

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 11, 2019 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	04/11/2019	yes	
Terry Duffy	04/11/2019	yes	
Bryan Meigs	04/11/2019	yes	
Marshall Hibbard	04/11/2019	yes	
Steve Zappy	04/11/2019	yes	
Atty Michael Dowd	04/11/2019	yes	
Peter Jeffery, Code Enforcer	04/11/2019	yes	

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

Chairman Robinson read the following:

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 267-a of the New York State Town Law and Chapter 200 of the Code of the Town of Porter, New York "Zoning", as amended, a SPECIAL MEETING will be held by the Zoning Board of Appeals at the Town Offices, 3265 Creek Road, Youngstown, NY on Thursday, April 11, 2019 at 7:00 PM for the purpose of considering concerning the following application:

APPLICATION OF JASON BERGER, THOMAS NEILSON, JOHN HUBER, 1698 Braley Road, Youngstown, NY 14174. Tax Map No. 47.00-1-30, for Special Use Permit to operate a Commercial Recreational Facility (Skydiving/Parachute operation).

It was noted that Jason Berger, and John Huber were all present.

Chairman Robinson stated that we are here tonight for a request for a special use permit for the skydiving/parachute operation only. A public hearing was at our last meeting. This meeting is simply to address the

skydiving and parachute operation. We cannot address the airport until they have FAA and State Department of Transportation clearance.

Mr. Jason Berger stated that they do need the airstrip to take off and land. Right now they are going to use the Niagara Falls International Airport. We normally fly between 10,000 and 12,000 feet. You can't hear or see us. Chairman Robinson stated you have a small landing area. Mr. Berger stated the target is approximately 10 meters. We aim for 300 yards to land but only need 10 meters. Mr. Berger stated that approximately 95% of the jumps are tandem, but I can go by myself. You have to have a license to skydive. We have very high credentials.

Terry Duffy questioned the hours of operation. Mr. Berger stated they are weather dependent – May through end of October. The weather has to be good. There are a lot of factors such as cloud clearance, etc. We have to maintain the aircraft. We are primarily a weekend business and are weather dependent.

Hours of Operation: Weekends – 9:00 am up until sunset -- Weekdays – 2:00 pm until sunset. That is our proposal. Each new skydiver will have to watch a video and class (approximately 1 hour).

Chairman Robinson said that is just for skydiving. She asked if Attorney Dowd had any questions – None. Mr. Berger said that they would train the people on the property and take them to Niagara Falls and they will fly back to the property to jump. It will limit the amount we can jump due to the shuttling to Niagara Falls.

Attorney Dowd stated you need to address parking requirements; adequate driveway, etc. This should go into the special use permit. It sounds like people are in and out.

Code Enforcement Officer, Peter Jeffery stated that he had a plan on the table that reflects the parking area and fire access turn around. At our meeting, you indicated both jumping and training would be between 6 – 8 people. He also showed on the screen the area for parking and fire access driveway. Mr. Berger stated maximum six people in the aircraft.

Attorney Dowd stated that maximum number of cars can't be open ended. Is ten a reasonable number? I think we should be able to control that.

We should put a number on it. Chairman Robinson asked if there was somewhere else where you could park your vehicles – at the house or somewhere else. The parking lot is for 9 to 10 cars. Mr. Berger stated we only have six chairs in the classroom. On the screen (map) it showed 9 to 10 spaces. Attorney Dowd again stated there should be a maximum number for parking. Code Enforcement Officer, Peter Jeffery discussed the guidelines in the zoning manual for parking, and it was discussed at the meeting. Chairman Robinson stated we don't have any idea how long it will take the Government to process your permits that you applied for. There was a discussion with the Board members on the number of years for the permit. This is a substantial investment. Attorney Dowd stated that they needed FAA approval. Marshall Hibbard stated you don't plan on any other events. Mr. Berger replied "no".

Terry Duffy made a motion and all members seconded to approve the special use permit to operate a Commercial Recreational Facility (Skydiving/Parachute operation) for a period of three years to allow time to work with the government agencies for airstrip approval; parking restriction – nine to ten vehicles (just tandem skydivers) maximum; any additional vehicles need to be addressed on your property; limit to one plane; seasonal use – May through end of October; hours of operation – nine until sunset; requirements for fire access and per planning board site plan approval requirements. Jason Berger asked if the two classes crossed, it could probably increase the number of vehicles. How could we address that? Code Enforcement Officer, Peter Jeffery stated that if they are parked on site for the class, weather permitting – not an issue. If they park on the road, it would be significant. Chairman Robinson stated you should call Peter Jeffery and explain if you have more cars. Just call to explain. Code Enforcement Officer, Peter Jeffery stated you must maintain the fire access road. You have to maintain it. You can't stack up in the driveway. Mr. Berger questioned the hours. Terry Duffy explained that 9:00 am is ok. We have neighbors who live near. Chairman Robinson stated you can ask for any changes before the three years are up. You have to see what is working and what needs to be fixed. If the neighbors have a concern, can they come to you? Jason Berger – yes, definitely. We want to be part of the community. If there is a change to the special use permit, you would have to go through the same process and the Board would have to vote. Clifford Truesdale, a neighbor raised the question if two planes were already flying, who would control that. Code Enforcement Officer, Peter Jeffery stated it is FAA approval, and it is out of our hands. The applicants

stated that if anyone from the audience have any questions they would meet with them after the meeting to answer any questions or concerns.

A motion was made to adjourn the meeting at 7:45 pm by Member Terry Duffy and seconded by Steve Zappy. The next meeting is scheduled for Thursday, April 25, 2019.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals