

**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, June 22, 2006 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, Member Arthur King, Member William Leggett and Member Irene Meyers and Attorney Dowd.

Chairman Tower called the meeting to order at 7:30 pm.

Chairman Tower asked for the approval of last month's meeting and if there were any additions or deletions. Member Joe Fleckenstein made a motion to approve the minutes as written and was seconded by Member Duffy Johnston. Chairman Tower called for a Roll Call Vote. Peter Jeffery-yes; Arthur King-yes; Duffy Johnston-yes; William Leggett-yes; Irene Meyers-yes; Joe Fleckenstein-yes and Chairman Tower-yes. **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, New York on June 22, 2006 at 7:30 P.M. for the purpose of considering and hearing all interested persons concerning the following application(s):

APPLICATION OF TERRY LEWIS, 2094 Youngstown-Lockport Road, Ransomville, NY. Under Sections 503.3A, 705 and 710, a variance is requested to construct a six foot fence on neighbor's side for privacy. Under Section 503.3A, maximum height residential, rear and side yards is four feet. Thus, a two foot variance is requested. Property is located in an ARR-100 (Agricultural Rural Residential Area) between Porter Center and Dickersonville Roads in said town.

It was noted that Mr. Lewis was present. William Leggett asked Mr. Lewis, "How far does the fence come toward the road?" Mr. Lewis replied it is in the backyard. He also

asked, "Is it already constructed?" Mr. Lewis replied that he did not know that he needed a zoning permit to do the fence.

Duffy Johnston made a motion to close the public part of the hearing and was seconded by Joe Fleckenstein.

Joe Fleckenstein asked if the fence was two feet from the property line. Mr. Lewis replied "yes". Irene Meyers asked the question regarding the white survey stakes if they belonged to Mr. Lewis. Mr. Lewis replied "yes". Mr. Leggett asked if Mr. Lewis was going to have the fence meet the back of the house and Mr. Lewis replied "yes" – a four foot chain link fence. Irene Meyers asked how far off the property line. Mr. Lewis replied two feet.

A question was raised about the wording of the public hearing notice. Attorney Dowd stated that you could amend the application to include a couple more feet. Duffy Johnston asked if they were going to make the fence higher than four feet anywhere else. Mr. Lewis replied "not right now". Just on the West side, a six foot stockade fence.

Joe Fleckenstein made a motion to approve this variance as drawn and submitted – six feet (6') in height on the West side and four (4') feet in height on the other three perimeters (North, South and East sides) of the rear yard and was seconded by Duffy Johnston. Chairman Tower asked for a Roll Call Vote. Peter Jeffery-yes; Arthur King-yes; Duffy Johnston-yes; William Leggett-yes; Irene Meyers-yes; Joe Fleckenstein-yes; and Chairman Tower-yes. **All in Favor. Motion Carried.**

Regarding the following application:

APPLICATION OF THOMAS AND ROLAND BRADLEY, DBA BRADLEY BROTHERS TRUCKING 3046 Ransomville Road, Ransomville, NY. To renew their Special Permit dated July 1, 1996 to park and maintain their trucks on the West Side of Ransomville Road in the Town of Porter, Niagara County, NY. Property is located in an ARR-100 (Agricultural Rural Residential Area) between Braley Road and Youngstown-Wilson Road.

Chairman Tower asked that we table this application for 30 days and that a letter be sent to Thomas and Lee Bradley that they must appear before the next meeting which will be held on Thursday, July 27, 2006.

Mr. William Choboy stated that each Member of the Zoning Board received a packet from the Master Plan Committee regarding a meeting that will be held on June 29, 2006 at 7:00 pm. A final report will be presented at the Town Board on July 10, 2006. Any feedback is critical. He also indicated that the Board could send comments to the Town Hall, attention of William Choboy.

Duffy Johnston made a motion to close the meeting and was seconded Joe Fleckenstein. The meeting was adjourned at 7:40 pm. The next regular meeting will be held on **Thursday, July 27, 2006.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals