



# Town of Porter

## Work Session

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174  
[TownofPorter.Net](http://TownofPorter.Net)

Kara Hibbard  
716-745-3730

Tuesday, August 10, 2021

6:00 PM

Town Hall Auditorium

## I. Call to Order

6:00 PM Meeting called to order on August 10, 2021 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Jipp Ortiz	Town of Porter	Councilman	Present	
J. Duffy Johnston	Town of Porter	Supervisor	Present	
Jeff Baker	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Present	
Tim Adamson	Town of Porter	Councilman	Present	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	

## II. Reports

### 1. Report 2021-91

#### Rural Residential Business Local Law

Building Inspector Jeffery's gave a little background on where this potential law came from in a couple of areas. We had people that wanted to do something and we had to tell them that they needed to get a variance because it wasn't allowed in the law or basically the zoning board saying it was a use type variance which are hard to achieve unless you have a hardship that isn't self created. There was talk at some of the meetings about putting together a law that would allow for small business's in the Town that are not specifically addressed in the code. He looked at other municipalities to see what kind of laws they had and worked with the planning and zoning boards and ultimately came up with this type of scenario. His personal feeling is that we should account for those type of business's in the Town that are here and exist and really have no protection under the law as it exists today. For example, landscapers and tree cutters, arborists, antique or furniture places, dog grooming, small vehicle repair shop, etc. You won't find these business's specifically in the code. If someone had an issue with these business's and they came to me and complained about it at this point, it would be hard for him to take action one way or another other than telling him that they can't be here and i'm sure that is what we do not want to tell them other than to apply for a variance.

Deputy Supervisor Baker said "basically if someone has a piece of property and they can put a garage on it, they can just do it?."

Peter said "with a special use permit and any stipulation that the board chooses to put on that special use permit".

Councilman Jipp stated that with the master plan, we wanted to keep all of the commercial stuff in the commercial area not scattered all over.

Councilman Adamson asked if we have control over it right now if we keep it the way it is? Peter said in his opinion, no. "We have no control right now"

There are business's that do not have permits right now.

Councilman Ortiz feels that there are a lot of ripples here and we need to figure out where they are all going.

Code Enforcer Jeffery's said that we establish a list of these existing things. These would be considered pre existing, non conforming uses and everything going forward would have to comply with the new laws.

Attorney Dowd said that he doesn't think it's a good idea. If you create a local law that says a two car garage in a permitted use and a half acre lot and your hours of operation are xyz and you shield the view from neighbors, you do not have the ability to say no. Once it's a permitted use, it's a permitted use. As long as a person meets the restrictions, you can not tell them no. You are handcuffed to your law. That is why we have Zoning laws that say you can or cannot do things in certain zones. Variances give you a little bit of latitude. We did a master plan that said those type of activities should not occur. Your Zoning is supposed to come from your master plan. We did a master plan that said those kinds of activities should not occur inside your rural residential areas and now all of a sudden we want to create a law that says maybe?"

Supervisor Johnston is afraid that this new law might be taking power away from our Planning and Zoning board members that have worked so hard.

Attorney Dowd said that if you do adopt local laws that violate your master plan, you can get challenged on it.

Supervisor Johnston tabled this discussion for now and maybe eventually get more input.

**Motion to close the work session was made by Councilman Adamson and seconded by Councilman Ortiz at 7:00 PM.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 2. Report 2021-92

### RFP Discussion on Lift Station Bids

4 bids were received on Friday, August 6, 2021 at 10:00 am regarding the Town of Porter Pump Station Improvements, Contract No. 2021-1

Bids were received as follows:

4 <sup>th</sup> Generation Construction Inc.	\$494,000
DV Brown & Associates	\$469,000
Mark Cerrone Inc.	\$477,000
Quackenbush Company, Inc.	\$382,800

**The bid was awarded to Quackenbush Company, Inc. at their cost of \$382,800 by resolution made by the Porter Town Board.**

**Councilman Ortiz moved, with Deputy Supervisor Baker seconding the motion. Roll call: Deputy Supervisor Baker, yes; Councilman Adamson, yes; Councilman White, yes; Councilman Ortiz, yes; Supervisor Johnston, yes**

**Motion carried.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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