

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, May 17, 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 April 19, 2012 minutes. William Leggett made a motion to accept the minutes and was seconded by Peter Jeffery. 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 read the following:

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 267 of the Town Law and Local Law No. 2 of 2010, 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 **May, 17, 2012** at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Mo Mo Electronics (Paul Pinkney), 3449 Porter Center Road, Ransomville, NY 14131.

To renew his Special Permit No. SP-265-2005 to allow assembly of electronic components in a former church building. The property is located in a RA Zoning District on the East side of Porter Center Road near the intersection of Youngstown-Lockport Road in said Town.

It was noted that Mr. Pinkney was present. Chairman Johnston 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 Irene Myers. All in Favor. Motion Carried

Chairman Johnston spoke to Mr. Pinkney. He stated that his last permit was for seven years, and we haven't had any complaints. There are no worries. Roy Rogers stated that he would go through and make sure all the safety is in place (fire). This could be contingent upon all codes being met. Roy Rogers stated that one neighbor made a suggestion about painting the exterior. Mr. Pinkney stated the back wall hasn't been painted in 40 years. It is going to take a lot of paint. He will be doing the woodwork and possibly a new roof in a couple of years.

Attorney Dowd stated that because of the age of the building, it does need to be freshened up. Mr. Rogers will inspect everything. Irene Myers stated that we could work with Mr. Pinkney to get whatever needs to be done. You can make conditions on the permit.

Attorney Dowd talked about work being done by a certain date and anything Mr. Rogers suggests. Irene Myers stated that Mr. Pinkney could continue to operate under the umbrella of the permit and at next month's meeting we would address the issues. Peter Jeffery stated that we should make sure that it complies. Roy Rogers will look at the items. Peter Jeffery made a motion to table this application for 30 days to give Roy Rogers a chance to get in and look it over. Attorney Dowd stated you can make these the conditions of the permit. William Leggett asked if there was anything Mr. Pinkney would like to change. Irene Myers seconded the motion made by Peter Jeffery. 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 to table the application for 30 days.

Chairman Johnston asked if we could change the June meeting to June 28 as the secretary had a conflict. The Board agreed. Mr. Pinkney was advised that the next meeting would be June 28, 2012.

Chairman Johnston read the following:...

Application of Judy Skrlin, 2623 Lake Road, Ransomville, NY

14131. Under Section 70 and 108, an area variance is required for a solid vinyl white fence on the East side of her property. The property is located in a Waterfront Residential Zoning District on the North side of Lake Road between Ransomville Road and where the Town of Porter ends in said Town.

It was noted that Mr. & Mrs. Skrlin were present. Chairman Johnston asked if anyone from the audience wished to speak. None. William Leggett made a motion that was seconded by Peter Jeffery to close the public part of the hearing. 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.

Attorney Dowd stated that the issue was a solid white fence. The new code is vague because it isn't defined. The Town very rarely permits a six foot fence from the rear of the house to the lake but allowed some portion back. Mr. Skrlin stated he would stop at 85' from the back. The neighbor is right on the water. Mr. Skrlin stated that there are two buildings that are collapsed. Irene Myers asked Mr. Rogers if he saw the dilapidated buildings. Mr. Skrlin stated you can't see the lake anyway because of the trees. He also stated it is a maintenance free fence.

Attorney Dowd talked about a previous fence that went down from 6' to 4'. We are allowing these people to go further back. It think it is a compromise. We are going to correct the code.

Mr. Skrlin stated 85' from the shoulder of the road. Peter Jeffery stated the front of the garage is 92' off the road, and you are going

back 83'. This will be 12 feet in front of the house. Mr. Skrlin brought up about the neighbor building a pole barn. Peter Jeffery stated the new code is different. The pole barn is real close to the road. Mr. Skrlin stated he would be going past the corner of the pole barn.

Peter Jeffery made a motion to approve this fence permit as per the drawings – 85' from the bank and approximately 83' off the shoulder of the road. A six foot high solid white vinyl fence 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 to approve fence.

Chairman Johnston stated the next item on the agenda was Fleckenstein, 1953 Balmer Road need a SEQR for lead agency. Mr. Fleckenstein stated that they are putting in a second wind tower. It is a type 2 action. NSERDA who controls the funding has a type 1 action. They require a SEQR. NYSERDA requires it for funding.

Chairman Tower read the attached Short Environmental Assessment Form. Peter Jeffery made a motion to accept the SEQR and was seconded by Jackie Robinson. There was an amendment to this motion made by Peter Jeffery that to declare the Town of Porter as lead agency and no negative impact 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 and Chairman Johnston-yes. All in Favor. Motion Carried.

The next item was Edward Webster, 1009 Meadow Drive. Mr. Webster was present. Mr. Webster would like to put up a fence on the corner lot. Roy Rogers stated it was 66' from the front of the road. Jackie Robinson questioned this stating on certain parts of Lutts Road it was 50'1/2 feet.

Roy Rogers stated that Mr. Webster needs a variance because it is a corner lot. Chairman Johnston asked if there was a site plan. There were questions about obstructing the view. The driveway comes out on Meadow Drive. Mr. Webster stated that he has had things missing from his yard. I don't have any privacy. Peter Jeffery stated that the fence would be staggered. Irene Myers asked, "What can we do to

help this gentleman?” Mr. Webster stated that he just wants to get this done. There was a little miscommunication and Mr. Webster thought that he was on the agenda. Mr. Webster described the two sides of the fence. Mr. Webster stated that he had no neighbors complaining.

Mr. Webster stated that he has to file a formal application along with a \$100 check. **The next meeting will be on June 28th.**

Susan Driscoll did a five minute presentation the new IPS System.

A Motion was made by Irene Myers close the meeting and was seconded by Jackie Robinson. The meeting was adjourned at 8:30 pm. The next regular meeting will be held on **Thursday, June 28, 2012.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals



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