

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 26, 2019 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	09/26/2019	yes	
Terry Duffy	09/26/2019	yes	
Bryan Meigs	09/26/2019	yes	
Marshall Hibbard	09/26/2019	yes	
Steve Zappy	09/26/2019	yes	
Atty Michael Dowd	09/26/2019	yes	
Peter Jeffery, Code Enforcer	09/26/2019	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 August 22, 2019 minutes. A motion was made by Terry Duffy and seconded by Steve Zappy 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, **September 26, 2019 at 7:00 PM** for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Rebecca & Derek Smith, 3534 Porter Center Road, Ransomville, NY 14131, Tax Map No. 61.00-1-34.2 Under Article II, Section 200-8 and Section VIII, Section 200-108F(2), an area variance is required for a detached garage pole barn. Property is located in a RA

Zoning District between Youngstown-Lockport Road, Rte 93 and Balmer Road in said Town.

It was noted that Rebecca & Derek Smith were present.

Code Enforcer Jeffrey explained why a variance is needed. The size 40' x 84' is greater than what the code allows. The existing garage is 1200 sq. ft. He would be over the allowed 1400 sq. ft. It will be attached and have a car port.

Marshall Hibbard asked Mr. Jeffrey is there would be a setback problem and the answer was no.

Motion to close the public hearing was made by Brian Meigs and seconded by Terry Duffy. Roll call vote was taken and all board members were in favor. Motion carried.

Motion to approve the variance was made by Terry Duffy and seconded by Bryan Meigs. Roll call vote was taken and all board members were in favor. Motion carried.

Chairman Jackie Robinson read the following:

Application of Kristeen and Matt Webb, 311 Saratoga Road, Amherst, NY 14226, Tax Map No. 21.17-1-8 and 21-17-1-9. Under Article II, Section 200-10 and Section VIII, Section 200-108F(2), an area variance is required for a residential privacy fence for their dog in road yard located at 2309 Old Lake Road, Ransomville, NY 14131. Property is located in a WR Waterfront Residential District on the North Side of Old Lake Road between Dickersonville and Ransomville Roads in said Town.

Mr. Webb explained that he owns both parcels of land, 2309 and 2311. The fence has already been installed. His dog has epilepsy and needs to be away from the neighbor's dogs.

Code Enforcer Jeffrey's showed board members a picture of the fence and explained the dimensions. 6' height x 16' lf + 4'. He did state that Mr.

Webb would need to get 2 Bldg. Permits (one for each parcel) and 2 area variance's (one for each parcel).

Attorney Dowd stated that there would be a problem if Mr. Webb chooses to sell one or both parcels. The fence would have to be modified.

Chairman Robinson asked Mr. Dowd if a condition could be put on the variance and he said yes.

Motion to close the public hearing was made by Terry Duffy and seconded by Marshall Hibbard. Motion carried.

Motion to approve the area variance with restrictions located at 2309 Old Lake Road was made by Brian Meigs and seconded by Marshall Hibbard. Roll call vote was taken and all board members were in favor. Motion carried.

Motion to approve the area variance with restrictions located at 2311 Old Lake Road was made by Terry Duffy and seconded by Steve Zappy Roll call vote was taken and all board members were in favor. Motion carried.

Dr. Whiteman, 3907 River Road, Youngstown, NY 14174, attended the meeting but thought it was a court night (which was the previous night). He asked about his neighbor who did not show up for court and what could be done. Mr. Whiteman explained that he had heard that the basement of his neighbor's house of full of water and mold.

Attorney Dowd explained to him that if there are witnesses that can confirm the water and mold then Code Enforcer Jeffrey's might be able to get a warrant and condemn the house.

Code Enforcer Jeffrey's talked briefly about 2 solar projects he is working on. One of them is the new solar law that has been enforced, and he will be putting it to the test soon and the seconded is a Pilot Law, which is payment in lieu of taxes. He feels this would benefit the town and is still doing his research on it.

A motion was made to adjourn the meeting at 7:46 pm by Member Terry Duffy and was seconded by Marshall Hibbard. The next meeting is scheduled for Thursday, October 24, 2019.

Sincerely,

Kara Hibbard for
Nancy Smithson
Secretary, Zoning Board of Appeals