



# PLANNING BOARD TOWN OF PORTER

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*Approved December 6, 2018*

**Thursday, November 1, 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 Jeffrey Schulze, Code Enforcement Officer Peter Jeffery, Attorney Michael Dowd, Town Assessor Susan Driscoll, Secretary Amy Freiermuth

Absent: Member G. Edward "Jipp" Ortiz

Chairperson Collard introduced the Planning Board Members, Secretary Amy Freiermuth, Code Enforcement Officer Peter Jeffery, Assessor Susan Driscoll and Attorney Michael Dowd to the audience.

## **Approval of the minutes from the October 4, 2018 Planning Board meeting**

Member Tower stated that on page 3 of the minutes, the audience member's name should be Reeve Tower, not Randy. Secretary Freiermuth stated she would make that correction prior to publishing the minutes.

A motion was made to approve the minutes with the correction by Vice Chairperson Fox and seconded by Member Tower. All in favor, motion carried.

## **Public Hearing for Minor Subdivision for Tom and Susan Walker, 3630 Lutts Road, Youngstown; Tax Map ID 60.00-2-25.112**

Tom Walker (father) and Jason and Karen Walker (son and wife) were present.

Code Enforcer Jeffery stated that the Planning Board reviewed and approved the Sketch Plan for this Subdivision last month and that the plans have not changed. He stated that both parcels created will meet the minimum lot size. Code Enforcer Jeffery stated he has the surveys, the legal description and Part I of the SEQR from the applicant. He stated that the DEC monuments have been installed and that the applicant has stated that they are in compliance with the requirements set forth from the DEC for the wetlands. Code Enforcer Jeffery stated at this point once the subdivision is approved, the plans will be submitted for the building permit application.

Member Fox said that this is long overdue and is pleased the subdivision is being taken care of properly. Member Tower stated that everything seems in order now. Ms. Walker stated “we are in good shape for the shape we are in.”

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

Attorney Dowd suggested that if the Planning Board decided to approve the subdivision that it be done so as per the requirements of the DEC regarding the wetlands. Code Enforcer Jeffery stated that GHD, the Town’s engineering firm, did review the plans electronically and wanted to verify that the wetlands were addressed, otherwise, it was indicated that everything was in order. Code Enforcer Jeffery stated that the stipulations set forth from the DEC seem to be fulfilled. Ms. Walker stated that as of October 15, 2018, they have completed all requirements of the DEC. She continued that the only item they have remaining is to file a final report by December 31, 2018.

Code Enforcer Jeffery stated he thought there needs to be a covenant on the deed and that a copy of the deed should be provided to the Town for the record. Attorney Dowd stated that the applicant has 6 months in which to file the deed to record the subdivision. Code Enforcer Jeffery stated that a deed was already submitted for the subdivision to the County, so they would need to file a second deed including the covenant with a copy to the Planning Board.

A motion was made to approve the Subdivision as presented with the condition that the applicant comply with all requirements of the DEC for the wetlands located on the property. A copy of the final deed, with covenant, must be provided to the Planning Board for the Town’s record. The motion was made by Vice Chairperson Fox and seconded by Member Schulze.

With no further discussion, roll was called:

Chairperson Collard: Yes  
Vice Chairperson Fox: Yes  
Member Tower: Yes  
Member Ortiz: Absent  
Member Schulze: Yes  
Motion Carried.

Code Enforcer Jeffery stated that he will continue working with the Walker’s on the building permit process for the house.

### **Sketch Plan Review for Minor Subdivision for Richard and Suzanne Shears, 3180 Creek Road, Youngstown; Tax Map ID 46.00-1-44.1**

Suzanne Shears was in attendance and explained that she would like to subdivide an additional lot next to a lot that was subdivided in the past (a house was recently built on the first subdivided parcel). Code Enforcer Jeffery stated that the lot is proposed to be 152 feet wide by 250 feet deep which is above the minimum lot size in a RA district. Code Enforcer Jeffery stated that the parcel is located in the sewer

district but the sewer line stops prior to the proposed parcel. Attorney Dowd stated it would be the responsibility of the developer / property owner to connect to the sewer line at their own expense. He further explained that originally the parcel was one large parcel and the Town agreed to extend the sewer line to that parcel. Attorney Dowd continued that as the parcel was subdivided, the Town is no longer responsible to extend the sewer line and it becomes the responsibility of the developer or land owner if a home is built. Code Enforcer Jeffery also stated that when sewer lines were installed by the Town, any existing homes were hooked up to the lines. He continued that new homes must be hooked up to the sewer by the developer as per Code. Member Schulze asked if a septic tank could be used instead, but Attorney Dowd stated that because the parcel is within the sewer district, a septic tank cannot be installed.

Ms. Shears stated she did not realize it would be her expense or responsibility to extend the sewer line. Code Enforcer Jeffery stated that the Town expended the cost to include the large parcel on the sewer line, but future hookups off that parcel are at the cost of the developer / land owner. Ms. Shear asked how Mr. Clark (Clark Gatehouse) was connected to the sewer. Attorney Dowd stated that the home was already existing when the sewers were installed and that the Town “pushed” the sewer line from the east side of Creek Road to his home because it had to be tied in to the system.

Chairperson Collard asked Ms. Shear if she still wanted to continue with the subdivision knowing that this would be an added expense and she responded that she intended to continue.

A motion was made to approve the Sketch Plan for the Subdivision by Member Tower and seconded by Vice Chairperson Fox.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Fox: Yes

Member Tower: Yes

Member Ortiz: Absent

Member Schulze: Yes

Motion Carried.

Code Enforcer Jeffery informed Ms. Shear that he could provide her with a copy of the law showing the Town regulations on utilities if she preferred.

### **Referral to the Zoning Board of Appeals for a Variance for Irene Myers, 2426 Youngstown Lockport Road, Ransomville; Tax Map ID 62.00-1-51.12**

Irene Myers was in attendance and stated she is looking to subdivide her parcel to move her property line 46 feet to the west so that her pool can be included in one lot. She would divide the (current) 2 parcels into 4 lots and then merge 2 of lots with a finished “creation” of 3 parcels. Ms. Myers’ continued that she will need a variance for road frontage at 112 feet rather than the minimum of 125 feet. She stated that the lot depth would be larger than required and that one parcel will be connect to an even larger portion of land in the back of the property.

Attorney Dowd asked if it would be easier to get a variance on the pool but Code Enforcer Jeffery stated that a variance would be needed anyway because there is not 125 feet of road frontage for each proposed parcel. Code Enforcer Jeffery stated he would prefer that the 15 foot setback for the pool (water) edge be followed. He stated that the concrete from the pool deck can be close to the lot line, just as a driveway can run along the lot line. He stated that there are currently no neighbors to the west of this parcel.

Attorney Dowd stated that the homes to the east of Ms. Myers' current home seem to have smaller than 125 feet of road frontage. Code Enforcer Jeffery stated that the minimum requirement of 125 feet road frontage was implemented in 2010. Prior to that it was only 100 feet required and that many of the homes do have less than 125 feet of road frontage in that area.

Code Enforcer Jeffery stated that he felt it was not a huge variance going from 125 feet to 112 feet and that it fits into the character of the neighborhood. No Members indicated any issues with the request.

Ms. Myers' stated she would decide which parcel would join with the large lot in the back of the property once the variance was approved for the road frontage and she started to work on the subdivision process.

A motion to recommend approval of the variance to the Zoning Board of Appeals was made by Vice Chairperson Fox and seconded by Member Schulze.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Fox: Yes

Member Tower: Yes

Member Ortiz: Absent

Member Schulze: Yes

Motion Carried.

Code Enforcer explained that once the variance was approved, that Ms. Myers' could move forward with the subdivision. She stated she understood.

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

Chairperson Collard asked if anybody in the audience wished to speak. David Thurlow, 3634 Hillview Drive, stated that he recently moved to the area and is looking to become more involved. Code Enforcer Jeffery stated that there may be an Alternate position open for the Planning and Zoning Boards and that Mr. Thurlow should submit his resume and speak to Supervisor Johnston if he is interested. Attorney Dowd stated that the Alternate would be used in cases where a Member recuses themselves and would not be used for single absences from meetings of Members.

Assessor Driscoll reminded the Members of the training session on November 15, 2018 from NYSERTA on Community Solar.

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

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

Code Enforcer Jeffery stated that he will be working with 5 property owners on floodplain permits that are required as per the flood prevention code. He said that there will be remediation work needed on the parcels that include barns, sheds, pools and trailers.

Code Enforcer Jeffery stated he emailed a chart to the Members on September 26 with suggested revisions to the current requirements for Special Use Permits and Site Plans but has received no feedback from the Planning Board Members. Chairperson Collard asked each Member to review the information and to come prepared to discuss this as an agenda item in December.

Code Enforcer Jeffery stated that he feels that "signs" are another area that need to be reviewed in the Code. He stated that the current code is very restrictive and may need to be modified to fit today's standards.

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

Attorney Dowd stated that the local law suggested changes will be a part of a public hearing for the Town on November 13, 2018.

With no further discussion, a motion to adjourn the meeting at 8:16 p.m. was made by Member Tower and seconded by Member Schulze. All in favor, motion carried.