

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 May 25, 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, 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 April 27, 2017 meeting. Jackie Robinson made a motion to approve the minutes as written and was seconded by Bryan Meigs. All in Favor. Motion Carried.

Chairman Myers stated that originally we had an application for Paul Incorvaia for a variance on Lake Road. The application has been withdrawn. A motion was made to close the public part of the hearing because the application was rescinded. Terry Duffy made a motion to rescind the application of Paul Incorvaia and was seconded by Jackie Robinson. Roll Call Vote. Terry Duffy-yes; Bryan Meigs-yes; Jackie Robinson-yes; Marshall Hibbard-yes; and Chairman Myers-yes. All in Favor. Motion Carried to rescind the application of Paul Incorvaia.

Chairman Myers stated that Paul Incorvaia was the only item on the agenda and he was asking for a variance; but he changed the dimensions of the home.

Debbie Parker, 3903 Ransomville Road was questioning if a letter was sent for the repair of the fence. Attorney Dowd stated it was sent and they had 30 days to respond. If there was no response a Notice of Violation would be sent. Attorney Dowd stated they have to be sent a Notice of Violation by Roy Rogers. They will be instructed to come to court. Debbie Parker asked if she has to appear in court. Attorney Dowd stated you don't have to come to court but you may be called as a witness. Roy Rogers will issue a Notice of Violation. They will be given another ten days.

Debbie Parker thanked the Board and doing something about it.

Patricia Lynch, 2091 Lake Road stated her question is directed to Attorney Dowd. Four months ago we responded to a letter for a final decision on Lake Side Cottages Inc. issue. We have not received a response from you to describe the process to schedule the appeal and go through the appeal process. When can we expect to get a response to our letter?

Attorney Dowd stated there will be a Notice of Public Hearing on the issue if seasonal houses will be permitted in residential districts. I think right now the town's position is the Building Inspector's interpretation is correct on its permitted use. I will get a letter for you to file an appeal. If the Zoning Board agrees with the Building Inspector then you can file an Article 78. Patricia Lynch stated that they need something in writing from the Town. Attorney Dowd stated the Code Enforcement Officer sent a letter two years ago that it was a permitted use. If you file an appeal for that decision, you file an appeal to the Zoning Board of Appeals and either agree or disagree with the Building Inspector. I am certain that Mr. Rogers has sent a letter that this is a permitted use. Patricia Lynch stated that they have gone to the Planning Board and Zoning Boards.

Attorney Dowd stated the Code Enforcement Officer stated it is permitted. We have asked the Zoning Board and Planning Boards to address this issue for a local law to either prohibit; limit or define use. Both the Zoning and Planning Boards have addressed it. A letter was sent to the Town Board that this is a permitted use. Attorney Dowd addressed Patricia Lynch that he never said you should not pursue this. I distinctly remember that you should proceed. I never told you not to begin the appeal process.

Patricia Lynch stated that she needs some input on the impact of short term rentals to the neighborhood. They are now asking for a letter giving us a final decision on our issue and telling us on how to begin the appeal process. We have a decision from the Code Enforcement Office, and we are happy to start the process. We disagree that it is a permitted use.

Attorney Dowd stated we will entertain an application. Patricia Lynch we will waiting for a decision from Attorney Dowd.

Debbie Parker stated there is a house falling apart down the road from mine. Who do I have to go to? The roof is falling in and animals come in. Roy Rogers stated the property is in foreclosure for about five years. They have been cited for property maintenance. Starting the first of June, the new Building Inspector will be able to follow up.

A Motion was made by Jackie Robinson and seconded by Bryan Meigs to adjourn the meeting. The meeting was adjourned at 7:25 p.m. The next regular meeting will be held on **Thursday, June 22, 2017.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals