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 17, 2014 at 7:30 PM, in the Town Offices, 3265 Creek Road, Youngstown, NY 14174

PRESENT: Chairman Duffy Johnston, Member Terry Duffy, Member Irene Myers, Member Jackie Robinson, and Roy Rogers.

ABSENT: Susan Driscoll 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 June 19, 2014 minutes. Irene Myers made a motion to accept the minutes and was seconded by Jackie Robinson. Roll Call Vote. Terry Duffy-yes; Irene Myers-yes; Jackie Robinson-yes; Chairman Johnston-yes. All in Favor. Motion Carried.

Chairman read the following Notice of Public Hearing.

Mr. Dipofi was present. Anyone in the audience that wishes to speak. None. Irene Myers made a motion to close the public part of the hearing and was seconded by Jackie Robinson. All in favor. Motion Carried.

Chairman Johnston stated that Mr. Dipofi went through the Army Corp of Engineers. It is really a nice job. Roy Rogers stated that that in WF Residential anything on the river side should have a special permit. Mr. Dipofi did not know that he needed a Special Permit. Roy Rogers asked Mr. Dipofi for a copy of the Army Corp of Engineers application. Irene Myers asked if we need a site plan.

Irene Myers made a motion to grant a Special Permit for stairs and deck for Mr. Daniel Dipofi according to Article VII, Section 107 and was seconded by Jackie Robinson. Chairman Johnston called for a Roll Call vote. Member Terry Duffy-yes; Member Irene Myers-yes; Member Jackie Robinson-yes and Chairman Johnston-yes. All in Favor. Motion Carried.

Larry Weibert, 720 Creek Lane, Youngstown, NY was in attendance. Chairman Johnston asked if there was anyone from the audience who wished to speak. None. All in Favor. Motion Carried to close the public part of the hearing.

Chairman Johnston stated that he doesn't see any problems as there have not been any complaints in ten years. Irene Myers asked if there were any changes to the renewal. Jackie Robinson asked about the hours of operation from 8:00 am to 8:00 pm Monday thru Saturday. She asked Mr. Weibert about the truck making service call (24 hour emergency service). Larry Weibert stated that they have to hire a driver and he has to live in the area to make the calls. It is a hard person to find. Jackie Robinson questioned if the emergency service should be in the permit.

Irene Myers made a motion to renew the special permit for Weibert Bros. subject to the same terms and conditions and to include 24 hour emergency provision for any towing services seven days a week for a period of ten years and was seconded by Jackie Robinson.

Chairman Johnston asked for a Roll Call Vote. Terry Duffy-yes; Irene Myers-yes; Jackie Robinson-yes and Chairman Johnston-yes. Motion Carried to approve special permit for Weibert Bros.

Andrew Giarrizzo was present. Chairman Johnston asked if anyone in the audience wished to speak. None. Chairman Johnston made a motion to close the public part of the hearing and was seconded by Irene Myers. All in Favor. Motion Carried.

Chairman Johnston stated we did not know much about this. Roy Rogers stated that he was not aware that the Board did not have all the material needed. Mr. Giarrizzo approached the Board with the site plan and explained to the Board why it was a good area for the pond. There is a natural swale there. He also presented an arial view of the water table. Mr. Giarrizzo also explained the pictures and drawings to the Board. He is looking for a 50' variance. Mr. Giarrizzo stated that he wants to reduce the impact and topographically he is trying to minimize. Questions were raised by the Board about drainage. Mr. Giarrizzo stated he is a Landscape Architect.

Chairman Johnston stated that there are no neighbors here. Chairman Johnston stated that we are just doing the area variance only.

Irene Myers made a motion to approve the 50% side set back variance for a recreation pond for Andrew Giarrizzo at 2008 Lake Road and was seconded by Jackie Robinson. Jackie Robinson also stated the Article IV, Section 50 should be included in the area variance (Recreational Ponds). Chairman Johnston asked for a Roll Call Vote. Terry Duffy-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 Jackie Robinson to adjourn the meeting. The meeting was adjourned at 7:50 p.m. The next regular meeting will be held on **Thursday, August 21, 2014.**

Respectfully submitted,

Nancy Smithson, Secretary
Town of Porter Zoning Board of Appeals