

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 3, 2011 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, Member William Tower, Attorney Michael Dowd and Susan Driscoll and Roy Rogers.

Chairman Johnston called the meeting to order at 8:10 pm. Chairman Johnston wanted to thank everybody here including Susan Driscoll, Roy Rogers, and Attorney Michael Dowd who helped to expedite the wind towers, going to look at the site and for their professionalism. This is the first time that we have had a Planning Board and Zoning Board meeting on the same night.

Chairman Johnston asked if there were any additions or deletions to the February minutes. William Tower made a motion to accept the minutes and was seconded by Peter Jeffery. 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 3, 2011** at 7:30 PM for the purpose of considering and hearing all interested persons concerning the following application(s):

Application of Dean Sutton Architects, LLP, Depew, NY.

Under Section 10B and 108.F.2 of the Town of Porter Zoning Ordinance, an area Variance is required for side yard setback from fifteen (15) feet to ten (10) feet for the proposed two story single family home with attached garage to be constructed at 3749 River

Road in the Town of Porter. A variance of five (5) feet is requested. The property is located on the East side of River Road in a Waterfront Residential Zoned District in said Town.

Chairman Johnston stated that there was an aerial view that shows $\frac{3}{4}$ of the property is Waterfront Residential and $\frac{1}{4}$ Medium Density. He asked if anyone from the audience wished to speak.

Dave Sutton of Dean Sutton Architects approached the Board. He presented drawings to the Zoning Board showing the perimeters. He also presented a letter explaining the criteria the Board has to consider. He explained briefly the project and wanted the Board to totally understand the project. There is an existing single family residence on the property to be demolished. The property is 140' at the street down to 100' wide. They are requesting a ten foot side yard setback. Mr. Sutton addressed the five criteria:

1. It will be a substantial upgrade to the neighborhood.
2. The property is limited in design due to the physical restriction of the lot.
3. Part of the property falls in Medium Density.
4. Beneficial affect to the neighborhood raising the standard of the lot.
5. The client wants the house of their dreams and to respect the neighbors. There are very limited lots available with the desired view.

Irene Myers made a motion to close the public part of the hearing and was seconded by William Tower. Jackie Robinson questioned the maintaining the lot line. Dave Sutton stated that the proposed house will be perfectly centered.

Chairman Johnston asked for a motion. Irene Myers made a motion to close the public part of the hearing and was seconded by William Tower. All in Favor. Motion Carried.

Duffy Johnston stated that the Planning Board unanimously voted in favor of Dean Sutton. The plans are beautiful and no resistance from the neighbors.

William Tower made a motion to accept the variance of Dean Sutton Architects for the property located t 3749 River Road, Town of Porter, NY and was seconded by Peter Jeffery.

Chairman Johnston asked for a Roll Call Vote. Peter Jeffery-yes; William Tower-yes; Irene Myers-yes. Jackie Robinson-yes and Chairman Johnston-yes. All in Favor. Motion Carried.

Irene Myers made a motion to close the meeting and was seconded by Peter Jeffery. The meeting was adjourned at 8:38 pm.

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals