



PLANNING BOARD TOWN OF PORTER

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Approved August 2, 2018

Thursday, July 5, 2018.

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 Mark Fox, Member Robert Tower, Member G. Edward "Jipp" Ortiz, Code Enforcement Officer Peter Jeffery, Attorney Michael Dowd, Town Assessor Susan Driscoll, Secretary Amy Freiermuth

Absent: Member John Bis

Approval of the minutes from the June 7, 2018 Planning Board meeting

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

Preliminary Site Plan review for Thomas and Patricia England, 3699 River Road, Youngstown; Tax Map # 59.14-1-17 for a dock, landing and stairs.

Mr. and Mrs. England were not in attendance, so Chairperson Collard stated that their application would be moved down the agenda in case they arrive later.

Preliminary Site Plan Review for E&R Horizons LLC, 3231 Porter Center Road, Youngstown; Tax Map ID 47-00.1.76 for 2 Family Residence with a Special Use Permit.

Angiolina Passucci and Ralph Lorgio, Attorney for E&R Horizons, were in attendance. Mr. Lorgio informed the Planning Board that he is representing E&R Horizons and went before the Zoning Board of Appeals last week and up until that meeting thought that they had an agreement to purchase a strip of land from Mr. Skellen (the neighbor to the north of the property) to reduce the variance request. However, the purchase will not happen and therefore they asked for the variance without any additional land.

At the ZBA meeting, Mr. Lorgio states that the variance was granted with the following conditions:

- Removal of the driveway encroaching on Mr. Skellen's property
- Resolution of the current drainage issues
- Construction of a fence on the north property boundary line

Mr. Lorgio stated that the property is located in an RA zone which does allow two-family homes. He stated that his client purchased the home as a foreclosure and has invested money, time and effort into improving

the property. He stated he has represented E&R Horizons since 1975 and they own numerous properties — none of which have ever been an issue with the municipalities in which they are located.

Code Enforcer Jeffery stated that because the variance was approved without any additional land purchase, he felt it was important that this application be revisited as a preliminary prior to public hearing so that the Planning Board had the updated Site Plan and knew the conditions set forth from the ZBA. Code Enforcer Jeffery confirmed what Mr. Lorgio stated about driveway, drainage and fence. He stated that he met with the owner of E&R Horizons and a surveyor was working on the property to illustrate the drainage grades. He stated that the fence would be from the front of the pole barn to 20 feet from the road at a height of 3 feet in the front of the house and 6 feet behind. He stated the fence material has not been established, but because it will be on the property line, it will need to be low maintenance.

Member Ortiz asked if the side yard would become useless for a driveway once the portion was removed that was encroaching on Mr. Skellen's property. He also stated he would think there might be drainage issues from driveway runoff. Code Enforcer Jeffery stated that the plan is that all drainage from that side of the home on the north side of the property will go to the rear of the property including the down spouts and the sump pump. He stated that there is a natural slope to the rear of the property so that will be utilized.

Member Ortiz stated he is also concerned someone may try to use the driveway without having enough room to do so. Code Enforcer Jeffery stated that the fence would stop any encroachment on the neighbor's property. He stated that at this point the Planning Board needs to move forward with the Site Plan knowing that no additional property will be purchased.

Chairperson Collard asked Mr. Skellen if he had any comments. Mr. Skellen stated he did not want the home to be used as a two-family home because in the past he had issues with the tenants. He also stated that in the past his lawn was mowed approx. 15 feet into his wooded area and he does not want that to happen. Code Enforcer Jeffery stated that the fence will deter that from happening and that it is his job to enforce the Code if encroachment occurs. Chairperson Collard stated that at this time there are no open complaints, however he informed Mr. Skellen if he has issues in the future, he has an outlet to resolve the problem.

Member Tower asked if access will be an issue with the driveway removed/reduced. Code Enforcer Jeffery stated that a driveway can go on the south side that will provide access to the pole barn in the rear of the property. He stated there is a 12-foot sidewall on the current building which could be converted to a drive-through building. Attorney Dowd stated that a driveway can go right up to a lot line and that if E&R Horizons wanted, they could add to the south of the current driveway — it could not be denied because it is allowable by Code.

A motion to approve the Preliminary Sketch Plan as presented with the current property survey was made by Member Ortiz and Seconded by Vice Chairperson Fox.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Fox: Yes

Member Bis: Absent
Member Tower: Yes
Member Ortiz: Yes
Motion Carried.

The public hearing for this application will be at the Planning Board meeting in August.

Preliminary Site Plan Review for Dave DeCarle, (just west of 2130) Lake Road, Youngstown; Tax Map ID 33.00-2-6.2, 6.3 for Winery or Brewery.

Code Enforcer Jeffery stated that this agenda item will be a discussion and not a Preliminary Site Plan review as Dave DeCarle is not sure of his plans, but would like to discuss a few options. Code Enforcer Jeffery stated that the Planning Board had an application from Mr. DeCarle to subdivide his property on the corner of Lake Road and Dickersonville Road. The subdivision was approved and the property was made into 4 lots. A house was built on the corner (lot 1), while lot 2, 3, and 4 are currently vacant. Mr. DeCarle is thinking of an “other use” for some of the property which requires 300 feet of road frontage. Each lot is approx. 214 feet, so he would have to merge two lots for “other use” without needing a variance.

Mr. DeCarle stated he has thought about a winery or brewery on the property with a building that would be 70x70 feet (about 5000 square feet). Code Enforcer Jeffery stated that there is a parcel percentage ratio of building to land and the size of the building may be limited depending on the final lot size. Mr. DeCarle stated he would also like a patio in the rear of the building. He stated this property is located on the wine trail and thinks it would be a good location for that type of use. He stated he thought he would have maybe 20 parking spots but was not sure. Code Enforcer Jeffery informed Mr. DeCarle that the amount of parking is established on the occupancy load of the building. Because the size and use are currently speculative, he cannot give Mr. DeCarle an answer as to how many spots the Code would require.

Mr. DeCarle stated that if he chooses to go this route, he would be looking for someone to operate the business as a wine maker or brewer. He stated he could construct the building but is not a wine maker/brewer.

Code Enforcer Jeffery stated that he if wanted to move forward, he would need to submit plans for the project. Attorney Dowd stated that he would need to follow all Site Plan specifications as per Code and at that point further details (parking, etc.) would be determined. He also stated that Mr. DeCarle would need to merge lots to comply with “other use” requirements.

Member Tower asked if a brewery would be allowed. Code Enforcer Jeffery stated that it is a similar use to a winery. Attorney Dowd stated that Code Enforcer Jeffery could issue the building permit if he feels the use is similar in nature to a listed permitted use in the Code book. Mr. DeCarle said he could build the building before he decides the use but was corrected by Attorney Dowd who stated he cannot build an accessory building on a parcel that does not have a home unless a Site Plan / Special Use Permit is issued – as would be required for a winery (“other use”).

Code Enforcer Jeffery stated that “other uses” require 300 foot of road frontage, but also must have a total of 2 acres. Member Tower asked if the ditch in the rear of the property is an issue and Code Enforcer Jeffery stated it would depend on the building layout. Chairperson Collard stated that this is all speculation at this point and therefore there are no definite answers. Code Enforcer Jeffery informed Mr. DeCarle that at this point if he wanted further input from the Planning Board for this project, he would need to submit plans for any Site Plan action.

Discussion on Potential Town Code Amendments as per Zoning Amendment document dated 062218 from Code Enforcer Jeffery

Code Enforcer Jeffery stated that he emailed both the Planning Board and the ZBA on June 25, 2018 with the 5 amendment topics discussed to date with hopes to move the items to the Town Board.

A brief discussion occurred regarding storage. Code Enforcer Jeffery clarified some of the questions/concerns the Members had and, in the end, they agreed that the amendment proposal makes sense as presented.

The entire Planning Board agreed that the first 4 topics were ready for Attorney Dowd to add his legal provisions as needed and then would be ok to be presented to the Town Board. These topics include:

1. A common 10-20-day standard timeframe for both mailed and published notices for public hearings;
2. Accessory storage;
3. Seasonal interior storage;
4. Traffic control signage and street name signage.

Attorney Dowd stated that the Town Board will have to hold a public hearing prior to any modification of the Code.

The Planning Board Members did not feel that the details on topic 5 (Special Use Permit process) have been worked out enough to move forward. A brief discussion ensued, but in the end, the Members felt that more discussion was needed as there was no resolution for the topic.

Code Enforcer Jeffery stated that his concern is that currently to obtain a Special Use Permit, the applicant must attend 3 meetings and 2 public hearings. In the past (when that Planning Board was responsible for issuing Special Use Permit's), the applicant only needed to attend 2 meetings and 1 public hearing – which is less cumbersome. The Members agreed to continue the discussion at a later date.

Code Enforcer Jeffery's report

Code Enforcer Jeffery's report was distributed. A brief discussion of some of the items ensued.

Correspondence / New / Old / Miscellaneous Business

None.

With no further discussion, a motion to adjourn the meeting at 8:58 p.m. was made by Member Tower and seconded by Member Ortiz. All in favor, motion carried.