

# 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 August 22, 2019 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	08/22/2019	yes	
Terry Duffy	08/22/2019	yes	
Bryan Meigs	08/22/2019	yes	
Marshall Hibbard	08/22/2019	yes	
Steve Zappy	08/22/2019	yes	
Atty Michael Dowd	08/22/2019		yes
Peter Jeffery, Code Enforcer	08/22/2019	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 July 25, 2019 minutes. A motion was made by Bryan Meigs and seconded by Marshall Hibbard to approve the minutes. All in Favor. 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, **August 22, 2019 at 7:00 PM** for the purpose of considering and hearing all interested persons concerning the following application(s):

**Application of Paul & Sally Grout, One Downs Road, Medina, NY 14103 Tax Map No. 33.13-1-30,** Under Article II, Section 200-8; and Article VIII, Section 200-108F(2), an area variance is required to install a New England white fence with four (4') foot gate. Dimension would be 48' x 20' x 4' height at 1733 Harrison Lane, Youngstown, NY 14174. Property

is located in a WR (Waterfront Residential Zoning District on the south side of Harrison Lane between NY 18E and Porter Center Road in said Town.

It was noted that Paul & Sally Grout were both present. Paul Grout showed the Board a picture of the fence. The primary reason to install the fence is that they would like to spend nights with his family, and he has two medium size rescue dogs. His home in Medina is completely fenced in. It would be nice to have a fence and then after we could bring the dogs in. It would also approve the roadside appearance of the property. Mr. Grout also stated that Peter Jeffery has been very cooperative. He also stated that one animal might clear the three foot fence. He stated that one neighbor has cats, and she is fine with the fence. Mr. Grout stated that both immediate neighbors are fine with the fence.

Member Steve Zappy stated that there were no neighbors here tonight.

Chairman Robinson commented to Peter Jeffery, it is on the roadside. How do we identify for the purpose of the Zoning? Peter Jeffery explained where the front yard was. It should be three feet, and the Grout's would like four feet. Chairman Robinson asked if there were any other questions from the Board.

Member Steve Zappy made a motion to close the public part of the hearing and was seconded by Marshall Hibbard. Roll Call Vote. Terry Duffy-yes; Bryan Meigs-yes; Marshall Hibbard-yes; Steve Zappy-yes and Chairman Jackie Robinson-yes. All in Favor. Motion Carried to close the public part of the hearing.

Chairman Robinson stated that the Planning Board recommended approval of the fence variance for Paul & Sally Grout.

Member Terry Duffy asked, "If the fence would be installed this Fall?" Mr. Grout stated he is hoping for the middle of September.

Member Marshall Hibbard made a motion to approve the fence variance for Paul & Sally Grout and was seconded by Terry Duffy. Roll Call Vote. Terry Duffy-yes; Bryan Meigs-yes; Marshall Hibbard-yes; Steve Zappy-yes and Chairman Jackie Robinson-yes. All in Favor. Motion Carried.

Peter Jeffery explained to Paul Grout that they need to get a building permit.

Chairman Robinson asked the Board if there were any questions. Peter Jeffery approached the Board and talked about Kevin Heffler regarding the stairs to the dock on River Road. He also commented that the Board never received the information from Josh Stack (Boatworks) that was requested. It has been over a year. He questioned whether he will have to go through the whole process again. After a year of non-compliance, it is void. He never provided the paperwork.

Peter Jeffery also talked about the upcoming variances, etc. for the September meeting. The Board also spoke to Peter Jeffery about some problems over issues in the area.

Peter Jeffery stated No. 1 – 6 of the local laws are official and No. 7 – solar has been mailed to the Department of State. He explained that new zoning books will be reissued that will include the new laws.

A motion was made to adjourn the meeting at 7:25 pm by Member Terry Duffy and was seconded by Marshall Hibbard. The next meeting is scheduled for Thursday, September 26, 2019.

Sincerely,

Nancy Smithson  
Secretary, Zoning Board of Appeals