

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 26, 2017 at 7:00 PM, in the Town Hall Auditorium located at 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairperson, Irene Myers; Member, Terry Duffy; Member, Jackie Robinson; Member, Marshall Hibbard; Attorney, Michael Dowd; Building Inspector/Code Enforcer, Peter Jeffery; Assessor, Susan Driscoll.

ABSENT: Member, Bryan Meigs.

Irene Meyers called the meeting to order at 7:00 PM.

A motion was made to approve the minutes of the September 28, 2017 by Terry Duffy and seconded by Jackie Robinson. All in Favor. Motion Carried.

Chairperson Irene Myers 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 **October 26, 2017** at 7:00 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

APPLICATION OF DERRICK KENT, 2388 Lake Road, Ransomville, NY.

Under Article II, Section 200-13, Article IV and Article VIII, Section 200-107, a Special Permit is required to operate a marine repair and storage permit at 786 Blairville Road, Youngstown, NY Tax Map #59.00-2-51. The property is located on the SW side of Blairville Road in a RC Zoning District between East Avenue and Creek Road in said Town.

After much discussion regarding Derrick Kent, 2388 Lake Road, Ransomville, NY 14131 and a special use permit for his operation of a marine repair and storage

permit at 786 Blairville Road, Youngstown, NY 14174, Tax Map #59.00-2-51. (It is located on the SW side of Blairville Road in a RC Zoning District between East Avenue and Creek Road in said Town), it was determined that Mr. Kent will need to appear next month before the Town of Porter Planning Board with the final site plan review. The Planning Board in turn will make a recommendation to the Zoning Board. Mr. Kent did provide a preliminary site plan drawing showing upgrades that were done to the property including the removal of dead trees, all marine parts, boat trailers & derelict boats from the property. Also, removal of 27 – 55 gallon drums of oil, gas & water by Environmental Removal Group. All brush has been trailered from the property to another location. Lawn cutting & week whacking is also performed as part of a normal routine.

Attorney Dowd recommended leaving the Public Hearing open until the Zoning Board of Appeals meets again on November 30, 2017.

Motion was made to table Mr. Kent until next month by Jackie Robinson and seconded by Marshall Hibbard. Roll Call Vote. Terry Duffy-yes; Jackie Robinson-yes; Marshall Hibbard; and Chairperson Irene Myers-yes. All in Favor. Motion Tables until November 30, 2017 meeting.

Chairperson Irene Myers stated the second item on the agenda was a variance regarding Mr. William Suitor and his property located at 3333 East Avenue, Youngstown, NY 14174. Tax Map # 45.00-1-88. Property is located in a LDR Zoning District on the East side of East Avenue, between Youngstown – Lockport Road and Blairville Road in said Town.

Mr. Peter Jeffery updated the Zoning Board by saying that he has seen Mr. Suitor's grading plans but does not have any feedback yet from the Town Engineer. Mr. Jeffery did walk the property with Highway Superintendent, Scott Hillman and said that there are not any ditches, swales or culvert pipes. Drainage is a big concern with Mr. Scott Szarejko whose mother in law lives next door to the property. "If the plans are approved and there is a problem after the fact, who fixes it and is the town liable" and will my mother in law have to pay out of her pocket if there are drainage issues? Attorney Dowd answered by saying that "he might be able to go after whoever shot the grades but it's hard to say who ultimately is responsible. Especially if everything was done correctly but some other event occurred that caused the problem. There are just so many

variables, and we cannot look into the future". Mr. Suitor has hired engineers to provide calculations and the Town Engineers will review these plans and plans will be also reviewed by our building inspector. If everything is ok, then the answer is no, the Town will not be responsible. Mr. Szarejko did say that he wouldn't have a problem with Mr. Suitor's pole barn if there isn't going to be a problem with the drainage.

It was agreed upon by the Zoning Board members to table this issue until they receive the Town Engineer's report. Mr. Jeffery will contact Town Engineer and Irene Myers regarding the next Planning Board meeting and hopefully discussed at the next work session.

Motion was made by Jackie Robison and seconded by Marshall Hibbard to table this until plans are received and discussed by the Planning Board and again at the next work session on November 9th, 2017 – 15 minutes before training starts. Roll Call Vote. Terry Duffy-yes; Jackie Robinson-yes; Marshall Hibbard-yes; and Chairperson Irene Myers-yes. All in Favor. Motion Tabled until November 30, 2017.

Meeting was adjourned at 7:55 PM By Jackie Robinson and seconded by Terry Duffy. The next meeting is scheduled for Thursday, November 30, 2017.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals