



PLANNING BOARD TOWN OF PORTER

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**** Approved April 1, 2021 ****

Thursday, March 4, 2021

The regular meeting of the Town of Porter Planning Board was called to order at 7:01 p.m. with the Pledge to the Flag.

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

Excused: Member Mark Fox

Approve February 4, 2021 Planning Board minutes

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

Recommendation to the Zoning Board of Appeals for Dennis Mitchell, 3344 Porter Center Road, Ransomville for an Area Variance for a Pavilion.

Dennis Mitchell was present and explained that he had a canvas “tent” structure with a concrete pad underneath for vehicle storage. The structure has been removed and he would like to replace it with a pavilion. He states he knows he needs a 15-foot setback but thinks he will need a variance of 7 or 8 feet. Code Enforcer Jeffery stated that currently there is not a survey to define the lines and one would need to be completed for the final setback variance request. Mr. Mitchell stated that he spoke with his neighbor who has no problems with the placement/pavilion.

Attorney Dowd stated that the recommendation can be subject to the survey and suggested an 8-foot variance and if less, then no further recommendation would be needed.

A motion was made to recommend to the Zoning Board of Appeals that an 8-foot side yard setback variance be granted with the documentation of a survey. The motion was made by Vice Chairperson Schulze and seconded by Member Tower.

With no further discussion, roll was called.

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Absent
Member Tower: Yes
Member Ross: Yes
Motion carried.

Site Plan Review and Recommendation to the Zoning Board of Appeals (Special Use Permit 1) for Anthony Certo/EnSol, 3783 Lower River Road, Youngstown; Tax Map 59.18-1-8 for private stairs, landing and floating dock for river access.

Kristin Price and Brian Boddecker were present from EnSol on behalf of Anthony Certo. Ms. Price explained that Mr. Certo would like to have wood stairs installed down to the River as well as a deck. Both would be permanent. In addition, there would be seasonal floating docks. Permit applications have been submitted to both the Army Corps of Engineers and the Department of Environmental Conservation (DEC) and are pending approval. Ms. Price explained that the DEC comment period is complete so they should have a determination soon.

Code Enforcer Jeffery displayed the drawing and layout of the proposed project. Member Tower stated he did not see issues with the proposed project. Vice Chairperson Schulze asked what the elevation is from top to bottom and Mr. Boddecker stated it is 50 feet. Vice Chairperson Schulze asked what happens if the Army Corps does not accept the proposal or wants revisions. Code Enforcer Jeffery stated that it is a joint application and at this point believes that the agencies are near ready to issue the permit. He stated he does not anticipate significant changes. He explained that the DEC oversees the land therefore approves the stairs and deck. The Army Corps oversees the water and therefore approves the dock. He further explained that the Army Corps doesn't need to approve the dock as long as all specifications are met and filed within 30 days of completion of the project.

Code Enforcer Jeffery asked how many boats would be docked and Ms. Price stated there is a limit of 4. Mr. Boddecker explained the dock is modular and will be removed at the end of the season. There are no planned utilities for the structure or dock.

A motion was made to recommend to the Zoning Board of Appeals they approve the project as presented contingent on approval from the Army Corps and the DEC. The motion was made by Member Tower and seconded by Member Ross.

With no further discussion, roll was called.

Chairperson Collard: Yes
Vice Chairperson Schulze: Yes
Member Fox: Absent
Member Tower: Yes
Member Ross: Yes
Motion carried.

A motion was made to approve the Site Plan as presented by Member Ross and seconded by Vice Chairperson Schulze.

With no further discussion, roll was called.

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Absent

Member Tower: Yes

Member Ross: Yes

Motion carried.

Discussion regarding a proposed request for a Zoning district change on North Creek Road/Creek Lane.

Code Enforcer Jeffery stated that Larry Weibert is looking for input on having his property on Creek Lane rezoned to more appropriately reflect the use of the property. After a brief discussion it was determined that Mr. Weipert would need to file a petition to the Town Board for the rezoning. Attorney Dowd stated that Mr. Weipert should do the research to determine what he feels would be an appropriate zone based upon code provisions. Traffic and fire access should be considered.

Discussion regarding local law changes for small home-based contractor businesses.

Code Enforcer Jeffery distributed the updated suggestion on the code changes. After a brief discussion, it was requested that each Member email Code Enforcer Jeffery with suggestions or changes prior to the Zoning Board meeting.

Attorney Dowd's report

Attorney Dowd had nothing further to report.

Code Enforcer Jeffery's report

Code Enforcer Jeffery's stated he would email his report once completed.

Correspondence / New / Old / Miscellaneous Business

None.

With no further discussion, a motion to adjourn the meeting at 8:44 p.m. was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.