

**STATE OF NEW YORK
COUNTY OF NIAGARA**

**ZONING BOARD OF APPEALS
TOWN OF PORTER**

The Regular Meeting of the Town of Porter Zoning Board of Appeals was held on Thursday, September 27, 2007 at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairman William H. Tower, Member Joe Fleckenstein, Member Peter Jeffery, Member Duffy Johnston, Attorney Michael Dowd and Building Inspector Roy Rogers.

ABSENT: Member William Leggett, Member Irene Myers

Chairman Tower called the meeting to order at 7:30 pm. Chairman Tower asked if there were any additions or deletions to the previous month's minutes. Peter Jeffery made a motion to accept the minutes as written and was seconded by Joe Fleckenstein. Chairman Tower asked if all in Favor. All in Favor. **Motion Carried.**

Chairman Tower read the following:

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 267 of the Town Law and Local Law No. 1 of 1968, as amended, of the Town of Porter, Niagara County, New York, a PUBLIC HEARING will be held by the Zoning Board of Appeals at the Town Offices, 3265 Creek Road, Youngstown, NY on September 27, 2007 at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Patricia Coia, 2040 Balmer Road, Ransomville, NY 14131 A variance is requested under Sections 503.3A, 705 and 710 to construct a six (6') foot in height 30' x 20' dog run. Section 503.3 states "Maximum Height Residential Districts four (4') feet. Thus, a variance of two feet is requested. Property is located on the South Side of Balmer Road an ARR-100 (Agricultural Rural Residential) Zoned District between Dickersonville and Ransomville Roads in said Town.

Chairman Tower stated that Patricia Coia had a funeral and asked for a postponement until next month's meeting, October 25, 2007.

The following item was next on the agenda was:

Application of Nancy Sanger, 2298 Youngstown-Lockport Road, Ransomville, NY 14131. A Variance is requested under Sections 503.3A, 705 and 710 to construct a four (4') foot in height fence in the front yard. Section 503.3A states "Maximum Height front yards three (3') feet. Thus, a variance of one foot is requested. Property is located on the

South Side of Youngstown-Lockport Road in an ARR-100 Zoned District between Dickersonville and Ransomville Roads in said Town.

It was noted that Nancy Sanger was not present. Duffy Johnston stated we have already given 60 days on the Sanger application. Attorney Dowd stated that the rules have changed. If you take action on it and you don't get a vote, it is deemed denied. Section 13 of the Town Law, if you fail to act on a notice by the Town Zoning Board it is deemed denied. Joe Fleckenstein asked, "Why does she want this four foot fence?" Duffy Johnston stated it is a neighbor dispute. Duffy Johnston stated it is plenty close to the road, and there shouldn't be any fence allowed. Chairman Tower stated the fence must be back behind the right away of the road. Attorney Dowd stated it has to be 50' from the center line. Chairman Tower stated it is on the right away. Peter Jeffery made a motion to deny the application of Nancy Sanger's for a four foot fence. It is a safety concern for visual backing out of the driveway. A three foot fence is all the Town provides and the fence should not be in the right away and was seconded by Duffy Johnston. Chairman Tower stated you cannot have a fence on a State right away.

Chairman Tower asked if there was any further discussion. Chairman Tower asked for a Roll Call Vote. Peter Jeffery-yes; Duffy Johnston-yes; Joe Fleckenstein-yes and Chairman Tower-yes. Motion Carried. Application of Nancy Sanger – Denied.

Duffy Johnston made a motion to close the meeting and was seconded by Peter Jeffery. The meeting was adjourned at 7:50 pm. The next regular meeting will be held on Thursday, October 25, 2007.

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals