

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 13, 2017 at 7:00 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Member Bryan Meigs, Member Terry Duffy, Member Marshall Hibbard, Chairman Irene Myers, Member Jackie Robinson, and Attorney Michael Dowd, Assessor Susan Driscoll and Building Inspector, Peter Jeffery.

Chairman Irene Myers called the meeting to order at 7:00 pm. Chairman Myers asked for everyone to stand for the Pledge of Allegiance.

Since this was a Special Meeting, the minutes for the May 25, 2017 meeting would not be approved until the meeting to be held on Thursday, July 27, 2017 and Attorney Michael Dowd was in agreement.

Chairman Myers read the following Notice of Public Hearing:

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 July 13, 2017 at 7:00 pm for the purpose of considering and hearing all interested persons concerning the following application(s):

APPLICATION OF PAUL KORMAN, 3327 East Avenue, Youngstown, NY 14174. Under Article II, Section 10 and Article VIII, Section 108, an area variance is required for lot due to the fact it is considered a corner lot because of right away at 3327 East Avenue, Youngstown, NY 14174. The property is located in LDR Zoning District on the East side of East Avenue Between Youngstown-Lockport Road and Blairville Road in said Town.

It was noted that both Paul and Susan Korman were in attendance.

Building Inspector Peter Jeffery gave a general description and provided a diagram to the Board. Peter Jeffery stated that Mark Webster was granted a variance for the same thing the Kormans are applying for – approximately 45 feet and the code is 60 feet. Chairman Myers stated the house was being moved to come up with the 45 feet. The original code was 50 feet and now it is 66 feet right away. Peter Jeffery stated that Mark Webster bought the property behind the house. It is unlikely anything will be built. Peter Jeffery commented that this was a special meeting to help speed the process.

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

The following were the Planning Board recommendations dated 7/6/2017. The Planning Board recommends that the Zoning Board of Appeals approve the variances presented if necessary. Attorney Dowd will be checking the deed regarding the easement of the paper street to verify if the variance is needed.

Attorney Dowd stated that the current code is 60 feet. The Board asked Susan Korman if they would prefer to move closer to the road. Peter Jeffery showed the drawings from Barone Builders to the Kormans. There was a discussion with Tony Collard about if the road was ever developed. It would be 36 feet wide. It would be a Town road. Mark Webster, who is the owner of the house to the North and the big parcel, stated he does not want the road on my property. We gave you essentially the same variance as the Kormans. You would want the road in the center of the right away. Mark Webster stated that he doesn't know if he wants to build on the parcel. I don't know what the future holds. Susan Korman stated just leave it. Peter Jeffery stated Mr. Webster is 45 feet off the right away. If you grant the variance, it would be almost identical to the Kormans.

Jackie Robinson read the following from page 140 from the Zoning Manual. Section 108F(2)(a)

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- (i) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (ii) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (iii) Whether the requested area variance is substantial;
- (iv) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (v) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Attorney Dowd stated it is a single family residence, and it is difficult to turn the house the other way. Chairman Myers asked what is the pleasure of the Board.

Terry Duffy made a motion to grant the variance to the Kormans and was seconded by Jackie Robinson.

Chairman Myers asked for a Roll Call Vote. Terry Duffy-yes; Bryan Meigs-yes; Jackie Robinson-yes; Marshall Hibbard-yes and Chairman Myers-yes. All in Favor. Motion Carried.

Chairman Myers stated that she was contacted by Liz Smallwood, 2295 Lake Road to address the Board about a possible addition to her home. This would be totally informal.

Peter Jeffery stated that the house is on Old Lake Road near O'Connors Greenhouse in Ransomville. It is on the North side of Old Lake Road. It is wider than it is deep. It is a non-conforming lot and

structure by today's zoning. House is approximately 25 feet from the road side. Current code is 60 feet. They are requesting to add on to their house approximately 13 feet (in-law suite). It is probably a hard sell. You are currently close to the road. You should go to the West but the septic is in that direction. You might be able to have a preliminary review. Irene Myers stated it is 25 feet now and going out 12 feet, you would be 13 feet from the road side.

Mrs. Smallwood presented some pictures to the Board about the 300 foot addition. It would be for her parents. I would like it in the front instead of the side. If we go out to the side, it would create a strange looking structure. We will extend out the existing roof with the addition. The septic is on the left side. We own two lots across on Lake Road.

Irene Myers stated that because it is so close, I would like it to go to the Planning Board. Peter Jeffery stated you will have to file an application at the Town Hall and with either Peter Jeffery, Susan Driscoll or Annie Given with the application fee. Once it is submitted, it will be given to the Planning Board; and they will make a recommendation to the Zoning Board. It needs to be in ten days before the first Thursday of the month to the Planning Board and the Zoning Board meets the fourth Thursday of the month. Neighbors within five hundred feet will be notified, and it will also be advertised in the newspaper. Irene Myers stated to Mrs. Smallwood that she should make sure she attends the Planning Board meeting. Mr. Smallwood stated that there are new garages that are closer to the road. Mrs. Smallwood asked if they merged the properties, could they put on the addition. Peter Jeffery stated that if you merge the properties, you could put an accessory on the other property.

Chairman Myers stated it still has to go through the process. We need a formal application.

A Motion was made by Jackie Robinson and seconded by Marshall Hibbard to adjourn the meeting. The meeting was adjourned at 7:40 p.m. The next regular meeting will be held on **Thursday, July 27, 2017.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals