



# PLANNING BOARD TOWN OF PORTER

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*Approved January 3, 2019*

**Thursday, December 6, 2018.**

The regular meeting of the Town of Porter Planning Board was called to order at 7:02 p.m. with the Pledge to the Flag followed with a moment of silence for former President Bush and in memory of Secretary Freiermuth's Grandmother who passed away this morning.

Present: Chairperson J. Anthony Collard, Vice Chairperson Mark Fox, Member G. Edward "Jipp" Ortiz, Member Jeffrey Schulze, Code Enforcement Officer Peter Jeffery, Attorney Michael Dowd, Town Assessor Susan Driscoll, Secretary Amy Freiermuth

Absent: Member Robert Tower

Chairperson Collard introduced the Planning Board Members, Secretary Freiermuth, Code Enforcer Jeffery, Assessor Driscoll and Attorney Dowd to the audience.

Chairperson Collard stated that this is the last meeting of the Planning Board for 2018 and wanted to take a minute to thank all the Members for their hard work, attendance and meaningful discussions throughout the year. He stated that the Members have worked hard over the year and bring a lot to the table. He also thanked Secretary Freiermuth, Attorney Dowd, Assessor Driscoll and Code Enforcer Jeffery.

## **Approval of the minutes from the November 1, 2018 Planning Board meeting**

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

Pre-Application of Site Plan Review for Laurence and Christina Elia, 433 Lake Road, Youngstown; Tax Map 45.06-1-1, 45.06-1-2 for a Bed and Breakfast Establishment and Event Hosting.

Laurence and Christina Elia were in attendance. Mr. Elia stated that in 2001 he saw the property at 433 Lake Road and noted that no development had been fulfilled by the owner. In 2006 he purchased the property and applied for a DEC shoreline project in 2007 to protect the property. Between 2008 and 2009 he worked on engineering the project and in late 2009 started construction of building up his property's shoreline. The project ended up including 250 feet to the west of his property line (into Fort Niagara) and 200 feet to the east of his property line so that his neighbors also had some shore protection. He stated he felt that the property "deserved something that would have a long life" for the community. He stated that he was very conscience of the natural landscape of the property and of 140 oak trees on his parcel only cut down one to build his home.

Mr. Elia continued that he felt that the house could be used as a Bed and Breakfast as well as a location to host weddings. As such, in speaking with Code Enforcer Jeffery, he was informed he needed to formalize the process with a Site Plan and Special Use Permit. He stated his application is to run a Bed and Breakfast in addition to hosting 6-10 events (weddings) per year with about half of them indoors. He stated that outdoor events would be one day only events.

Code Enforcer Jeffery stated that he had discussed the facilities with Mr. Elia and the potential impact on the neighborhood. He stated that a Bed and Breakfast is allowed in the Town with Site Plan review.

Mrs. Elia stated that the weekend events would be professional private parties. She stated that they use a professional parking company, a cateror and the event is quiet after 11:00 p.m. Code Enforcer Jeffery stated he thought it would be helpful to have the parking plans sketched out on a diagram for Planning Board review. He stated that the parking is near the Town right of way and if there are any water/sewer issues, the Highway Department may need access to that right of way. Otherwise he felt that the Elia's had a good plan in place. Mrs. Elia stated that when applicable, shuttles from the destination are encouraged to decrease the cars and liability.

Code Enforcer Jeffery stated that in the past there was a dumpster for garbage, which is gone now, but would encourage screening from the road for future events.

Member Ortiz asked about the occupancy of the home. Mr. Elia stated that he and his family have lived in the home for two years so it is owner occupied. Member Ortiz stated that the property is first class and the work that has been done is very impressive. He stated that he feels Mr. Elia's thought to "leave something that will last forever" is a very good statement.

Mrs. Elia stated that the home is used to help the community as well. She stated that they donated actor housing for Artpark during the summer allowing that cost savings to improve other areas for the theater.

Member Fox stated that he felt that what the Elia's have done is a huge improvement over what was on the property prior to their ownership and feels that the community does benefit from the work they have completed. Member Ortiz stated that there are not many properties that can accommodate what this property can host. Mrs. Elia stated that they have 6 bedrooms available for overnight accommodations, although only 5 are allowed to be occupied as per Town code.

Chairperson Collard asked Assessor Driscoll if she had anything to add. She had no comment.

Code Enforcer Jeffery stated that in the past neighbors stated that fireworks may be a concern, however, they are allowed on the property with a fireworks permit as issued by New York State. In the past the Elia's have had fireworks displays and have done everything correctly.

Chairperson Collard asked Attorney Dowd if he had anything further to add. Attorney Dowd had no comment. Chairperson Collard stated that he has been through the house both at the beginning of construction and well as during the second stage. He stated that it is beautiful.

Code Enforcer Jeffery stated that a Site Plan Review is necessary and asked the Planning Board if there was anything further to address prior to the public hearing in January. Chairperson Collard stated he felt it would be good to have drawn plans for parking as well as information on the plans for catering, etc. Mrs. Elia stated that if the neighbors feel that fireworks are going to be an issue, they can be limited – she stated they did not intend to upset their neighbors and would much prefer to work with them.

Code Enforcer Jeffery stated that all neighbors within 500 feet of the property would receive a public hearing notice so that if they had issues with the proposed usage, they would have the opportunity to be heard. If needed, compromises could be made at that time. Mrs. Elia said that they want to be good neighbors. She also stated that more information on the property could be found at Lakewoodcastle.com

A motion to approve the Preliminary Site Plan was made by Vice Chairperson Fox and seconded by Member Schultze.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Fox: Yes

Member Tower: Absent

Member Ortiz: Yes

Member Schulze: Yes

Motion Carried.

Code Enforcer Jeffery stated that public hearing would be the first Thursday in January (2019) and the Elia's should have formal plans available to present to the Board and public at that time. Mr. Elia stated he would have traffic patterns, etc., electronically to display and hardcopy available for the record.

Chairperson Collard stated that Suzanne Shears was not on the agenda, but is in attendance and asked what the Planning Board could do for her this evening. Mrs. Shears presented her survey for the minor subdivision application on file along with the legal description. Code Enforcer Jeffery stated that the survey did not adhere to the required size, but that the public hearing for this subdivision could be scheduled for January.

Chairperson Collard verified with Mrs. Shears that the cost of the sewer hookup is her responsibility. She stated she understood.

### **Discussion on potential Zoning Law amendments with Code Enforcement Officer Peter Jeffery.**

Code Enforcer Jeffery stated that four Zoning Law amendment recommendations went to the Town Board and public hearing and were approved. The next item being discussed is the permitted use table and the requirement for Special Use Permits/Site Plans. He has suggested that the Planning and Zoning Board look at ways to “clean up” the process. Code Enforcer Jeffery suggested a SU1 use which would involve only one public hearing and a referral from the Planning Board to the Zoning Board (who would host the public hearing). A formal Site Plan under an SU1 would not be required. A SU2 would warrant the same process

as currently being used including a preliminary review of the Planning Board, a public hearing for the Site Plan of the Planning Board and a public hearing of the Zoning Board of Appeals.

A lengthy discussion ensued as the Planning Board Members started to go line by line of the current use table to classify as SU1 or SU2. It was then realized that the permitted use may change based upon the zone in which the use is occurring. For example, a business may not need a Special Use Permit if it is located in the commercial district, but a business will need a Special Use Permit if it is located in an AR district.

The Planning Board decided that because they now understood what needed to be done to further the discussion, they would review the list on their own to better familiarize themselves to continue the discussion for the next meeting where it fits the agenda.

### **Code Enforcer Jeffery's report**

Code Enforcer Jeffery's report was distributed. A brief discussion of some of the items ensued. Code Enforcer Jeffery stated that his report is also available to the public at the Town Board meetings.

### **Attorney Dowd's report**

Chairperson Collard asked Attorney Dowd to report on the court proceedings pertaining to Code violations. Attorney Dowd had nothing to report.

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

Assessor Driscoll reminded the Members that the Community Solar training session originally scheduled in December would take place in January, but the Town Board approved using that training for 2018.

With no further discussion, a motion to adjourn the meeting at 8:32 p.m. was made by Member Ortiz and seconded by Vice Chairperson Fox. All in favor, motion carried.