

Chairman Ortiz called the regular meeting of the Town of Porter Planning Board to order on **Thursday, January 6, 2016**. All members were present. Various documents were passed out to the members for their review. The town has received three applications for Planning Board secretary. The resumes were given to each Planning Board member for their review. Pamela Parker will put together a job description and suggestions for questions to be asked at the interview process. The Planning Board will give input to the town board regarding the new secretary.

Chairman Ortiz announced that the Association of Town meeting will be held in New York City February, 2016. Anyone interested in attending should contact Supervisor Wiepert as soon as possible. Planning Board members are encouraged to attend. The seminars offered at the meeting are generally very educational and informative.

### **ELECT A VICE CHAIRMAN**

Anthony Collard made a motion to elect Peter Jeffrey as Vice-Chairman for 2016. Mark Fox seconded the motion. With all in favor the motion was unanimously carried.

### **APPROVE DECEMBER 3, 2015 MINUTES**

Chairman Ortiz read over the minutes of the December 3, 2015 Planning Board. With no additions or corrections, John Bis made a motion to approve the minutes as submitted. Peter Jeffrey seconded the motion. With all in favor the motion was unanimously carried.

### **CWM APPLICATION DISCUSSION**

The Planning Board is being tasked with the responsibility to approve a Site Plan for their RMU-2 Site Plan application. A Special Use permit is being handled by the Zoning Board of Appeals. The Planning Board will give the Zoning Board of Appeals a recommendation for the special use permit. Ultimately the Zoning Board of Appeals will make the final determination for the Special Use permit. Attorney Dowd will lead the Planning Board through this process. Everyone on the Planning Board is encouraged to study the application that CWM has submitted; read it and make sure it is in compliance with the requirements set forth in the Zoning manual under Site Plan Review and Special Use permit. The Planning Board and Attorney Dowd are concerned about the request to add buildings, etc. as far out as twenty-five years.

## **ATTORNEY DOWD REPORT**

Mr. Dowd said he does not have anything to report. He will continue to lead the Planning and Zoning Board on the CWM application. Both boards are advised to assemble a list of concerns regarding the CWM application and submit them to Chairman Ortiz and Attorney Dowd in three weeks.

## **CODE ENFORCER ROGERS REPORT**

Mr. Rogers submitted his reports regarding his activities for the month of December. There were several permits issued for solar panels. Additional funds are becoming available from NYSERDA.

Roy Rogers reported that he has received an application from Mike McCabe for a site plan review as required for sales and service of farm and garden equipment.

John Bis asked if there was something in the zoning law that prohibits an application from being reviewed while there is a violation going on. Roy Rogers talked about that with Kyle Andrews, attorney representing the town on this matter. Mr. Andrew's opinion is that if the violation is in the midst of being cured it may continue. Mr. Andrews wanted to discuss this with the Planning Board but he has a military obligation for the next two weeks, therefore before the next Planning Board meeting this will be clarified.

The violations that are pending are the removal of pond dirt and operating outside the jurisdiction of the zoning code. Both these violations are going to court in the town of Lewiston. Mr. McCabe has also filed for a variance with the Zoning Board that will require a site plan review for recommendation. (for the pond and the building)

The town board has tabled action on the law 1-2014 until it received action from the Niagara County Planning Board. The Niagara County Planning Board will take action on the request at their January meeting and send the recommendation to the town board.

The application that Mr. McCabe has submitted is under the current existing zoning law. The Planning Board is very frustrated by this matter. The Planning Board feels that if there are issues in court we should not be taking any action.

Mr. Rogers will give the Planning Board a letter stating that he has received a complete application from Mr. McCabe. This will put the Planning Board on a sixty day clock to act on this matter.

Bailey Brother's landscaping business being moved to Balmer Road was discussed. Code Enforcer Rogers will contact them to see what progress is being made.

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Dollar General is coming along with the completion of their store. Insulation inspection has been done. They are painting inside. Landscaping has been completed. Siding is up.

Lighting and awnings are not up yet. The faux windows are not up yet. A certificate of occupancy will not be issued until Mr. Rogers is satisfied that the site plan has been fulfilled.

Anthony Collard made a motion to adjourn the meeting. John Bis seconded the motion. With all in favor the meeting was adjourned at 8:30 p.m.

### **EXECUTIVE SESSION**

The Planning Board went into executive session to discuss potential litigation. Attorney Dowd has excused himself from the meeting. No action was taken. The Executive Session ended at 9:00 p.m.

Respectfully submitted,

Pamela F. Parker, Secretary  
Town of Porter Planning Board