



PLANNING BOARD TOWN OF PORTER

3265 Creek Road • Youngstown, New York 14174 • (716) 745-3730 • Fax (716) 745-9022

Approved November 2, 2017

Thursday, October 5, 2017.

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, Member Mark Fox, Member Robert Tower, Member John Bis, Member G. Edward "Jipp" Ortiz, Attorney Michael Dowd, Code Enforcement Officer Peter Jeffery, Town Assessor Susan Driscoll

Chairperson Collard introduced the Planning Board and Secretary to the audience.

Approval of the minutes from the Planning Board Meeting on September 7, 2017

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

Public Hearing of Site Plan for Lewis Robinson, (mailing: 3575 East Avenue, Youngstown); Tax Map ID 60.00-2-1.111

Chairperson Collard opened the public hearing by reading the legal notice for the Robinson application. Chairperson Collard stated that the ZBA did approve the Special Use Permit.

Chairperson Collard stated that Attorney Dowd would be working with the Town Board to determine if two public hearings (one for Planning and one for Zoning) need to be held for recreational ponds. He stated the process seemed redundant.

Chairperson Collard stated that Mr. Robinson is still waiting on the final engineer drawings from Apex. Mr. Robinson stated that the site survey has been completed and the drawing should be in-hand soon. Code Enforcer Jeffery stated that the DEC has approved the pond and all zoning regulations have been met. He stated that the board is only lacking the formality of the applicant's final engineer document.

With no comments from the audience, a motion to close the public hearing was made by Member Bis and seconded by Member Fox.

Member Ortiz read each question to Part II of the SEQR. Each question was answered with "no or small impact will occur" with agreement from all present Planning Board Members.

A motion was made to issue a negative declaration for the SEQR by Member Ortiz and seconded by Member Bis.

With no further discussion, roll was called:

Chairperson Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Yes

Member Ortiz: Yes

Motion Carried.

Chairperson Collard read the Town engineer's recommendation letter . . . "based upon our review of available information, the proposed recreation pond meets the requirements of the Town Code . . . with the exception that the applicant has not provided a landscape plan. If the applicant intends to install or the Town determines that landscaping is necessary, a landscape plan must be submitted to the Zoning/Code Enforcement Officer. . . ." Code Enforcer Jeffery stated that a landscaping plan is not required on this project. The ZBA did require that no soil is to be moved from the property and Mr. Robinson stated that he will be using all the soil on the property as fill.

A motion to approve the site plan as presented contingent on Code Enforcement Officer Jeffery's final approval of applicant's Engineer drawing/survey for this property was made by Member Ortiz and seconded by Member Bis.

With no further discussion, roll was called:

Chairperson Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Yes

Member Ortiz: Yes

Motion Carried.

Public Hearing of Site Plan for Charles Vanepps, (mailing: 2909 Ransomville Road, Ransomville); Tax Map ID 34.00-1-27.12

Code Enforcer Jeffery stated that none of the dirt from the pond will be leaving the site as Mr. Vanepps will be using it for fill to elevate his home. The pond will be one acre and all zoning regulations have been met. The ZBA did approve the Special Use Permit contingent on approval of the Site Plan from the Planning Board.

Member Ortiz opened the public hearing. With no comments from the audience, a motion to close the public hearing was made by Member Bis and seconded by Member Ortiz.

Member Ortiz read each question to Part II of the SEQR. Each question was answered with "no or small impact will occur" with agreement from all present Planning Board Members.

A motion was made to issue a negative declaration for the SEQR by Member Tower and seconded by Member Bis.

With no further discussion, roll was called:

Chairperson Collard: Yes

Member Fox: Yes

Member Bis: Yes
Member Tower: Yes
Member Ortiz: Yes
Motion Carried.

Chairperson Collard read the Town engineer's recommendation letter . . . "based upon our review of available information, the proposed recreation pond expansion meets the requirements of the Town Code . . . with the exception that the applicant has not provided a landscape plan. If the applicant intends to install or the Town determines that landscaping is necessary, a landscape plan must be submitted to the Zoning/Code Enforcement Officer. . . . The proposed expansion will increase the surface area of the pond from 0.2 acres to 0.9 acres to the west Therefore, it is important to note that the pond must remain a minimum of 100 feet from the lot line at Ransomville Road to the west and that the pond and spoil materials must remain outside of the boundary of potential wetlands located north of the pond area." Code Enforcer Jeffery stated that a landscaping plan is not required on this project.

A motion to approve the site plan as presented was made by Member Fox and seconded by Member Bis.

With no further discussion, roll was called:

Chairperson Collard: Yes
Member Fox: Yes
Member Bis: Yes
Member Tower: Yes
Member Ortiz: Yes
Motion Carried.

Assessor Merge for Anthony and Alice Attardo, 579 Lake Road, Youngstown; Tax Map ID(s) 45.07-1-34.1 and 45.07-1-34.2

Mr. Attardo approached the Planning Board and stated that he purchased the property in 2006. At that time, he planned to build a home on the second parcel. He stated that he and his wife have decided that for various reasons, they are not going to build another home and would like to join the two parcels.

A motion to approve the Assessor Merge as presented was made by Member Bis and seconded by Member Ortiz.

With no further discussion, roll was called:

Chairperson Collard: Yes
Member Fox: Yes
Member Bis: Yes
Member Tower: Yes
Member Ortiz: Yes
Motion Carried.

Code Enforcer Jeffery's report

Code Enforcement Officer Jeffery handed out his report. A brief explanation of some of the items ensued. He stated that a resident applied for a building permit to install solar panels on a barn roof, which does not have limitations on the number of panels that can be installed.

Chairperson Collard stated he stopped over at Boat Works, which has recently changed ownership to Derek Kent. Member Tower stated that Special Use Permits are not transferrable and therefore, Mr. Kent must go through the entire process (including Site Plan and Special Use Permit application). Code Enforcer Jeffery stated he would contact Mr. Kent. Chairperson Collard did state that Mr. Kent has been cleaning the property.

Attorney Dowd report

Attorney Dowd stated that the ZBA did uphold the decision of the Code Enforcement Officer that short-term rentals are a permitted use under the Town code. At this point the Town Board is in the process of changing local law to better define short-term rentals.

Code Enforcer Jeffery asked Attorney Dowd if there was any further word on the abandonment of Tower Road. Attorney Dowd stated that he has researched it extensively and would be reporting to the Town Board. He stated there are very specific Town rules that must be adhered to in order to abandon a road. He stated that section 205 of the highway law controls the regulations.

Chairperson Collard stated that there will be a joint training session (of the Planning and Zoning Boards) that will be held on Thursday, November 9, 2018 at 6:00 p.m.

With no further discussion, a motion to adjourn the meeting at 7:47 p.m. was made by Member Ortiz and seconded by Member Bis.