

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 19, 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 November 2011 minutes. Irene Myers made a motion to accept the minutes and was seconded by Peter Jeffery. All in Favor. Motion Carried.

Chairman Johnston stated that tonight we had to elect a Vice Chairman. William Tower retired after 32 – 33 years of service. The Zoning Board needed to elect a Vice Chairman. William Leggett made a motion to nominate Peter Jeffery as Vice Chairman and was seconded by Irene Myers. Chairman Johnston asked for a Roll Call Vote. William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes and 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 **April 19, 2012** at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Grandpaws Place, Inc., 1650 Braley Road, Youngstown, NY.

Under Section 10B and 108F.2 of the Town of Porter Zoning Ordinance, a Special Permit is required for a kennel located at 1650 Braley Road on Tax Map No. 47.00-1-32-11. The property is located on the South Side of Braley Road in a RA (Rural Agricultural) Zoning District in said Town.

It was noted that Trista and William Gabrielle were present. Chairman Johnston 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.

Chairman Johnston stated that the old permit does not carryover. It is a very young couple, and I think we should give them ten years. There are no problems with the neighbors.

Attorney Dowd stated it is a new entity. Roy Rogers stated there are no problems. Irene Myers made a motion to accept the application as requested to renew the permit for ten years with the hours of operation from 8:00 am to 8:00 pm; twelve month's of the year and was seconded by Peter Jeffery. Chairman Johnston asked for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes; Irene Myers-yes; and Chairman Johnston-yes. All in Favor. Motion Carried.

Chairman Johnston stated the next item on the agenda for discussion was 681 Blairville Road. It is now residential and the owners want to return it to commercial. Mary Aloian Ohanessian was present. Chairman Johnston stated there was a special use permit and the bar closed down. It faded out and the permit lapsed. Attorney Dowd stated that it lapsed for more than a year. There was some discussion as to rezoning. It did not get in the new code. Chairman Johnston stated that it was Huffords Bar. It should have been commercial. We should send a referral letter to the Town Board, Irene Myers stated we have always been receptive of entertaining in the past. Peter Jeffery stated that Hardings Restaurant said it was zoned commercial so that it could be maintained. Irene Myers stated if you have parties of interest they can come forward. Attorney Dowd stated I believe the Town Board has intended to change it. Chairman Johnston stated we need commercial parties in this area. We will

discuss it. I think we need a recommendation from this Board. Peter Jeffery stated he has no objection to send a letter to the Town Board. Irene Myers stated she is for it.

William Leggett made a motion to send a letter to the Town Board to rezone from rural to commercial and was seconded by Jackie Robinson. 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.

Chairman Johnston stated that the next item on the agenda was Judy Skrlin, 2623 Lake Road. Mrs. Skrlin stated that they would like to put a fence on the East side of their property. The other side has accumulated junk and is dilapidated. The house is just a summer cottage. We are looking for privacy. The fence will be 100 feet off the road back to within 50 feet from the edge.

Peter Jeffery stated we need a site plan with existing cottages and show us a diagram where the fence will be. Mr. Skrlin stated he would hire a contractor and there is no problem with the neighbors.

Peter Jeffery stated it would be very helpful to have a drawing with a six foot fence. Mr. Skrlin stated he would not think of obstructing the view.

Chairman Johnston asked if they could get a copy of the survey. Roy Rogers stated we would put something together. Chairman Johnston stated the fence was a solid white vinyl. Peter Jeffery stated it sounds reasonable to me. I would like to see a letter more specifics.

Chairman Johnston stated we need the positioning of the cottage next door. If you can get a contractor, they will give you a diagram. Irene Myers stated you need a site plan. Just give us a plan and come back next month.

Chairman Johnston stated that he wants everybody to take a look at this property.

Chairman Johnston stated that next item on the agenda was Edward Webster, 1009 Meadow Drive. Mr. Webster was present and stated

that the fence would be on board because it is a corner lot and it will be covering his back yard. He stated that he has had some things missing from his back yard. Peter Jeffery asked the question, "how close to the road". Roy Roger stated there is a 66' right away. Mr. Webster stated it would be a six foot high fence and there are no problems with the neighbors. Peter Jeffery stated you can't put anything in the right away. 33' from the center of the road. Mr. Webster stated 25' would be better. Irene Myers stated we have to say within the 33' because of DOT requirements. Peter Jeffery stated we need to verify the right away on the road.

Mr. Shear stated that they live in Florida six months of the year. You should put a fence so that they wind can get through.

Attorney Dowd had a discussion about the fences on Lake Road. Irene Myers made a motion concerning fences. We should revisit the fence laws as they relate to Waterfront Residential so that the the law doesn't allow obstruction of view of the neighbors view and was seconded by Jackie Robinson. Chairman Johnston asked for a Roll Call Vote. .Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes; Chairman Johnston-yes. All in Favor to send a letter to the Town Board.

Roy Rogers talked about 1,000 square feet of solar panels to the far side of the parking lot of this building. They will be low to the ground.

Susan Driscoll talked about the IPS system that was installed so that all pertinent material would be stored regarding Planning and Zoning. The secretary's for the Planning and Zoning Boards will have passwords.

A Motion was made by Irene Myers close the meeting and was seconded by Peter Jeffery. The meeting was adjourned at 8:32 pm. The next regular meeting will be held on **Thursday, May 17, 2012.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals