



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 January 26, 2023 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	01/26/2023	yes	
Terry Duffy	01/26/2023	yes	
Paul Brown	01/26/2023	yes	
Scott Szarejko	01/26/2023	yes	
Steve Zappy	01/26/2023	yes	
Atty Michael Dowd	01/26/2023		yes
Peter Jeffery, Code Enforcer Officer	01/26/2023	yes	

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

Chairman, Jackie Robinson asked for approval of the December 15, 2022 minutes. Scott Szarejko made a motion to approve the December minutes as written and was seconded by Paul Brown. All in Favor. Motion Carried.

Chairman Robinson asked for a motion to elect a Vice Chairman. Paul Brown made a motion to appoint Terry Duffy and was seconded by Steve Zappy. All in Favor. Motion Carried.

Chairman Robinson stated that Mr. Keith Pollock, 3895 River Road, Youngstown requested to talk to the Board for information about a development adjacent to his property (Runaway Bay). Mr. Pollock stated that the Runaway Bay project needs to be audited. What Mr. Guard says he is going to do isn't what he does. I sent every Planning and Zoning Board member a letter in January 2023 with examples. In the past year, I've noticed more inconsistencies and am requesting information



TOWN OF PORTER

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

on what plans the Town has approved, what plans other government agencies have approved and audit and inspection records.

Foil #1 – in July 2020 Zoning Board meeting. Mr. Guard was asked at least 3 times whether the boathouse would have bathrooms. Each time he said “no”. Yet, the Runawaybay.com, the real estate site Trulia.com, and an article in the October 21st Sentinel all explicitly state the boathouse has a kitchen and bathrooms.

REQUESTING:

- . Plans for storage/boathouse submitted to and approved by the Town.
- . Approvals for storage/boathouse from government agencies like DEC, EPA, FWS, Army Corp, Coast Guard.
- . All construction audits and inspections for the storage/boathouse including water & sewer tie-in, electric tie-in.

FOIL #2 – Runaway Bay Homes (runawaybayniagara.com) states residents have “drivable access to the Niagara River”. It doesn’t specify that motor vehicles aren’t allowed. It says, “You can drive right down to the waterfront”.

REQUESTING:

- . Documents specifying approved non-pedestrian access to the waterfront.

FOIL #3 – Work on the waterfront this summer was a safety risk. Vehicles descending from and ascending to River Road without any signs, barricades, or spotters to protect pedestrians and cyclists on the walking path. Work crews left fires unattended on the shore and dumped sludge in the river.

REQUESTING:

- . Any audits and inspections pertaining to general safety and code compliance during any work and after completion of any work on the waterfront, including storage/boathouse and docks.
- . Any audits and inspections shared with or performed by government agencies like, DEC, EPA, FWS, Army Corp and Coast Guard.

FOIL #4 – Two boats were docked all summer long (2022). Minutes from the June 2021 Zoning Board refer to a Boat Permit that would be required.

REQUESTING:

- . Copy of Boat Permit.



TOWN OF PORTER

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

. Copies of all submissions to and approvals from government agencies like DEC, EPA, FWS, Coast Guard.

FOIL #5 – June 24, 2021 Zoning Board minutes refer to “Pier Permit figures”. Mr. Guard stated that the pier will stop 250 ft from my property to the south. By my estimate, it stops approximately 80 or 90 ft from the projected property line. In those same meeting minutes, Mr. Guard stated he provided the Town with approvals from the DEC and the Army Corp in October 2019. I know that the plans those government agencies received do not represent what was built. Mr. Guard submitted a modification to the plan that wasn’t approved until after August 2021 (almost two years after he sent the Town government approvals). This past summer (2022), the dock was again modified.

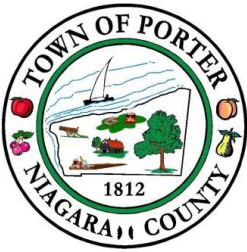
REQUESTING:

. Plans (original and revisions) for the dock submitted to and approved by the Town.

. Submissions to and approvals from government agencies like DEC, EPA, FWS, Army Corp and Coast Guard.

. Town audits and inspections for construction of the pier and docks.

Chairman Robinson commented that a lot of the things requested for are not handled by the Zoning Board of Appeals. In 2016 Mr. Guard requested boat docks. If I remember correctly, he was in the process of purchasing the property. Code Enforcement Officer, Peter Jeffery commented the contract was contingent upon the Towns approval. Chairman Robinson stated conditional permit was that Mr. Guard have three houses in the process of being built. In 2020, a variance was issued for the boat docks. The three houses were in the process of being built, and they certainly showed that they were trying to stay. This is what the Zoning Board has done. The DEC has nothing to do with us, and the Army Corp of Engineers have nothing to do with the Zoning Board. As far as the sludge, CEO, Peter Jeffery stated that would be the DEC. Traffic coming up the hill is the sheriff’s department, if you think it is unsafe. CEO, Jeffery stated it is steep, and you have to be very careful. As far as legal protocol, I will look into it. Chairman Robinson stated I think you should call the Sheriff’s Department. It was commented that once it is constructed and put into use it will be golf cart access. Paul Brown asked about the sludge – Is it all the time? Mr. Pollock stated it happened twice. It was definitely coming from the boat house. Steve Zappy stated when you see something going on, contact right away. Call the DEC right



TOWN OF PORTER

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

away. There was a comment if there was any follow up. A question was raised on the bathroom, and there was a general discussion. CEO Jeffery stated there was no bathroom when I last inspected, and it was before the weather turned. Mr. Pollock stated his main concern if he will install a marine head and discharge into the river. CEO Jeffery stated it is definitely in a flood plan. It is two feet above base flood elevation. CEO Jeffery discussed the laws. Chairman Robinson asked Mr. Pollock if he definitely knew if there was a bathroom down there. Mr. Pollock stated it was advertised on the website. CEO Jeffery stated there is no Zoning or Building code regulation that you can have a bathroom. You have to be in the limits of the law. There was not a plan submitted on the application. CEO Jeffery stated he has not done a final inspection yet. Chairman Robinson commented that Peter Jeffery is doing his job. There was a discussion on the normal process of a foil request.

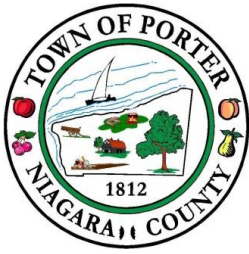
Chairman Robinson had a short discussion on the Willow Beach Campground. There is a possibility of moving the March Zoning Board meeting a week later.

CEO Jeffery had a short discussion on short term rental laws. Most people he talked to try to meet requirements. He will try to set up a joint board meeting to discuss short term rentals.

A motion was made to adjourn the meeting at 7:45 pm by Terry Duffy and seconded by Paul Brown. Motion Carried. The next meeting is scheduled for Thursday, February 23, 2023.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals



TOWN OF PORTER

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