

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, April 16, 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.

Chairman Tower called the meeting to order at 7:30 pm Chairman Tower asked if there were any additions or deletions to the March month's minutes. Joe Fleckenstein made a motion to accept the minutes as written 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; Chairman Tower-yes. **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 April 16, 2009, at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of S & K Auto Racing Enterprises, Inc., 2015 Braley Road, Ransomville, NY 14131. To renew their Special Permit dated April 23, 2004 to operate a motor vehicle racetrack, exclusive of two-wheeled vehicles, upon certain premises situated in said Town, which premises are particularly described as follows: All that tract or parcel being a part of Lots 52 and 53, Township 15, Range 8 of the Holland Land Company Survey. Property is located in an ARR-100 Agricultural Rural Residential Zoned District, North Side of Braley Road between Ransomville Road and Dickersonville Road in said Town.

It was noted that Mr. Friesen was present. Chairman Tower asked if anyone from the audience wished to speak.

Mr. Fred Teeter, 2382 Braley Road addressed the Board. He stated that he lives ¼ mile east of the raceway. He has property and buildings on the North and South side of Braley Road. He stated that he is surely in favor of all the enterprises the Town of Power can get with reasonable operations and good neighbors. He accepts the noise issue but has several areas of concern: (1) traffic safety; (2) property damage/parking; (3) littering. He stated that **traffic safety** is the number one issue. Currently the speed limit is 35 MPH with curves.

There are at least 100 cars in violation of that. People go 60, 70 and 80 MPH. The Sheriff should spend more time outside. Action needs to be taken – either change the speed limit or enforce it. **Parking** is an issue. Parking is horrendous. It is creating a potential problem with parking on both sides; there is barely a lane to get through. It is an accident waiting to happen. Restrict parking. There was damage two years ago – January 2006. If the ground is frozen, there is not much damage, but if the ground is soft, there is damage. A bunch of pick up trucks got stuck and ripped up an area on the both sides of this property. You have to maintain the land. I called Mr. Friesen and told him about the situation and he agreed it was quite a mess. He stated to wait until spring to repair it and he would see that it was done. Speeding and parking create a dangerous situation. Peter Jeffery stated that our Board doesn't have anything to do with what happens on the highway. Mike Dowd stated that you can impose parking restrictions as far as the permit. Speeding is a dangerous situation. Peter Jeffery stated that is the Sheriff's responsibility. Mr. Teeter stated the wanted to bring it to the Board's attention. I know the owner can't control this. (3) **Littering** is another issue. I have to clean up wrist bands, pizza boxes and broken beer bottles all over the driveway. I am bringing this to you attention. The extreme speeding and crazy driving. You would have to contact the Sheriff's Department. Parking on the larger events especially the January event.

Irene Myers stated that we have different functions in the Town. I live down from the Ransomville Fire Hall and on special events they have no way of knowing how many people will attend. If we impose something on this, we should impose it on everyone. It is the right thing to do. Joe Fleckenstein stated that speeding is the Sheriff's Department. Irene Myers stated to Mr. Teeter that is something that you should entertain.

Chairman Tower asked Mr. Friesen if he could address the parking problem. Mr. Friesen stated that in January 2006 the gentlemen did phone me up and there was one tire track about two feet off the road. It wasn't deep. He keeps his property nice. It was frozen and when I came back from Florida it was all grass. We don't sell any glass beer bottles. It is not coming from the speedway. Mr. Teeter again stated that the speeding is ridiculous and parking is ridiculous. Joe Fleckenstein asked if this parking happens in the summer time. Mr. Teeter stated the January event. Joe Fleckenstein stated that as far as the Zoning Board, there is nothing that we can do. Chairman Tower stated that you can put tape front of the driveway. Mr. Teeter asked if there is any regulation on parking on Braley Road. Chairman Tower stated if you enforce it for them, you have to enforce it for everyone. Mr. Teeter stated it is a serious safety issue. Joe Fleckenstein stated we understand it, but as a Zoning Board we are not a governing entity that can to anything about it. He stated that we understand Mr. Teeter's problem but the Zoning Board will handle the noise ordinance, the parking issue is the DOT and Sheriff's Department. Peter Jeffery stated that if you have to contact the Sheriff's Department you have to go through the proper channels. As far as littering, Duffy Johnston asked Mr. Friesen is he has a clean

up crew? Mr. Friesen stated every Saturday morning, we have a clean up crew and they walk up both sides of the ditches. We don't do it every week, only when it overflow and exceeds the parking area. Joe Fleckenstein stated that it frustrates him when he has to pick up beer bottles when he walks to work, but that is a courtesy of Mr. Friesen to clean up after major events.

Fred Teeter stated he appreciated the Board listening. Irene Myers stated that they do appreciate his coming before this Board. We don't want to jeopardize our children, but there is nothing this Board can do. You have to contact the Niagara County Sheriff's Department. Chairman Tower stated that you cannot signal out one thing. Mike Dowd stated that on special events you can request that the Sheriff be notified. I have never been out there and I don't know. If you think it is a safety issue, call the Sheriff's Department. Peter Jeffery stated that one of the employees of S&K could contact the Sheriff's Department if there is an expected overflow. Irene Myers commented that the only event is the January event, depending upon the weather. Chairman Tower stated that I don't think you should have to address it for one time. Joe Fleckenstein stated that a courtesy call to the Sheriff's Department for a major event with a lot of traffic. Mike Dowd stated to Mr. Teeter to put some yellow tape to block off his property. Mr. Friesen stated that you are blocking off the road allowance. Mr. Teeter stated that that he maintains the road allowance. Cars were going back and forth. I am being a good neighbor.

Duffy Johnston made a motion to close the public part of the hearing and was seconded by Irene Myers. 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 stated that he agreed with Irene Myers that the Sheriff's Department should be notified if the weather was going to be bad. Duffy Johnson read No. 6 of the permit. Mike Dowd stated that No. 6 should be enough. Remember there is a permit in place.

Duffy Johnston stated it is a phone call. Chairman Tower stated lets just add it on. Irene Myers stated if you know the weather is going to be rainy or sloppy, you could give the Sheriff's Department a call. Attorney Dowd stated that if they see the Sheriff's Department is out, then people will be careful with their cars. Irene Myers stated it is only on major events in sloppy weather. Joe Fleckenstein stated if there is an overflow of parking in the street, you should notify the Sheriff's Department.

Chairman Tower asked the question, "If there is a power outage, do you have major generators to light the stands for people to get out?" Mr. Friesen stated that they have small generators. Chairman Tower asked, "Do you have enough to light up the stands?" Mr. Friesen stated they have three different phases. We have generators. He stated they can draw on three phases from the main power

box. We have a main service. Chairman Tower asked whether he has emergency generators to light up the stands, if you have a power failure. Mr. Friesen stated if you have a main power failure, the whole town will be dark. We have small generators that would be adequate. It would have to take down all three services.

M. Wiepert stated that he was down at a race track when the power went out with two the three thousand people sitting in the bleachers. Do you have emergency lighting for people walking up and down the bleachers?

Joe Fleckenstein stated just light the exits. M. Wiepert asked if the power ever went out completely. Mr. Friesen stated it happened in Lancaster but the got the speakers going. Chairman Tower asked for a motion. Joe Fleckenstein asked if we should be concerned about the power. Attorney Dowd stated maybe emergency lighting for exits on the stands. Chairman Tower stated it would be a substantial issue. Attorney Dowd stated access lighting for safety. Peter Jeffery stated halogen lights for aisles. Attorney Dowd stated emergency lighting for the aisles in the event of an emergency. Joe Fleckenstein stated you already have portable generators. We have to deal with this for a very minor investment. I think you need flood lights so when the light do go out, you can plug in the generators and turn on the flood lights – for a couple hundred dollars. Attorney Dowd stated just have them available. Peter Jeffery stated in case of an emergency.

Peter Jeffery stated in case of a power outage have emergency lighting. Joe Fleckenstein stated 500 watts on a tripod.

Peter Jeffery made a motion and was seconded by Duffy Johnson to approve the above application for seven years with the same conditions as in the previous permit adding to No. 6. “Evenings of expected parking overflow of traffic, the Track will notify the NCS D for traffic control” and Add #11 – the Track will provide reasonable emergency lighting in the grand stands in case of power outage. Chairman Tower stated that we had Planning Board Approval and asked for a Roll Call Vote. Peter Jeffery-yes; Duffy Johnston-yes; Irene Myers-yes; Joe Fleckenstein-yes; and Chairman Tower-yes. Motion Carried.

Chairman Tower read the following:

Application of S & K Auto Racing Enterprises, Inc., 2015 Braley Road, Ransomville, NY 14131. To renew their Special Permit dated April 23, 2004 to use the existing Raceway and form a 1/10 mile oval for use by go-karts only. This track would operate on Thursday Nights, on twenty (20) occasions during the Summer Vacation Time and on Sundays during the School Year from May through October when the Raceway closes down in September. Property is located in an ARR-100 Agricultural Rural Residential Zoned District, North Side of Braley Road between Ransomville Road and Dickersonville Road in said Town.

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

Chairman Tower asked Mr. Friesen if there were any changes in the permit. Peter Jeffery asked if everything stayed the same. Joe Fleckenstein questioned 60 go-karts. Peter Jeffery asked if 70 would be enough. Peter Jeffery stated that we have a time limit and it really isn't necessary to limit the go-karts. Joe Fleckenstein stated that we should omit No.6 on the permit.

Duffy Johnston made a motion to approve this permit for seven years as previously written omit No. 6 and was seconded by Peter Jeffery. Chairman Tower asked if there was any further discussion. Chairman Tower asked for a Roll Call Vote. Peter Jeffery-yes; Duffy Johnston-yes; Irene Myers-yes; Joe Fleckenstein-yes; 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 8:22 pm. The next regular meeting will be held on **Thursday, May 21, 2009.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals