

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 July 25, 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	07/25/2019	yes	
Terry Duffy	07/25/2019	yes	
Bryan Meigs	07/25/2019	yes	
Marshall Hibbard	07/25/2019	yes	
Steve Zappy	07/25/2019	yes	
Atty Michael Dowd	07/25/2019	yes	
Peter Jeffery, Code Enforcer	07/25/2019	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 June 20, 2019 minutes. A motion was made by Steve Zappy and seconded by Bryan Meigs to approve the minutes. All in Favor. Motion Carried.

Chairman Robinson asked for the approval of the June 27, 2019 minutes. A motion was made by Marshall Hibbard and seconded by Steve Zappy. Terry Duffy abstained. Approved by Bryan Meigs, Marshall Hibbard, Steve Zappy and Chairman Robinson. Motion Carried.

Chairman Robinson read 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, **July 25, 2019 at 7:00 PM** for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of A. L. Bradley, 3046 Ransomville Road, Ransomville, NY. Tax Map No. 48-00-1-12.22 Under Article II, Section 200-8 and Article VIII, Section 200-107, for a Special Use Permit to park and maintain trucks on the West Side of Ransomville Road. Property is located in an Rural Agricultural Zoning district between Braley Road and Ransomville Road in said Town.

It was noted that Tom Bradley was present. The Planning Board recommends approval of the Special Use Permit using the same specifications as the permit previously issued to Bradley Brothers Partnership. Please note that the only change is an updated address for the permit of 3046 Ransomville Road, Ransomville.

Steve Zappy asked the applicant if they were going to make anything larger. Applicant replied not that I am aware of. It will be just Aaron Bradley. It is all his (Aaron Bradley) instead of Bradley Brothers Partnership.

Terry Duffy made a motion to close the public part of the hearing and was seconded by Bryan Meigs. All in Favor. Motion Carried to close the public part of the hearing.

Attorney Dowd commented this is a new permit and was already an existing permit. It should be a ten year period. Chairman Robinson stated there is nothing in the original permit about the number of trucks. Code Enforcement Officer (CEO), Peter Jeffery stated that he talked to Aaron Bradley, and he doesn't anticipate any more than one truck. Attorney Dowd replied that you could say in the permit five trucks.

CEO, Peter Jeffery stated that he had a neighbor with a few questions about the operation. (1) Will there be trailers parked there? If there are trailers, would they be washing out hazardous chemicals when they are there? CEO, Peter Jeffery stated Aaron Bradley doesn't own the trailers, and they would be empty. (2) Ki-Po had a few cars parked for a period of time. Were they allowed? CEO, Peter Jeffery stated he did not know. It is not in the special use permit. This is the only input that I have. There was a question on the parking of Ki-Po cars there. Ki-Po has now increased the parking behind there building. A question was raised about the number of years.

Marshall Hibbard made a motion to approve the application of Aaron Bradley for a period of ten years with no more than five vehicles and was seconded by Terry Duffy. Roll Call Vote. Terry Duffy – yes; Bryan Meigs-yes; Marshall Hibbard-yes; Steve Zappy-yes and Chairman Robinson-yes. All in Favor. Motion Carried.

Chairman Robinson read the following:

Application of William H. O'Connor, 2268 Youngstown-Wilson Road, Ransomville, NY 14131 Tax Map No. 34.00-1-43. To renew his Special Permit dated June 18, 2009 under Article II, Section 200-8, Article VIII, Section 200-107 to operate auto, farm, yard equipment and recreational vehicle repair shop. Property is located in an RA Zoning district on the South Side of Youngstown-Wilson Road between Dickersonville Road and Ransomville Road in said Town.

Mr. William O'Connor was present and asked if the permit could stay the same.

Attorney Dowd raised the question if the permit was issued under the old code. I am not sure of the use in that zone. Attorney Dowd stated it is a prior non-conforming use. It is grandfathered. CEO, Peter Jeffery also stated it was a pre-existing non-conforming use.

Chairman Robinson asked Mr. O'Connor if he sells anything once in a while. Terry Duffy asked if the hours of operation will remain the same. Mr. O'Connor replied yes.

Attorney Dowd commented that originally it was all terrain vehicles. The service they are still doing. Chairman Robinson commented that you are not selling RV's.

The O'Connor's replied that they have all the permits for NYS. The O'Connor's asked the question, "What is conforming?" Attorney Dowd explained what is conforming. You have to keep it going. Mr. O'Connor asked a question about re-zoning. Attorney Dowd explained that if it is longer than a year, you lose the right to operate under non-conforming use. The O'Connor's raised the question about transferring ownership. If you transfer ownership to your son, you would have to come back to the Board through CEO, Peter Jeffery. Mr. O'Connor stated that they probably should

look into this. Chairman Robinson stated that we could table this application for 30 days, if you want to transfer ownership. Mr. O'Connor agreed to keep it the way they applied for the application.

Chairman Robinson stated that the Planning Board recommended approval of the Special Use Permit renewal using the same specifications as the previous permit. CEO, Peter Jeffery stated that the Planning Board was gracious and made a determination without the O'Connor's present.

A motion was made by Terry Duffy to approve the application of William O'Connor to renew his special use permit as a prior non-conforming use for a period of ten years 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. All in Favor. Motion Carried.

CEO, Peter Jeffery had nothing to report to the Zoning Board at this meeting.

A motion was made to adjourn the meeting at 7:35 pm by Member Terry Duffy and was seconded by Bryan Meigs. The next meeting is scheduled for Thursday, August 22, 2019 .

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals