

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 April 26, 2018, at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	04/26/2018	yes	
Terry Duffy	04/26/2018	yes	
Bryan Meigs	04/26/2018	yes	
Marshall Hibbard	04/26/2018	yes	
Steve Zappy	04/26/2018	yes	
Atty Michael Dowd	04/26/2018	yes	
Peter Jeffery, Code Enforcer	04/26/2018	yes	
Susan Driscoll, Assessor	04/26/2018		Yes

Chairman, Jackie Robinson called the meeting to order with the pledge of allegiance.

A motion was made to approve the minutes of the March 22, 2018 by Member Bryan Meigs and seconded by Member Steve Zappy . Roll Call Vote. All in Favor. Motion Carried.

Chairman Robinson wanted to update the Board on the following:

Application of Derrick Kent (boat storage), 2388 Lake Road, Ransomville, NY 14131. The special permit has not been signed or mailed because the Zoning Board is waiting for a copy of the long term lease. Code Enforcer, Peter Jeffery will follow up with Mr. Kent.

Niagara River Properties (T. Dugan) . The Zoning Board talked about this application in March. This is on the May agenda for the Planning Board for both the area variance and special use permit. Peter Jeffery stated that the Planning Board has to address the variance first. The Planning Board will do a site plan at the May 3rd meeting. Chairman Robinson presented the question whether the permit will be issued to Thomas and Maryann Dugan or Niagara River Properties? Attorney Dowd stated that if the variance is granted it will be issued to the leasee

and the special permits will be to the home owners. It was noted that when the lease runs out the permit expires if it is approved.

Derrick Smith – The Zoning Board has not heard back from Mr. Smith regarding the easement. The variance was never issued.

Code Enforcement Officer, Peter Jeffery approached the Board regarding several possible Zoning Law Amendments .

Section 200-7 Interior Storage

Code Enforcer Jeffery stated he was looking for more specific and focused direction and that he has received input from both Jackie Robinson and Tony Collard. Mr. Jeffery stated he would like to have a basis for informational calls. There are three sections for storage – interior seasonal storage; interior business equipment storage and interior accessory storage. There was a discussion on the above three sections between the Board, Peter Jeffery and Attorney Dowd. A question was raised, “Do you think that we should add these definitions to the code and specify what Zoning District we would like the activity to occur?” Chairman Robinson also commented that it could be “case by case”. Peter Jeffery stated that the special use permit allows stipulations. Peter Jeffery stated that he is looking for a law that he can tell people definitely whether they can or cannot do it. A definition in the code is what he is looking for. It was decided that the above topic would be discussed at the Zoning Board’s next meeting in May after the members have had a chance to review the amendments. Chairman Robinson stated that Peter Jeffery is open to emails also if the Board has any other ideas. Peter Jeffery will look into other surrounding communities and what they have on their books and asked the Board members to email him with any ideas or suggestions.

Section 200-107 Special Use Permit

Peter Jeffery described the current procedures for special use permits that include three meetings (2-Planning Board and 1-Zoning Board) and two public hearings. Peter Jeffery explained that in 2010 when the law was rewritten it was all handled by the Planning Board. He also stated that there is frustration with the applicants.

There was a discussion on site plan section of the code and special use permits. Attorney Dowd stated that site plans should be reviewed by the Planning Board. The purpose of this proposed change is to streamline.

Tony Collard stated that both Peter and Tony have discussed the above. Any special use permit requires a site plan according to the code. Tony Collard stated the in his opinion they don't need a public hearing twice for a special use permit. Peter Jeffery state we need to digest this information and come up with some proposals and additions to the above.

Attorney Dowd stated that special use permits some don't need a site plan. We will have to identify which special use permits need site plan approval.

A motion was made to adjourn the meeting at 8:22 pm by Member Bryan Meigs and seconded by Member Terry Duffy. The next meeting is scheduled for Thursday, May 24, 2018.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals