



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 27, 2022 at 7:15 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	01/27/2022	yes	
Terry Duffy	01/27/2022	yes	
Paul Brown	01/27/2022	yes	
Scott Szarejko	01/27/2022	yes	
Steve Zappy	01/27/2022	yes	
Atty Michael Dowd	01/27/2022		Yes
Peter Jeffery, Code Enforcer Officer	01/27/2022	yes	

Chairman, Jackie Robinson called the meeting to order with the pledge of allegiance at 7:15 pm.

Chairman Robinson asked for approval of the December 16, 2021 minutes. Steve Zappy made a motion to approve the minutes and was seconded by Terry Duffy. All in Favor. Motion Carried.

Chairman Robinson stated the next item on the agenda was to elect a Vice Chairman. Paul Brown made a motion to nominate Terry Duffy and was seconded by Scott Szarejko. Roll Call Vote: Paul Brown-yes; Steve Zappy-yes; Scott Szarejko-yes; Chairman Robinson-yes. Motion Carried.

Chairman Robinson wanted to welcome the new member of the Zoning Board -- Scott Szarejko.

Chairman Robinson informed the Board that we have a signed contract between the Town and Lakeview Animal Sanctuary. A document was signed by Attorney Michael Dowd and Attorney Goldberg that Lakeview Animal Sanctuary will be out



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by April 15, 2022. There was another discussion by the Board about the Lakeview Animal Sanctuary and letting people go to visit the Sanctuary. Terry Duffy stated it is on Facebook allowing them to have visitors on the property. CEO Jeffery stated a Notice of Violation letter was sent stating the violation of Zoning law and gave a time line.

Chairman Robinson brought up the Bob Fuller 2498 Youngstown-Wilson Road, Ransomville regarding a permit application for a house on the property that already had a house. They got the paperwork, and they just kept building this unit. The Planning Board tabled this application in January. Attorney Dowd and CEO Jeffery were to meet with the Fullers to see what action going forward. A final determination is they have to do a minor sub-division. CEO Jeffery has told the Fullers they have to proceed with this path of sub-dividing the property. CEO Jeffery spoke in more detail about the building, a building permit after the foundation was poured.

The Board also discussed other situations that have arisen. Paul Brown asked if the Board could assess fines. CEO Jeffery explained the process. He also stated that they try to work with the people. Scott Szarejko asked if a fine structure could be implemented. Paul Brown questioned if a percentage could be charged if a proper permit wasn't received. CEO Jeffery stated there will probably be limits with building code violations. Chairman Robinson stated at this time the Fullers would not come before the Zoning Board in February.

CEO Jeffery addressed the Board re Rural Residential Business (RRB), and he is looking for a final recommendation by the Zoning Board for agreement on a good proposal. CEO Jeffery explained to Scott Szarejko the proposed RR Business law addressing home based businesses in rural sections (Option 1). CEO Jeffery stated Attorney Dowd had concerns about it – once we permit this we cannot say “no”. Chairman Robinson asked CEO Jeffery if he needed more input to try and address home based businesses if they got too big to belong there. CEO Jeffery commented to set parameters that would be acceptable. CEO Jeffery explained to the Board Option 1 RRB Use – to be entirely a new section in the code. Option 2 – Attorney Dowd suggested that we add some items to the permitted use table. CEO Jeffery discussed with the Board Options 1 and 2 and he explained home based businesses. Chairman Robinson stated that the Board will discuss at



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the February meeting. CEO Jeffery stated any input he receives from the Planning Board he will pass on to the Zoning Board.

Chairman Robinson wanted to remind the Zoning Board about the Skydiving permit for Jason Berger and Tom Neilson 1698 Braley Road to renew their special permits for the private airport and skydiving which is up for renewal this year. It was noted that the same 3 to 5 people came in with complaints. It seems that the complaints lie with the skydiving operation. She stated that the Board worked really hard with this application, and we gave a three year permit due to the substantial investment. CEO Jeffery stated they have done a stellar job. Paul Brown stated it is well run. He was impressed with it. Chairman Robinson commented that they are trying to work with the community. CEO Jeffery stated we have set parameters. He will try to put together his thoughts. There are two separate permits – airport and skydiving.

A motion was made to adjourn the meeting at 8:33 pm by Steve Zappy and was seconded by Paul Brown. The next meeting is scheduled for Thursday, February 24, 2022.

Sincerely,

Nancy Smithson
Secretary, Zoning Board of Appeals