



PLANNING BOARD TOWN OF PORTER

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Approved August 6, 2020

Thursday, July 2 2020

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

Excused: Attorney Michael Dowd

Chairperson Collard welcomed the Members and audience back after the Pause from Covid.

Approval of the minutes from March 12, 2020 Planning Board meeting

A motion was made to approve the minutes as presented by Member Tower and seconded by Vice Chairperson Schulze. 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 present and previously provided a signed letter to the Planning Board from Mr. Young stating that he is authorized to speak on his behalf.

Mr. Mies stated he would like to purchase a strip of land from Mr. Young on the south side of his property. It would measure approximately 65 feet wide by 618 feet in length to match the length of his property. Mr. Mies explained that there is a parcel of land between his current property and this proposed subdivision and therefore he would not be able to merge the parcels.

Code Enforcer Jeffery displayed the aerial image to illustrate what Mr. Mies was explaining. Code Enforcer Jeffery stated that the minimum road frontage of a lot is 100 feet, and therefore Mr. Mies would need to perform a “j-hook” merge of the two properties in order to follow code. Mr. Mies stated he didn’t think he could do that because of the parcel between that is not for sale and owned by a third party. Code Enforcer Jeffery stated that because that middle parcel is a potential access road (as illustrated as a blue dotted line), he believes that there is an access easement and therefore a j-hook merge could occur. He explained that the homes on River Road that own both a parcel on the east of the road as well as on the west of the road have a

j-hook merge with the easement of the road in the middle. He believes that this may be a similar situation and that if the subdivision was approved it would be a part of the stipulation to merge the parcels. Otherwise Mr. Mies would need to seek a variance for a substandard road frontage measurement.

Code Enforcer Jeffery suggested that the Planning Board seek the opinion of Attorney Dowd prior to making a decision. Mr. Mies stated that he has no intentions to build on the property. Member Fox stated that the Planning Board does not want to be approving small lots within the Town. He stated that if a variance was approved for the substandard lot size, the property could be sold at a later date and built on at that time. His preference was a j-hook merge for this reason. Member Fox agreed that more information was needed from Attorney Dowd before making a decision to move forward. The other Board Members also agreed and informed Mr. Mies that his item would be on the agenda for August for further guidance from Attorney Dowd.

Clarification and input for conditions on a building permit for a boathouse and patio on the river front parcel for Runaway Bay, 3811 Lower River Road, Youngtown, Tax Map 59.00-1-13.1

Chris Guard and Architect Dave Sutton were in attendance. Mr. Guard explained that the Planning Board made a recommendation to the Zoning Board previously for a variance on the dock and although he thought that the boathouse and patio were included, the variance didn't specifically include those items. Code Enforcer Jeffery explained that he looked through the minutes and the specifics of the variance before he was going to issue the building permit. He continued the boathouse building and patio wasn't specifically included in the variance (only the docks were), and he was uncomfortable in issuing the permit without further input from both the Planning and Zoning Board.

Architect Sutton stated that the 12 slips were previously approved and although they did not have the specific drawings on the boathouse it was always included in the plans. He provided the drawings that were submitted with the building permit application and stated that the building will be 20 x 30 feet with a covered porch area. The building will be owned and maintained by the Home Owners Association (HOA) and all property owners will have access. He continued that it will be a simple structure that will nestle in the area nicely. There will be golf cart access as there are no stairs from the road. Code Enforcer Jeffery displayed the area on the overhead and explained that the access is via a gradually declining path.

Mr. Guard explained that there is 330 feet of road frontage that Runaway Bay owns and that the riverfront property lines up with the south property line of the subdivision property. He stated he thought that the buildings were all included in the variance but agreed that he did not see the specifics in the variance. Code Enforcer Jeffery stated that Attorney Dowd would be able to recommend if the variance could be modified or if a new variance needs to be granted, but felt that the Planning Board could make their recommendation to the ZBA with speculations that it is dependent on Attorney Dowd's recommendation on the procedure.

Member Fox stated that he was aware of the boathouse. Vice Chairperson Schulze stated that he knows it was discussed and asked if the boathouse would be in the center of the property and below the road elevation. Mr. Guard stated yes to both. Code Enforcer Jeffery stated that there is a 50-foot elevation change in that area, so you would not see the top of the boathouse from the road.

Secretary Freiermuth stated, that she recalls, that although the boathouse and patio were always a part of the plans and were discussed with the Members, they were not a specific part of the variance which focused on the dock/slips.

Member Ross asked how the elevation of water levels will affect the boathouse. Mr. Guard stated the boathouse will be built 3 feet above the highest watermark from 2019, so he does not anticipate any issues. Member Ross asked about settlement or erosion on the river side. Code Enforcer Jeffery stated that the building will be construction according to flood prevention parameters so although he hasn't seen significant erosion along the riverfront, it would be measured into the building process.

Chairperson Collard stated that because the boathouse and patio were part of the original plan he felt comfortable making a recommendation to the Zoning Board based upon Attorney Dowd's requirement on the procedure. The Members were in agreement.

A motion was made to recommend to the Zoning Board of Appeals that they amend the previously approved variance or approve a new variance (with the method choice as per Attorney Dowd) to include the boathouse and patio on the riverfront property owned by Runaway Bay as presented. The motion was made by Member Fox and seconded by Member Ross.

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.

Correspondence / New / Old / Miscellaneous Business

None.

Attorney Dowd's report

Attorney Dowd was absent.

Code Enforcer Jeffery's report

Code Enforcer Jeffery's stated he did not have a completed report for June, but would email it to the Members when it was done. He stated that he has already issued 8 or 9 new home construction building permits for 2020. He also stated that the Justice Courts are still closed delaying a few Code Violation cases.

Code Enforcer Jeffery stated that the solar moratorium expires this month, but because of the Pause, the committee has not been able to meet to make a recommendation to the Town Board. He stated he suspects that the moratorium will be extended until this can occur.

With no further discussion, a motion to adjourn the meeting at 7:47 p.m. was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.