



TOWN OF PORTER

3265 Creek Road ♦ Youngstown, New York 14174 ♦ (716) 745-3730, ext. 7 ♦ fax (716) 745-9022 ♦

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 January 28, 2021 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 | 01/28/2021 | yes | |
| Terry Duffy | 01/28/2021 | yes | |
| Paul Brown | 01/28/2021 | yes | |
| Marshall Hibbard | 01/28/2021 | yes | |
| Steve Zappy | 01/28/2021 | yes | |
| Atty Michael Dowd | 01/28/2021 | | No |
| Peter Jeffery, Code Enforcer Officer | 01/28/2021 | yes | |
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Chairman, Jackie Robinson called the meeting to order with the pledge of allegiance at 7:00 pm.

Chairman Robinson introduced Paul Brown as the newest member of the Board. Welcome Paul.

Our first order of business is to nominate a Vice Chairman. We nominate every year. Marshall Hibbard made a motion to nominate Terry Duffy as was seconded by Paul Brown. All in Favor. Motion Carried.

Chairman Robinson asked if there were any questions.

Code Enforcement Officer (CEO) Peter Jeffery presented a “draft” copy of proposed language for home based types of businesses. CEO Jeffery talked about this at the December meeting. He mentioned that Joe Niccola wanted to do something and it was a trigger to amend the code. We could do a whole new law. This is just a starting point of the discussion. We have a home occupation law “a” and the proposed second type would be



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“b”. The current law is limited. A special use permit will be issued for A & B. Some of the language in the proposal came from other municipalities. CEO Jeffery went through the proposed “draft”. He asked the Board members to please give their comments. He also explained his reasoning of the restrictions. CEO Jeffery commented that we haven’t talked about lot size, and maybe we should look into it. He also touched upon the gross weight of the vehicles – 15,000. It is too restrictive. It was a topic of discussion. Paul Brown raised a question about Saturday hours. CEO Jeffery stated he is trying to protect homeowners who are home on the weekends. He was trying to keep the potential neighbors having the weekends to themselves. Marshall Hibbard brought up about the property owners and the maintenance. I have issues with that. Chairman Robinson explained about farmers and what you have to prove that you are a farmer back to the Town so that you qualify as agriculture. Chairman Robinson also talked about ag & market. Chairman Robinson also stated that perimeters have to be established for each district.

Terry Duffy asked about childcare. Chairman Robinson stated childcare is in our code.

There was also a discussion on suitable types of businesses that this proposed code would apply to. Some of the businesses mentioned were general contractor; plumbing, electrical; landscapers and property maintenance; tree clearing and/or logging. She stated that jointly we can come up with types of businesses. Paul Brown stated his concern about logging as opposed to other businesses. Chairman Robinson mentioned food trucks – storing trucks on property.

CEO Jeffery mentioned reasonable perimeters and allow small businesses. We have to draw the line somewhere – number of employees (how big of an operation); what typical operations we are allowing in this home occupation; number of employees (full or part time). Chairman Robinson stated each occupation will be different as to the number of employees.

Terry Duffy mentioned “home schooling” due to Covid.



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Chairman Robinson asked CEO Jeffery about the time frame to present to the Board. CEO Jeffery stated he doesn't have a time frame. The Planning Board has not seen it, and I would like to present it to them. Chairman Robinson also questioned lot size. CEO Jeffery commented on the accessory building – allow some type of storage building with a certain amount of acreage and what Zoning districts to be allowed in. Chairman Robinson said it is very case sensitive.

A motion was made to adjourn the meeting at 8:15 pm by Member Terry Duffy was seconded by Member Steve Zappy. The next meeting is scheduled for Thursday, February 25, 2021. Chairman Robinson will not be at the February meeting.

Sincerely,

**Nancy Smithson
Secretary, Zoning Board of Appeals**