



PLANNING BOARD TOWN OF PORTER

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Thursday, February 3, 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 Ryan Ross, Code Enforcer Peter Jeffery, Attorney Michael Dowd, Planning Board Secretary Amy Freiermuth

Excused: Member Robert Tower

Site Review/Referral recommendation to the Zoning Board of Appeals for Skydive the Falls and Shear Airport, 1698 Braley Road, Ransomville for renewal of (two) Special Use Permit(s).

Thomas Neilson and Jason Berger were present.

Chairperson Schulze explained that the application is for two items:

1. The private airstrip – Shear Airport
2. Skydive business – Skydive the Falls

Mr. Berger explained that they are renewing their permit and in speaking with Code Enforcer Jeffery they would like to add the annual festival into the permit (rather than having to get a separate permit for each year). He added they would also like to have campers on the site on weekends – not as a campground – but for a place to stay for employees who work from out of town. He also stated that they would like to extend the permit dates as the weather allows in the fall.

Code Enforcer Jeffery stated that after the festival complaints have been quiet, but there were concerns during festival weekend that they have been working through. Mr. Berger explained that the FAA has done multiple inspections because of the complaints and the issues were found to be false. He stated that everything is tracked so that complaints/issues, etc., can be addressed if they arise. He stated that the area in which the airstrip is located is called the “North Practice Area” and many pilots practice in this area because it is safe, rural and near the Lake. Plus, there is another local airstrip (side by side) in case of an emergency. He stated that some of the complaints came in against them when they were not even flying. He continued that the individual making the complaints has been informed from the FAA that they cannot complain any further about them because the complaints were unfounded. Mr. Neilson stated that one of the other complainants was selling a house at the end of the runway and the property has since been sold.

Code Enforcer Jeffery stated that in the past the festival permit was issued annually. Attorney Dowd stated it makes sense to include it with the Special Use Permit for the Skydiving business with parameters – similar to Ransomville Speedway (regular racing as well as special events). Code Enforcer Jeffery stated that he has been discussing parameters with Mr. Neilson and Mr. Berger to reduce complaints due to the festival including alternating days of louder air transportation vehicles (biplane and helicopter). Mr. Berger stated that all slots are prepaid this year which will limit those attending.

Mr. Berger requested that they be allowed to have staff from out of town be able to bring and stay in campers on the weekends. He stated there would be no hookups, but rather just a place for them to sleep. Code Enforcer Jeffery stated that the owners are allowed to have campers on their property, but to expand beyond that would need to be a Board decision. Attorney Dowd stated that if they are allowed to have more than 2 campers on the property (two owners are listed on the Deed), other residents will ask for the same permission. He recommended that if the Board wanted to allow this, a Variance should be required at the very least.

Code Enforcer Jeffery stated that the original permit was for three years and Mr. Berger stated they were hoping this timeframe would be extended. Attorney Dowd stated that this is consistent with what has been happening with other permits and an extension is not unreasonable. Chairperson Schulze agreed that 5 years is reasonable and stated that although the special events make sense to include in the permit, additional campers are not a good idea.

Mr. Berger asked if the dates could be expanded and Chairperson Schulze stated that May 1 – November 15 was logical.

Code Enforcer Jeffery asked for clarification on the daily timing of operations as there was confusion on the specs which was hard to enforce. Currently the permit states 9 a.m. to sunset but does not define what must be done before sunset (ie. take off, jump, landing). Chairperson Schulze stated it makes sense that the timeframe be 9:00 a.m. until 30 minutes past sunset when the plane must be landed. The Members agreed.

A motion was made to recommend to the Zoning Board of Appeals that the Special Use Permit for Skydive the Falls be approved with additional amendments including:

1. Operating May 1 – November 15.
2. Events included in the permit (specifically Festival Weekend)
3. Permit valid for 5 years
4. Operating hours be 9:00 a.m. - 30 minutes past sunset the plane must be landed.

The motion was made by Vice Chairperson Fox and seconded by Member Ross.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Vice Chairperson Fox: Yes

Member Collard: Yes

Member Tower: Absent

Member Ross: Yes

Motion carried.

A motion was made to recommend to the Zoning Board of Appeals that the Special Use Permit for Shear Airport be approved with additional amendments including:

1. Operating May 1 – November 15.
2. Events included in the permit (specifically Festival Weekend)
3. Permit valid for 5 years
4. Operating hours be 9:00 a.m. - 30 minutes past sunset the plane must be landed.

The motion 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: Absent

Member Ross: Yes

Motion carried.

Sketch Plan Review for Bob Fuller, 2498 Youngstown Wilson Road, Ransomville; Tax Map 34.00-1-31.1 for a Minor Subdivision.

Bob Fuller, Justin Fuller and Derrick Gerling were present.

Mr. Gerling started by asking questions of Code Enforcer Jeffery regarding the Zoning of the property but was referring to Zoning that was not valid in the Town of Porter.

There was a brief discussion regarding what was initially required when Mr. Fuller spoke with Code Enforcer Jeffery about the plans, but ultimately a building permit has not been issued.

Attorney Dowd stated that Mr. Fuller can apply for a Variance for two single family homes on one parcel to remedy the situation -- but he does not think that the Zoning Board will grant a Variance for this use. He stated there are currently no lots in the Town with two individual family homes on one parcel in a Rural Agricultural Zone. He stated that he had conversations with Mr. Fuller and stated that a Subdivision was the most logical route for this application and he did not understand the issue with going that route. Mr. Fuller stated he is concerned about paying two separate tax bills for the properties. Code Enforcer Jeffery explained that the taxes are based upon the improvement of the property so the assessment will increase regardless of what happens. He suggested that Mr. Fuller call the Town Assessor, explain the situation and ask her for an estimate of what the taxes will be on both parcels. He also stated that with two parcels, two exemptions can be made (one for each property), which will help with the tax rate.

Further discussion occurred, but no resolution was achieved. Chairperson Schulze stated that it was best for the family to have further discussion about their options and to come back when they are ready to determine the course of action.

A motion to table to the application was made by Vice Chairperson Fox and seconded by Member Ryan. All in favor, motion carried.

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

Code Enforcer Jeffery provided the Members with an updated draft/ideas of the Zoning chapter on Rural Residential Business via email prior to the meeting. 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 continue brainstorming on the topic.

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 had nothing further to report.

Correspondence / New / Old / Miscellaneous Business

None.

With no further discussion, a motion to adjourn the meeting at 9:00 p.m. was made by Vice Chairperson Fox and seconded by Member Ross. All in favor, motion carried.