

The Regular Meeting of the Town of Porter Zoning Board of Appeals was held on Thursday, May 20, 2010, at 7:30 P.M., in the Town Offices 3265 Creek Road, Youngstown, New York

PRESENT: Chairman William H. Tower, Members John "Duffy" Johnston, Peter Jeffery, Irene Myers, Jackie Robinson, Alternate William Leggett, Susan Driscoll Real Property Trainee, and Attorney Michael J. Dowd.

Chairman Tower asked if there were any additions or deletions to the March 18, 2010 minutes (Note: No Meeting held in April), Duffy Johnston moved and second by Peter Jeffery to accept the minutes as presented. ROLL CALL: Peter Jeffery-Yes; Duffy Johnston-Yes; Irene Myers-Yes; Jackie Robinson-Yes; and Chairman Tower-Yes. MOTION CARRIED.

Chairman Tower started the meeting of the Zoning Board with a request from Town Board Member Joe Fleckenstein who had a previous commitment and asked if he could be heard first.

Mr. Fleckenstein stated that he is requesting permission from the Town of Porter Zoning Board to clean out a farm pond on his property. The existing farm pond is 75' x 50' and 6' deep, which equates to a 0.10 acre. Mr. Fleckenstein called the Department of Environmental Conservation on this request because 12 mile creek runs through the property. The Department of Environmental Conservation sees no problem with this request. As a courtesy, Mr. Fleckenstein then contacted the Niagara County Soil and Water Conservation District to find out what they had to say. In addition, Mr. Fleckenstein stated that he wanted to go on record to do this type of excavation on his property. When the farm pond is cleaned out, the new dimensions of the farm pond will be approximately 100'x125' and excavated to a depth of 10' 12' utilizing a 3:1 side slope. A pond overflow will be needed to construct the waterway located to the east of the proposed site.

This is a small pond and no permits are necessary. Attorney Michael Dowd stated he sees no problem with this and to call it "Pond Maintenance."

Chairman Tower, read the following Notice of Public Hearing:

Application of Gary Zimmerman, 3369 Creek Road, Youngstown, New York 14174. Grant a Variance under Section 503.3 of the Town of Porter Zoning Ordinance to erect a six (6') foot in height fence. Section 503.3 states "Maximum Height Residential Districts four (4') feet. Thus, a variance of two (2') feet is requested. Property is located on the East Side of Creek Road in an ARR-100 Zoned District between Youngstown-Lockport Road and Cain Road in said Town.

Mr. Zimmerman was present.

Chairman asked if anyone from the audience had any questions to ask. None. Duffy Johnston moved and seconded by Irene Myers to close the Public Hearing. Motion Carried.

Mr. Zimmerman stated that he talked to his neighbors about this proposed fence, and they have no objections. (A note has been received from Mr. Zimmerman's neighbors stating they have no objections).

The proposed fence will be a white picket, 50 feet off the road, 6' in height starting at the corner of his garage (barn) parallel to Creek Road in a southerly direction for a distance of 100 feet to within 10 feet of his neighbor's fence. In addition, the fence to the rear of the property will be stockade at a height of 6' for a distance of 50 feet because of the ravine in the rear of the property.

Attorney Dowd stated if there are no line-of-sight problems, he had no problem with this. A variance could be granted because of the uniqueness of the property. There is a ravine in the rear of the property.

Chairman Tower stated that the Town Planning Board has not made a determination on this request, and if a variance is to be granted, a majority plus one vote is needed.

Therefore, Duffy Johnston moved and seconded by Irene Myers, to grant a variance to Mr. Zimmerman of two feet, to construct a white picket fence 6' in height starting at the corner of his garage (barn) in a southerly direction for a distance of 100 feet, within 10 feet of his neighbors fence, parallel to Creek Road, 50 feet off the road, and the fence to be stockade at a height of 6' in the rear for a distance of 50 feet, because of the ravine in the rear of the property. ROLL CALL: Duffy Johnston-Yes; Peter Jeffery-Yes; Irene Myers-Yes; Jackie Robinson-Yes; and Chairman Tower-Yes. MOTION CARRIED.

Chairman Tower read the following Notice of Public Hearing: Motion Carried

Application of Gary Rose, 3485 East Avenue, Youngstown, New York 14174

To renew his Special Permit dated April 28, 2005 to park owner's vehicles, not to exceed four (4) passenger vehicles at Lot 59-14-1-21 on the West Side of Lower River Road. Property is located in an Arr-100 Zoned District between Youngstown and Collingwood Estates in said Town.

Mr. Rose was present.

Chairman Tower asked if anyone from the audience had any questions to ask. None were heard. Peter Jeffery moved, second by Irene Myers, to close the Public Hearing. Motion Carried.

The Zoning Board remarked that they have not heard of any complaints, the property is always maintained and no problems exist.

The Town Planning Board recommended granting this renewal for a period of five (5) years.

Peter Jeffery asked if there are any changes that need to be made in the original permit. Mr. Rose replied that there were not.

Therefore, Irene Myers moved and seconded by Jackie Robinson to approve the renewal of Mr. Rose's Special Permit to park owner's vehicles not to exceed four (4) passenger vehicles at Lot 59-14-1-21 on the West side of Lower River Road for a period of (7) seven years. ROLL CALL: Duffy Johnston-Yes; Peter Jeffery-Yes; Irene Myers-Yes; Jackie Robinson-Yes; and Chairman Tower-Yes. MOTION CARRIED.

CONCERNS :

There is a concern of building that is without permits of property owned by Neil Noff of Lake Road. The Zoning Board is to ask Building Inspector Rogers on the status.

Peter Jeffery questioned if the trusses that are being installed at 3565 Ransomville Road are in compliance.

ADJOURNMENT:

Irene Myers moved and was second by Duffy Johnston to close the Meeting. MOTION CARRIED.

The Meeting was adjourned by Chairman Tower at 8:12 P.M. The next meeting of the Zoning Board of Appeals is scheduled on June 17, 2010.

Respectfully submitted

JOHN H. MAC ARTHUR
Substituting for Secretary Nancy Smithson