



TOWN OF PORTER

3265 Creek Road ♦ Youngstown, New York 14174 ♦ (716) 745-3730, ext. 7 ♦ fax (716) 745-9022 ♦

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 November 18, 2021 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	<u>Date</u>	<u>Present</u>	<u>Absent</u>
Jackie Robinson, Chairman	11/18/2021	yes	
Terry Duffy	11/18/2021	yes	
Paul Brown	11/18/2021	yes	
Marshall Hibbard	11/18/2021	yes	
Steve Zappy	11/18/2021	yes	
Atty Michael Dowd	11/18/2021		yes
Peter Jeffery, Code Enforcer Officer	11/18/2021	yes	

Chairman, Jackie Robinson called the meeting to order with the pledge of allegiance at 7:00 pm.

Chairman Robinson stated the minutes of the October 28, 2021 meeting were not going to be approved until the December 16, 2021 meeting.

Chairman Robinson stated that the Attorney for Mr. Garabedian and the Lakeview Animal Sanctuary had contacted Attorney Michael Dowd and stated that they are still waiting for documentation from Mr. Garabedian and asked that they be postponed until the December meeting. They were not on the agenda tonight.

Chairman Robinson stated that there will be a training session at 7:30 pm immediately following the Planning Board meeting held on December 2, 2021. If anyone has any questions for the training session, or topics or suggestions that they would like please let CEO Peter Jeffery know so he can research. Terry Duffy stated that he would be doing a presentation on farm land production and Attorney Dowd would be doing "spot zoning".



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The next item on the Agenda was CEO Jeffery regarding Larry Weibert – proposed zoning amendment.

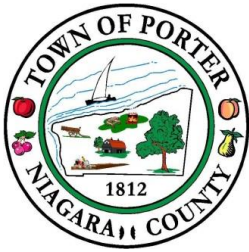
Larry Weibert spoke to the Board and updated the Board regarding the meeting with the Niagara County Planning Board. He stated it went very well and gave a history of the area and when they started – past, present, and future uses of the property. He mentioned that the Town of Porter has a very small percentage of commercial use of the land. He thought the meeting went very well.

CEO Jeffery stated the NC Planning Board made a motion to approve and a second motion in keeping with our comprehensive plan. We don't even remember talking about getting on the map, and it was an oversight at that time.

Chairman Robinson asked Mr. Weibert when the properties were purchased. Mr. Weibert replied 1988; in the early 1980's; and early 1990's. He also stated another property was purchased six years ago.

Chairman Robinson stated a major concern is traffic. Once it is rezoned, there are a lot of things that would make it a major traffic area. There is no water down there. You have well water. Mr. Weibert replied just electricity. Mr. Weibert talked about putting in a pole barn for our equipment, and storage for customer vehicles (seasonal). We get a lot of requests for that. He talked about electric cars. We are looking at other things we can get into as to what we are doing now. Chairman Robinson – the problem is down the road and the potential door that it opens for uses. Mr. Weibert replied it is a dead end road.

Chairman Robinson again stated the major concern is the door it opens up in the future. CEO Jeffery stated if you don't have water down there, the building code requires a fire hydrant. It is a potential issue for any further development. It is a building consideration. CEO Jeffery discussed fire access road and fire services that are required. This is something that we have to look at for possibly fighting a fire. CEO Jeffery stated that ponds have been used in the past. Chairman Robinson raised the question to CEO Jeffery if the fire company would be able to use a pond as a source to fighting fires. CEO Jeffery stated the building code requires a source has to be established. He also stated a builder would have to provide a source if anything other than a fire hydrant. This is potential to any further development down there. CEO Jeffery explained the difference between



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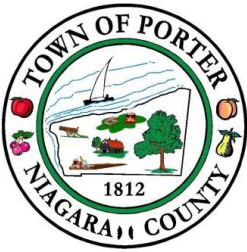
residential and commercial requirements for a fire hydrant and fire sprinklers. Mr. Weibert stated he has a pond, and it was pointed out on the map to the Board members. It could possibly be used for firefighting services. Mr. Weibert also discussed his pole barn. There was a discussion among the board regarding a pond vs fire hydrant for fire connection. It was also discussed for the pond a pump would be required to be able to use the water.

There were no further questions from the Board on Larry Weibert.

CEO Jeffery state that Jason Berger was in the office the other day regarding the renewal of his special use permit scheduled in April 2022. Mr. Berger asked if he could apply for renewal in his off season. CEO Jeffery asked the Board what their thoughts were, and they recommended it be scheduled in March.

The second item CEO Jeffery wanted to discuss was the Rural Residential business law. He passed out to the Board a revision V08. He stated that Attorney Dowd has stated to the Town Board that once we allow it we can't say no to that use. CEO Jeffery stated that he sent letters to the Town Board on providing rationale to move forward. He also discussed some hang ups and concerns. He also discussed for example concrete contractors and the large pieces of equipment. Two of the major concerns were – time and large equipment. He stated that "Known Business Contractors" going forward and established get in the record as pre-existing, non-conforming use unless they make changes. There was also a discussion on a farm operation; logging/lumbering business. He also discussed "white noise" style instead of the standard beep or horn sound. CEO Jeffery stated he would like to have the law written if there are other conditions that are not conducive to the law and will define it more. If you meet all the perimeters you can't say "no". On page 4 of 6 (6) – Cause for Revocation for Special Use Permit to Operate an RRB, he talked about the Newstead Town Board. Other points discussed were: he adjusted the acreage size from discussions at previous meetings; he asked the Board how they felt about vehicle repair shops; discussed deliveries – time to start and stop (page 2 of 6) (11).

In conclusion, CEO Jeffery stated the Town Board is looking for a formal recommendation on this law. We don't have a time line for this. They will have a



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discussion at their next meeting and will put together a final draft and run it before the Planning and Zoning Boards one more time.

A motion was made to adjourn the meeting at 8:10 pm by Marshall Hibbard and was seconded by Terry Duffy. The next meeting is scheduled for Thursday, December 16, 2021 at 7:00 pm and a training session on Thursday, December 2, 2021 at 7:30 pm.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals