



# PLANNING BOARD TOWN OF PORTER

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

**\*\*\* DRAFT \*\*\* DRAFT \*\*\* DRAFT \*\*\***

**Thursday, September 1, 2016.**

The regular meeting of the Town of Porter Planning Board was called to order at 7:03 p.m. with the Pledge to the Flag.

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

## **Approval of the minutes from the Planning Board meeting on August 4, 2016**

Member Tower asked to have the minutes amended to reflect his arrival prior to the approval of the Trusedale application. Secretary Freiermuth confirmed the amendment.

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

## **Public Hearing/Minor Subdivision for Thomas Bradley, 3046 Ransomville Road, Ransomville; Tax Map Id: 48.00-1-12.21; 48.00-1-12.22**

Mr. Bradley approached the Planning Board and stated that he would like to remove 150 feet of property from the south end of his parcel and join it to the middle parcel. Then take 150 feet of property on the north side of the parcel and split it from the middle parcel. The newly created north parcel will become private property while the newly created south parcel would be owned by the partnership. There is a Special Use Permit for the trucking company that is specific to the business (not the land).

No comments were made from attending residents so a motion was made to close the public hearing by Member Fox and Seconded by Member Bis.

Member Collard read the letter submitted by David M. Britton, PE at CRA, the Town Engineer, stating that “based upon our review of available information, the subdivision will not have an adverse impact on the existing drainage system.”

Member Collard 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 Fox.

With no further discussion, roll was called:

Chairperson Jeffery: Absent

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

Attorney Dowd stated that question 1 of Part I of the SEQR (as filled out by Mr. Bradley) should be answered as No. He stated the question is confusing. Secretary Freiermuth stated that she would change the answer for the file as agreed to by Mr. Bradley.

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

With no further discussion, roll was called:

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

Attorney Dowd informed Mr. Bradley that he has six (6) months to record the deed of the subdivision to the County Clerk.

**Preliminary Review of Minor Subdivision for Richard and Suzanne Shears, 3180 Creek Road, Youngstown; Tax Map Id: 46.00-1-44.1**

**AND**

**Preliminary Review of Minor Subdivision for Albert and Tammy Mack, 3145 Creek Road, Youngstown; Tax Map ID: 46.00-1.48.1**

A letter was presented to the Planning Board signed by Richard and Suzanne Shears allowing William and Cindy Mack (853 Lockport Road) to represent the Shears' for the subdivision. Ms. Mack explained that the Shears' would like to subdivide a 100 x 200 feet piece of property from a larger parcel that backs up to the rear of 853 Lockport Road. The subdivided property would then be merged to the rear of the lot at 853 Lockport Road owned by William and Cindy Mack.

A letter was presented to the Planning Board signed by Albert and Tammy Mack allowing William and Cindy Mack to represent Albert and Tammy Mack for the subdivision. Ms. Mack explained that the property owners at 3145 Creek Road (Albert and Tammy Mack) would like to subdivide a 100 x 200 feet piece of property from their parcel which will then be merged to the Shears' parcel at 3180 Creek Road.

Ms. Mack explained that each subdivision is the same size and will be "swapped" between property owners once subdivided. There is no road frontage for either subdivision and each will be attached to the side/rear of the current parcel.

Chairperson Jeffery arrived to the meeting.

No concerns were raised by Attorney Dowd or the Planning Board Members. Therefore a motion was made to approve the Preliminary Review of Minor Subdivision for Richard and Suzanne Shears by Member Bis and seconded by Member Fox.

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 Preliminary Review of Minor Subdivision for Albert and Tammy Mack by Member Fox 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.

**Preliminary Subdivision for Andrew Wright (represented by Peter Burrows), 3691 River Road, Youngstown; Tax Map ID: 59.14-1-16**

Mr. Burrows explained to the Planning Board that Andrew Wright would like to subdivide a ten (10) foot wide section of his land to sell to Mr. Burrows so that Mr. Burrows will have the land required to build a garage. Mr. Burrows explained that once the subdivided land is merged with his parcel, he will be able to comply with the side yard setbacks for the construction of his garage.

No concerns were raised by Attorney Dowd or the Planning Board members. Therefore a motion was made to approve the Preliminary Review of Minor Subdivision by Member Collard and seconded by Member Fox.

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 report**

Attorney Dowd stated the Town Board would be holding a work session to discuss the potential change of Law 2014-71 – Servicing of Lawn and Garden Equipment. He suggested that the Planning Board may want

to think about an additional recommendation to limit the size, weight or engine size of the equipment that can be worked on as a Home Occupation under the Servicing of Farm and Garden Equipment. He stated that residents voiced concerns during the Town Board meeting that if the business activity occurred in an accessory building without size/weight limitations, there would be no limit on the size of the equipment repaired. Chairperson Jeffery stated this was a valid concern.

Attorney Dowd stated that the Court ruled in favor of the Town of Porter in the Article 78 recently filed by Mr. Freck. He then asked to be excused from the meeting to attend to personal matters.

The Planning Board discussed the recommendation for the Servicing of Lawn and Garden Equipment. After numerous ideas were communicated among the Members, the Planning Board felt that the purpose of the potential law change is to reflect the scale of a Home Occupation for the Servicing of Lawn and Garden Equipment. This law was not intended to allow for servicing of larger commercial equipment in a Residential Area.

In order to be able to enforce the recommended restrictions, the Planning Board felt that it was best to limit the building size rather than weight or horsepower of the equipment being serviced. The Planning Board stated that a smaller building would not be able to accommodate the servicing of large commercial equipment.

A motion was made by Member Bis and seconded by Member Collard to recommend to the Town Board that the Servicing of Farm and Garden Equipment fall under Home Occupation, and include the following limitations:

- If business is conducted in an accessory building that is being constructed specifically for the business, the building is to be no larger than 1000 square feet and sidewalls will be no taller than ten (10) feet unless a variance is approved by the Zoning Board of Appeals.
- If the business is going to be conducted in an accessory building that was previously constructed and is larger than 1000 square feet, the business can only be conducted in 1000 square feet of that building unless a variance is permitted by the Zoning Board of Appeals.

The Planning Board wanted to stress that the intent of the law is to maintain the home occupation scale of the business. The above recommendation is in addition to the recommendation the Planning Board made previously.

With no further discussion, roll was called:

Chairperson Jeffery: Yes

Member Collard: Yes

Member Fox: Yes

Member Bis: Yes

Member Tower: Yes

Motion Carried.

**New Business**

None discussed.

**Code Enforcer Rogers report**

Code Enforcer Rogers submitted his August report.

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