



PLANNING BOARD TOWN OF PORTER

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Approved December 5, 2019

Thursday, November 7, 2019

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 G. Edward “Jipp” Ortiz, Member Mark Fox, Member Robert Tower, Member Jeffrey Schulze, Code Enforcement Officer Peter Jeffery, Secretary Amy Freiermuth, Attorney Michael Dowd

Approval of the minutes from October 3, 2019 Planning Board meeting

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

Public Hearing for Minor Subdivision for Irene Myers, 2426 Lockport Road, Ransomville; Tax Map ID 62.00-1-51.2 & 62.00-1-51.12.

Irene Myers was present. A motion to open the public hearing was made by Vice Chairperson Ortiz and seconded by Member Tower. All in favor, motion carried.

Ms. Myers explained that she would like to create two building lots from a larger parcel. She explained that she applied and was approved for a variance as road frontage would be approximately 113 feet rather than the required 125 feet for each parcel. She stated that each parcel would be about an acre and that she had presented her sketch plan to the Planning Board previously.

Chairperson Collard asked if anybody in the audience had questions or comments. Neighbors Franceschina Masic and Tamisha Nichols asked to see where the subdivision lines would be as they own the property behind Ms. Myers’ parcel. Ms. Myers displayed the survey and stated that the large parcel of property will remain with the current home and stated that the subdivision is for road frontage property.

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

With no further comments or questions from the Board, a motion was made to approve the Minor Subdivision as presented by Vice Chairperson Ortiz and seconded by Member Fox.

With no further discussion, roll was called:

Chairperson Collard: Yes
Vice Chairperson Ortiz: Yes
Member Fox: Yes
Member Tower: Yes
Member Schulze: Yes

Motion Carried.

Chairperson Collard congratulated Ms. Myers on her election to Niagara County Legislature.

**Sketch Plan Review for Minor Subdivision for Debra Parker, 3903 Ransomville Road, Ransomville;
Tax Map ID 62.00-1-27**

Debra Parker was present. Code Enforcer Jeffery explained that Mrs. Parker intends to build a home on her parcel however there is an existing home on the same parcel and therefore a subdivision is required. He continued that the existing home will retain an acre of land with 232 feet of road frontage. The larger parcel will have 146 feet of road frontage and will be the parcel in which Mrs. Parker builds her home.

Mrs. Parker presented her survey to the Planning Board. Code Enforcer Jeffery stated the proposed layout satisfies all of the setback requirements and no variances would be needed. Code Enforcer Jeffery asked if the Planning Board wished to have a letter from Mrs. Parker stating she was going to build a home on the parcel once subdivided as there would be an accessory building on the lot without a primary structure. Attorney Dowd stated that because the parcel is rented to a farm operation the barn is legal as a stand-alone accessory structure. Member Tower asked if the pond was determined to be a farm pond and Code Enforcer Jeffery verified and stated that the documentation was included in the Board packets.

With no further comments or questions from the Board, a motion was made to approve the Sketch Plan as presented by Member Fox and seconded by Member Tower.

With no further discussion, roll was called:

Chairperson Collard: Yes
Vice Chairperson Ortiz: Yes
Member Fox: Yes
Member Tower: Yes
Member Schulze: Yes

Motion Carried.

Code Enforcer Jeffery stated that the final stamped surveys and legal descriptions need to be received 21 days prior to the public hearing to allow time for publication and notification.

Sketch Plan Review for Minor Subdivision for Peter Baker / Ryan and Jill Harden, 1987 Lockport Road, Ransomville; Tax Map ID 47.00-1-26.112

Ryan and Jill Harden were present. Code Enforcer Jeffery stated that the Harden's would like to purchase a piece of property from neighboring property owner already Peter Baker that has a barn built on it. They would then merge that parcel with their property to create a lot that is 200 x 442 feet, approximately 2 acres.

Vice Chairperson Ortiz stated this request seems straightforward.

With no further comments or questions from the Board, a motion was made to approve the Sketch Plan as presented by Member Schulze and seconded by Vice Chairperson Ortiz.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Ortiz: Yes

Member Fox: Yes

Member Tower: Yes

Member Schulze: Yes

Motion Carried.

Code Enforcer Jeffery reminded the Harden's of the 21 day deadline.

Preliminary Review of Permitted Use for John Duxbury, 2568 Academy Street, Ransomville, Tax Map 62.14-1-66.1.

John Duxbury and his nephew Adam Danielewicz were present and Code Enforcer Jeffery stated that they are thinking about purchasing the machine shop on Academy Street and have come before the Planning Board to discuss potential uses.

A brief discussion occurred with topics ranging from a recovery business with outdoor vehicle storage to an indoor flea market. Code Enforcer Jeffery stated that the property is in a CMU district (Commercial Mixed Use) and that outdoor vehicle storage is not permitted without a variance. The discussion ended by informing Mr. Duxbury and Mr. Danielewicz that they need to determine exactly what they would like to do with the property prior to formally applying to either Board for a determination. He recommended that they speak with the current owner about an agreement contingent on a variance (if needed) and that they have very specific details on a business plan before moving forward.

Sketch Plan Review for Minor Subdivision for Nicholas Sardina, 2113 and 2115 Lake Road, Youngstown; Tax Map 33.08-1-11 and 33.08-1-11

Code Enforcer Jeffery stated that the Sardina's would like to sell both of their parcels, but it was realized that a pole barn is located over the property line that was built (without a building permit) by the previous owner. He stated that they cannot merge the property unless a variance is granted because there are two homes on the parcel. He stated that a minor subdivision is the most logical solution to bring the parcels into compliance with the code.

A copy of the current property survey was displayed and after a brief discussion the Board agreed that although the layout of the parcels with the proposed subdivision is unusual, it is the most logical, would not require any variances and would resolve the current violation.

With no further comments or questions from the Board, a motion was made to approve the Sketch Plan as presented by Vice Chairperson Ortiz and seconded by Member Fox.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Ortiz: Yes

Member Fox: Yes

Member Tower: Yes

Member Schulze: Yes

Motion Carried.

Correspondence / New / Old / Miscellaneous Business

Code Enforcer Jeffery distributed a letter to the Members from Keith Pollak regarding the Runaway Bay Subdivision. He also included the letter he wrote in response – both of which he has on file for the record.

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.

Code Enforcer Jeffery distributed an updated copy of the Zoning Chapter to all Members. Chairperson Collard stated he appreciated all of the work that the Planning and Zoning Members and Code Enforcer Jeffery put into the code changes.

With no further discussion, a motion was made to adjourn the meeting at 8:33 p.m. by Member Tower and seconded by Member Schulze. All in favor, motion carried.