



Town of Porter

Work Session

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, June 13, 2022

6:00 PM

Town Hall Auditorium

I. Call to Order

6:00 PM Meeting called to order on June 13, 2022 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	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	
Elaine Porto	Town of Porter	Deputy Town Clerk	Present	

II. Reports

1. Report 2022-76

Building Inspector/Code Enforcement Officer

Code Enforcer Jeffery's would like to discuss Construction and Home Based Businesses in the Town of Porter.

Code Enforcer Jeffery's concern and the reason why he wanted to talk to the board and find a solution because he does not see in our code a direct path for construction trades and or service trades like landscaping and property maintenance to exist in the Town of Porter. Essentially, they are not allowed to as the way the code reads. It is not in our permitted use table. Businesses do exist in the Town of Porter now. He is trying to be proactive in this before they become an issue. Bailey Brothers issue was a classic example of if we had of had something on the books that regulated how big a small business can be and should be then that could of got nipped in the bud instead of becoming the scale that it did. He is not trying to stop these kind of businesses and he feels that they are important to the Town of Porter. He feels that the businesses should be allowed in the commercial districts and he still strongly believes that a home based style business should have some parameters.

Councilman Ortiz asked Peter if there was a way to add to the permitted use table without changing or adding to any laws?

Councilman Ortiz and Peter went back and forth about businesses and agreed to disagree.

Deputy Supervisor Baker asked Peter if a person can go to the zoning or planning board and Peter said that the only thing a person can go to the zoning or planning board for is a use variance which are almost impossible to achieve because you have to prove a hardship that is not self imposed that normally means its financial or health related. It is very very difficult to get a use variance where as if we had some type of allowance even if it was very restrictive it would at least allow an applicant to apply for a use variance which is more achievable but right now it is virtually unaddressed in our code.

Attorney Dowd said that in the past we have done things like doing it as a home occupation where you have one additional person beside yourself and you limit it to 2 cars and things like that. He thinks that if you want to control true commercial operations by a number of vehicles, equipment and number of employees, things like that, you have to put them in a commercial zone. In the customary home occupation for example, if somebody wants to run their mom and pop construction business where the wife answers the phones and he has one truck and not many employees, we can just call it a home occupation.

Peter said that the maximum number of employees would be limited to make them get a special use permit where the town has oversight of the sight plan, where they can park and not park. You stipulate where they have to be buffered from road view and neighbor view, you regulate when they can have deliveries. We have to protect the agricultural land.

Dowd feels that it can be managed with a customary home occupation.

Peter said he is not interested in making more laws but making the laws enforceable.

Deputy Supervisor Baker said to Peter that "we appreciate your concern but we are not going to enact a law at this time".

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson

Roll call: Supervisor Johnston, yes; Deputy Supervisor Baker ,yes; Councilman White, yes; Councilman Adamson, yes; Councilman Ortiz, yes

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Supervisor Johnston talked about the banner for Summerfest and he ordered the alcohol.

Councilman Adamson called Modern and ordered the toilets.

Beer will be \$4.00 and Truly, White Claw and twisted tee = \$5.00

All tips will go back to the Chamber.

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The Town of Porter received 2 bids for the concrete pad at Porter on the Lake.

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| 1) John Porto Concrete LLC | \$22,764.00 |
| 2) Cerrone Inc. | \$23,000.00 |

John Porto concrete was the lowest bidder but the bids were rejected.

Motion to reject the bids was made by Deputy Supervisor Baker and seconded by Councilman Adamson.

Roll call: Supervisor Johnston, yes; Deputy Supervisor Baker, yes; Councilman White, yes; Councilman Adamson, yes; Councilman Ortiz, yes

Motion to adjourn the work session was made by Councilman White and seconded by Councilman Adamson at 7:00 PM.

RESULT:	REPORT ISSUED
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