



PLANNING BOARD TOWN OF PORTER

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Thursday, October 6, 2022

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 and a moment of silence for the victims of the Florida hurricane destruction.

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

Chairperson Schulze announced that agenda item #2 for Willow Beach Campground will be moved down the agenda as it is anticipated this will be a lengthy discussion.

Site Plan and Public Hearing for Justin Fuller, 2498 Youngstown Wilson Road; Tax Map 34.00-1-31.1 for a Minor Subdivision.

Justin and Bob Fuller were present.

Code Enforcer Jeffery stated that the survey for this Minor Subdivision took some time (currently the survey companies are behind) but the request is the same as presented previously. The survey was displayed and Code Enforcer Jeffery stated that this application is compliant with code and he has no concerns.

A motion to open the public hearing was made by Vice Chairperson Fox and seconded by Chairperson Schulze. All in favor, motion carried. Chairperson Schulze read the Notice of Public Hearing as published in the Niagara Gazette on September 22, 2022 and mailed to all residents within 500 feet of the property boundary.

Chairperson Schulze asked the audience for comments or questions. With none, a motion to close the public hearing was made by Member Tower and seconded by Member Collard. All in favor, motion carried.

Chairperson Schulze asked if the Members had any comments or questions. With none, a motion to approve the Minor Subdivision as presented was made by Vice Chairperson Fox and seconded by Member Ross.

With no further discussion, roll was called.

Chairperson Schulze: Yes
Vice Chairperson Fox: Yes
Member Collard: Yes
Member Tower: Yes
Member Ross: Yes
Motion carried.

Referral Recommendation to the Zoning Board of Appeals for NOCO Energy/Baker Farm LLC, 2799 Ransomville Road, Ransomville; Tax Map 34.00-1-27.21 for renewal of Special Use Permit for Fuel Storage.

Chairperson Schulze stated that the agenda listed the address as 2977, but it should be 2799. He stated it was incorrect on the application as well.

Chip Willis was present representing NOCO. Code Enforcer Jeffery stated he spoke with Jeff Baker and verified that he was in agreement that this application is acceptable on his behalf.

Mr. Willis stated that NOCO has had a Special Use Permit since the early 2000s to store up to 20,000 gallons of fuel on the property at the northeast corner of Youngstown Wilson and Ransomville Roads.

Code Enforcer Jeffery stated there have been no complaints or issues.

With no further discussion, a motion was made to recommend that the Zoning Board of Appeals approve renewal of the Special Use Permit by Member Ross and seconded by Vice Chairperson Fox.

With no further discussion, roll was called.

Chairperson Schulze: Yes
Vice Chairperson Fox: Yes
Member Collard: Yes
Member Tower: Yes
Member Ross: Yes
Motion carried.

Sketch Plan Review for Sarah Mahoney and Eric Olofson, 661 Lake Road, 665 Lake Road and 671 Lake Road for a Minor Subdivision which will Combine and Reconfigure parcel size/dimensions of the three parcels.

Eric Olofson was present and explained that he would like to reconfigure the lot lines of three lots into two lots.

Code Enforcer Jeffery displayed the Sketch Plan and stated that the parcel at 671 Lake Road will shorten and “bump out” to allow for a pole barn to be built. Lots 661 and 665 will merge and will also merge with the land from 671 that is reduced from that parcel. Code Enforcer Jeffery stated that all minimum requirements will be met and he has no concerns.

Member Ross asked Mr. Olofson if his property has the boulders/rocks out front. Mr. Olofson confirmed and explained that he lost a significant amount of property from erosion when the house was purchased. He stated that they had major work done to save the shoreline and that all spoils must stay on site. He is currently working on cleaning up those soils into the garden and other areas of the property.

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

With no further discussion, roll was called.

Chairperson Schulze: Yes
Vice Chairperson Fox: Yes
Member Collard: Yes
Member Tower: Yes
Member Ross: Yes
Motion carried.

Sketch Plan for Neighbors of Willow Beach Campground, LLC, 1809 Lake Road, Youngstown; Tax Map 33.10-1-11 and 33.10-2-1.121 to Operate a Campground with a Special Use Permit (SU2).

Jerry Rehill and David Stolzenberg were present.

Code Enforcer Jeffery stated that the Site Plan needed to be approved by the Planning Board prior to the Zoning Board reviewing the Special Use Permit.

The discussion of the Site Plan was lengthy. The following bullet points are a summary of the discussion and each is required prior to the final Site Plan Review:

- The campground is limited to 75 sites as per the Niagara County Department of Health for septic system permitting to operate a campground.
- Refuse and recycling must be enclosed and moved to a rear or side yard location. The screening and location need to be clearly illustrated/described on the Site Plan.
- Sites #71 and 72 are currently in a flood zone and therefore must meet the flood prevention code. The RV on those sites must be road ready with quick disconnects and no permanent structures will be allowed on the site. This includes (but is not limited to permanent decks, platforms, generators, etc.)
- The structure on site #73 must be an RV – the current laundry “facility” does not meet the requirement of a camping vehicle.
- Mobile homes are not permitted in the park as they are not camping vehicles.
- A letter or survey must be submitted to prove there is no encroachment of any trailers or sheds on the neighboring property.
- The seasonal cottage does not meet Code to become a year-round home (as a year-round residence is already established on the property).
- A list of the LLC members and their addresses must be provided to Code Enforcer Jeffery.
- The rules and regulations of the Campground must be provided to Code Enforcer Jeffery.
- The flood hazard area needs to be diagramed and shown on the final Site Plan including the wetlands and trailer location on sites #71 and #72.
- Fire access driveways must be labeled with clear addresses and shown in the Site Plan.
- The Site Plan must have an indication of the site sizes or confirm that all lots are over the minimum lot size of 1250 feet with a minimum of 5-foot setbacks.
- The Site Plan must show the location of the sewer treatment components and be compliant with the Niagara County Health Department with proof of an issued permit.

Also, if there are requests for the Special Use Permit (ie. Season dates, etc.), they should be submitted as the Planning Board will make a recommendation to the Zoning Board of Appeals on the Special Use Permit.

The Planning Board requests that the above bullet points be addressed and re-presented to the Board before moving forward with the public hearing.

Code Enforcer Jeffery's report

Code Enforcer Jeffery stated he would email his report once complete.

Discussion of Attorney Dowd's proposed language for an expedited Minor Subdivision regulation.

Attorney Dowd provided a hard copy of the suggested regulation and stated he emailed the same earlier in the day. He asked the Members to review for future discussion.

Attorney Dowd's report

Attorney Dowd had nothing further to report.

Correspondence / New / Old / Miscellaneous Business

None.

With no further discussion, a motion to adjourn the meeting at 9:00 p.m. was made by Member Tower and seconded by Vice Chairperson Fox All in favor, motion carried.