

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, February 18, 2010, at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairman William H. Tower, Member Duffy Johnston, Member William Leggett, Attorney Michael Dowd, Susan Driscoll.

ABSENT: Member Peter Jeffery, Member Irene Myers, Member Jackie Robinson, and Roy Rogers, Building Inspector.

Chairman Tower asked if there were any additions or deletions to the January minutes. Duffy Johnston made a motion to accept the minutes as written and was seconded by William Leggett. Chairman Tower asked for a Roll Call Vote. Duffy Johnston-yes; William Leggett-yes and Chairman Tower-yes. **All in Favor. Motion Carried.** Attorney Dowd stated that you need a unanimous decision for any action taken tonight.

Chairman Tower read the following:

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 267 of the Town Law and Local Law No. 1 of 1968, 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 **February 18, 2010** at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of William and Karen Hurtgam, 3332 Porter Center Road, Youngstown, NY 14174. To renew their special permit and area variance #SP211-2000 to ride horses for their own personal use, keeping not more than five horses on a lot less than five acres. Property is located in an ARR-100 (Agricultural Rural Residential) Zoned Area, on the West side of Porter Center Road between Youngstown-Lockport Road and Braley Road in said Town.

It was noted that the Hurtgam's daughter was present as her parents were in Florida and expected home on Tuesday. Chairman Tower stated that the daughter was here tonight representing her parents. She resides at the house and owns most of the horses. Attorney Dowd stated that we should have some written authorization from the property owner. I think we could approve the application on the condition that we receive something from the parents in writing authorizing the daughter to represent them and turn it in before we send the permit. Attorney Dowd suggested that we send them a copy of the conditional approval when they acknowledge that she was appearing. We could send them a copy of the proposed permit and have them acknowledge all the terms. Chairman Tower stated that the last permit was for ten years and he would like to see it extended for at least fifteen because there were no problems. Chairman Tower stated that we could table the application for 30 days until we have the permission slip for the daughter to represent the parents or the parents can be present.

William Leggett made a motion to table the application for 30 days and Duffy Johnston seconded. Chairman Tower asked for a Roll Call Vote. Duffy Johnston-yes; William Leggett-yes and Chairman Tower-yes. Motion Carried to Table the Application for 30 days.

William Leggett raised a few questions:

- . On the second page of "Request for Board Action" Sent to Zoning (note: must be in 10 days prior to the 4th Thursday). Our meetings are now scheduled on the third Thursday of each month.
- . Questioned the Hurtgam permit that the application was for a Special Permit and Variance and on the application on a Special Use Permit was checked. Chairman Tower stated it is a special use permit and if needed an area variance.

. William Leggett also questioned the .2 of an acre of land for the horses and Chairman Tower explained.

William Leggett made a motion to close the meeting and was seconded by Duffy Johnston. The meeting was adjourned at 7:45 pm. The next regular meeting will be held on **Thursday, March 18, 2010**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals