

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 Thursday, December 16, 2010, at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

**PRESENT:** Chairman William H. Tower, Member Peter Jeffery, Member Duffy Johnston, Member William Leggett, Member Irene Myers, Member Jackie Robinson, Susan Driscoll, Attorney Dowd, and Roy Rogers, Building Inspector.

Chairman Tower asked if there were any additions or deletions to the November minutes. Irene Myers made a motion to accept the minutes as written and was seconded by Peter Jeffery. Chairman Tower asked for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes and Chairman Tower. All in Favor. Motion Carried.

Peter Jeffery read the following:

**Application of Richard and Jeanette Engle, 470 Cayuga Road, Cheektowaga, NY c/o Forbes Homes, Inc.,**

Under Section 401.7, 704.2 and 710 of the Town of Porter Zoning Ordinance, an area Variance is required for a side yard set back from 15' to 13.66' to the property located at 2161 Lake Road. Minimum width for side yards is 15 feet. The property is located on the North side of Lake Road in a Waterfront Residential Zoned District between Dickersonville and Ransomville Roads in said Town.

Chairman Tower asked if anyone from the audience wished to speak. None.

William Leggett made a motion to close the public part of the hearing and was seconded by Irene Myers. Chairman Tower stated that there should not be any problem with this application. The Supervisor of Forbes Homes was present to answer any questions. The Board looked over the plans.

Rama Bojedla, 726 Sara Ct asked the Board if she could see what the plans were. Peter Jeffery explained that the Engel's wanted a variance of approximately 16 inches on both sides of the property. If you want something other than what is allowed, a variance is required. Peter Jeffery asked them if they had any concerns. No, they just wanted to see the plans.

Duffy Johnston entertained a motion to close the public part of the hearing since the Mrs. Bojedla was allowed to speak. William Leggett made a motion and was seconded by Jackie Robinson to close the public part of the hearing.

Peter Jeffery made a motion that the Board approve the variance for a side yard set back from 15 feet to 13.66 feet on each side of the house as indicated in the drawings provided and note the requirements that Roy Rogers has stipulated in his letter and seconded by Duffy Johnston. Chairman Tower asked if there was any other discussion and asked for a Roll Call Vote. Peter Jeffery-yes; Duffy Johnston-yes; Irene Myers-yes; Jackie Robinson-yes and Chairman Tower-yes. All in Favor. Motion Carried.

Chairman Tower stated that he didn't have anything else before the Board. Chairman Tower stated that the Planning Board is doing all Special Permits and the Zoning Board is only doing Variances. There was a discussion and the Special Permit and Variances. Attorney Dowd stated that only the Zoning Board can grant variances. You have to have a Zoning Board.

Duffy Johnston made a motion to close the meeting and was seconded by Irene Myers. The meeting was adjourned at 7:55 pm. The next regular meeting will be held on Thursday, January 20, 2011.

Respectfully submitted,

Nancy Smithson, Secretary  
Town of Porter Zoning Board of Appeals