

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, March 19, 2009, at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairman William H. Tower, Member Joe Fleckenstein, Member Peter Jeffery, Member Duffy Johnston, Member William Leggett, Member Irene Myers, Attorney Michael Dowd, and Building Inspector, Roy Rogers

Chairman Tower called the meeting to order at 7:30 pm Chairman Tower asked if there were any additions or deletions to the January month's minutes. William Leggett made a motion to accept the minutes as written and was seconded by Peter Jeffery. **All in Favor.**
Motion Carried.

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 March 19, 2009, at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Mr. David Jakubowski, 1135 Cain Road, Youngstown, NY 14174. Under Sections 401.3CC. 705 & 710 to renew his Special Permit to operate a small golf club repair shop and club making business at 1135 Cain Road, Youngstown, NY. Section 401.3CC states that a Special Permit is required for a customary home occupation or profession. Property is located in an ARR-100 Zoned District on the North Side of Cain Road between Creek and Lutts Roads in said Town.

It was noted that Mr. Jakubowski was present. Chairman Tower stated that we have had no problems with this permit. I would like to recommend a seven year permit because there have been no problems. Chairman Tower asked if anyone from the audience wished to speak. None. Peter Jeffery made a motion to close the public part of the hearing and was seconded by Duffy Johnston. All in Favor. Motion Carried to close the public part of the hearing.

Duffy Johnston made a motion to approve the renewal application of Mr. Jakubowski for a period of seven years and was seconded by Joe Fleckenstein. Chairman Tower asked for a Roll Call Vote. Peter Jeffery-yes; Duffy Johnston-yes; Irene Myers-yes; Joe Fleckenstein-yes and Chairman Tower-yes. All in Favor. Motion Carried.

Chairman Tower read the following:

Application of Upstate Cellular Network d/b/a Verizon Wireless, 175 Calkins Road, Rochester, NY. To amend their special permit No. SP-296-2008, under Sections 401.3Y, 562.3(c), 705 & 710, a special permit and variance is required to construct and operate a 150' expandable to 175 feet monopole-style telecommunication facility adjacent to 2792 Dickersonville Road (Tax Map 33.00-2-11.1), Ransomville, NY 14131. Under Section 562.3(G) of the Town of Porter Zoning Code limits the height of freestanding towers to 100 feet. The proposed tower is 150 feet tall expandable to 175 feet with a 5 foot long lightning rod attached to the top. The property is located between Lake Street and Youngstown Road in an ARR-100 Zoned District in said Town.

Chairman Tower noted that it should have read "Lake Road" instead of Lake Street. Chairman Tower stated that we have already approved this application for a lattice type pole and the applicant would like to change to an expandable, monopole tower. Chairman Tower indicated that there should not be any problems.

Mr. Darren Miller from Nixon Peabody addressed the Board. He stated that they would like to change back to an expandable monopole-style tower. He also stated that the instead of a five foot lightning rod it be changed to a ten foot lightning rod.

Peter Jeffery asked if anything has changed on the site plan. Mr. Miller stated that it has been noted on the site plan – expandable to 175' monopole tower.

Chairman Tower asked if anyone from the audience wished to speak. None. Duffy Johnston made a motion to close the public part of the hearing and was seconded by Irene Myers. All in Favor. Motion Carried to close the public part of the hearing.

Peter Jeffery asked about the time frame of construction. Mr. Miller indicated either the fourth quarter of 2009 or the first quarter of 2010. Irene Myers questioned the time limit from application to construction. Roy Rogers stated that they needed a building permit.

Chairman Tower asked if there was any further discussion. Joe Fleckenstein made a motion to amend the SP-296-2008 for Upstate Cellular Network d/b/a Verizon Wireless to a monopole-style tower from a lattice type and the lightning rod from 5 feet to ten feet and to reiterate that a negative declaration SEQR that was issued on October 23, 2008. and was seconded by Duffy Johnston. Chairman Tower called for a Roll Call Vote. Peter Jeffery-yes; Duffy Johnston-yes; Irene Myers-yes; Joe Fleckenstein-yes and Chairman Tower-yes. All in Favor. Motion Carried.

Irene Myers made a motion to close the meeting and was seconded by Joe Fleckenstein. The meeting was adjourned at 7:50 pm. The next regular meeting will be held on **Thursday, April 16, 2009.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals