

# 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 23, 2019 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	<u>Date</u>	<u>Present</u>	<u>Absent</u>
Jackie Robinson, Chairman	05/23/2019	yes	
Terry Duffy	05/23/2019	yes	
Bryan Meigs	05/23/2019	yes	
Marshall Hibbard	05/23/2019	yes	
Steve Zappy	05/23/2019	yes	
Atty Michael Dowd	05/23/2019	yes	
Peter Jeffery, Code Enforcer	05/23/2019	yes	

Chairman, Jackie Robinson called the meeting to order with the pledge of allegiance at 7:00 pm.

Chairman Robinson asked for approval of the April 25, 2019 minutes. A motion was made by Marshall Hibbard and seconded by Terry Duffy to approve the minutes. All in Favor. Motion Carried.

Chairman Robinson stated the first item on the agenda was "Notice of Appeal from Code Violation in the matter of Bailey - Baker Farm Trust, 2432 Parker Road, Ransomville, NY 14131".

Chairman Robinson asked if we could break into Executive Session. A motion was made at 7:04 pm by Terry Duffy and seconded by Marshall Hibbard to break for Executive Session for legal opinion. The Board returned from Executive Session at 7:17 pm. A motion was made by Marshall Hibbard and Bryan Meigs to end Executive Session. No action was taken in Executive Session.

Attorney Dowd stated Attorney Naughton is here tonight. The Board should make a motion to table our decision on the Appeal from Code Violation in the matter of Bailey - Baker Farm Trust until the June 20, 2019 meeting and also to have a special meeting on the Special Use Permit for a

home occupation on that same day. We need to get consent of the applicant; otherwise, it would be tonight. Attorney Naughton had no objection and agrees with the time line, and his clients understand and hope to come to a resolution. Attorney Dowd stated we are going to move the Special Use Permit application to June 20, 2019 and tackle both items.

Terry Duffy made a motion to table this discussion until June 20, 2019 on the Appeal of the Code Violation and public hearing will be that night; and it is with the consent of the applicant and was seconded by Marshall Hibbard. Roll Call Vote – Terry Duffy-yes; Bryan Meigs-yes; Marshall Hibbard-yes; Steve Zappy-yes and Chairman Robinson-yes. Motion Carried to Table until June 20, 2019 meeting.

Code Enforcement Officer, Peter Jeffery passed out a Proposed Zoning Law/Activity Notes to the Zoning Board Members. There was a general discussion on fence/wall. He stated he is advocating for the definition of a fence/wall to include a specific set of conditions that would qualify a natural vegetation system, in certain instances, to be classified as fence/wall. He stated especially for issues with fences particularly along the lake. Currently, the code doesn't reference vegetation and grown things are not covered today. Shrub lines are an issue to address and putting a definition that specifies scope of and type of vegetation for the purpose of a fence or wall.

Bryan Meigs stated that he knows of instances that people did not plant on their own property. If it is on the street right away or county road, it is not their bushes. It could be removed by the agency of the road. Chairman Robinson stated people cut down shrubs which hang on their own property.

CEO (Peter Jeffery) commented on fence versus shrubs. If it is hanging over the property line you can trim back to the property line. Chairman Robinson asked if we could have two definitions: definition of fence and definition of shrub/vegetation wall.

Attorney Dowd stated you would have to include a definition of fence (vegetation barrier – you can't see through it). He discussed different trees that you can see through. He also stated that there is some language out there regarding the percentage of capacity. CEO, Peter Jeffery described a hedge that you can't see through them. Marshall Hibbard asked if there is going to be a height restriction. CEO, Peter Jeffery stated if we define

what a fence is and describe vegetation material as a fence that would have to comply with the regulations in relation to the front and back of the house. He also discussed a fence definition to our code and the language for complying.

Chairman Robinson suggested that the Board talk to Mark Fox, and he might have some suggestions.

CEO, Peter Jeffery showed the property of Aaron Bradley and discussed the recreational pond. Attorney Dowd stated that Section 200-50 stated that the parcel is for a minimum lot size of ten acres and should have an established dwelling.

Chairman Robinson asked if this was a renewal or should be start straight from scratch. CEO, Peter Jeffery stated we need to do the public hearing. Presently, their grandparents are not in good health and that both Tom and Aaron would like to extend the lines to the back. CEO, Peter Jeffery stated he would follow up with Aaron and inform him that it would be too big of a change to go from four acres vs ten.

A motion was made to adjourn the meeting at 7:38 pm by Member Bryan Meigs and was seconded by Terry Duffy. The next meeting is scheduled for Thursday, June 27, 2019 and a Special Meeting on Thursday, June 20, 2019.

Sincerely,

Nancy Smithson  
Secretary, Zoning Board of Appeals