



PLANNING BOARD

TOWN OF PORTER

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Approved September 3, 2020

Thursday, August 6, 2020

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 Robert Tower, Member Ryan Ross, Member Mark Fox, Code Enforcer Peter Jeffery, Attorney Michael Dowd, Planning Board Secretary Amy Freiermuth

Chairperson Collard introduced the Members, Code Enforcer Jeffery, Attorney Dowd and Secretary Freiermuth.

Approval of the minutes from July 2, 2020 Planning Board meeting

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

Sketch Plan Review for Minor Subdivision for John and Sandra Mies/Ken Young, vacant parcel on Creek Road (between Mies/Young), Youngstown; Tax Map 60.00-3-18.12

Mr. Mies was not present. Code E Enforcer Jeffery stated that this application was tabled from last month because the Planning Board wanted Attorney Dowd's opinion. Attorney Dowd stated he does not recommend creating substandard lots within the Town as this would create a precedent for the future. Chairperson Collard asked if this could qualify for a j-hook merge as discussed previously and Code Enforcer Jeffery explained that the properties on River Road with a parcel on the west side of the road in addition to the land on the River side of the road are considered j-hook merges. But he explained that this was a different situation due to the road right-of-way versus a private easement. Attorney Dowd suggested that Mr. Mies could purchase more road frontage from either of the two neighboring property owners. Code Enforcer Jeffery stated that he would set up a meeting with Mr. Mies to further explain the situation.

Recommendation to the Zoning Board of Appeals for Darlene J. Clark, 3123 Park Avenue, Youngstown; Tax Map 45.32-1-15 for an Area Variance.

Code Enforcer Jeffery explained that Darlene Clark was present for an area variance for an addition on her home. She currently owns a small lot in an area where there are multiple non-conforming lots of record where the side yard setback is calculated with the road frontage total.

Ms. Clark stated that after she purchased the house, it was noticed that the siding on the home was not sealed correctly and in fact the entire wall needs to be rebuilt due to weather damage. She decided it made sense to expand the bedroom for the future needs of her mother who is aging. The existing room is very narrow so she felt it would be best to expand the room at the same time as fixing the wall.

Code Enforcer Jeffery stated that currently the house is 9.56 feet to the property line. The adjacent property is a Town right-of-way. He stated that Ms. Clark has a 40 foot wide lot and therefore needs a 6 foot side yard setback. He explained that the Town uses the right-of-way area to plow snow and probably would not want to give up that land. He continued that Ms. Clark is looking for a variance to allow her addition to be 3.56 feet from the property line versus 6 feet from the property line which is approximately a 50% variance.

Member Fox stated that the Town is not going to build on the right-of-way and felt that Ms. Clark's addition would not affect the plowing of snow and the use of the Town in the winter. Code Enforcer Jeffery stated that because the Town right-of-way is vacant there is no fire hazard with the reduced side yard setback.

Member Tower stated he sees no problem with this request even though it is close to the property line. Member Ross asked if the addition could go off the back of the house rather than the side. Ms. Clarke explained that the room would be too narrow and in fact the wall that needs to be fixed is the side wall (not the back wall). Chairperson Collard stated he felt that this was an improvement to the property and did not see a problem with it personally.

A motion to recommend to the Zoning Board of Appeals that they approve the Area Variance for the addition as submitted was made by Member Fox 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.

Sketch Plan Review and Recommendation to the Zoning Board of Appeals for James and Nicole Dabney, 3140 Ransomville Road, Ransomville; Tax Map 48.00-1-5.2 for a Farm Market

James and Nicole Dabney (owners of record) as well as Cindy Jolbert (Nicole's mother, business owner) were present.

Ms. Jolbert explained that she would like to build a 20-foot by 30-foot Farm Market with 50% of the produce sold grown on the family farm and the remaining produce sold would be from local farm partners. She stated that she anticipates having add-ons including possible pony rides to make it a family friendly

destination. She continued that her daughter-in-law has a home-based business making baked goods, jams and jellies and her daughter and son-in-law would have fruits and vegetables. She explained she'd like to teach her grandchildren the "fruits of their labor" and have natural chickens and turkeys to sell at some point.

Member Schulze asked if there are any issues with allowable use and Code Enforcer Jeffery stated that the only sticking point would be the farm product as allowed by Ag & Markets. Member Tower stated that according to the Town Code, a farm market owner does not have to grow anything themselves, but the produce sold must be locally grown. He also stated that a farm market does not require Ag and Market involvement.

Code Enforcer Jeffery stated that the applicant does intend to grow some of produce and displayed the lot on Ransomville Road. He stated that there are approximately 11 acres total and the building was 72.5 ft from the overhang to the shoulder of the road. Ms. Jolbert stated she would love to buy more land, but it's currently not available adjacent to her property.

Attorney Dowd stated that if this was a new farm operation they could use the streamline process through Ag & Markets. Code enforcer Jeffrey stated that Ag & Markets would inform the applicants of what would be needed if they decided to go that route.

Ms. Jolbert explained she would like to create a safe, clean, family friendly environment.

Sketch Plan Review for Minor Subdivision for Brian and Jennifer Cramer, 3291 Porter Center Road, Tax Map 47.00-1-62.2

Chairperson Collard announced that this agenda item was removed as per the applicant prior to the meeting.

Preliminary discussion with Jill Coleman regarding a Day Care Center in the old Stevenson Elementary School facility, 3745 Ransomville Road, Ransomville.

Secretary Freiermuth indicated to Chairperson Collard that this item was not on the agenda but it was agreed the Members would discuss Ms. Coleman's plans.

Jill Coleman was present and explained that she owns Jill's Play Yard in Wilson which has been open for 5 years. She purchased the old Martin's Restaurant and converted it to the daycare which currently has a waiting list of 45 children. She would like to expand and open a second location serving children from 6 weeks to 12 years old including remote learning and before/after school care. She's invested in the South Wilson location and recently put on a 35 by 35 foot addition.

Code enforcer Jeffrey stated that she would like to purchase the former Stevenson Elementary School which is currently owned by the Wilson School District. He explained that the previous tenant had intended to purchase the building but the lease expired and the building is now vacant.

Ms. Coleman stated that she's waiting for her funding approval and would like to purchase the building fairly quickly. She stated she intends to use 75 to 80% of the building for the daycare with the possibility of a few businesses or offices to offset the cost.

Code Enforcer Jeffery stated it is a 50,000 square foot building and a daycare is a permitted use with Site Plan approval. The sketch plan would be in September with the public hearing in October. He explained that tonight's attendance by Ms. Coleman was to present her idea to the Planning Board for initial discussion or thoughts.

Attorney Dowd stated that Ms. Coleman would need either a contract or some type of authorization from the Wilson School District that she can use the property if she does not purchase it.

Ms. Coleman explained she has a New York State daycare license and has a surprise inspection every 3 months as per law. She feels that the educational piece of her business is extremely important and is willing to help with remote learning and the hybrid system that has imposed upon the school districts because of Covid. She stated she employs 14 people so that she abides by the child/adult ratio required by New York State.

Member Tower stated that he feels that the residents would be pleased with childcare in the neighborhood. Vice-Chairperson Shulze stated that it would be a great use for a building like Stevenson. He asked if the gym would remain and Miss Coleman verified that the gym would stay a gym.

Code Enforcer Jeffery stated that tonight was informational as the application was actually submitted this evening and therefore next month would be a sketch plan review.

Attorney Dowd's report

Attorney Dowd had nothing further to report.

Code Enforcer Jeffery's report

Code Enforcer Jeffery's stated he did not have a completed report for July, but would email it to the Members when it was done.

Correspondence / New / Old / Miscellaneous Business

None.

With no further discussion, a motion to adjourn the meeting at 8:04 p.m. was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.