

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 October 24, 2019, at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, 09Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	10/24/2019	yes	
Terry Duffy	10/24/2019	yes	
Bryan Meigs	10/24/2019	yes	
Marshall Hibbard	10/24/2019	yes	
Steve Zappy	10/24/2019	yes	
Atty Michael Dowd	10/24/2019	yes	
Peter Jeffery, Code Enforcer	10/24/2019	yes	

Chairman, Jackie Robinson called the meeting to order with the pledge of allegiance at 7:04 pm.

Chairman Robinson asked for approval of the September 26, 2019 minutes. A motion was made by Terry Duffy 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, **October 24, 2019 at 7:00 PM** for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Jeff Skellen, 3197 Porter Center Road, Youngstown, NY. Tax Map No. 41.00-1-77 Under Article II, Section 200-8; and Article VIII, Section 200-108F(1), an use variance is required to let BL Tree Service (Brandon Lindke) to use property to park his equipment and to split and store wood. Property is located in a RA Zoning District on the East

side of Porter Center Road between Braley Road and Youngstown-Lockport Road, Rte. 93 in said Town.

It was noted that Jeff Skellen and Brandon Lindke were present

Chairman Robinson asked what the property would be used for; and Brandon replied that he is an arborist, and he would be using the property to park his trucks and store logs.

Code Enforcer Jeffery showed aerial images of parcels and where Mr. Skellen's house is located.

Mr. Falkowski (neighbor) said that he has no problems or issues with it.

Lisa Hastings (neighbor who lives directly across from Mr. Skellen) said that she would hate to see 20 logging trucks going in and out at 6:00 AM, and she was assured that would not happen.

Attorney Dowd told the Board to be careful because there is a big difference between an area variance and a use variance. He stated that Brandon Linke should be making the application not Jeff Skellen. Dowd also said that a lease is needed to show that he has legal authority and rules need to be followed. Dowd said to keep doing what you're doing for now but be prepared to convince the Board on why you should get this variance.

Chairperson Robinson said that Brandon needs to prove the hardship for the variance. The burden of proof is on him. She can't address the application from Mr. Skellen because it is incorrect.

Code Enforcer Jeffrey will get in touch with Attorney Dowd and help out Jeff Skellen as much as they can. Attorney Dowd said to table this until next month's meeting and not deny a variance.

Motion to table the variance was made by Terry Duffy and seconded by Marshall Hibbard

Roll call vote was taken and all present board members were in favor.

Motion to close the public hearing was made by Steve Zappy and seconded by Marshall Hibbard

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Chairman Jackie Robinson read the following:

Application of Alex O'Brien, 600 Blairville Road, Youngstown, NY 14174 Tax Map No.59.00-1-3. Under Article II, Section 200-9 and Article VIII, Section 200-108F(2), an area variance is required to tear down existing building and construct a storage barn. Property is located in a LDR Zoning District on the North side of Blairville Road between Third Street in Youngstown Robert Moses Parkway and East Avenue in said Town.

Chairman Robinson asked Mr. O'Brien why he would like to tear down the structure , and he replied that it is unsafe and about to fall down.

Code Enforcer Jeffrey explained that Mr. O'Brien has more accessory square footage than the actual home. (4510sq. ft. to be exact) The barn is 3248 sq. ft. that he would like to tear down and the new storage bldg. would be 4320 sq. ft. which is about 30% over what is allowed. It would be minimal impact to the neighborhood; and Attorney Dowd said that it's actually only 25%, and he doesn't see an issue.

Motion was approved for an Area variance by Terry Duffy and seconded by Marshall Hibbard.

Roll call vote was taken and all present board members were in favor.

Motion to close the public hearing was made by Brian Meigs and seconded by Terry Duffy

Chairman Robinson read the following:

Application of Kenneth Schultz & Stephen Schultz, 3700 Ransomville Road, Ransomville, NY. Tax Map No. 62..14-1-62.1. Under Article II, Section 200-12 and Article VIII, Section 200-107, a Special Use Permit is required for vehicle dealership, car storage outside at 3696 Ransomville Road, Ransomville, NY. Property is located in a CMU Zoning District of

the West side of Ransomville Road between Youngstown-Lockport Road and Balmer Road in said Town.

Kenneth Schultz and Keith Lucas (from Kipo) were present.

Kipo is in need of storage for their vehicles. They would like to lease property to store their vehicles.

Attorney Dowd stated that Kipo should be the applicant and yes a lease agreement is needed. He said that the lease needs to be negotiated between the parties before a permit can be issued in Kipo's name. **The permit will not run any longer than the lease agreement.**

Code Enforcer Jeffery said that he will get a revised application in Kipo's name and also a copy of the lease. He will also let them know when the December meeting is.

Public hearing was left open.

Motion was made by Steve Zappy and seconded by Terry Duffy to table this until the December meeting.

It was decided by the board that the next Zoning meeting will be December 12, 2019

Code Enforcer Jeffrey talked about the PILOT Solar law; and at this time, it is in front of the Town Board and there will be a public hearing on it next month. Also, he is working on getting a new version of the zoning manual that will include the 7 local laws that were adopted this year. He hopes to have the updated manuals ready for the Board members at the next Zoning board meeting.

Motion to adjourn the meeting was made by Terry Duffy and seconded by Brian Meigs at 7:48 PM.

A motion was made to adjourn the meeting at 7:48 pm by Member Terry Duffy and was seconded by Bryan Meigs. The next meeting is scheduled for Thursday, December 12, 2019.

Sincerely,

Kara Hibbard for
Nancy Smithson
Secretary, Zoning Board of Appeals