Niagara Gazette and mailed to all residents within 500 feet of the perimeter of the property. A motion was made to open the public hearing by Vice Chairperson Fox and seconded by Member Collard. All in favor, motion carried.

Chairperson Schulze asked for any comment or questions from the audience. With no response, a motion to close the public hearing was made by Member Tower and seconded by Vice Chairperson Fox. All in favor, motion carried.

With no further Board discussion, a motion to approve the Minor Subdivision as presented was made by Vice Chairperson Fox and seconded by Member Collard.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

**Site Plan for Eco-Site/Verizon Wireless for a New Telecommunication/Cell Tower at 2521  
Youngstown-Lockport Road, Ransomville (Ransomville Fire Company); Tax Map 65.10-2-11.2.**

Attorney Jeff Palumbo and Will Grover were present to represent Eco-Site/Verizon Wireless.

Attorney Palumbo stated that the plan was to build a 170-foot mono pole tower as presented to the Planning Board on March 3, 2022. At that meeting the Planning Board requested a Site Plan of the area and approval of Variances from the Zoning Board of Appeals for the height of the tower as well as the fence height of 8 feet. He stated that on March 24, 2022, the Variances were approved and the ZBA, acting as lead agency, gave the SEQR a negative declaration.

A Site Plan of the landscaping for the area around the mono pole was presented which included 15 spruce trees, all 6-9 feet in height when planted that would be located on the south, east and west sides of the fence. Code Enforcer Jeffery displayed the Site Plan on the overhead and Attorney Palumbo had visual boards.

Vice Chairperson Fox asked who would be responsible for the landscaping if the tree(s) die. Attorney Palumbo stated that typically the provisions include 1 year to maintain/replace any landscaping. After multiple timeframes were discussed among Members, it was agreed that 2 years of maintenance and replacement was fair.

With no further discussion, a motion was made to approve the Site Plan as presented with the condition that the landscaping be maintained, and if needed replaced, for two years after planting. The motion was made by Vice Chairperson Fox and seconded by Member Tower.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

Code Enforcer Jeffery stated that the next step in the process was the approval of the building permit.

Attorney Palumbo stated that the timeframe for completion would be determined by when materials are available for construction to begin.

**Discussion on Rural Residential Business Zoning law chapter changes with Code Enforcer Jeffery.**

Code Enforcer Jeffery provided the Members with another request to discuss the “holes” in the Code Book for multiple business types including landscapers, contractors, plumbers, electricians, etc. He stated that this chapter is missing “typical businesses” that are not addressed making enforcement and new business hard to allow as a permitted use.

A lengthy discussion ensued with no determination or decision made. The Members agreed to ask Town Board Liaison Ortiz to attend the next Planning Board meeting to discuss the idea of forming a committee or to brainstorm ideas on how to best move forward.

**Code Enforcer Jeffery’s report**

Code Enforcer Jeffery's stated he will email his report to the Members once complete.

**Attorney Dowd's report**

Attorney Dowd was absent.

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

None.

With no further discussion, a motion to adjourn the meeting at 8:22 p.m. was made by Member Tower and seconded by Member Collard. All in favor, motion carried.