

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, November 15, 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

ABSENT: Susan Driscoll, Roy Rogers and Attorney Michael Dowd.

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

Chairman Johnston asked if there were any additions or deletions to the September 20, 2012 minutes. Peter Jeffery made a motion to accept the minutes and was seconded by Jackie Robinson. Chairman Johnston called for a Roll Call Vote. Peter Jeffery-yes; 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 **November 15, 2012** at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Anthony & Frances Gabriele, 314 Lake Road, Youngstown, NY. To renew their Special Permit No. 241-2002 under Article II, Section 8, Article IV, Section 35 to operate a Beauty Salon. Property is located in a RA Zoned District on the East side of Lake Road between Route 18F and Robert Moses Parkway in said Town.

It was noted that both Anthony & Frances Gabriele were present. Chairman Johnston asked if anyone from the audience wished to speak. None. Irene Myers made a motion to close the public part of the hearing and was seconded by William Leggett. Chairman Johnston asked for a Roll Call Vote. Peter Jeffery-yes; William Leggett-yes; Irene Myers-yes; Jackie Robinson-yes. All in Favor. Motion Carried to close the public part of the hearing.

Chairman Johnston stated the Beauty Salon has been in the same spot for over ten years. Nothing has changed from when the last permit was issued ten years ago. Chairman Johnston stated he would like to entertain a motion for 15 years. It is not a unique situation.

Irene Myers made a motion to approve this permit to operate a beauty salon not to exceed 15 years with the same hours of operation, terms and conditions as the last permit and was seconded by William Leggett.

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 read the following:

Application of David Smith, 971 Meadow Drive, Youngstown, NY 14174. Under Article II, Section 8 and Article VIII, Section 108, F-2, an area variance is requested for a side yard setback from 12.9' to 6'. Property is located in a RA Zoned District on the West side of Meadow Drive in subdivision at NW corner of Youngstown Road and Youngstown-Lockport Road, Rte. 93 in said Town.

It was noted that Mr. Smith was present. Chairman Johnston asked if anyone from the audience wished to speak. None. William Leggett made a motion to close the public part of the hearing and was seconded by Peter Jeffery. All in Favor. Motion Carried.

Chairman Johnston stated this is a substandard lot (86' x 152') and the setback required is 12.9'. Peter Jeffery asked if there were site plans. David Smith stated it was an addition, and there was a hardship.

The Board looked at the site plans. Irene Myers asked where the septic system was. David Smith stated it is a 14' x 36' addition. Peter Jeffery stated it is a substandard lot of record. Peter Jeffery also asked, "How much is the distance from the house on the left hand side?" David Smith stated he believes ten feet. Peter Jeffery stated his concern was emergency vehicles. Do you have enough room? Peter Jeffery also stated that ten feet on the left side of the driveway is decent for vehicles but it would be tight. Sometimes there are emergency situations. I think if there is ten feet and we have done a similar variance; I don't see any significant issues.

William Leggett talked about fire trucks and the hoses now on the trucks.

Peter Jeffery asked, "What is the ratio of what he is asking as to what is allowed?" Duffy Johnston stated it is a subdivision on an 86' x 152' lot. Duffy Johnston stated that Roy Rogers is not with us tonight. The setback should be 12' x 9' and he is going to be 7'. The Board discussed that they don't have a problem. Duffy Johnston stated that there are no neighbors here tonight. Irene Myers asked, "You are just adding on a room?" Mr. Smith replied that is correct.

Peter Jeffery made a motion to approve the request of Mr. David Smith for an area variance up to seven feet from the property line as indicated on the attached drawing. He is at least ten feet on the opposite end of the house for access to the rear yard. There is a hardship to necessitate this variance, and it is a substandard lot of record and was seconded by William Leggett. 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.

A Motion was made by Irene Myers and seconded by Peter Jeffery to adjourn the meeting. The meeting was adjourned at 8:04 pm. The next regular meeting will be held on **Thursday, December 13, 2012.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals