



PLANNING BOARD TOWN OF PORTER

3265 Creek Road • Youngstown, New York 14174 • (716) 745-3730 • Fax (716) 745-9022

Approved September 3, 2021

Thursday, August 5, 2021

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

Absent: Attorney Michael Dowd

Chairperson Collard introduced the Members and Secretary Freiermuth.

Approve July 1, 2021, Planning Board minutes

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

Public hearing for Richard Shears, 3200 Creek Road, Youngstown; Tax Map 46.00-1-44.11 for a Minor Subdivision.

A motion to open the public hearing was made by Vice Chairperson Schulze and seconded by Member Fox. All in favor, motion carried.

Mr. Shears was present and stated he would like to create 3 building lots off the larger parent parcel while keeping 2 access points to the larger parcel.

Code Enforcer Jeffery displayed the Subdivision and stated nothing had changed from the previously approved Sketch Plan. He stated that all lots are larger than minimum lot size and are in compliance with the Code.

Chairperson Collard asked for public comment. With none, a motion to close the public hearing was made by Member Tower and seconded by Member Ross.

With no further discussion, a motion was made to approve the Subdivision as presented by Vice Chairperson Schulze and seconded by Member Tower.

With no further discussion, roll was called.

Chairperson Collard: Yes
Vice Chairperson Schulze: Yes
Member Fox: Yes
Member Tower: Yes
Member Ross: Yes
Motion carried.

Chairperson Collard announced that the next agenda item would be handled by Vice Chairperson Schulze.

Sketch Plan Review for Michelle and Ron Walck, 3205 Ransomville Road, Ransomville; Tax Map 48.00-1-16.11 for Minor Subdivision

Both Michelle and Ron Walck were present. Vice Chairperson Schulze explained that the Walck's would like to divide off 2 smaller parcels from the larger lot leaving a 35-foot strip to the larger lot for farm access on the north side of the parcel between the new lot and the neighboring parcel. Member Fox asked if it would make more sense to increase that strip to the minimum road frontage of 125 feet in case they wanted to build a home on that parcel in the future. Michelle stated that although it was a good idea, she intends to pass the land to her children and feels this is the most reasonable solution to allow the farming on the land.

With no further discussion, a motion was made to approve the Preliminary Sketch Plan for Subdivision as presented by Member Fox and seconded by Chairperson Collard.

With no further discussion, roll was called.

Chairperson Collard: Yes
Vice Chairperson Schulze: Yes
Member Fox: Yes
Member Tower: Yes
Member Ross: Yes
Motion carried.

Recommendation to the Zoning Board of Appeals for Bailey-Baker Farm Trust, 2432 Parker Road, Ransomville; Tax Map 62.00-1-31 for a Renewal of Special Use Permit No. 357-2019 (Home Occupation Office).

Curtis Bailey and Attorney Mark Murphy were present. Mr. Murphy stated that the Bailey-Baker Farm Trust would like to renew their Special Use Permit with no changes from the previous permit. He stated there have been no complaints and would like to keep things status quo. Code Enforcer Jeffery confirmed that there are no complaints or concerns on file and felt that this was an acceptable request. Member Tower and Chairperson Collard agreed that things have been quiet and are neat, clean and organized on the property.

Member Fox asked how long the term of the permit would be. Code Enforcer Jeffery stated that typically the first permit issued is for 2 years. Renewals have been issued for up to 10 years. Mr. Murphy asked if the Members would please consider a 10-year renewal. Member Fox stated that seemed reasonable as the

Permit can be revoked if there are issues. Member Tower suggested that the Zoning Board of Appeals determine the timeframe as they feel is warranted.

With no further discussion, a motion was made to recommend to the Zoning Board of Appeals that they approve the renewal of the Special Use Permit for a Home Occupation with an extended timeframe from 2 years to as many as the Zoning Board of Appeals warrants is appropriate. The motion was made by Member Tower and seconded by Vice Chairperson Schulze.

With no further discussion, roll was called.

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

Sketch Plan Review and Referral Recommendation to the Zoning Board of Appeals for David and Kathleen Boniello/the Boniello Family Trust, 18 Porter Center Road Extension, Ransomville; Tax Map 33.10-2-2 for an Area Variance

David and Kathleen Boniello were both present. Mr. Boniello explained that prior to Covid, they planned to build a cottage on this property, but those plans fell through. However, he ordered a shed (also prior to Covid) and it was delivered without his knowledge. He would like to keep the shed there for storage of items to maintain and enjoy the property. This shed will replace an existing shed on the property that will be demolished.

Code Enforcer Jeffery stated that the parcel originally had a house, but it was removed prior to the Boniello's purchase of the land. The shed is a Prior Non-Conforming Use, but still needs the approval of an Area Variance as an accessory structure without a home. Photos of the property, shed and shed to be removed were displayed by Code Enforcer Jeffery.

With no further discussion, a motion was made to recommend that the Zoning Board of Appeals approve the Use Variance as presented by Vice Chairperson Schulze and seconded by Member Ross.

With no further discussion, roll was called.

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

Sketch Plan Review and Referral Recommendation to the Zoning Board of Appeals for Steve Schmoyer/Willow Beach Campsite, 1809 Lake Road Ransomville, Tax Map 33.10-1-11 for a Special Use Permit Renewal.

Steve Schmoyer was not present. A motion to table the application until September was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.

Sketch Plan Review and Referral Recommendation to the Zoning Board of Appeals for Art Garabedian, 3360 East Avenue, Youngstown; Tax Map 45.00-1-42.2 for:

- **Lakeview Animal Sanctuary Use Variance for an Animal Shelter in a Low-Density Residential zone**
- **Special Use Permit for a Commercial Horse Stable**

Arthur Garabedian and numerous representatives of Lakeview Animal Sanctuary were present.

Mr. Garabedian stated that he was recently approached by members of the Lakeview Animal Sanctuary looking to rent 10 acres of his land on East Avenue for the housing of their animals due to an emergency situation. He stated that they will have someone on the property 24/7 living in the trailer that he is currently working with Code Enforcer Jeffery to meet all building codes. He continued that currently members of Lakeview Animal Sanctuary are going above and beyond maintaining the 10 acres of fenced property.

Mr. Garabedian also stated that he owns 22.5 acres of land which would allow him to have up to 25 horses with a Special Use Permit for a Commercial Horse Stable.

Chairperson Collard stated that the main arena on the property needs to be better maintained. Mr. Garabedian stated that he plans to install new windows, fix the siding, etc.

Code Enforcer Jeffery stated that there are two requests – one for Lakeview Animal Sanctuary and one for the horse stable. He explained that an Animal Sanctuary is not in the permitted use table but is similar to an animal shelter and a Use Variance would allow this definition.

Mr. Garabedian and Anthony Crowley, President of the Board for Lakeview explained the history and brief overview of the Sanctuary. The organization takes in neglected animals including horses, pigs, goats, llamas, alpaca, ducks and chickens. All animals are vet checked immediately and must be deemed non-dangerous or wild in order for the Sanctuary to accept them.

Code Enforcer Jeffery stated this is a unique situation because of the two uses requested. The Members agreed that it should be doable with establishing parameters through a Special Use Permit for the Sanctuary while taking into account the horse stable and what is allowed based on the acreage. Code Enforcer Jeffery suggested that the Planning Board ask the Zoning Board of Appeals to follow the Special Use Permit process, which includes a Site Plan, if the Use Variance is granted so that specific guidelines can be established. The Members agreed this was a reasonable request and would give the Sanctuary the opportunity to come up with a plan regarding the number of both large and small animals and how it will work into the management and interaction with the horse stable.

A motion was made to recommend to the Zoning Board of Appeals that they approve the Special Use Permit for the Commerical Horse Stable as presented by Member Fox and seconded by Member Ross.

With no further discussion, roll was called.

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

A motion was made to recommend that the Zoning Board of Appeals approve the Use Variance for Lakeview Animal Sanctuary for an Animal Shelter in a Low-Density Residential zone with the following stipulations: Site Plan/Special Use Permit process be followed once the Variance is granted. It is suggested that the Special Use Permit include specifics on the number of animals (both large and small) allowed on the property. It is also suggested that the permit include information on how the Sanctuary will interact and be managed along with the Commerical Horse Stable (if approved) also located on the property. The motion was made by Vice Chairperson Schulze 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: Yes

Motion carried.

Chairperson Collard announced that Larry Weibert was present and wanted to discuss with the Planning Board his petition to the Town Board for a Zoning Map Amendment. Paperwork was distributed to the Members illustrating the current property. Mr. Weibert explained that he would like to have support to rezone his property from Rural Agricultural to Rural Commerical so that it more closely represents what the current and future use of the property.

Code Enforcer Jeffery stated that the Planning Board needs to make a recommendation to the Town Board once the petition has been made and formally presented to the Town Board. He stated that the paperwork should be reviewed so that this can be discussed at the September Planning Board meeting. He asked the Members to review Section 200-109 (3) of the Code that explains the action needed by the Planning Board. He also stated that the Members should review the Comprehensive Plan as any Zoning Map Amendment must be in line with the Plan.

Attorney Dowd's report

Attorney Dowd was absent

Code Enforcer Jeffery's report

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

Correspondence / New / Old / Miscellaneous Business

None.

With no further discussion, a motion to adjourn the meeting at 9:05 p.m. was made by Vice Chairperson Schulze and seconded by Member Tower. All in favor, motion carried.