



## PLANNING BOARD

# TOWN OF PORTER

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**Thursday, November 3, 2016.**

The regular meeting of the Town of Porter Planning Board was called to order at 7:02 p.m. with the Pledge to the Flag.

Present: Chairperson Peter Jeffery, Vice Chairperson Anthony Collard, Member Mark Fox, Member John Bis, Member Robert Tower, Assessor Susan Driscoll, Attorney Michael Dowd Absent: Code Enforcer Roy Rogers,

### **Approval of the minutes from the Planning Board meeting on October 6, 2016**

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

### **Public Hearing/Minor Subdivision for Stephen Pacia, 2525 Lake Road, Youngstown, Tax Map ID: 21.18-1-37**

Chairperson Jeffery read the public hearing notice for the application of Mr. Pacia. Chairperson Jeffery also read the letter from David Britton, P.E., Town Engineer from Conestoga-Rovers & Associates stating “based upon our review of available information, the proposed subdivision appears to be in compliance with the Town Code and will not have an adverse impact on Town drainage facilities.” The letter will be filed with the application.

Chairperson Jeffery asked if any members of the public had any comments. Neighbor Lew Cabello asked what defines a minor subdivision. Chairperson Jeffery stated that a minor subdivision is a division of four parcels or less. He stated that this application is to divide one parcel of land into two parcels of land. Mr. Cabello asked how many houses will be built on the land once subdivided. Chairperson Jeffery explained that there is the potential to build two houses on the land, however, the purpose of the meeting was only to address the subdivision of the land, not the use of the land once divided. Attorney Dowd confirmed what Chairperson Jeffery stated and said that the two lots will be standard building lots within a waterfront residential zoned area. Chairperson Jeffery stated that before any home is built that Code Enforcement Officer Rogers would need to determine if the home meets the Town Codes for construction. If the property owners wanted to build more than one house per lot, a variance would need to be granted. If a variance was applied for, there would be a public hearing and the applicant would need to have approval from the Zoning Board of Appeals.

A motion was made to close the public hearing by Member Collard and seconded by Member Fox. All in favor, motion carried.

Attorney Dowd stated that the right of way on the property was not going to be an issue with the subdivision (as previously discussed during the preliminary review of the Planning Board).

Chairperson Jeffery read each question to Part II of the SEQR. Each question was answered with “no or small impact will occur” with agreement from all Planning Board Members.

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

With no further discussion, roll was called:

Chairperson Jeffery: Yes

Member Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Yes

Motion Carried.

A motion was made to approve the minor subdivision by Member Bis and seconded by Member Collard.

With no further discussion, roll was called:

Chairperson Jeffery: Yes

Member Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Yes

Motion Carried.

Chairperson Jeffery informed Mr. Pacia has six (6) months to record the deed of the subdivision to the County Clerk.

**Preliminary Review of Minor Subdivision for Matthew Deering, 1751 Youngstown Lockport Road, Youngstown, Tax Map ID: 47.03-1-9.1 and Wayne Carter, 1737 Youngstown Lockport Road, Youngstown, Tax Map ID: 47.03-1-9.2**

Mr. Deering stated that he would like to square up both his property line and Mr. Carter’s property line to make the lot lines parallel. Current the lot line is at a skewed angle which could lead to access issues for Mr. Deering in the future if Mr. Carter were to sell his property.

Chairperson Jeffery stated that he did not see a significant impact of the proposed subdivision and that there would be no setback requirements with the subdivision. Attorney Dowd stated that this subdivision is how it should have been divided originally and makes sense.

A motion was made to approve the preliminary subdivision by Member Collard and seconded by Member Bis.

With no further discussion, roll was called:

Chairperson Jeffery: Yes

Member Collard: Yes

Member Fox: Yes

Member Bis: Yes  
Member Tower: Yes  
Motion Carried.

**Preliminary Review of Minor Subdivision for Tom O'Connor, 2234 Lake Road, Ransomville, Tax Map ID: 33.08-1-47**

Mr. O'Connor stated that he would like to divide his land into four parcels. One parcel would be 300 x 230 feet and the other three parcels would be approximately 296 x 230 feet. None of the property is lakefront.

Attorney Dowd stated that for the size of the land, Mr. O'Connor could potentially subdivide the land into six parcels. Chairperson Jeffery stated that the lots are larger than the minimum required by code.

Attorney Dowd stated that Mr. O'Connor needed to discuss with the Code Enforcement Officer the fire access for the lot furthest from Old Lake Road. The lot is 460 feet from the main road and although he believes that 600 feet is the limit, it would be best to verify this with Code Enforcer Rogers prior to the finalizing the subdivision. Attorney Dowd also stated that Mr. O'Connor needs to double check with Code Enforcement Officer Rogers on the required width of the right of way road. Currently it is a marginal access road and the required width of the right of way may affect the subdivision layout. Attorney Dowd stated that otherwise the concept of the proposal seems sound.

A motion was made to approve the preliminary subdivision by Member Bis and seconded by Member Tower.

With no further discussion, roll was called:

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

Attorney Dowd stated the Code Enforcement Officer Rogers was out of town. He stated that Mr. O'Connor could utilize Village Code Enforcement Officer John Stevens if needed.

**New / Miscellaneous Business**

Chairperson Jeffery stated that a recommendation to the Zoning Board of Appeals for a variance request will be on the agenda for December for applicant Carol and Robert Reese for a fence with the "good side" facing the applicant.

A joint training session for the Zoning and Planning Boards will take place on Thursday, November 10, 2016 at 6:00 p.m. This session will satisfy the required yearly four hours of training for the board members.

**Code Enforcer Rogers report**

Code Enforcer Rogers was absent, but Assessor Driscoll submitted his report to the Members.

**Attorney Dowd report**

Attorney Dowd stated the during the training he will be discussing transient housing including “AirBNB” usage. He stated that this presentation will help the boards to decide if they would like to make a recommendation to the Town Board to update the current Town Code.

A motion was made to close the meeting at 8:21 p.m by Member Tower and seconded by Member Bis. Motion carried.