



# 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 January 25, 2024 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairperson	1/25/2024	x	
Terry Duffy	1/25/2024	x	
Paul Brown	1/25/2024	x	
Scott Szarejko	1/25/2024		x
Steve Zappy	1/25/2024	x	
Michael Dowd, Attorney	1/25/2024	x	
Peter Jeffery, Code Enforcement Officer	1/25/2024	x	

Chairperson Jackie Robinson called the meeting to order with the Pledge of Allegiance at 7:00 p.m.

Chairperson Robinson asked for a motion to approve the December 14, 2023 minutes. With no further changes, a motion was made by Member Duffy and seconded by Member Brown to accept the minutes. All in favor. Motion carried.

Chairperson Robinson stated that we were going to do the application of Application of Robert and Kathy Zdziebko first as Mr. Anello was not present yet.

Chairperson 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, **January 25, 2024 at 7:00 PM** for the purpose of considering and hearing all interested persons concerning the following application(s):*

**Application of Robert and Kathy Zdziebko, 3944 Dickersonville Road, Ransomville, NY 14131 Tax Map No. 61.00-2-39.12. Under Section II,**

*Section 8 and Article VIII, Section 200-108F (2), an Area Variance is required for road frontage. Property is located on the West side of Dickersonville Road in a RA Zoning District between Balmer Road and where the Town of Porter ends in said Town.*

It was noted that both Robert and Kathy Zdziebko were present.

CEO Jeffery stated that 3944 Dickersonville Road is a single parcel with a home on Dickersonville Road. It used to be two lots and were merged into one. At this time, they would like to go back to two single lots as they approach retirement. The two lots have 120 foot road frontage. The code was changed to 125 feet. They were in compliance with the code at that time.

Chairperson asked if there was any input from the audience. None. A motion was made by Member Brown and seconded by Member Zappy to close the public part of the hearing. Chairperson Robinson asked for a Roll Call Vote. Member Brown-yes; Member Duffy-yes; Member Zappy-yes; and Chairperson Robinson-yes. All in Favor. Motion Carried to close the public part of the hearing.

Chairperson Robinson read the following:

(2) Area Variance

(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:

(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance.

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

(3) Whether the requested area variance is substantial;

(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(5) 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.

Zoning Board decision:

- (1) CEO Jeffery stated that currently they have to remove the shed on what would become the new lot. They would move it back on the parcel with the home.
- (2) Not relevant
- (3) A small percentage 2.5 percent.
- (4) Member Brown questioned the size of the other lots across the street and CEO Jeffery answered the question and explained non-conforming.
- (5) It was being changed to a life style change.

Attorney Dowd had nothing to add.

Member Duffy asked the Zdziebko's if they have any plans. Mrs. Zdziebko stated nothing right now.

Member Brown made a motion to approve the variance and the shed must be moved to the lot with the house and was seconded by Member Duffy.

Roll Call Vote: Member Brown-yes; Member Duffy-yes; Member Zappy-yes and Chairperson Robinson-yes. All In Favor. Motion Carried.

**Application of Phil Anello, 3636 Creek Road, Youngstown, NY 14174, Tax Map No. 60.00-2-70.3.** *Under Article II, Section 9 and Article VIII, Section 200-107 and Section 200-108, a Special Use Permit is required for an accessory apartment and a Variance for a side yard setback. This permit is a SU1 designated procedure. Property is located in a LDR Zoning District between Cain Road and Blairville Road in said Town.*

It was noted by Mr. Anello was not present. CEO Jeffery stated he talked to Mr. Anello about attending the January Zoning Board Meeting.

Attorney Dowd stated you have to take action within 60 days. You can keep the public hearing open. There was a general discussion on taking action within 60 days. Attorney Dowd stated to leave the public hearing open. You can discuss it at the February meeting and have it in March or you can deny it.

It was noted to send Mr. Anello a letter that he must attend the February 22, 2024 meeting.

A motion was made by Member Paul Brown and seconded by Member Zappy to leave the public hearing open until the February 22, 2024 meeting. All in Favor. Motion Carried.

Attorney Dowd nothing to report.

CEO Jeffery had nothing to report.

A motion was made to adjourn the meeting at 7:40 pm by Member Brown and seconded by Member Duffy. All in favor, motion carried.

The next meeting of the Zoning Board of Appeals is currently scheduled for Thursday, February 22, 2024.

Respectfully submitted,

Nancy Smithson  
Secretary, Zoning Board of Appeals