

# 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 October 25, 2018 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	10/25/2018	yes	
Terry Duffy	10/25/2018	yes	
Bryan Meigs	10/25/2018	yes	
Marshall Hibbard	10/25/2018	yes	
Steve Zappy	10/25/2018	yes	
Atty Michael Dowd	10/25/2018		no
Peter Jeffery, Code Enforcer	10/25/2018	yes	
Susan Driscoll, Assessor	10/25/2018		no

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

A motion was made to approve the minutes of the September 27, 2018 by Member Steve Zappy and seconded by Member Marshall Hibbard. Roll Call Vote. All in Favor. Motion Carried.

Code Enforcer, Peter Jeffrey, wanted to remind the board that the November 15, 2018 training at 6:00 PM is for the full 4 credit hours. Other municipalities were also invited to attend the session and some will be present. Chairman Robinson wanted to remind the board members that if someone is unable to make the training session, there are other classes elsewhere that they can attend to get their credit hours needed.

There was a brief discussion on the situation with the Village of Youngstown regarding talk of the village being dissolved. Member, Terry Duffy stated that some of the residents are up in arms over the water rates and the ongoing lawsuit between the Town and the Village that is in the \$500,000 range. Also, there is a lot of dissention regarding the police contract with the village. The village has been struggling financially for quite some time.

Code Enforcer, Peter Jeffery, stated that there wasn't a lot to talk about tonight, and he did send out emails regarding the special use permit. He was hoping that he would have some feedback from the board members and the planning board before December's meeting. After next month's meeting, he would like to get started on Solar and what if anything would like to be done regarding the regulations in the zoning law.

Member Hibbard asked Peter Jeffery if there were deadlines that people are trying to meet and Peter said no. He has had one local land owner call him and ask if the community solar could be put on it if it was allowed but as of today, it is not allowed. Most people are interested in community solar if it is done right and in the right location but first it has to be decided if we want to change our zoning law and where will it be allowed at. At the class in November, there will be a booklet handed out and in the back of the booklet there is a model solar code that maybe can give them recommendations that can be inserted into the zoning law modifications.

Member Marshall Hibbard, asked Peter Jeffery if the Town owned much property that we could put solar on and Peter explained that the Town doesn't own any big, vacant parcels. However, if CWM allowed solar, (they have put solar on landfills before in other places and most of the landfills are not hazardous) it can happen if the town allowed it.

Member Terry Duffy explained that there is a possibility that CWM could be back in operation in a year. CWM is looking at reviews by the state. It is currently before an administrative law judge. They need to be approved for a land permit and an air permit. The decisions by the law judge will likely trigger legal action by the ongoing towns and villages. This could be tied up in the courts for quite some time. No sense moving forward by the Town until it gets approved at the state level.

Code Enforcer, Peter Jeffrey also talked about lobbying the Town to double the fines for residents that start building without a bldg. permit to discourage it. Right now he has to go through the process of sending out a violation letter and then if they don't come in, he has to take them to court and the judge decides what the fee is. Wilson has a fee schedule in place now where they can say, here is your fee for a bldg. permit and here is your fee if you start bldg. without a bldg. permit. It doesn't have to go to court. Peter Jeffery would like the same thing to apply here for special use permits and variances. He feels that if the town makes it a fee instead of a

fine then they can come to the counter and just pay the fee without getting the court involved,

Code Enforcer, Peter Jeffrey, also talked about modifying our sign laws. Ex., political signs. Our current law states that political signs can be up for 60 days. People are sticking signs in the right of ways and on public property where they are not supposed to be. Peter Jeffery will try to pull up some of the language from other municipalities and compare it to what we have.

Chairman, Jackie Robinson did ask Mr. Jeffrey's about Lagoons . Fred Lederhouse would like to put in a lagoon. There is a regulation in the zoning code that stipulates that it does have to be set back from property lines and they have to follow regulations with the DEC. Peter thinks that lagoons are coming and just a permit is needed.

A motion was made to adjourn the meeting at 7:40 pm by Member Terry Duffy and seconded by Member Marshall Hibbard. The next meeting is scheduled for Thursday, December 13, 2018.

Sincerely,

Kara Hibbard for  
Nancy Smithson  
Secretary, Zoning Board of Appeals