

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, July 16, 2009, at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairman William H. Tower, Member Peter Jeffery, Member William Leggett, Member Irene Myers.

ABSENT: Member Joe Fleckenstein, Member Duffy Johnston, Attorney Michael Dowd and Roy Rogers, Building Inspector.

Chairman Tower called the meeting to order at 7:30 pm. Chairman Tower asked if there were any additions or deletions to the June minutes. Peter Jeffery made a motion to accept the minutes as written and was seconded by William Leggett. Chairman Tower asked if all in favor and for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes and Chairman Tower-yes. **All in Favor. 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, NY on **July 16, 2009** at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Laurence Elia, 3039 Maple Road, Newfane, NY 14108. Under Sections 401.7, 704.2 and 710, a variance is requested to erect a storage building before construction of residence at 433 Lake Road and a variance for a setback from Beach Road –

maximum setback from the road is sixty feet. Property is in an ARR-100 Zoned District on the North Side of Old Lake Road between Fort Niagara Beach and Creek Road in said Town.

Mr. Elia was not present but sent a representative Shawn Schott. Mr. Schott presented drawings on the storage building. He stated it is located on Beech Avenue and ends at Powell. He stated that Mr. Elia wants to put up a storage building next to the road about 15'. The Board looked at the overhead drawing and location. Eventually, the building will be along side of the house. He has intentions of building his house this year. He wants to keep things pretty neat before his house is built. Chairman Tower stated we do have Planning Board approval. Mr. Schott stated that the house will be Mr. Elia's primary residence, and he is trying to keep a very low profile. Irene Myers asked if the intentions of the building are only for storage and not for livestock. Mr. Schott stated it is truly for his lawn equipment and within the DEC limits along the lake. Chairman Tower stated again that Planning Board approved. Irene Myers stated there should be a stipulation that his house has to be built and occupied within two years. Chairman Tower stated construction within 2 years. Irene Myers stated that Mr. Elia's reputation goes up and beyond. I want to do the same for everyone else. Peter Jeffery stated the intention is to make sure the accessory building is not left on the lot without any permanent residence. Peter Jeffery stated as long as it is under construction within 2 years. Peter Jeffery stated it is essentially a corner lot and a variance for 15' – the neighbors across the road are not complaining. Irene Myers asked the questions what if in the future they plan to subdivided the Elia property. Will we be setting a precedent? Mr. Schott stated it will not be subdivided.

Peter Jeffery made the following recommendation to approve the construction on this accessory use building 24' x 40' with a 12' side wall and 16' peak in height prior to a primary residence with the stipulation that a building permit for the primary house be drawn within 2 years and construction underway and a side yard set back to be 15' and seconded by Irene Myers. Chairman Tower asked if there was any further discussion and for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes and Chairman Tower-yes. All in Favor. Motion Carried.

Chairman Tower stated that we need to table the application of Mark Chilberg for another 30 days as he is not here tonight. Irene Myers asked if we were out of time. Peter Jeffery stated we have 60 days. Irene Myers made a motion to table the application of Mark Chilberg for 30 days and was seconded by William Leggett. Chairman Tower asked for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes and Chairman Tower-yes. All in Favor. Motion Carried.

Chairman Tower asked that a letter be sent to Mark Chilberg that he must be present at the next meeting on Thursday, August 20, 2009 so that his application can be acted upon.

William Leggett made a motion to close the meeting and was seconded by Peter Jeffery. The meeting was adjourned at 7:45 pm. The next regular meeting will be held on **Thursday, August 20, 2009.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals