



# PLANNING BOARD TOWN OF PORTER

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**Thursday, January 6, 2022**

The regular meeting of the Town of Porter Planning Board was called to order at 7:03 p.m. with the Pledge to the Flag.

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

## **Announce Chairperson/Secretary for 2022 Planning Board, appoint Vice Chairperson.**

Jeffrey Schulze announced that at the Town Board reorganizational meeting on January 3, 2022, he was appointed Chairperson and that Amy Freiermuth was reappointed as the Planning Board Secretary.

Chairperson Schulze stated that the Vice Chairperson position was vacated with his appointment, so he made a motion to appoint Mark Fox as the Vice Chairperson. The motion was seconded by Member Tower.

With no further discussion, roll was called.

Chairperson Schulze: Yes

Member Fox: Yes

Member Collard: Yes

Member Tower: Yes

Member Ross: Yes

Motion carried.

## **Public Hearing for 3881 River Road LLC (Chris Guard – Runaway Bay), 3881 River Road- Dockside Drive, Youngstown; Tax Map 59.00-1-13.1 for a Minor Subdivision**

Chris Guard was present. Code Enforcer Jeffery stated that Phase 2 of Runaway Bay is the same as the Sketch Plan as approved in November. He stated that 7.5 acres remain vacant and that although the land could be divided into 4 parcels, Mr. Guard has decided to divide the parcels into 2 estate sized lots. The survey was displayed.

Code Enforcer Jeffery stated that the subdivision is in compliance with all Town Code requirements and there is no need for further utility or road development.

Chairperson Schulze read the notice of public hearing and a motion to open the public hearing was made by Vice Chairperson Fox and seconded by Member Tower. All in favor, motion carried.

Resident Keith Pollak stated that he is unhappy with the size of the project to begin with and does not want any further development. He feels that traffic is a concern and that the project is not within the character of the Town. He feels that this project is in a beautiful area which is now being “polluted” by the subdivision development.

Vice Chairperson Fox stated that the application for this subdivision meets the Town requirements and is actually 2 less houses than original proposed.

Chairperson Schulze stated that he appreciates Mr. Pollak’s point of view and the impact that this development may have on his way of life. He stated that the scope of this project is less now than originally proposed. Mr. Pollak stated that Mr. Guard said that when he sold the back portion of the property to Ducks Unlimited that Phase 2 was done (not going to be developed) and then last month he was told that it was back to being developed. He stated that the scope of the project keeps changing.

Attorney Dowd stated that the subdivision application on the agenda is allowed as per Zoning regulations with no variances and each parcel exceeds the minimum requirements and is within all legal guidelines.

Mr. Pollak stated that when he bought his home, he was initially told that there would be 5-6 houses built behind his property. Attorney Dowd stated that the land is suitable for a subdivision of this size and meets all legal requirements and therefore the Planning Board can do nothing to stop the development. Mr. Pollak stated that with the use of golf carts and all the boat slips that what is being developed is quite different from the Town characteristics. Attorney Dowd stated that the Planning Board can only act on the current application which is a subdivision of 2 lots. Chairperson Schulze confirmed that all legal requirements have been met and Attorney Dowd agreed. Attorney Dowd stated that the Town should have a copy of the easement for Ducks Unlimited and Mr. Guard confirmed that it would be provided.

Mr. Guard stated that the original drawings for this project were created in late 2016 or early 2017 and always included 20 plus lots. The size of the final subdivision is “not new.”

Resident Penny Pollak stated that she feels that concessions have been made by the Town for this project including a cul-de-sac. She claims the rules keep changing for this project. She stated that originally no docks were to be placed until 3 homes were built but that “changed”.

Attorney Dowd stated again that the current application is for a 2-lot subdivision which could have had additional parcels. No variance is needed for the number of lots and the project is in compliance with the Zoning regulations.

Chairperson Schulze asked if the development is zoned as Medium Density Residential and if all parcels meet minimum requirements. Mr. Guard confirmed and explained that all parcels exceed minimum requirements for both frontage and area footage.

Mr. Guard stated that a cul-de-sac was a part of the plans from the beginning and Code Enforcer Jeffery stated that variances were granted as allowed by the Town process. He stated that the developer (Mr. Guard) has followed all regulations and applied for variances as needed.

With no further comment a motion to close the public hearing was made by Member Tower and seconded by Vice Chairperson Fox. All in favor, motion carried.

Chairperson Schulze asked for Member comments. Member Collard stated that Mr. Guard has done his due diligence with Code Enforcer Jeffery for this entire project, and it has all been done within the required legal criteria. The Planning Board has put a lot of time into this project and although he can understand the concerns that the Pollak's have, it does not mean that a project can be denied if it fits within the laws. He stated that the Town of Porter has seen a lot of change and that is natural.

Vice Chairperson Fox agreed with Member Collard and stated that this project did not happen overnight – it was done step by step and bto the Code. Chairperson Schulze stated that he can identify with the concerns expressed, but the development meets all rules in a MDR so there is not much that can be done to stop the final phase of the project. Member Tower stated that he was not sure about the cul-de-sac but did think that originally the plans had more lots than what were created. Mr. Guard stated the shape of the cul-de-sac was different in the original plans, but it was always there. And that when he originally discussed plans in 2015, the number of houses was greater.

Member Tower stated that Mr. Guard has responded well to all requests and requirements. He stated that River Road used to be all farms and now not one remains. He stated that change is the only thing that you can count on.

Member Ross stated he had no comment.

Attorney Dowd stated that if the Planning Board wanted, a condition could be imposed to limit this subdivision to 2 lots only with no future subdivisions/increases allowed. Mr. Guard stated he had no issues with this condition. He explained the lots are for estate privacy and Code Enforcer Jeffery stated that as a part of the Homeowners Association the parcels are limited to single family homes only. Attorney Dowd stated that within a MDR Mr. Guard could have requested to build duplexes.

With no further comment, a motion was made to approve the Minor Subdivision for 2 lots with the condition that no further divisions on this parcel will occur in the future. 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: Yes

Member Ross: Yes

Motion carried.

### **Site Plan Review/Referral Recommendation to the Zoning Board of Appeals for Bob Fuller, 2498 Youngstown Wilson Road, Ransomville for Special Use Permit for an Accessory Apartment.**

Bob Fuller was present.

Chairperson Schulze stated that he has seen this project move along and Code Enforcer Jeffery stated that a second family home for Mr. Fuller (to live in) is being built on the property. He stated that if this was a 2-

family dwelling (similar to a Townhouse), a Special Use Permit would allow the use. However, this definition does not really fit what is being built as it is a separate unit.

Code Enforcer Jeffery stated that the applicant could subdivide the property to fit the Town Code or apply for a variance on the project to allow for a second single family detached home on a single parcel. Attorney Dowd stated he did not think that was the correct route to take but stated he would like to review the application further and have a discussion with both Code Enforcer Jeffery and Mr. Fuller to determine the best course of action.

Chairperson Schulze asked how far along the project was and Mr. Fuller explained that the home is built and mainly needs exterior siding and paint inside the home. The house is 800 square feet of living space with a breezeway.

With no further discussion, a motion to table this application until the best course of action could be determined was made by Vice Chairperson Fox and seconded by Member Ross. All in favor, motion carried.

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

Code Enforcer Jeffery's stated emailed his report to the Members earlier in the day and reviewed a few items for the Members.

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

Attorney Dowd had nothing further to report.

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

Code Enforcer Jeffery stated that the revised language for the proposed Rural Resident Business Law needs to be reviewed for the February meeting. He asked the Members to email input for this agenda item prior to the next meeting.

With no further discussion, a motion to adjourn the meeting at 8:02 p.m. was made by Member Tower and seconded by Member Ross. All in favor, motion carried.