

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 September 27, 2018 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	09/27/2018	yes	
Terry Duffy	09/27/2018	yes	
Bryan Meigs	09/27/2018		No
Marshall Hibbard	09/27/2018	yes	
Steve Zappy	09/27/2018	yes	
Atty Michael Dowd	09/27/2018		no
Peter Jeffery, Code Enforcer	09/27/2018	yes	
Susan Driscoll, Assessor	09/27/2018	yes	

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

A motion was made to approve the minutes of the August 23, 2018 by Member Steve Zappy and seconded by Member Terry Duffy. Roll Call Vote. All in Favor. Motion Carried.

Chairman Robinson started with 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, **September 27, 2018 at 7:00 PM** for the purpose of considering and hearing all interested persons concerning the following application(s):

APPLICATION OF THOMAS AND PATRICIA ENGLAND, 3699 Lower River Road, Youngstown, NY 14174, Tax Map No. 59.14-1-17. Under Article II Section 200-10 and Article VIII Section 200-107, a special use permit is requested to access existing dock & boat mooring. The

property is located in a WR Zoning District on the West side of Lower River between Youngstown and Collingwood Estates in said Town.

It was noted that Thomas and Patricia England were present. They acquired the property in August 2017. They need a special permit to access existing dock and boat mooring. The original special permit does not transfer to the new owners. The dock was built in 2002.

Code Enforcement Officer Peter Jeffery stated the Army Corp. of Engineers provided documents. The previous owners had all the approvals by the DEC and Army Corp. of Engineers.

Chairman Robinson asked if anyone from the audience wished to speak. None. Member Marshall Hibbard made a motion to close the public part of the hearing and was seconded by Steve Zappy. All in Favor to close the public part of the hearing.

Chairman Robinson asked if anyone from the Board had any issues. None.

Member Marshall Hibbard made a motion to approve the Special Use Permit for Thomas and Patricia England at 3699 Lower River Road and was seconded by Member Terry Duffy. Roll Call Vote: Terry Duffy-yes; Marshall Hibbard-yes; Steve Zappy-yes and Chairman Robinson-yes. All in Favor. Motion Carried.

Chairman Robinson read the Short Environmental Assessment Form – Part 2 – Impact Assessment with the following: 1-No; 2-No; 3-No; 4-No; 5-No; 6-No; 7a & b – No; 8-No; 9-No; 10-No and 11-No. A motion was made by Member Marshall Hibbard to a negative impact and was seconded by Member Terry Duffy. Roll Call Vote – Terry Duffy-yes; Marshall Hibbard-negative declaration to the SEQR form for Judith A Fleckenstein Living Trust, 1953 Balmer Road, Ransomville, NY.

Chairman Robinson read the following:

APPLICATION OF JUDITH A FLECKENSTEIN LIVING TRUST, 1953 Balmer Road, Ransomville, NY 14131, Tax Map No. 61.00-1-24.
Under Article II, Section 200-8 and Article VIII Section 200-108, an area variance is required to install a new turbine of 95 KW size 159' high.

Three existing Bergey Wind Power turbines, 120' guy anchored towers and all electrical underground wiring and conduit will be removed. Property is located in a RA Rural Agricultural Zoning District on the North side of Balmer Road between Porter Center Road and Dickersonville Roads in said Town.

It was noted that Thomas Fleckenstein and Padma Kasthurirangan were present. Ms. Kasthurirangan stated the purpose was to take down the three turbines and replace with one turbine of 95 KW size 159' high. A variance of 9' is requested. Mr. Fleckenstein stated there is a difference in sound. It is an extremely quiet machine. This machine has a high wind monitor and very quiet.

Chairman Robinson asked if anyone from the audience wished to speak. Mr. Chris Guard of 1085 Pletcher Road, Youngstown, NY stated he has two turbines. One installed in 2016 and the seconded in December 2017. They are a great addition to his business. There are no bird strikes and they are ½ mile off the Niagara River. I think they are a wonderful technology. They are the exact height on the two he has.

Mr. Kerry Besaw, 1877 Balmer Road, Ransomville, NY. His question was he didn't want to see a bunch going in. He does not want to see a wind farm. Code Enforcement Officer, Peter Jeffery stated this is strictly for personal use – 110% of consumption is the limit. Member Terry Duffy questioned whether there would be any additional should the business grow. Mr. Fleckenstein stated they estimated what the fish farm will use. It is funded by NYSERDA program, and I don't anticipate any other.

Member Marshall Hibbard made a motion to close the public part of the hearing and was seconded by Member Steve Zappy. All in Favor. Motion Carried.

Chairman Robinson asked if there were any additional questions. None.

Member Terry Duffy made a motion to approve the area variance for Judith Fleckenstein and was seconded by Member Steve Zappy. Roll Call Vote: Terry Duffy-yes; Marshall Hibbard-yes; Steve Zappy-yes and Chairman Robinson-yes. All in Favor. Motion Carried.

Code Enforcement Officer Peter Jeffery informed the applicant that they need a building permit.

Code Enforcement Officer, Peter Jeffery presented documents for the Board members dated 9/26/2018 to look over. He asked the Board to review the material. There was also a discussion on the training on solar. It is scheduled for November 15 and 6:00 pm. Assessor Susan Driscoll stated that she will be sending out additional information.

The Board members also discussed the October 25, 2018 meeting and the November/December meeting is tentatively scheduled for Thursday, December 13, 2018.

A motion was made to adjourn the meeting at 7:35 pm by Member Terry Duffy and seconded by Member Marshall Hibbard. The next meeting is scheduled for Thursday, October 25, 2018.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals