



# PLANNING BOARD TOWN OF PORTER

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**Thursday, September 1, 2022**

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 Jeffrey Schulze, Vice Chairperson Mark Fox, Member J. Anthony Collard, Member Robert Tower, Attorney Michael Dowd, Planning Board Secretary Amy Freiermuth

Absent: Member Ryan Ross, Code Enforcer Peter Jeffery

**Site Plan and Public Hearing for Maxwell Coykendall, P.C. representing Carol Ferrara for a vacant parcel on Lockport Road, Youngstown; Tax Map 46.00-2-35.1 for a Minor Subdivision.**

Attorney Maxwell Coykendall was present. He explained that his client and her brother co-own this parcel of land and as per an agreement with the Niagara County Supreme Court this application is a partition action to Subdivide the parcel between the two parties – both new parcels similar in size. He stated that nothing has changed from the approved Sketch Plan as previously presented to the Planning Board.

Code Enforcer Jeffery was absent, however, he left notes for the Members for each application with areas he thought should be addressed. Chairperson Schulze stated for this application there was a concern of a driveway encroachment. Attorney Coykendall stated that it did not appear as an encroachment and Attorney Dowd stated that it is not identified on the survey so it would not be relevant to this Subdivision decision if each new parcel meets code.

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

Chairperson Schulze read the public hearing notice as mailed to all residents within 500 feet of the applicants for Subdivision this evening. It was also published in the Niagara Gazette.

Neighbor Andrew Kowalyk stated that he wondered how the 2006 Code for Farmland Protection Plan would be taken into consideration for this application or if it applied. He stated he read that the purpose of this Code was to preserve the scenic landscape of the Town and was concerned about future population density if land continues to be Subdivided.

Attorney Dowd looked for information online during the meeting and stated that dividing 38 acres in half does not take away the ability to farm the land, which is what he believes is the reason for the code. Mr. Kowalyk stated he is concerned that this land could be divided into smaller parcel in the future (not with this current application).

Member Collard stated that he does not feel that this code means that the land must be always used for agricultural purposes. Member Tower stated that he feels it is for farmland preservation and to protect the current farmers/farmland rather than future development.

Neighbor Cliff Truesdale stated that he was active in the decision when it was made and that it was to protect Farmers so that they cannot be “shut down” if new neighbors moved in (i.e. not being able to spray, working with the land, etc.). Member Collard agreed and Member Tower stated that he feels that Mr. Kowalyk raised a good question.

With no further comments from the audience, a motion to close the public hearing was made by Chairperson Schulze and seconded by Member Tower. All in favor, motion carried.

Attorney Dowd stated that the Planning Board does not have any reason to not approve the request. He continued that the Farmland Protection Plan is make sure that the importance of farming on the land cannot be eliminated from present farmers. The new parcels meet all Codes.

A motion was made to approve the Minor Subdivision as presented by Vice Chairperson Fox 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: Absent  
Motion carried.

**Site Plan and Public Hearing for Anika and Jeremy Fetzner/Truesdale Trust (Cliff Truesdale), 1237 Lockport Road, Youngstown; Tax Map 46.00-2-5.2 and Vacant Parcel on Lockport Road, Youngstown; Tax Map 46.00-2-5.11 for a Minor Subdivision.**

Anika and Jeremy Fetzner and Cliff Truesdale were present.

Chairperson Schulze stated that the new lot line will follow the ditch and Mr. Fetzner confirmed. There are no other changes from the previously presented Sketch Plan. Mrs. Fetzner stated that the existing culvert will continue to be maintained and owned by Mr. Truesdale.

Notes provided by Code Enforcer Jeffery stated that the odd shaped lot is due to the ditch.

A motion to open the public hearing was made by Vice Chairperson Fox and seconded by Member Tower. All in favor, motion carried.

With no comments, a motion to close the public hearing was made by Member Tower and seconded by Vice Chairperson Fox. All in favor, motion carried.

A motion was made to approve the Minor Subdivision as presented by Member Collard 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: Absent  
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).**

Chairperson Schulze stated that this application will be tabled until October.

**Code Enforcer Jeffery's report**

Code Enforcer Jeffery was absent and his notes indicate that his report will be emailed to the Members by September 12.

**Attorney Dowd's report**

Attorney Dowd had nothing further to report. He stated that further discussion on the expedited Subdivision process will take place in October.

**Correspondence / New / Old / Miscellaneous Business**

None.

With no further discussion, a motion to adjourn the meeting at 7:48 p.m. was made by Member Tower and seconded by Member Collard All in favor, motion carried.