

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 20, 2013 at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairman Duffy Johnston, Member William Leggett, Member Irene Myers, Member Jackie Robinson, and Susan Driscoll.

ABSENT: Member Peter Jeffery , Attorney Michael Dowd and Roy Rogers, Building Inspector.

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

Chairman Johnston asked if there were any additions or deletions to the April 25, 2013 minutes. Jackie Robinson made a motion to accept the minutes and was seconded by Irene Myers. Roll Call Vote. 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 **June 20, 2013** at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Frank Destino, 3909 Creek Road at SBL#60.00-3, Youngstown, NY. Under Article II, Section 13 and Article VIII, a Special Permit is required to sell used cars/vehicles at above location. The property is located in a Rural Commercial Zoned

District on the East side of Creek Road between Calkins Road and where the Town of Porter ends in said Town.

It was noted that Frank Destino was present. Chairman Johnston asked if anyone from the audience wished to speak. None. He asked for a Roll Call Vote. William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes; Chairman Johnston-yes. All in Favor to close the public part of the hearing.

Chairman Johnston read the Planning Board recommendations:

“This is a request for a Special Use Permit to sell used cars/vehicles on Creek Road, Youngstown, NY. Mr. Destino would like to park a few used cars/vehicles in the corner of the parking lot south of the Pizza Shop for the purpose of sales. The price and related information will be on the windshield of each car/vehicle. The cars/vehicles being sold come from auction.

Mr. Destino stated he has sold cars his whole life. This is a Rural Commercial Zoned district in the Town of Porter and is subject to a Special Use Permit. The Planning Board will complete a site plan tonight and the Zoning Board of Appeals will hold a Public Hearing.

Chairman Spira read from the Zoning Law regarding the site plan requirements for Vehicle Rental/Dealership Establishments in the Town of Porter. Mr. Destino is considering parking four vehicles in the parking lot. This is a Used Car / Vehicle lot not a Repair Shop.”

Chairman Johnston stated that he goes by every day and Frank Destino keeps the property up. I would like to entertain a motion for the Special Permit since there are no problems. If something happens with the selling of the cars, the Building Inspector will be made aware. I would also like to see the permit for ten years and hopefully his business will be fine. William Leggett stated that we could revoke the permit if there was a problem.

William Leggett made a motion to approve this application for Frank Desinto to sell used cars not to exceed four (4) cars for a period of ten years and was seconded by Irene Myers. Irene Myers asked if there was going to be signage. 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 thanked Mr. Destino for coming in.

A Motion was made by Irene Myers and seconded by Jackie Robinson to adjourn the meeting. The meeting was adjourned at 7:45 p.m. The next regular meeting will be held on **Thursday, July 18, 2013.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals