



PLANNING BOARD TOWN OF PORTER

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Approved December 2, 2021

Thursday, November 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 Mark Fox, Member Robert Tower, Member Ryan Ross, Code Enforcer Peter Jeffery, Attorney Michael Dowd, Planning Board Secretary Amy Freiermuth

Approve October 7, 2021, Planning Board minutes

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

Public Hearing for Betty Ortiz and G. Eward “Jipp” Ortiz, 2660 and 2666 Lockport Road, Ransomville; Tax Map for a Minor Subdivision

Betty Orti, Rhonda Ortiz and Justin Clark (from Ed’s Garage) were present.

Code Enforcer Jeffery explained that there are multiple parcels that will have property lines moved to expand the property with the automotive shop (approximately 30 acres) while reducing the home parcel to about a ½ acre. He stated that the Sketch Plan approved from October had not changed.

A motion to open the public hearing was made by Vice Chairperson Schulze and seconded by Member Fox. All in favor, motion carried.

Chairperson Collard asked if anyone in the audience had questions or wanted to comment. With no comments, a motion to close the public hearing was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.

With no further discussion, a motion was made to approve the Minor Subdivision as presented by Member Tower 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.

Recommendation to the Town Board for Larry Weibert, Creek Road Extension, Youngstown; Tax Maps 45.00-1-20; 45.00-1-22.111; 45.00-1-23.2 for a Zoning Map Amendment from Rural Agricultural to Rural Commercial.

Chairperson Collard and Code Enforcer Jeffery explained that Mr. Weibert's application went before the Niagara County Planning Board, who had concerns about the change in zoning for this property. The Board has requested that Code Enforcer Jeffery and Mr. Weibert attend the November meeting to further answer questions. It was explained that the concern was that this zoning change could appear to be spot zoning as all three parcels are owned by the same person and therefore benefit only one person (as opposed to multiple owners or neighboring properties).

Attorney Dowd stated that it is a legitimate concern, however if the County Planning Board does not recommend approval to the Town Board, the Town Board can still approve the rezoning with a super majority vote. He explained that rezoning the property from Rural Agricultural (RA) to Rural Commercial (RC) does open the property to many uses and although Mr. Weibert has solid intentions for the property, future owners may not have the same use for the property and would have many other opportunities for use as a RC property.

Vice Chairperson Schulze stated that he liked Mr. Weibert's plan as presented previously and stated that he strongly believes that Town notices of the potential rezoning should be mailed to all neighbors on the adjoining street as they would be affected even if they are not within 500 feet of the property lines – as was recommended by the Planning Board to the Town Board previously.

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

Code Enforcer Jeffery explained that while the recommendation from the Planning Board regarding code changes to include a Rural Residential Business section were received, the Town Board had concerns and wanted further input from both the Planning and Zoning Boards before a final decision was made.

Code Enforcer Jeffery distributed a handout for the Members to review for further discussion at the December and January meetings.

Correspondence / New / Old / Miscellaneous Business

Members were informed that in-house training would occur in December directly after the meeting.

Code Enforcer Jeffery's report

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

Attorney Dowd's report

Attorney Dowd had nothing further to report.

With no further discussion, a motion to adjourn the meeting at 8:14 p.m. was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.