



PLANNING BOARD TOWN OF PORTER

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Thursday, December 1, 2022

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

Site Plan and Public Hearing for George Perry and Michael Chestnut, 2709 and 2731 Ransomville Road, Ransomville; Tax Map 34.00-1-19.11 and 34.00-1-19.2 for a Minor Subdivision to correct a misfiled Deed.

George Perry was present to represent the application.

Code Enforcer Jeffery stated that there was an error in filing of this deed many years ago. This application has been double checked to correct the original error and is the same as the sketch plan previously approved.

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

Chairperson Schulze read the notice of public hearing for this application and asked if there were any comments from the audience. With none, a motion to close the public hearing was made by Member Collard and seconded by Vice Chairperson Fox. All in favor, motion carried.

Member Tower stated he commended Mr. Perry for being so amicable in this matter.

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

Roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

Site Plan and Public Hearing for Robert Waddell and Debra Taragon, 3654 and 3656 Lutts Road, Youngstown for a Minor Subdivision to combine and reconfigure adjacent properties.

Debra Taragon was present to represent the application.

Code Enforcer Jeffery stated that this application is a lot line adjustment with no new parcel being created. Land will be “swaped” between two neighbors and the sketch plan previously approved has not changed.

A motion to open the public hearing was made by Member Tower and seconded by Member Collard. All in favor, motion carried.

Chairperson Schulze read the notice of public hearing for this application and asked if there were any comments from the audience. With none, a motion to close the public hearing was made by Member Collard and seconded by Vice Chairperson Fox. All in favor, motion carried.

Secretary Freiermuth stated that the sketch plan was approved contingent on the created parcels be merged to the parent parcels. Attorney Dowd stated that this could be done either by a merge or by creating one Deed at the choice of the applicant.

With no further discussion a motion to approve the Subdivision with the condition that the newly created parcels become one piece of property with the respective parent parcel. The motion was made by Member Collard and seconded by Vice Chairperson Fox

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.

Sketch Plan Review and referral recommendation to the ZBA for KIPO Chevrolet and Kenneth Shultz, 3696 Ransomville Road, Ransomville for Renewal of Special Use Permit to store outside dealership vehicles.

Keith Lucas was present to represent the application.

It was explained that KIPO uses the land between Knead the Dough and the building for the bus garage as storage for overflow vehicles at the dealership. Although there are currently very limited vehicles on the lot, the permit expired and needs to be renewed.

Chairperson Schulze stated the previous permit was for three years and feels that the timeframe could be extended. ZBA Chairperson Tower was present and explained that the first time a permit is issued is typically for a shorter time period. If there are no issues, renewals are usually for a longer period.

A motion was made to recommend to the Zoning Board of Appeals that the Special Use Permit be approved with a timeframe of 5 years. The motion was made by Member Collard 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.

Sketch Plan for Neighbors of Willow Beach Campground, LLC, 1809 Lake Road, Youngstown; Tax Map 33.10-1-11 and 33.10-2-1.121 to Operate a Campground with a Special Use Permit (SU2).

Jerry Rehill and Justin O'Connor were present to represent the application.

Vice Chairperson Fox recused himself from the discussion/decision on this application.

Code Enforcer Jeffery explained that he took the meeting minutes from October and created compliance notes on the Sketch Plan submitted by the applicant. He distributed this printout (with his notes) to the Members.

Below are the compliance notes with the October meeting minutes bullet points which summarize the discussion. If the bullet point was addressed with satisfaction by Code Enforcer Jeffery, it is indicated below with the wording "confirmed".

- The campground is limited to 75 sites as per the Niagara County Department of Health for septic system permitting to operate a campground.
 - Confirmed
- Refuse and recycling must be enclosed and moved to a rear or side yard location. The screening and location need to be clearly illustrated/described on the Site Plan.
 - Refuse area enclosure: location is good – side yard. Overall size may need to be adjusted to accommodate both recycle bins and refuse dumpster. Angle of enclosure appears awkward?
- Sites #71 and 72 are currently in a flood zone and therefore must meet the flood prevention code. The RV on those sites must be road ready with quick disconnects and no permanent structures will be allowed on the site. This includes (but is not limited to permanent decks, platforms, generators, etc.)
 - Non-compliant dock shall be removed in entirety. Pipe/post are still encroaching into wetland area and shall be removed.
- The structure on site #73 must be an RV – the current laundry "facility" does not meet the requirement of a camping vehicle.
 - To be removed prior to issuing the Special Use Permit. Non-compliant Structure on lot 73.
- Mobile homes are not permitted in the park as they are not camping vehicles.
 - Confirmed
- A letter or survey must be submitted to prove there is no encroachment of any trailers or sheds on the neighboring property.
 - Encroachment shall be moved onto the campsite owned property OR a letter must be provided from neighboring property owner Schmoyer stating that the encroachment is acceptable.

- The seasonal cottage does not meet Code to become a year-round home (as a year-round residence is already established on the property).
 - The applicant can apply for a Use Variance and only if it is granted can this be used as a year-round residence. Otherwise, this cottage is SEASONAL USE ONLY.
- A list of the LLC members and their addresses must be provided to Code Enforcer Jeffery.
 - Confirmed
- The rules and regulations of the Campground must be provided to Code Enforcer Jeffery.
 - Confirmed
- The flood hazard area needs to be diagrammed and shown on the final Site Plan including the wetlands and trailer location on sites #71 and #72.
 - Confirmed
- Fire access driveways must be labeled with clear addresses and shown in the Site Plan.
 - FIRE ACCESS DRIVEWAYS/ROADS are "required by the fire code official, to have approved signs or other approved notices or that include the words **NO PARKING—FIRE LANE** shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles."
 - The Parcel Address Number (1809) shall be installed on the road sign and or the Garage closest to the Road, as per code: "New and existing buildings shall be provided with approved **address identification**. The **Address identification** shall be legible and placed in a position that is visible from the street or road fronting the property. **Address identification** characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/8 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. **Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.**"
- The Site Plan must have an indication of the site sizes or confirm that all lots are over the minimum lot size of 1250 feet with a minimum of 5-foot setbacks.
 - The RV is located within 10 ft. of permanent structure is a violation.
- The Site Plan must show the location of the sewer treatment components and be compliant with the Niagara County Health Department with proof of an issued permit.
 - Confirmed.

Chairperson Schulze stated that the plan needs to be refined with the notes removed prior to approval. Attorney Dowd stated that the public hearing could be scheduled for January as the approval of the Final Site Plan can be conditional with a date in which the above must be corrected.

The Members agreed that a lot of work was put into the this Sketch Plan since the October meeting.

After a brief discussion on the Special Use Permit stipulations/requests, it was stated that the violations must be remedied before the Planning Board would make a recommendation to the Zoning Board of Appeals on

the Special Use Permit. All Members agreed that March 1, 2023 was a reasonable date for remedies to be in place.

A motion to approve the Sketch Plan with conditions as listed above (and read during the meeting by Secretary Freiermuth) was made by Member Tower 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.

Discussion of Attorney Dowd's proposed language for an expedited Minor Subdivision regulation.

Code Enforcer Jeffery provided the Members with a printout to review for future discussion.

Discussion of Short-Term Rental Law

The discussion was tabled until a future meeting.

Code Enforcer Jeffery's report

Code Enforcer Jeffery will email his report once it is complete.

Attorney Dowd's report

Attorney Dowd had nothing further to report.

Correspondence / New / Old / Miscellaneous Business

None.

With no further discussion, a motion to adjourn the meeting at 8:41 p.m. was made by Member Ross and seconded by Vice Chairperson Fox. All in favor, motion carried.