



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 October 27, 2022 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	10/27/2022	yes	
Terry Duffy	10/27/2022	yes	
Paul Brown	10/27/2022	yes	
Scott Szarejko	10/27/2022	yes	
Steve Zappy	10/27/2022	yes	
Atty Michael Dowd	10/27/2022	yes	
Peter Jeffery, Code Enforcer Officer	10/27/2022	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 August 25, 2022 minutes. Steve Zappy made a motion to approve the minutes and was seconded by Paul Brown. Roll Call Vote- Paul Brown-yes; Terry Duffy-yes; Scott Szarejko-yes; Steve Zappy-yes; Chairman Robinson-yes; All in Favor. Motion Carried.

Chairman Robinson read the following:

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 267 of the Town Law and Local Law No. 2 of 2010, 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, NY on Thursday, **October 27, 2022 at 7:00 PM** for the purpose of considering and hearing all interested persons concerning the following application(s):



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Application of Noco Energy Corp/Baker Farm LLC. -- Tax Map No 34.00-1-27.21. Under Article II, Section 8, Article IV and Article VIII, Section 107 to renew their Special Permit No. 343.2017 to store up to 20,000 gallons of propane at 2977 Ransomville Road. Property is located on the North side of Ransomville Road in an RA Zoning District approximately 500 feet North of the intersection of Youngstown-Wilson and Ransomville Roads in said Town.

Please note that the address should be 2799 Ransomville Road.

Chairman Robinson addressed the audience and stated if you want to speak, raise your hand, state your name and address.

Mr. Chip Willis from Noco Energy commented regarding the renewal of the special permit -- stated normal, routine operations and nothing has changed. It is surrounded by a six foot fence and screening is on the East side. Member Steve Zappy asked if any Zoning laws have changed. Code Enforcement Officer, Peter Jeffery stated None. Mr. James James, 2597 Youngstown-Wilson Road (adjacent property owner) on the East side, asked "What is the proposed duration?" Chairman Robinson stated that it will be determined after everyone has spoken and the public hearing has been closed. The board will ask questions and the motion will include the timeframe and there is a limit. CEO, Jeffery stated the current special use permit is for five years. Mr. James asked if there are restrictions relating to the special permit – alternative uses. Chairman Robinson stated up to 20,000 gallons of propane. Mr. James questioned the current amount of gallons stored. Mr. Chip Willis stated the tank is an 18,000 gallon tank and 15,500 is stored. Mr. James asked about the maximum amount on the permit and do they contemplate storing that amount. Chairman Robinson stated the permit is up to 20,000 gallons.

Chairman Robinson asked CEO Jeffery if there were any complaints. CEO Jeffery stated there have been no formal complaints to my office in the last five years that I have been here. Member Paul Brown questioned the 20,000 gallon tank. Mr. Willis stated the present tank is an 18,000 gallon tank (80% of the amount of our permit for 20,000 gallons. The tank is 18,000 gallon. The amount we can legally put into the tank is in the 16,000 gallon range. There is no intent to increase it. CEO Jeffery asked "What is the cap on the delivery truck?" Delivery is 3,000 gallons. CEO Jeffery stated a 16,000 gallon tank with deliveries of 3,000



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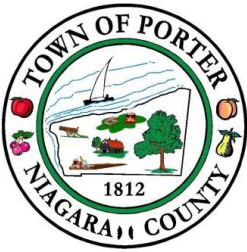
gallons you are still under the 20,000 maximum. Member Terry Duffy asked Noco, "Has your business gone to Speedway?" Mr. Willis stated regarding the property activity, it will still be under Noco. Member Scott Szarejko asked if there was one tank. Jeff Baker stated there is one storage tank. Mr. James asked if it is a residential area. It was part of an agricultural operation. This is sounding like an industrial operation. Can you provide me wisdom? It is a propane terminal. Mr. Jeff Baker stated that Mr. James property is farmed by another farmer. The permit has been issued over 20 years. Nothing else has changed with NOCO and the tanks sitting there. Attorney Dowd stated it was his recollection the original permit was issued under prior zoning, and it is a non-conforming use. Chairman Robinson stated in 2010 the Town amended the Zoning code. It is a prior non-conforming use. Mr. James raised the question on precedent. Chairman Robinson stated it has to come in line with the 2010 zoning law. CEO Jeffery stated if the property changed, it would be under the current law.

A motion was made by Member Paul Brown and seconded by Member Terry Duffy to close the public part of the hearing. Roll Call Vote. Paul Brown-yes; Terry Duffy-yes; Scott Szarejko-yes; Steve Zappy-yes; Chairman Robinson-yes; All in Favor. Motion Carried.

Chairman Robinson asked the Board do they have any recommendations on the duration – previously it was for five years. Do you want a ten year permit? Attorney Dowd stated there is no reason if you want to extend seven to ten years, or it can remain the same as in the previous years. You could extend it further. Mr. Chip Willis stated the operation is for the heating season. Attorney Dowd commented that there was no change in the previous permit. Mr. Willis stated the operation will be the same. Jeff Baker stated nothing has changed.

Terry Duffy made a motion to approve the application of Noco Energy Corp/Baker Farm LLC for a period of ten years and to maintain the same operations of 7:00 am – 7:00 pm six days a week and in the Zoning law it is a prior non-conforming use as discussed earlier and everything else stays the same as on the last permit and was seconded by Paul Brown. Roll Call Vote - Paul Brown-yes; Terry Duffy-yes; Scott Szarejko-yes; Steve Zappy-yes; Chairman Robinson-yes; All in Favor. Motion Carried.

Chairman Robinson asked Attorney Dowd if he had anything to discuss. None.



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Chairman Robinson brought up about the November/December meeting. The Planning Board next meeting in December 1, 2022 and the Zoning Board meeting will be December 15, 2022 if there is an agenda.

A motion was made to adjourn the meeting at 8:00 pm by Terry Duffy and seconded by Paul Brown. Motion Carried. The next meeting is scheduled for Thursday, December 15, 2022 if needed.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals