

**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, June 26th, 2008, at 7:30 P.M., in the Town Offices, 3265 Creek Road, Youngstown, New York 14174

PRESENT: Chairman William H. Tower, Member Duffy Johnston, Member Joe Fleckenstein, Member Peter Jeffery, Member, Irene Myers, Member William Leggett, and Attorney Michael J. Dowd, Building Inspector Roy Rogers and Town Assessor Karen Wieland-Schmidt.

Chairman Tower called the meeting to order at 7:30 P.M. Chairman Tower asked if there were any additions or deletions to the previous month's meeting minutes. William Leggett moved, second by Joe Fleckenstein. Chairman Tower asked for a Roll Call vote: ROLL CALL: Mr. Fleckenstein-Yes; Mr. Leggett-Yes; Mr. Johnston-Yes; Mr. Jeffery-Yes; Mrs. Myers-Yes; and Chairman Tower-Yes. 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, New York on June 26, 2008, at 7:30 P.M., for The purpose of considering and hearing all interested persons concerning the following Application(s):

Application of Reid Petroleum Corporation, 100 West Genesee Street, Lockport, New York. Pursuant to Sections 464.3F, 464.7, 503.1, 705, and 710, a Special Permit is required to build a Convenience Store, Gas Station and sign located on Tax Map No. 62.14-1-24, 25, 26, 27, and 29.2 on the Southeast Quadrant of the Intersection of Youngstown Lockport Road and Ransomville Road in an Urban Commercial 60 Zoned District located between Academy Street and Ransomville Road in said Town.

Mr. David Petrosewitz was present to represent Reid Petroleum Corporation.

Chairman Tower asked if anyone from the audience had any comments regarding the application of Reid Petroleum. No one spoke. Therefore, Peter Jeffery moved, second by Irene Myers, to close the Public Hearing. ROLL CALL: Mr. Fleckenstein-Yes; Mr. Leggett-Yes; Mr. Jeffery-Yes; Mr. Johnston-Yes; Mrs. Myers-Yes; Chairman Tower-Yes.

Mr. Tower read the following recommendation from the Town Planning Board: "Regarding the request for approval for the convenience store and gas station it was discussed. "Regarding the request for approval to install signage as shown on the special permit application, the Planning Board feels the signage presented is unacceptable. The Planning Board would like a more "countrified" look to the signage". "The Planning Board requests that Reid Petroleum look into alternate signage that are currently being used in up scale locations in the area i.e. Pittsford, New York, and Clarence, New York. The signage presented to the Planning Board is not acceptable. The design needs to be more ascetically pleasing."

The Planning Board requests Reid Petroleum Corporation make arrangements for a representative to attend the July 3, 2008 Planning Board Meeting at 7:00 P.M., at the Town Hall".

After much discussion and Chairman Tower reiterating what the Planning Board stated, that it would be in the best interests of Reid Petroleum to discuss the signage issue with the Planning Board at their meeting on July 3rd.

Therefore, Joe Fleckenstein moved, second by Irene Myers, to approve the permits of Reid Petroleum upon the following conditions. Receive a letter from Dave Erway stating that the permit issued to him will be reissued to Reid Petroleum under the same terms and conditions. Air pumps will be moved to a new location. Also contingent upon Ice Machine and signage is approved by the Planning Board. Contingent upon a legal sale from Dave Erway to Reid Petroleum. Surrender of existing permits, and Removal of existing signs from 2560 Youngstown-Lockport-Road, and close fuel faculty according to plans according to DEC guidelines. ROLL CALL: Mr. Fleckenstein-Yes; Mr. Leggett-Yes; Mr. Jeffery-Yes; Mr. Johnston-Yes; Mrs. Myers-Yes; and Chairman Tower-Yes. MOTION CARRIED.

Application of Jamie Swanson, 1334 Cain Road, Youngstown, New York.
Pursuant to Sections 401.3C, 705, and 710 of the Town of Porter Zoning Law of The Town of Porter, a Special Permit is requested to operate an auto dealership (two to three cars) at the above address. Property is located on the South side of Cain Road In an ARR-100 Zoned District between Creek and Lutts Roads in said Town.

Chairman Tower asked if anyone from the audience had any comments regarding the application of Jamie Swanson. No one spoke.

Duffy Johnston moved, second by Irene Myers, to close the public hearing. 5 Ayes. MOTION CARRIED.

Chairman Tower read the following recommendation from the Town Planning Board: "This is not a customary occupation. "The Planning Board recommends that the Zoning Board of Appeals DENY this request because it is not a permitted use in an ARR-100 district."

Therefore, Irene Myers moved, second by Joe Fleckenstein, to DENY the application of Jamie Swanson, because it is not a permitted use in ARR-100 Zoned District. 5 Ayes. MOTION CARRIED.

Application of Gerald Stevens, 3692 Creek Road, Youngstown, New York.

A Variance is requested under Sections 503.3A, 705 and 710 to construct a (6') six foot fence in the rear of their yard. Section 503.3 states "Maximum Height Residential District (4') four feet. Thus a variance of (2') feet is requested. Property is located in an ARR-100 District on the West side of Creek Road between Cain and Blairville Road in said Town.

Chairman Tower asked if anyone from the audience had any comments regarding the application of Gerald Stevens. No one spoke.

William Leggett moved, second by Duffy Johnston, to close the Public Hearing. 5 Ayes. MOTION CARRIED.

Chairman Tower read the following recommendation from the Town Planning Board: "The Planning Board recommends that the Zoning Board of Appeals APPROVE this request".

Duffy Johnston moved, second by Irene Myers, to approve the request of Mr. Stevens to construct a six (6) foot pressure treated wood fence starting the south side of his house for 28 feet west to 24 feet, and 75 feet north and attached with a chain link fence 11 feet to the garage. (check dimensions according to the plans in his application). 5 Ayes. MOTION CARRIED.

OTHER CONCERNS OF THE ZONING BOARD:

Chairman Tower read the following recommendation from the Planning Board on a request from J.A. Collard, 840 Lockport Road, Youngstown, New York carried over from a previous meeting. The Planning Board states: "A variance to construct a six foot wooden fence on the West side to run North to South." "Property is located in an ARR-100 District on the south side of Lockport Road between East Avenue and Creek Road." "The Planning Board recommends that the Zoning Board of Appeals APPROVE this request."

Mr. Jeffery moved, second by Duffy Johnston, to approve the request of J.A. Collard for a six (6) foot wooden fence on his property to run 50 feet North to South on the West side of his property. 5 Ayes. MOTION CARRIED.

Irene Myers is upset with what is going on with the Neil Noff Property on Park Avenue (off of old Lake Road) They are building what looks like a deck and a carport. No Building Permit, it is a substandard lot of record, needs to be taken down. Roy Rogers, Building Inspector-He did receive a permit for renovation, but quite possibly he over exceeded his permit, I will be going down their tomorrow and check this out. If

in fact he over exceeded his Building Permit, then I will issue a stop order, and will report back to the Board on what my findings are.

Joe Flecksenstein is concerned about all the properties that are not in compliance with the Town Maintenance Law, buildings that are falling down, or about to be fall down, garbage, litter, trash, and debris.

Roy-I am working on this.

With no further business to come before the Zoning Board of Appeals this evening, Duffy Johnston, moved, second by William Leggett to adjourn the meeting. 5 Ayes.
MOTION CARRIED.

The meeting adjourned at 8:48 P.M.

Next Zoning Board of Appeals Meeting July 24, 2008 at 7:00 P.M., Town Offices

Respectfully Submitted

JOHN H. MAC ARTHUR
SUBSTITUTING FOR SECRETARY NANCY SMITHSON