

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 on March 23, 2017 at 7:00 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Member Bryan Meigs, Member Terry Duffy, Member Marshall Hibbard, Chairman Irene Myers, Member Jackie Robinson, and Attorney Michael Dowd.

ABSENT: Assessor, Susan Driscoll and Building Inspector, Roy Rogers.

Chairman Irene Myers called the meeting to order at 7:00 pm.

Chairman Irene Myers asked if there were any additions or deletions to the January 26, 2017 meeting. Terry Duffy made a motion to approve the minutes as written and was seconded by Jackie Robinson. All in Favor. Motion Carried.

Chairman Myers asked for any nominations for the Vice-Chairman position. Bryan Meigs made a motion to nominate Terry Duffy and was second by M. Hibbard. All in Favor. Motion Carried.

Chairman Myers also introduced the new board member – Marshall Hibbard.

Chairman Myers 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 **March 23, 2017** at 7:00 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

APPLICATION OF JACEK MAZUR, 2417 Lake Road, Ransomville, NY. Under Sections 10 and Section 108-F(2), an area variance is

required to combine two adjacent parcels located at 2417 & 2419 Lake Road. The property is located in a Waterfront Residential Zoned District on the North Side of Lake Road between Dickersonville and Ransomville Roads in said Town.

It was noted that Jacek Mazur was not present.

Attorney Dowd commented that if this is what Mr. Mazur wants to do, he needs to be present here tonight. At the Planning Board meeting, Mr. Mazur wanted to combine two parcels into one with a single residence. He talked about building a breezeway to combine the houses into a single family residence on one parcel. If he gets the building permit and does this within a specific period of time, instead of a variance, you could erase the line (assessors line) and merge into a single parcel. He was getting a building permit for a single family house and a period of time to build the addition. I don't know why he did this variance, and I suggest we table.

Terry Duffy made a motion to table the application of Mr. Mazur and was seconded by Jackie Robinson. All in Favor. Motion Carried.

Bryan Meigs read the following from the Planning Board minutes of March 2, 2017. "Attorney Dowd stated that conceptionally Mr. Mazur's plan to combine the houses works, however, it is a matter of determining the best method. He stated that Mr. Mazur needs to determine if indeed this is what he wants to do with the property and if so to present his plans to Code Enforcement Rogers for a building permit. Conditions and timeframes can be determined during the building permit process and then if applicable, an assessor merge can occur."

Chairman Myers asked the Zoning Secretary to send a letter of Mr. Mazur asking what he intends to do and to let the Board know of his intent.

Sheila Mooney, 2407 Lake Road stated this Mr. Mazur is a priest who bought this house from her sister- in-law. I don't know how you could connect both homes. I have a letter from Sandra Bedell about the activity that goes on in that home that is extremely in question. There is an enormous fence. I am fearful that this man will do

whatever he wants. One day when I was leaving my home, a police officer was talking to the priest. Two other police officers handcuffed him and took him away and then a flatbed truck came and towed his vehicle away. I talked to the police officer, and he said that Mr. Mazur was in jail, and if you see him around, you are to call the police to go and check it out. I also complained about the burning of wood. This is something that should be investigated. It is not good. It is supposed to be residential water front property not a commune.

Terry Duffy stated that the Board is tabling this tonight, and I have questions about the fence. Sheila Mooney asked the question, "How do you prevent it?" Attorney Dowd stated Mr. Mazur has to come in with drawings and show the town it is a single family residence. If he can do it, it is tough to stop. If he is turning it into a road house or a religious retreat, it is not allowed. Sheila Mooney stated she is asking Roy Rogers to go and check this out. You have to see what it looks like. Attorney Dowd stated Mr. Mazur has to satisfy the Building Inspector that it is a single family home, and we will check out the fence situation.

Sheila Mooney stated that she previously owned 2407 Lake Road that Roy Rogers purchased. I have a huge problem with him carrying out his duties. I shouldn't have to beg the Building Inspector to come down and look.

Irene Myers stated we are going to check to see if a permit was issued for the fence. We are not doing anything on this tonight. We have tabled it until next month. If Mr. Mazur does not show up next month, we will deny the application.

Attorney Dowd stated that he will talk to Roy Rogers himself about the six foot fence on the lake site. An eight foot fence without any authority, I am going to tell Mr. Rogers that Mr. Mazur will have to remove it. Mr. Mazur can come to the Board and request a variance for the fence. Chairman Myers stated he will get together with Roy Rogers, and I assure you it will be done. Chairman Myers asked that a letter be sent to Mr. Mazur if he is planning on going ahead with the variance then he needs to come to the April meeting.

The next item on the agenda was Airbnb. Attorney Dowd had a discussion on the reason for short term rentals. He stated that the Planning Board was going to recommend a definition for the short term rentals. "Occupancy of a single-family residential premises for a term of no more than two weeks, on two or more occupants. Onsite parking as otherwise required by the Town of Porter Zoning Law shall provided. Short Terms Rentals are permitted in any district where a single-family residence is permitted."

Terry Duffy questioned, "Is the Town going to have a public hearing on the short-term rentals?" Attorney Dowd stated this will be a definition added to the code. You have have to comply with all regulations for a single-family house. Chairman Myers explained that we are addressing it.

Sheila Mooney asked the question,"How would you feel if this law applied to your neighborhood?" Chairman Myers stated that we don't have anything on the books right now. She also stated that the Board will look and review suggestions from the Planning Board and take it from there.

Questions from the audience.

Debbie Parker, 3903 Ransomville Road stated that her property butts up to the bus garage fence. She has been calling the Building Inspector about the fence which is over six feet. I want the bus company to fix this fence as it is an eyesore. The Bus Company will not do anything. I called the Building Inspector about two years ago. Since that time, there are three sections of the fence down. The bus company will not repair it. They stated if you persue it, they will take the fence down. Attorney Dowd stated that he will send a letter to the bus company. Attorney Dowd also stated that in the code they are required to screen.

Occupancy questions were raised on the following:

.. Parco Building built by a Canadian on the corner of Dickersonville and Lutts Road.

..84 lumber shed on pylons.

..Brian White residence on Cain Road

Bryan Meigs brought up about the property on 3036 Lutts Road. There is a barn, basement foundation with a flat roof and a chimney. There is a mailbox, but there is no water or sewer.

An email will be sent by the Zoning Secretary on the above questions on occupancy to the Building Inspector.

A Motion was made by Bryan Meigs and seconded by Jackie Robinson to adjourn the meeting. The meeting was adjourned at 8:05 p.m. The next regular meeting will be held on **Thursday, April 27, 2017.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals