



PLANNING BOARD TOWN OF PORTER

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Approved January 5, 2017

Thursday, December 1, 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, Code Enforcer Roy Rogers

Approval of the minutes from the Planning Board meeting on November 3, 2016

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

Recommendation to the Zoning Board of Appeals for an area variance for Carol and Robert Reese, 1821 Lake Road, Tax Map ID: 33.10-2-1.112

Chairperson Jeffery stated that a brief introduction of the variance was discussed at the Planning Board meeting in November however because the applicant was not present, the detailed discussion and recommendation was not made. Code Enforcer Rogers provided a copy of memo he wrote stating that a building permit was not needed for the fence as it was a repair/replacement of an existing fence. Due a neighbor complaint, Mr. Reese requested a variance. Code Enforcer Rogers recommended that the variance be approved to “allow for continuity of the repair with the remaining existing fence.”

Member Collard stated he felt that the replacement fence is an improvement over the fence portion that was previously in place. Chairperson Jeffery stated that the fence, which was installed approximately 60 years ago, probably predated the code that a fence “good side” face out.

Chairperson Jeffery asked if anybody in the audience wanted to say anything. Nobody replied.

Chairperson Jeffery stated that if the replacement section faced out, it would look odd compared to the remaining fence. He said that the new section looks much better.

Attorney Dowd stated that the fence may be covered as a prior non-conforming use which means that this would not be a code violation unless the fence was abandoned. However, because a complaint was made and the Zoning Board may want to issue a variance rather than prior non-conforming use, that the Planning Board should make a recommendation to the Zoning Board.

Mr. Reese stated that the entire fence spans multiple properties and is about 950 feet long. The new section that he put in is 150 feet. He stated that the new section of the fence does not come near the property of the neighbor who filed the complaint.

An aerial view was displayed to show the path of the fence. Member Collard asked if there are accessory buildings on a vacant lot. Code Enforcer Rogers stated that the building belongs to the neighbor who filed the complaint and although a building permit was issued for the building, it was erected on a different piece of property than approved.

A motion was made to recommend to the Zoning Board of Appeals that they approve the variance by Member Fox 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.

Recommendation to the Town Board regarding Transient housing/Air Bed & Breakfast Regulations

Chairperson Jeffery informed the Planning Board that a recommendation could be made to the Town Board to update the Town code regarding transient housing if they felt it was warranted. Transient housing was a topic of training during the November session. Chairperson Jeffery stated that perhaps adding a definition of transient housing would help clear up any confusion. Member Fox stated that he didn't feel that anything needed to be added to the code. Member Tower stated that most of the complaints regarding transient housing are noise related, which can be enforced.

Chairperson Jeffery stated that a letter was received from Mr. Lynch and a copy was provided to all Planning Board members.

Attorney Dowd stated that at the last Town Board meeting, it was agreed that the Lynch's would be informed if transient housing was going to be discussed.

A motion was made to table the discussion on transient housing until the January Planning Board meeting by Member Bis and seconded by Member Tower. Motion carried.

Attorney Dowd recommended that Secretary Freiermuth compose a letter to both Mr. Lynch and Mr. Nowackie (from Lakeside Cottages) to attend the January Planning Board meeting. He stated that the meeting would not be a public hearing but will advise both parties of the discussion.

New / Miscellaneous Business

Resident Cliff Truesdale asked if he could address the board with a few concerns. Chairperson Jeffery said yes. Mr. Truesdale stated that he would like to know the status of the Special Use Permit issued to Josh Stack at The Boat Works. He stated that the business was not following the stipulations that the Planning Board recommended to the Zoning Board regarding storage, pine trees, etc. He also wanted to know the status of Mr. Fleckenstein's pond and stated that it appeared that corn was planted instead of digging the ponds.

Chairperson Jeffery stated that the corn was planted in a different area from where the ponds are being dug. The permit that was issued allows for 18 months from the date of approval for the work to be completed. It is the job of Code Enforcer Rogers to follow up with Mr. Fleckenstein regarding the work completed and the deadline.

Member Collard stated that Mr. Stack has sold The Boat Works. Code Enforcer Rogers was unaware of the change and stated that the Special Use Permit does not transfer to the new owner. He stated he will inform the new business owner that a new Special Use Permit application must be received.

Code Enforcer Rogers report

Code Enforcer Rogers distributed his report. He stated he has been working on the contract for the Porter on the Lake pavilions. He has also been working on the materials for the ISO report. He stated that this report helps to determine the fire insurance rates after evaluation of the water supply system and code enforcement in the town. Code Enforcer Rogers also stated that currently four new homes are under construction in the Town.

Chairperson Jeffery asked for a follow up on the pond on Ransomville Road. He stated that he saw a dump truck with tree stumps in the driveway. Code Enforcer Rogers stated he would follow up with the property owner. He stated that the building plans were due 3 months ago and there should be no activity on the property other than putting in the driveway.

Attorney Dowd report

Attorney Dowd stated the he felt the joint Planning and Zoning training went well. He stated that in February there is a NY Association of Towns training that is very valuable if members were interested in attending they should speak with Chairperson Jeffery or Supervisor Weipert.

A motion was made to close the meeting at 7:54 p.m by Member Bis and seconded by Member Tower. Motion carried.