

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, August 16, 2012 at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairman Duffy Johnston, Member Peter Jeffery, Member William Leggett, Member Irene Myers, Member Jackie Robinson, Attorney Michael Dowd and Susan Driscoll and Roy Rogers.

Chairman Johnston called the meeting to order at 7:30 pm.

Chairman Johnston asked if there were any additions or deletions to the July 19, 2012 minutes. Peter Jeffery made a motion to accept the minutes and was seconded by Jackie Robinson. Chairman Johnston called for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes.; Chairman Johnston-yes. All in Favor. Motion Carried.

Chairman Johnston stated that we are here tonight for the Application of Mr. James Eismuller and Mary Beth DeFazio, 3735 Lower River Road, Youngstown, NY to renew their Special Permit No. 302-2009 for a L-shaped floating dock in the Niagara River at 3735 Lower River Road. It was noted that Mary Beth DeFazio was present.

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

Chairman Johnston stated that he visited the property, and Eric Wieland does a great job. The dock will be forty feet out and fifty feet parallel to the shore. The Army Corp of Engineers sent a letter to Mary Beth DeFazio in 2009.

Chairman Johnston stated again that Eric Wieland does a great job and Mary Beth DeFazio wouldn't have hired him if he didn't do a good

job. I don't see any problem. Irene Myers stated that we could make a stipulation in the permit that Eric Wieland finish his work according to plan.

Chairman Johnston stated to Mary Beth DeFazio that you have been back a couple of times, and there were some problems with the neighbors. We had options before. Typically, we grant the permit for ten years. The permit will not be transferrable. If you sell the property, the person has to reapply. Mary Beth DeFazio stated that if we sell the property, we want everything in good shape.

Chairman Johnston stated that he would entertain a motion for ten years.

Irene Myers made a motion to renew the Special Permit for James Eismuller and Mary Beth DeFazio with the understanding it will be built to specifications and put into the water according to the specifications of the Army Corp of Engineers per their drawings for a period of ten years and was seconded by William Leggett. Chairman Johnston asked for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes and Chairman Johnston-yes. All in Favor. Motion Carried.

A Motion was made by Irene Myers and seconded by Jackie Robinson to adjourn the meeting. The meeting was adjourned at 7:40 pm. The next regular meeting will be held on **Thursday, September 20, 2012.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals