

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 March 22, 2018, at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174.

	Date	Present	Absent
Jackie Robinson, Chairman	03/22/2018	yes	
Terry Duffy	03/22/2018	yes	
Bryan Meigs	03/22/2018	yes	
Marshall Hibbard	03/22/2018	yes	
Steve Zappy	03/22/2018	yes	
Atty Michael Dowd	03/22/2018	yes	
Peter Jeffery, Code Enforcer	03/22/2018	yes	
Susan Driscoll, Assessor	03/22/2018	yes	

Chairman, Jackie Robinson called the meeting to order with the pledge of allegiance.

A motion was made to approve the minutes of the February 22, 2018 by Vice Chairman, Terry Duffy and seconded by Chairperson, Jackie Robinson. Roll Call Vote. All in Favor. Motion Carried.

Application of Derrick Kent, 2388 Lake Road, Ransomville, NY 14131 was present at the meeting regarding his special use permit for his operation of a marine repair and storage permit located at 786 Blairville Rd., Youngstown, NY 14174, Tax Map #59.00-2-51. Mr. Kent explained to the Board what he has cleaned up and what he has left to cleanup. He stated that “his basic goal is to clean up the area and enhance the appearance. It is mainly going to be a marine repair shop for local residents.” Mr. Kent did provide a preliminary site plan drawing showing the upgrades that were done to the property including the installment of 4 new trees and installing an additional 4 more trees this year for additional buffering (screening) from the road.

No one from the audience wished to speak. Motion was made to close the public hearing by Vice Chairperson, Terry Duffy and seconded by Member, Marshall Hibbard.

Attorney Dowd stated that the Zoning Board needs something from the owner (Joshua Stack) stating that Derrick Kent has the legal authority to operate a marine shop and for how long. The term has to be at least for 5 years.

Vice Chairman, Terry Duffy asked about the lighting; and Mr. Kent replied that he is working on it.

Member, Marshall Hibbard asked Building Inspector/Code Enforcer Peter Jeffrey if there were any concerns regarding the neighbors; and Mr. Jeffrey replied that he had not received any.

Motion was made to approve the special use permit, conditional on paperwork to be received from Mr. Kent. Roll call vote. All in favor. Motion carried.

Chairperson Jackie 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, **March 22, 2018** at 7:00 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

APPLICATION OF ANDREW GIARRIZZO, 2008 Lake Road, Youngstown, NY Tax Map #33.00-2-3.2. Under Article II Section 200-8 and Article IV Section 200-50 a special use permit is required for a recreational pond. Property is located in a RA Zoning District on the South Side of Lake Road between Porter Center Road and Dickersonville Road in said Town.

It was noted that Mr. Giarrizzo was present.

Mr. Giarrizzo stated that the pond has been dug, and he has no plans on removing the dirt. He did get an area variance but missed the special use permit.

Motion was made to close the public hearing by Vice Chairman, Terry Duffy and seconded by Member, Marshall Hibbard.

The Zoning Board accepted the negative declaration for SEQR from the Planning Board.

Roll Call Vote was taken to approve application of Mr. Giarrizzo and all members were in favor. Motion Carried.

Chairman, Jackie Robinson read the following:

**APPLICATION OF NIAGARA RIVER PROPERTIES LLC (Tom Dugan)
3695 Lower River Road, Youngstown, NY. Tax Map #59.00-1-9. Under Article II Section 200-11 and Article VIII Section 200-108(2) an Area Variance is required to install a deck (30' x 30') and dock (30' x 30') with connecting stairs on the river front. The property is located in a MDR Zoning District on the East side of River Road between Youngstown and Collingwood Estates in said Town.**

Mr. Dugan was present at the meeting and stated the dock will be portable and will be removed every year. Mr. Dugan did receive a permit from the DEC but is still waiting for a permit from the Army Corps of Engineers.

Chairperson Robinson did read the following letter:

“As the owners of the adjacent property (3699 Lower River Road) we would like to submit a comment regarding the Area Variance that will be discussed at the Public Hearing on March 22nd. First, it is our understanding that any dock structure would have a minimum set back of 15 feet from the property line. Secondly, we would be concerned about how far the proposed dock would project into the river. In order to safely approach our existing dock we need to travel upstream, parallel to the shore (i.e. along the shoreline of 3695 Lower River Road). If the proposed dock were to extend beyond our existing dock it could pose a safety hazard to boating. Finally, as no home currently exists at 3695 Lower River Road, would a variance to proceed with the dock and deck proposal create the potential for the future severance of the portion of the property on the river side of the road? If so, we would have objections to the potential of river front properties without adequate parking, washroom facilities, etc. As we are unable to attend the meeting on the 22nd we would ask that the Zoning Board take into consideration our comments. Thank you Tom & Pat England.”

Attorney Dowd said to make a condition on the permit that if the property is sold then the lease shall be terminated.

The application of Niagara River Properties LLC **was tabled** and referred to the Planning Board next month. The Zoning Board will wait to hear the recommendation from the Planning Board and make the final decision.

Building Inspector/ Code Enforcer, Peter Jeffrey discussed two potential amendments to the zoning laws.

1) Should the Zoning Board add road signage, lighting, sidewalks and curbs to a major subdivision? As of now, this is not included in the Zoning Law and Peter feels that this provision should be put in.

2) Interior storage is not specifically spelled out which makes it difficult for Peter to enforce. An example of this is as soon as you take a farm parcel and introduce it to the public, it is no longer a farm parcel. Also, if you rent out a pole barn on your property, it is no longer a farm operation. Peter would like to see more clarity in the code.

After much discussion, Building Inspector/Code Enforcer Jeffrey and Attorney Michael Dowd agreed to get together and discuss these issues and to propose amendments to the zoning laws.

Motion to close public hearing was made by Vice Chairperson, Terry Duffy and seconded by member, Marshall Hibbard. Vote was taken to close the public hearing and all in favor. Motion Carried.

A motion was made to adjourn the meeting at 8:20 pm by Vice Chairman Terry Duffy and seconded by Chairperson, Jackie Robinson. The next meeting is scheduled for Thursday, April 26, 2018.

Sincerely,

Kara Hibbard for Nancy Smithson
Secretary, Zoning Board of Appeals

