



PLANNING BOARD TOWN OF PORTER

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Approved June 3, 2021

Thursday, May 6, 2021

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 and a moment of silence for former Town of Porter Supervisor and community member Tom Beachy.

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

Approve April 1, 2021 Planning Board minutes

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

Sketch Plan review for David Carpino, 1451 and 1453 Sunrise Lane, Youngstown, NY; Tax Map 32.16-1-2 and 32.16-1-3 for a Minor Subdivision.

Mr. Carpino was present and explained that he owns 1453 Sunrise Lane and Denise Blankenship owns 1451 Sunrise Lane. Originally the land at 1453 included what is now some of 1451. Ms. Blankenship has agreed to sell Mr. Carpino that piece of land which includes 30 feet of frontage and 15 feet of roadside. The proposed parcel will “jog” around the existing garage but will follow all required setbacks and Code Enforcer Jeffery stated that although it is unique, it satisfies the Town requirements.

Code Enforcer Jeffery stated that an agent's letter was submitted on behalf of Ms. Blankenship that allows Mr. Carpino to speak on her behalf.

Vice Chairperson Schulze asked how unique the situation is and Code Enforcer Jeffery stated that it is not usual but seems to make the most sense for the subdivision based upon the existing structures on the property. Mr. Carpino stated that both properties are on a small private road.

With no further discussion a motion was made to approve the Sketch Plan as presented by Member Ross and seconded by Member Tower.

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.

Sketch Plan review and Referral Recommendation to the Zoning Board of Appeals for Arthur Garabedian/3360 East Ave LLC, 3360 East Avenue, Youngstown, NY; Tax Map 45.00-1-42.2 for a Special Use Permit to convert an existing Horse Barn/Riding Arena to Interior Seasonal Storage Use.

Arthur Garabedian was present. He stated that in 2004 he purchased the horse farm. In 2016 there were up to 60 horses on the property, but that number has decreased to only 2 horses now. Therefore, he stated he would like to turn the arena into storage for boats, trailers and other indoor items. There would be no electric or water available to those renting storage space. He stated he has created a list of rules and regulations of the potential renters. He also stated he would like to have outdoor winter storage for October through May. Mr. Garabedian stated the property would be shut down during the winter and only open limited hours after May 16th through the summer.

Code Enforcer Jeffery stated that in a LDR (low density residential) zone, indoor storage is an allowed use with a Special Use Permit, however outdoor storage is not. Therefore, he would need a variance for outdoor storage or could choose to have interior storage only.

Mr. Garabedian stated he would have giant arborvitaes to block the view of the outdoor storage from the road and would keep the existing fence. He continued that the stables would be used for motorcycle storage.

Chairperson Collard and Code Enforcer Jeffery stated that there are property maintenance issues that need to be addressed on both buildings and the parcel.

Attorney Dowd stated that while reviewing the code that if there is no home on the property Mr. Garabedian cannot have the indoor (or outdoor) storage without a variance as the barn is an accessory structure. Code Enforcer Jeffery stated that there are specific regulations for indoor storage including the fact that items can only be moved 4 times in a 12-month period so that would mean that once an item is removed for the summer, it cannot be stored there during the week and removed on weekends, etc.

In order for the application to move forward, Mr. Garabedian needs to apply for, and be approved for, two variances. One for indoor storage in an accessory structure without a home and the second for outdoor storage in a LDR zone.

With no further discussion, a motion was made to recommend that the Zoning Board of Appeals approve a variance for indoor storage in an accessory structure without a home on the parcel. The motion was made by Member Tower and seconded by Member Fox.

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.

A motion was made to recommend that the Zoning Board of Appeals not approve a variance for outdoor storage by Vice Chairperson Schulze and seconded by Member Fox.

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.

Sketch Plan review and Referral Recommendation to the Zoning Board of Appeals for Alexandra Withford, 1650 Braley Road, Youngstown; Tax Map ID 47.00-1-32.11 for a Dog Kennel/Shelter/Daycare.

Alexandra Withford was present and explained that she is in contract to purchase 1650 Braley Road if she will be able to have a dog kennel/training facility on the property. She stated she will not have a dog daycare but will do training and private lessons.

Vice Chairperson Schulze asked if the kennel would be an accessory use on the property and Ms. Withford explained she will be living in the home on the property and would like to expand her business in Youngstown at this location. She stated that at maximum she would have 40 dogs on the property at one time.

Code Enforcer Jeffery stated that she would like to install fencing in the front of the property and would need two variances. One for installing a four-foot-high fence (three feet is allowed) and the other for allowing dogs in the front yard. He stated that the Kennel is allowed by Site Plan review.

Attorney Dowd suggested that prior to Ms. Withford getting variance approvals she provides documentation of her contract to purchase the property or a letter of authority for acting on behalf of the current property owner.

Vice Chairperson Schulze asked why the fence was not going in the back yard and Ms. Withford stated that the front is already cleared and can be ready quickly. Code Enforcer Jeffery stated that if the board wanted to require a specific type of fence, like a chain link for visual appearance, they could do so as they have in the past.

Member Ross asked if there have been any noise complaints on the property and Code Enforcer Jeffery stated that there are none that he is aware of. Attorney Dowd stated that the board could refer to the previous permit for the property to see how many dogs were allowed.

With no further discussion, a motion was made to approve the Preliminary Sketch Plan as presented for a Kennel and Training facility. The motion was made by Chairperson Collard and seconded by Member Tower.

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.

A motion was made to recommend that the Zoning Board of Appeals issue a variance for a 4-foot-tall fence in the front yard by Member Fox and seconded by Chairperson Collard.

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.

A motion was made to recommend that the Zoning Board of Appeals issue a variance to allow dogs in the front yard was made by Member Tower and seconded by Member Fox.

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.

Code Enforcer Jeffery stated that the public hearing on the site plan would be in June. He stated that Ms. Withford either have a letter of authority or contract for the purchase of the property for the hearing.

Discussion/decision on recommendation to the Town Board for Farm Market definition

Code Enforcer Jeffery distributed the proposed law changes to the Members (as previously emailed) and asked for any comments. Member Tower stated that the word soil on page 2 may be mistaken as dirt and suggested the removal of that work to avoid confusion. Code Enforcer Jeffery stated it made sense for it to be removed.

With no further discussion, a motion was made to recommend that the proposed law changes be approved by the Town Board as presented with the removal of the word soil. The motion was made by member Ross and seconded by Member Tower.

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.

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

Code Enforcer Jeffery distributed the proposed law changes to the Members (as previously emailed) and asked for any comments.

Attorney Dowd asked if a Rural Residential Business (RRB) would be allowed in a Medium Density Residential (MDR) zone (ie., Youngstown Estates) and asked if so, if it would be tied to a lot size. Code Enforcer Jeffery stated that it could be removed or modified to include lot size limitations. A brief discussion ensued about lot size and the Members agreed that 5 acres seemed to be a reasonable lot size requirement within the MDR zone for a RRB. It was stated that if the lot was smaller than 5 acres and a resident wished to run a business from their property, they could ask for a variance.

With no further discussion, a motion was made to recommend that the proposed law changed be approved by the Town Board as presented with the addition of a 5-acre minimum lot size within the MDR zone for a RRB. The motion was made by Member Fox and seconded by Vice Chairperson Schulze.

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.

Code Enforcer Jeffery stated he would review the Town's Comprehensive Plan to verify that the new proposal works within the parameters.

Attorney Dowd's report

Attorney Dowd had nothing further to report.

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 9:19 p.m. was made by Member Tower and seconded by Member Ross. All in favor, motion carried.